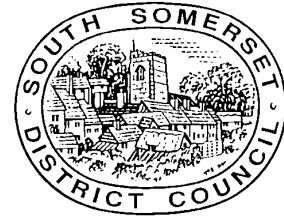


South Somerset District Council

Notice of Meeting



Area North Committee

Making a difference where it counts

Wednesday 22nd February 2017

2.00 pm

**Long Sutton Village Hall
Martock Road
Long Sutton TA10 9NT**

(Disabled access and a hearing loop are available at this meeting venue)



The following members are requested to attend this meeting:

Clare Aparicio Paul
Neil Bloomfield
Adam Dance
Graham Middleton
Tiffany Osborne

Stephen Page
Crispin Raikes
Jo Roundell Greene
Dean Ruddle
Sylvia Seal

Sue Steele
Gerard Tucker
Derek Yeomans

Consideration of planning applications will commence shortly after **2.00pm**.

For further information on the items to be discussed, please contact the Democratic Services Officer on 01935 462596 or democracy@southsomerset.gov.uk

This Agenda was issued on Tuesday 14 February 2017.

Ian Clarke, Assistant Director (Legal & Corporate Services)

This information is also available on our website
www.southsomerset.gov.uk and via the mod.gov app



INVESTORS IN PEOPLE

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”. The council’s Executive Forward Plan can be viewed online for details of executive/key decisions which are scheduled to be taken in the coming months. Non-executive decisions taken by area committees include planning, and other quasi-judicial decisions.

At area committee meetings members of the public are able to:

- attend and make verbal or written representations, except where, for example, personal or confidential matters are being discussed;
- at the area committee chairman’s discretion, members of the public are permitted to speak for up to up to three minutes on agenda items; and
- see agenda reports

Meetings of the Area North Committee are held monthly, usually at 2.00pm, on the fourth Wednesday of the month (except December) in village halls throughout Area North (unless specified otherwise).

Agendas and minutes of meetings are published on the council’s website
www.southsomerset.gov.uk/councillors-and-democracy/meetings-and-decisions

Agendas and minutes can also be viewed via the mod.gov app (free) available for iPads and Android devices. Search for ‘mod.gov’ in the app store for your device, install, and select ‘South Somerset’ from the list of publishers, then select the committees of interest. A wi-fi signal will be required for a very short time to download an agenda but once downloaded, documents will be viewable offline.

Public participation at committees

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

Consideration of planning applications at this meeting will commence no earlier than the time stated at the front of the agenda and 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.

Comments should be confined to additional information or issues, which have not been fully covered in the officer’s report. Members of the public are asked to submit any additional documents to the planning officer at least 72 hours in advance and not to present them to the Committee on the day of the meeting. This will give the planning officer the opportunity to respond appropriately. Information from the public should not be tabled at the meeting. It should

also be noted that, in the interests of fairness, the use of presentational aids (e.g. PowerPoint) by the applicant/agent or those making representations will not be permitted. However, the applicant/agent or those making representations are able to ask the planning officer to include photographs/images within the officer's presentation subject to them being received by the officer at least 72 hours prior to the meeting. No more than 5 photographs/images either supporting or against the application to be submitted. The planning officer will also need to be satisfied that the photographs are appropriate in terms of planning grounds.

At the committee chairman's discretion, members of the public are permitted to speak for up to three minutes each and where there are a number of persons wishing to speak they should be encouraged to choose one spokesperson to speak either for the applicant or on behalf of any supporters or objectors to the application. The total period allowed for such participation on each application shall not normally exceed 15 minutes.

The order of speaking on planning items will be:

- Town or Parish Council Spokesperson
- Objectors
- Supporters
- Applicant and/or Agent
- District Council Ward Member

If a member of the public wishes to speak they must inform the committee administrator before the meeting begins of their name and whether they have supporting comments or objections and who they are representing. This must be done by completing one of the public participation slips available at the meeting.

In exceptional circumstances, the Chairman of the Committee shall have discretion to vary the procedure set out to ensure fairness to all sides.

Recording and photography at council meetings

Recording of council meetings is permitted, however anyone wishing to do so should let the Chairperson of the meeting know prior to the start of the meeting. The recording should be overt and clearly visible to anyone at the meeting, but non-disruptive. If someone is recording the meeting, the Chairman will make an announcement at the beginning of the meeting.

Any member of the public has the right not to be recorded. If anyone making public representation does not wish to be recorded they must let the Chairperson know.

The full 'Policy on Audio/Visual Recording and Photography at Council Meetings' can be viewed online at:

<http://modgov.southsomerset.gov.uk/documents/s3327/Policy%20on%20the%20recording%20of%20council%20meetings.pdf>

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Area North Committee

Wednesday 22 February 2017

Agenda

Preliminary Items

1. Minutes

To approve as a correct record the minutes of the previous meeting held on 25 January 2017.

2. Apologies for absence

3. Declarations of Interest

In accordance with the Council's current Code of Conduct (as amended 26 February 2015), 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.

Members are reminded that they need to declare the fact that they are also a member of a County, Town or Parish Council as a Personal Interest. Where you are also a member of Somerset County Council and/or a Town or Parish Council within South Somerset you must declare a prejudicial interest in any business on the agenda where there is a financial benefit or gain or advantage to Somerset County Council and/or a Town or Parish Council which would be at the cost or to the financial disadvantage of South Somerset District Council.

Planning Applications Referred to the Regulation Committee

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

Councillors Clare Aparicio Paul, Tiffany Osborne and Sylvia Seal.

Where planning applications are referred by this Committee to the Regulation Committee for determination, Members of the Regulation Committee can participate and vote on these items at the Area Committee and at Regulation Committee. In these cases the Council's decision-making process is not complete until the application is determined by the Regulation Committee. Members of the Regulation Committee retain an open mind and will not finalise their position until the Regulation Committee. They will also consider the matter at Regulation Committee as Members of that Committee and not as representatives of the Area Committee.

4. Date of next meeting

Councillors are requested to note that the next Area North Committee meeting is scheduled to be held at 2.00pm on **Wednesday 22 March 2017** at the **Edgar Hall, Somerton**.

5. Public question time

6. Chairman's announcements

7. Reports from members

Items for Discussion

- 8. Area North Committee Forward Plan** (Pages 6 - 8)
- 9. Planning Appeals** (Pages 9 - 13)
- 10. Schedule of Planning Applications to be Determined By Committee** (Pages 14 - 15)
- 11. Planning Application 15/03646/FUL - Frogmary Green Farm, West Street, South Petherton.** (Pages 16 - 44)
- 12. Planning Application 16/04453/FUL - Land Adjoining Fosse Way Farm, Stoke Road, Martock** (Pages 45 - 50)
- 13. Planning Application 13/01500/OUT - Land off Lyndhurst Grove, Martock.** (Pages 51 - 65)
- 14. Planning Application 17/00112/FUL - Thistledown, Gore Lane, Pitney.** (Pages 66 - 69)
- 15. Planning Application 17/00104/FUL - 52 Lavers Oak, Martock.** (Pages 70 - 73)

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.

Agenda Item 8

Area North Committee – Forward Plan

Assistant Director: Helen Rutter, Communities
Service Manager: Sara Kelly, Area Development Lead (North)
Lead Officer: Becky Sanders, Committee Administrator
Contact Details: becky.sanders@southsomerset.gov.uk or (01935) 462596

Purpose of the Report

This report informs Members of the Area North Committee Forward Plan.

Public Interest

The forward plan sets out items and issues to be discussed over the coming few months. It is reviewed and updated each month, and included within the Area North Committee agenda, where members of the committee may endorse or request amendments.

Recommendation

Members are asked to:

Note and comment upon the Area North Committee Forward Plan as attached, and identify priorities for further reports to be added to the Area North Committee Forward Plan.

Area North Committee Forward Plan

Members of the public, councillors, service managers, and partners may also request an item be placed within the forward plan for a future meeting, by contacting the Agenda Co-ordinator.

Items marked *in italics* are not yet confirmed, due to the attendance of additional representatives.

To make the best use of the committee, the focus for topics should be on issues where local involvement and influence may be beneficial, and where local priorities and issues raised by the community are linked to SSDC and SCC corporate aims and objectives.

Further details on these items, or to suggest / request an agenda item for the Area North Committee, please contact the Agenda Co-ordinator; Becky Sanders.

Background Papers: None

Area North Committee Forward Plan

Further details on these items, or to suggest / request an agenda item for the Area North Committee, please contact the Agenda Co-ordinator; Becky Sanders, becky.sanders@southsomerset.gov.uk

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

Meeting Date	Agenda Item	Background / Purpose	Lead Officer(s) SSDC unless stated otherwise
22 Mar '17	Our Place (Martock Service Level Agreement)	Annual update report.	Tracey Smith, Community Services Coordinator, Martock Parish Council
22 Mar '17	Langport Cycleway	Report for one-off funding to pay licence to landowners pending a fuller review.	Katy Menday, Countryside Manager
22 Mar '17	Rural Transport	Update report	Nigel Collins, Transport Strategy Officer
22 Mar '17	<i>Feedback from the Annual Area North Meeting</i>	<i>Report for information on issues raised at the Annual Area North Meeting</i>	<i>Sara Kelly, Area Development Lead (North)</i>
22 Mar '17	<i>Economic Development and Regeneration</i>	<i>Update report on economic development in Area North, and update on work of the Area North Regeneration Board.</i>	<i>Pauline Burr, Neighbourhood Development Officer and James Gilchrist, Economic Development Officer</i>
26 April '17	Area North Development Plan	Update report.	Sara Lead, Area Development Lead (North)

Meeting Date	Agenda Item	Background / Purpose	Lead Officer(s) SSDC unless stated otherwise
<i>26 April '17</i>	<i>Arts & Entertainment Service Update Report</i>	<i>Annual Update Report</i>	<i>Adam Burgan, Arts & Entertainments Manager</i>
26 April '17	Countryside Service	Update report.	Katy Munday, Countryside Manager
24 May '17	Streetscene Service	Update report.	Chris Cooper, Streetscene Manager
<i>TBC</i>	<i>Endorsement of Community Led Plans</i>	<i>South Petherton Parish Plan and Neighbourhood Plan</i>	<i>Sara Kelly, Area Development Lead (North)</i>

Agenda Item 9

Planning Appeals

Director: Martin Woods, Service Delivery
Service Manager: David Norris, Development Manager
Lead Officer: As above
Contact Details: david.norris@southsomerset.gov.uk or (01935) 462382

Purpose of the Report

To inform members of the appeals that have been lodged, decided upon or withdrawn.

Public Interest

The Area Chairmen have asked that a monthly report relating to the number of appeals received, decided upon or withdrawn be submitted to the Committee.

Recommendation

That members comment upon and note the report.

Appeals Lodged

15/00366/OPERA – Hill View, Low Ham Road, Low Ham.
Breach of planning control.

16/03429/PAMB – Barn at Land OS 5974, Worely Lane, Littleton, Somerton.
Prior approval for the change of use of agricultural storage building to dwellinghouse.

Appeals Dismissed

15/04897/COL – Land at OS 0675, Town Way Field, Langport Road, Muchelney.
Application for a lawful development certificate for the existing use of land as a caravan and camping site including use of the barn in association with the caravan and camping site.

Appeals Allowed

None

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

Appeal Decision

Site visit made on 21 December 2016

by **Paul Dignan MSc PhD**

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

Decision date: 23 January 2017

Appeal Ref: APP/R3325/X/16/3152802

Land at OS 0675 Town Way Field, Langport Road, Muchelney, Langport, Somerset, TA10 0DQ.

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Mrs Sandra Peggram against the decision of South Somerset District Council.
 - The application Ref 15/04897/COL, dated 22 October 2015, was refused by notice dated 23 December 2015.
 - The application was made under section 191(1)(a) of the Town and Country Planning Act 1990 as amended.
 - The use for which a certificate of lawful use or development is sought is Change of use from agricultural use to use as a forty (40) touring pitch and five (5) hard standing pitch caravan and camping site (including change of use of barn from agricultural use to use associated with a caravan and camping site).
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mrs Peggram against South Somerset District Council. This application is the subject of a separate Decision.

Reasons

3. The appeal concerns land on the eastern side of Law Lane, comprising a strip of land beside the highway and a larger field adjoining that. The larger field has a large barn and is laid out as a camping/caravan site with electrical hook-ups. The south-east corner appears to be laid out and signed as a designated Camping and Caravanning Club area. Various facilities are provided in the barn, parts of which are shown in the application plans as being for general farm use or farming and camping use, while other parts are shown as solely for camping purposes. Part of the site is a Camping and Caravanning Club certified site, which carries with it permitted development rights for use of the land as a 5 caravan and 10 tent caravan and camping site. The site is said to have been laid out in 2000, and the appellant claims that it has been used as a forty touring pitch and five hard standing pitch site over and above the permitted development level of use for at least 10 years prior to the application date, that is since at least 22 October 2005.

4. A use becomes lawful if it has continued for 10 years, by reference to sections 171B(3) and 191(2) of the 1990 Act, but an LDC should reflect the level and intensity of use which has continued throughout that period, taking into account typical cyclical/seasonal fluctuations where they exist, but not abnormal peaks of activity. In this case the Council accepts that the property was used and registered as a Camping and Caravanning Club site. The Camping and Caravanning Club has confirmed that part of the site was originally certificated in August 2003, for up to 5 caravans at any one time, the site area being the south-east corner referred to above. The Council looked into the use of the site in 2006, but closed its enforcement case in 2008 when it concluded that the use was as per the Camping and Caravanning Club certification and other permitted development rights allowing a maximum of 28 days use per calendar year on the adjoining land.
5. However, the Council does not accept that there is sufficient evidence to demonstrate that the use as described in the application has been continuing for a 10 year period.
6. Aerial photography¹ indicates that the current layout was probably established, in the main, by around 2001, which accords with the appellant's statutory declaration. There is also evidence that infrastructure, including the electrical hook-ups and some facilities, were provided by 2004, and there is nothing to contradict the appellant's assertion that much of the barn was used for campsite purposes then. However, while physical works of conversion, or to facilitate a material change of use, can be indicative of an actual change of use, there are rarely determinative. In circumstances where a certain level of the use claimed is permitted under the terms of the GPDO, I consider that evidence of actual use over and above that is critical.
7. Farm accounts for 2004 show £950 fees from the caravan/camping site, which amounts to about 126 pitch days for the year, using the advertised rates. The next firm indication of actual use is income tax sheets for the period April 2006-April 2007, recording fees of £6528, about half of which are from a single month, August. Aside from August the receipts indicate usage of 90-95 pitch days in July and September and considerably lower for the rest of the year. This does not support the level of use claimed. Receipts from late 2007 to the end of 2008, 19 in total, are described as a selection, but as evidence of use they do not show that more than 2 pitches were in use at any one time. Receipts from 2009 to 2014 tell a similar story. All of the receipts up to 2013 carry a Camping and Caravanning Club logo, so it is unclear whether these stays were by members and thus lawful in any case. There is other evidence concerning utility installation and bills, advertising, maintenance, AA certification and internet feedback, but the evidence of actual use is far from sufficient to show, on the balance of probability, that the land has been used as claimed continuously since October 2005.
8. It may well be that the receipts are no more than a selection, but the burden of proof in a lawful development certificate appeal lies firmly with the appellant. Clear and unambiguous uncorroborated evidence may suffice in certain circumstances, but the Council's investigation of the site in 2006-2008, and its conclusion in that case, casts considerable doubt on the appellant's version of

¹ Google Earth; 2001, 2006 and 2009.

events, and there are representations from neighbours to the effect that for much of the time there are only a handful of visitors using the site.

9. In conclusion, whilst I accept that the site has had the capacity in terms of layout and infrastructure to accommodate the claimed use, on the basis of the evidence provided, principally that concerning actual use, I am unable to conclude on the balance of probability that the site has been so used for the requisite period of 10 years prior to the application date.
10. For these reasons I conclude that the Council's refusal to grant a lawful development certificate in the terms applied for was well-founded and that the appeal should fail. I will exercise accordingly the powers transferred to me under section 195(3) of the 1990 Act as amended.

Paul Dignan

INSPECTOR

Costs Decision

Site visit made on 21 December 2016

by **Paul Dignan MSc PhD**

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

Decision date: 23 January 2017

Costs application in relation to Appeal Ref: APP/R3325/X/16/3152802 Land at OS 0675 Town Way Field, Langport Road, Muchelney, Langport, Somerset, TA10 0DQ.

- The application is made under the Town and Country Planning Act 1990, sections 195, 322 and Schedule 6 and the Local Government Act 1972, section 250(5).
 - The application is made by Mrs Sandra Peggram for a full award of costs against South Somerset District Council.
 - The appeal was against the refusal of a certificate of lawful use or development for Change of use from agricultural use to use as a forty (40) touring pitch and five (5) hard standing pitch caravan and camping site (including change of use of barn from agricultural use to use associated with a caravan and camping site).
-

Decision

1. The application for an award of costs is refused.

Reasons

2. Briefly, the application alleges that the Council prevented or delayed the award of a certificate which should clearly have been granted, and had no evidence to refuse the application on the balance of probability. However, it is clear from my decision that I am satisfied that Council's decision to refuse to issue the LDC was well founded. It cannot therefore constitute unreasonable behaviour. The costs incurred by the appellant in the appeal were no more than the normal costs arising when the right of appeal is exercised.
3. Unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated, and it follows that an award of costs is not justified.

Paul Dignan

INSPECTOR

Agenda Item 10

Schedule of Planning Applications to be Determined by Committee

Director: Martin Woods, Service Delivery
Service Manager: David Norris, Development Manager
Contact Details: david.norris@southsomerset.gov.uk or 01935 462382

Purpose of the Report

The schedule of planning applications sets out the applications to be determined by Area North Committee at this meeting.

Recommendation

Members are asked to note the schedule of planning applications.

Planning Applications will be considered shortly after 2.00pm

Members of the public who wish to speak about a particular planning item are recommended to arrive for 1.55pm.

SCHEDULE					
Agenda Number	Ward	Application	Brief Summary of Proposal	Site Address	Applicant
11	SOUTH PETHERTON	15/03646/FUL	Construction of Anaerobic Digester plant.	Frogmary Green Farm, West Street, South Petherton	Mr D Manley
12	MARTOCK	16/04453/FUL	Erection of 1 dwellinghouse.	Land adjoining Fosse Way Farm, Stoke Road, Martock.	Sarah Dike
13	MARTOCK	13/01500/OUT	Land off Lyndhurst Grove, Martock.	Outline application for residential development for 35 dwellings.	Mr R Frankpitt
14	TURN HILL	17/00112/FUL	Demolition of existing garage and sheds, and erection of new garage.	Thistledown, Gore Lane, Pitney.	Mr M Payne
15	MARTOCK	17/00104/FUL	Erection of single storey pitched roof side extension.	52 Lavers Oak, Martock.	Mr Walker

Further information about planning applications is shown on the following page and at the beginning of the main agenda document.

The Committee will consider the applications set out in the schedule. The Planning Officer will give further information at the meeting and, where appropriate, advise members of letters received as a result of consultations since the agenda has been prepared.

Referral to the Regulation Committee

The inclusion of two stars (**) as part of the Development Manager's recommendation indicates that the application will need to be referred to the District Council's Regulation Committee if the Area Committee is unwilling to accept that recommendation.

The Lead Planning Officer, at the Committee, in consultation with the Chairman and Solicitor, will also be able to recommend that an application should be referred to District Council's Regulation Committee even if it has not been two starred on the Agenda.

Human Rights Act Statement

The Human Rights Act 1998 makes it unlawful, subject to certain expectations, for a public authority to act in a way which is incompatible with a Convention Right. However when a planning decision is to be made there is further provision that a public authority must take into account the public interest. Existing planning law has for many years demanded a balancing exercise between private rights and public interest and this authority's decision making takes into account this balance. If there are exceptional circumstances which demand more careful and sensitive consideration of Human Rights issues then these will be referred to in the relevant report.

Agenda Item 11

Officer Report On Planning Application: 15/03646/FUL

Proposal :	Construction of on-farm Anaerobic Digester (AD) plant (revised application, part retrospective) (GR 342303/116042)
Site Address:	Frogmary Green Farm, West Street, South Petherton.
Parish:	South Petherton
SOUTH PETHERTON Ward (SSDC Members)	Cllr Adam Dance Cllr Crispin Raikes
Recommending Case Officer:	Andrew Gunn Tel: (01935) 462192 Email: andrew.gunn@southsomerset.gov.uk
Target date/Ext of time	18th November 2015 16th December 2016
Applicant :	Mr David Manley
Application Type :	Major Other f/space 1,000 sq.m or 1 ha+

APPLICATION UPDATE

Members will recall that a decision on this application was deferred from the 14th December 2016 meeting of the Area North Committee in order to await the decision of the Secretary of State in regard to whether this development is EIA development. A third party had written to the Secretary of State requesting a screening opinion. A decision has now been received confirming that 'the development falls within the description at Category 3 (b) Industrial installations for carrying gas, steam and hot water of Schedule 2 to the 2011 Regulations. Therefore, the Secretary of State considers the proposal to be 'Schedule 2 development' within the meaning of the 2011 Regulations'. Moreover, having taken into account the relevant criteria, the Secretary of State concludes that 'the proposal is not likely to have significant effects on the environment'. He directs that the proposed development is not 'EIA development' within the meaning of the 2011 Regulations. A written statement was attached to his response which gives the reasons for his direction. The Secretary of State's letter and explanation have been attached to this report (appendix A).

REASON FOR REFERRAL TO COMMITTEE

The application is classed as a major-major development and is therefore referred to Area North Committee.

SITE DESCRIPTION AND PROPOSAL



The application site is located immediately to the south of Frogmary Green Farm, which is located approximately 1km to the south west of South Petherton, just north of the A303. The application site covers 3.55 hectares. The farm itself covers 500 acres of arable land, growing potatoes, winter wheat, winter rape, maize, and in addition, includes a large poultry enterprise. The site, formerly used for crop growing, is bounded to the east by a C classified road. A track joins this road at the bottom of the site and runs along the southern and western boundaries of the site. The track links to the main farmyard to the north, upon which there are a number of significant agricultural buildings.

This current application seeks consent for the construction of an Anaerobic Digestion (AD) plant at Frogmary Farm. Planning permission was granted in 2014 for a 1MW AD plant. Construction had commenced to implement that permission, however, changes were made to that scheme which warranted submission of a new application. This application therefore seeks part retrospective consent for those changes.

A summary of the 2014 permitted development is outlined below to help provide relevant context for this current proposal. Full details of this application and officer report is available on the Council's website.

2014 Permission

Planning permission was granted in 2014 for the construction of a 1MW AD plant, which would generate renewable energy in the form of electricity. This would be exported directly to the local grid network. The proposed Digester Tank and Stationery Feeders would be 45 metres in diameter and 7 metres high. The Gas Holder and the Digestate Tank would be 12.5 metres in diameter and 10 metres high, and 39 metres in diameter and 6 metres in height respectively.

This scheme would have processed and managed just over 19,000 tonnes of feedstock per annum, to include farmyard manure and poultry manure, sourced from Frogmary farm. Crops would also feed the AD plant (beet, silage, wheat and rye) grown on the owner's land and other local land. Feedstock would be stored in 4 feedstock clamps with poultry waste stored in an existing shed. Due to the topography of the site, the development would be split over 2 levels. An earth bund would be formed along the northern side of the feedstock clamps which would be planted with native tree species. Additional planting is also proposed to the east and south.

The digested material would be discharged from the tank and separated into a nutrient rich solid and liquid form. The liquid digestate would be pumped directly into the surrounding farm land via an umbilical pipe and the solid digestate used as poultry bedding on the farm. Vehicular access would be gained from the existing farm access transporting all feedstock through the farmyard. The estimated additional average vehicular movement would be 2 per day. The Highway Authority and Highways Agency (now known as Highways England) did not raise an objection to the scheme. Moreover, subject to appropriate conditions, no objections were received from the Landscape officer, Environment Agency, Environmental Protection Officer, Drainage Engineer, Ecologist, Climate Change Officer, Rights of Way, South Petherton PC and Lopen PC.

Current Revised application

The current application has been submitted to regularize changes made to the earlier approved scheme. It must be noted however that this is a fully fresh application and must be fully assessed on its merits. The supporting details outline that the AD plant will now export primarily gas rather than electricity. The applicant explains the reason for this change is due to energy efficiency. 60% of the energy produced by running biogas through a Combined Heat and Power engine is lost in heat, whereas refining gas and injecting it directly into the gas grid a far greater amount of renewable energy is available to be exported. The output of the AD plant would now rise from 1MW electrical export to 2.2-2.5 MW gas export, using the same amount of feedstock. The scheme would make a

valuable contribution towards supplying green energy - it is estimated that the facility will produce enough gas to heat 1750 homes. The farm would benefit not only from the income generated but in managing farm waste and by using the fertiliser produced by the AD process.

In terms of the changes made to the scheme, additional structures have been included comprising a gas upgrade unit, a gas holder dome, a canopy on the east side of the shed and above ground propane tanks. The applicant has stated that the gas holder dome is the tallest structure and has been sited at the rear (north) of the site, in order to benefit from greater screening. This measures 20.9 metres in diameter with a height of 11.7m. The storage shed is 20 metres x 25 metres and 10 metres to the ridge. The canopy to be attached to the east side of the shed will measure 25m x 10m. Subterranean tanks previously granted in December 2014 are shown on the plans; however, the applicant has since advised the case officer that these are not required and have not been installed. In addition to the new structures, the overall positioning of all structures have been moved eastwards due to engineering requirements.

The earlier scheme was set on 2 different levels within the site i.e. 53 metres AOD (Above Ordnance Datum) and 57 metres (AOD). This revised scheme is now set on one level i.e. 56 AOD which makes site operations easier and places some of the structures on the site 1 metre lower than previously approved. A bund to the south will extend to the east and will be planted on its outer slopes to screen views into the site from the south, south west and east. The key viewpoints into the site have been identified as being from the south (A303) and from the east. A landscaping scheme has been included with the proposals following discussion with the Council's Landscape officer. A Landscape and Visual Impact Assessment has also been undertaken and submitted as part of the application. The scheme proposes to plant native species trees in areas not covered by hardstanding. A block of woodland will be positioned to the north east of the site, and along the south with boundary planting along the west.

The nearest residential property is the applicant's own dwelling to the north east of the site, with the next nearest dwellings over 300 metres distant. Access to the site is to be gained using existing access points at the farm. Deliveries will enter via the main farm entrance and exit via the track to the south. This is the current route used by current deliveries to the farm. Due to the proximity of the site from the main farm and existing internal farm roadways, movement between the farm and the site will not require use of external roads.

The supporting details outline that the majority of the feedstock will be imported from the land farmed by the site owner and from farm operations at Frogmary Farm, along with a number of local farm holdings. A 16 tonne capacity trailer will be used to transport the majority of the feedstock with the chicken manure via a 28 tonne HGV. Animal waste, as per current chicken waste deliveries, will be transported to the site along the A303. Vehicles would exit at the Hayes End/South Petherton roundabout, travel on Harp Road to the Hollow Lane Junction, and then turn north under the A303 and into the farm. Crop feedstock would either come from adjacent land and across fields to the farm or along local roads but largely avoiding local villages.

The development would create an average increase of 2 movements per day. There will be busier times particularly when the crops are being harvested - during the maize harvesting peak, there will be 3-4 deliveries per day. Liquid digestate would be pumped directly to the adjoining land via a pipe or back loaded on vehicles delivering feedstock or spread in replacement of current farm waste spreading operations at the farm. The supporting information states that this would therefore not create additional traffic movements.

The amount of feedstock that the plant will process each year is just over 19,000 tonnes, the same as the approved scheme. In terms of the split between on and off site feedstock, 4,479 tonnes will come from the farm (2,500 tonnes chicken manure, 1,479 tonnes maize silage and 500 tonnes potato) with 14,783 locally imported. The 2 largest off site importation will be poultry manure at 5,000 tonnes with maize silage at 4,878 tonnes. Other imported feedstock will be farmyard manure, beet, grass silage, wheat and rye. The Supporting Statement outlines that Biogest UK have been selected as the

technology provider for this development and operate across Europe, having constructed over 90 plants.

A public right of way runs along the western and southern boundary of the development site; the development would not interfere with this route. Over time, the landscaping scheme will assist the screening of the development of views from the public footpath.

Relevant Body for determining the application.

Post submission of this revised application, there was much discussion between the District and County Council, about whether this was largely a waste application and therefore should be determined by the County Council, or more an energy generating/recycling facility and thus a District matter. Following this discussion, given that the LPA had determined the first application and had started assessing this revised application, it was agreed that the district council would determine the application but with close working/consultation with County colleagues. In addition, the County formally agreed to discharge their function to the District Council in respect of this application.

RELEVANT PLANNING HISTORY

14/01923/FUL - Construction of a 1MW on-farm Anaerobic Digester (AD) plant. (Permission granted in August 2014).

15/02331/S73A - Application to vary condition no2. (approved plans) of 14/01923/FUL to amend site layout and addition of gas holder dome (application superseded)

15/02133/S73A - Application to vary condition 07 (cessation of use) of planning permission 14/01923/FUL to allow re-use of buildings and structures after cessation of use. (application withdrawn).

16/05222/EIASS - Screening Opinion - Construction of a 2.2 -2.5 MW on farm AD plant. EIA not required.

14/05434/NMA - Application for a non-material amendment to planning permission 14/01923/FUL for the addition of 2 no subterranean propane gas tanks (approved Dec 2014).

14/03894/EIASS - Screening Opinion - Construction of a 1MW on farm AD plant. EIA not required.

The following application was received and approved on another part of Frogmary Farm:

16/01924/FUL - Retention of use of meeting rooms and cookery school and erection of single storey classroom building, decking, raised beds and formation of parking area. (Approved 2016).

There have been many applications over the years related to the wider Frogmary farm site for agricultural purposes. More recently, there have been applications to use part of Frogmary Farm for meeting rooms, cookery lessons and for educational purposes. In regard to the latter, the supporting documents outline that the farming business hosts educational events to raise awareness of the farming activity and benefits of sustainable environmental management.

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

South Somerset Local Plan

SD1 - Sustainable Development

TA5 - Transport Impact of New Development

TA6 - Parking Standards

EQ1 - Addressing Climate Change in South Somerset

EQ2 - General Development

EQ3 Historic Environment

EQ4 - Biodiversity

Waste Core Strategy (Development Plan Document up to 2028)

Policy Related Material Considerations

National Planning Policy Framework (NPPF)

Core Planning principles

Chapter 3 - Supporting a Prosperous Rural Economy

Chapter 7 - Requiring Good Design

Chapter 11 - Conserving and Enhancing the Natural Environment

Chapter 12 - Conserving and Enhancing the Historic Environment

Somerset County Council Parking Standards

CONSULTATIONS

South Petherton Parish Council (Sep 2015)

Recommended with the following conditions:

1. That the plant is not allowed to operate over capacity
2. The nine months extension be removed
3. Over capacity in terms of vehicle movement on the local road system and production capacity is of concern without further examination due to it being a revised application.
4. Due to the complexity of the proposal SPPC wish to reply on the expertise of SSDC officers to take appropriate action when making a final decision.

South Petherton Parish Council (Feb 2016)

Resolved that the planning application was far too complex and technical to be decided solely by the Parish Council. It was therefore decided to leave the final decision to the experts at the South Somerset Planning Dept. It was however agreed that attention be paid to local signage in order that traffic was not directed through the village and that some form of speed restriction be also considered on the agreed route to the location of the digester.

Lopen PC (adjacent PC)

Lopen PC has written to the Council a number of occasions outlining concerns about the application, particularly in relation to the lack of information provided by the applicant in their documentation. Prior to their first public meeting in September 2015, a number of points were raised with the LPA. Those concerned:

- The development is more akin to an industrial development rather than a farm based enterprise.
- Lack of transparency about the true scale of the plant
- If no further feedstock is required, has this taken account of the power requirements of operating the plant, will the farm still be powered by the development?, lack of info about the 2 CHP units, capacity of the plant and feedstock requirements, will more feedstock be required in the future?, scale and arrangements for the digestate disposal and where the digestate will be delivered and spread.
- Lack of information regarding the underground gas tanks
- Query the real reason for introducing LPG tanks on site i.e. to enrich the biogas to feed into the grid. Regular deliveries of LPG tankers will be required - figures not shown in the traffic movements.
- Lack of detail in respect of digestate disposal. The farm and land around is designated as a NVZ - how will this be dealt with during spreading restrictions, how will it physically be spread on the land and question whether specialized vehicles will be required to take away liquid digestate.

- An Odour Management Plan should be submitted
- The whole farm should be treated as 1 planning unit to properly take account of the various activities at the farm.
- A new EIA is required to take account of the changes to the scheme.

Lopen PC (Sep '15 meeting summary)

Further to the above comments, Lopen PC held their meeting on the 16th September. New information had been submitted by the applicant but the PC concluded that it does not have sufficient information with which to make an informed decision on this application. Points raised reflect those outlined above, plus concern that it was the applicant's intention to build a larger facility, require clarification in respect of Hazardous Substances Consent, reference to a DEFRA report about the environmental implications of AD plants and encourages use of crop residues and waste as feedstock and deters use and against any practices which are less sustainably sound.

Further comments include suitability of the duoliner trailers along local roads, question whether digestate would be backloaded and additional movements from the collection of the trailers. No noise or odour assessment has been undertaken. EIA requires cumulative impact to be assessed. This is a commercial Centralised AD plant servicing several farms and cumulative impact needs to be taken into account. Updated landscape appraisal required. Do not accept proposed change to condition 7 regarding removal of buildings etc. upon cessation of use.

The PC recommend approval but only subject to the very strictest of conditions that monitor and limit feedstock tonnage to that originally applied for (under 20,000 tonnes and size/number of vehicle movement as currently identified and communicated to us. The recommendation is subject to a thorough examination of all the impacts with appropriate mitigation where necessary, or if any unacceptable impacts, a refusal of the application. Any future increase to the level of feedstock should be subject to a new application.

Lopen PC (Oct '15)

Further to your e-mail of 7th October attaching the responses of David Manley, representing the views of Greener for Life (GFL) and requesting that we respond within a week, I submit the views of Lopen PC members. You will appreciate that we have not been able to hold a formal meeting within the requested timescale so this response is submitted without our usual public consultation on the new facts which have emerged as a result of our concerns expressed to you in the e-mail from the parish clerk dated 29th September. The detailed responses to Mr Manley's comments are set out in the Appendix to this e-mail for ease of reference. However, his comments lead to the following further submissions on the part of Lopen Parish Council.

The applicant's initial proposal presents the case for a typical on-farm anaerobic digester (AD) i.e. an integrated farm based operation taking waste and other feedstock from the otherwise normal activities of the farm complex. However, on closer reading along with the various answers to questions supplied, it is plain to any reasonably-minded person that the degree of integration is inconsistent and varied as a matter of convenience in order to put the proposal in the best possible light. This has little bearing on reality.

The applicant claims the proposal is an on-farm AD and not a centralised anaerobic digester (CAD - taking wastes and other feedstocks from multiple farms), as all the feedstocks (including wastes) are provided by the on-site farm complex and their contractual arrangements. The existing farm contracts may cover the importation of some poultry manure/litter as fertiliser but when used as a feedstock, this material is classified as waste. Whether or not the farm acts as a broker to supply the AD site with waste, the fact remains that waste (and other feedstock) is being imported from multiple farm sources for use in the AD. In these circumstances, the AD is better described as a CAD. Furthermore, if it is accepted that the farm is to import large quantities of waste (rather than the AD operator) the planning and regulatory requirements are likely to extend beyond the AD itself to include the farm - none of which appears to have been addressed.

When detailing vehicle movements the applicant backs away from the integrated approach and favours one of isolation which ignores many of the existing and/or proposed movements to and from the farm complex as a whole. Furthermore, the movements that are accounted for are incomplete, understated and do not cover the comprehensive range and size of vehicles which, when challenged, are only now coming to light. Much the same approach is adopted when considering the cumulative impacts of development.

When considering bio security, permits and environmental impact assessment (EIA), the applicant considers only the "chicken litter produced on site" but fails to include the greater majority of such waste which is actually imported (5,000 tonnes vs 2,500 tonnes produced on site). These important environmental aspects are further complicated by the recycling of digestate solids as poultry bedding for use on the host farm site which the applicant seeks to answer when stating: "The EA permits (AD Plant and Farming operation) will control and monitor the interface between the two operations." In reality, the AD permit is a standard rules instrument that is not designed for such a purpose and cannot be adapted to "control and monitor the interface". The EA permits relating to the poultry operation may be varied accordingly but, in doing so, the importance of control and monitoring is established between the AD and the poultry facility. As the latter is a mandatory schedule 1 EIA development, under these circumstances the AD facility must also be regarded as such.

In summary, it is impossible to accept that the information provided thus far gives a decision-taker sufficient and plausible information against which the extent of any resulting environmental impacts can be measured. In such situations of uncertainty and variability, the case for requiring an environmental statement is made. In this case the need is compounded by the now established and unavoidable link to a mandatory schedule 1 development.

Taking the facts above and our views on Mr Manley's comments set out in the Appendix, the traffic/movements detail provided are incomplete and understated. This should be revised to include all movements in/out of the AD and Frogmary Green site as a whole (as they claim to be on-farm, all movements are relevant) and all vehicle types and sizes with all the relevant bodies re-consulted once corrected; we still do not have the facts relating to use of digestate solids as bedding and this has a potential significant impact on movements (the dried digestate solids may be relatively low tonnage when compared to the liquids but the volume is considerably greater). We await the answer to this specific question raised in our email last week; we believe that an Environmental Impact Assessment (EIA) is required; for the avoidance of any doubt, our recommendation to approve relies on the inclusion of the conditions requested. Without these, we recommend refusal. We further note that the local fire authority does not appear to have been consulted. Given the nature of this site (explosive materials) we respectfully suggest they should be; and as the waste elements are high, this application could be argued to be a County Council matter rather than District Council (as has been the case elsewhere in the UK). At the very least, the County Council planning team must be consulted and the proposal assessed under their waste policies.

Officer comment:

Attached to the Parish Council's response was a series of points/concerns, summarised as follows:

- A list of AD applications in the south west is given. Attention is drawn to local concerns about amenity, health and welfare issues along with access and transport concerns.
- Confirmed that there will be 2 x 0.5 MW CHP units on site. Smaller than originally suspected but there remains a twofold excess capacity for digestion and gas processing relative to permitted feedstocks. Strong temptation to make maximum use of the site capacity.
- Tight controls/conditions on this AD plant are essential to ensure control and all requests for feedstock increases must be subject to a fresh planning application. Expect to see a condition restricting the amount of feedstock tonnage to that outlined in the application.
- LPG figures do not include the approved subterranean tanks.
- DEFRA report outlines potential issues surrounding AD's and cumulative effects of multiple

AD's must be taken into account. It discourages the use of less environmentally sound practices.

- Vehicle movements associated with the LPG unit supplies not included in the traffic movements table.
- Need clarity on how much digestate would be transported off site and number of movements associated with Duoliners. Planning statement does not refer to 44 tonne lorries rather 28 tonne vehicles.
- Need clarity on the routes taken by duoliners and other AD's they are serving.
- Lack of noise or odour assessment.
- Frogmary Farm should be viewed as 1 planning unit to take account of all of the various uses.
- This application is significantly different from the earlier scheme.
- Additional landscape assessment required to take account of the scheme changes.
- Question the biosecurity of the development, particularly given incidents at another AD plant.

Lopen PC (Response to submission of Ecology and Archaeological Reports)

Please see the response of Lopen Parish Council response to latest documents below:

1."Extended Phase 1 Habitat Survey and Ecological Appraisal" - No comment

2."Stage 2 Great Crested Newt Survey Report" - No comment

3."Written Scheme of Investigation: Archaeological Watching Brief" - We find it very strange that relatively minor works associated with digging a drainage ditch has prompted this report, whereas no archaeological work appears to have been done for the main site either for this planning application or the previous one. The considerable earth moving which has taken place means that any remains will have been comprehensively destroyed.

Bearing in mind the proximity of this site to the Fosse Way and its location in a valley, please explain why a request for archaeological investigation was not made at the time of the original application.

4. Highways Consultant Mike Bellamy's comments email dated 24/02/2016 (not published on website until 27/04/2016). We have the following observations

- It is welcome to see the Highways side finally being shown some real attention, with some excellent points raised. It's a pity that it is only taking place now at this late stage, well into this second application, with the precedent of the previous PP to obstruct any proper measures being implemented. Why was this level of scrutiny not applied by Highways at the previous application (14/01923/FUL)?
- How is it possible that the question of the TRO (6'6" width restriction) was not raised during the previous application (14/01923/FUL)? Given the level of traffic and the size of the vehicles involved, it is very relevant.
- We agree with Mr Bellamy that a full Transport Statement should have been prepared and submitted. In the light of the substantial changes made to the structures for which permission has not been granted, this application should be treated as a new one, not part retrospective, and a full transport plan prepared.
- Mr Bellamy appears to have concerns about the numbers of movements, sizes of vehicles and seasonal variations. We share these and have written of this before. Furthermore Mr Bellamy does not appear to have seen the later correspondence where the following questions were raised but not necessarily fully answered:
- Digestate removal offsite, which we consider to be far more than originally implied in the Planning Statement, due to the Nitrate Vulnerable Zone (NVZ) status of the site and surrounding fields.
- Viability of making the digestate "backloads" completely disappear to the extent that none
- whatsoever are shown in the vehicle movements. We consider this impractical and unrealistic.
- Proposed use of specialist "Duoliner" artic lorry trailers to make the back-loading of digestate actually possible (as now admitted by the applicant), resulting in regular use of vehicles of up to 44 tonnes gross weight to access the site and local feedstock sources / digestate lagoons. While it could be contended that the larger vehicle sizes may reduce movements, the sheer size is a big concern given the narrowness of the roads involved, not only West Street, but

other local roads which these lorries will try to use.

- The above serve to render the vehicle movements table submitted in the original planning statement invalid. The applicant needs to revise this and resubmit.

We suggest you refer Mr Bellamy to the comments from LPC dated 05/09/2016, 02/10/2015 & 14/10/2015, which all have relevant transport content. (Transport related extracts copied below in appendices 1 - 3).

5. Not directly related to any recent documentation submissions, but significant nonetheless. LPC received a number of complaints during the w/c 14th March concerning up to 4 movements per hour, in each direction, of large tractors pulling slurry tankers passing right through Lopen village. Two of these were followed and were found to be running from the AD site to a farm south of Merriott and back. We cannot be certain all followed the same path but it seems likely. This was in defiance of the Lopen village 7.5t weight restriction and the farm south of Merriott is not one of the named feedstock sources or digestate destinations. We aware that at least one of our parishioners reported the matter to the police, but do not know whether it was followed up.

Seavington Parish Council:

Following your letter dated 12th January and previous comments made by Seavington Parish Council I would like to advise that Mr Nick Bragg attended our Parish Council meeting on 19th January and some of our previous concerns have now been alleviated. It is, however, obvious that there will be an increase in traffic along the C5021 to a maximum level of 4 - 5 x 44 tonne lorries per day, and this remains a major concern. To this end the Parish Council feels that Highways need to be consulted regarding this application, but also especially in the light of this and the new housing developments at the former Lift West Site and at Pond Farm.

It is again the suggestion of Seavington Parish Council that the current western 30mph limit and sign should be moved further to the west giving increased safety to entry/egress from the completed Lift West Site (this was previously suggested when the Parish Council formerly responded to the original Planning Application) and the eastern sign and limit moved further up the hill to the east from Seavington House, also affording a greater level of safety and protection to vehicle entry/egress at David's and School Lanes. It is further proposed that together with these measures, the existing westerly middle-of-the-road bollard be moved (to the west) much closer to the planned entrance to The Lift West development. It is believed that this will have the double effect of not only producing a perception to approaching traffic of a need to slow down, but also by removing and moving the existing bollards, producing a greater width of carriageway to facilitate a larger vehicles' ability to negotiate the curve opposite The Volunteer Inn. In turn consideration might also be given to moving the eastern bollards for similar reasons.

The road surface through Seavington St Michael [along the C5021] is poor; Cats eyes were removed some years ago when the road was resurfaced but the remaining holes were not filled in properly and are getting deeper, causing residents who live in the cottages alongside the road often to complain that they feel their properties shake when these holes are hit, particularly by larger vehicles. This road surface needs to be inspected and repaired where necessary as well as some improved white lining provided.

The Parish Council find it increasingly difficult to persuade County Highways to work on this road as it is only classified as a C road but perhaps these 3 planning applications could be used as the catalyst to make the safety-related improvements suggested.

Highway Authority

Following a site visit, the Highway Authority has the following observations to make on the highway and transportation aspects of the proposal. Based on the difference between the previously approve scheme and the one proposed as part of this application, it is not considered that this will result in a severe impact on the highway network. I therefore recommend that the conditions imposed on the previous consent be repeated on this permission.

SSDC Highway Consultant (Initial comment)

Refer to SCC comments. Would expect a Transport Statement/Construction Traffic Management Plan to be submitted although many of the transportation and highways impacts of the development appear to have been reported upon in the Planning Statement for SCC to consider.

Officer comment - Following a request from the case officer, and in response to local concerns raised about the highway impact of the proposal, the Council's Highway Consultant further assessed the proposal and sought clarification and confirmation on the following highway related issues:

- A. The use of 28T vehicles for the transportation of chicken litter rather than 20T vehicles
- B. A graph showing the projected season fluctuations in traffic flow across the year as well as the average number of traffic movements using data from other operational AD plants
- C. A view from Somerset County Council in respect of the use of the public highway from Lopen Head roundabout to the site access junction for both construction and operational phases given the existing width restriction (TRO) in place for this length of highway, and whether or not mitigation measures are required.
- D. A plan showing the geometric layout and visibility splays at the site access junction and improvements thereto if required (to be determined by a swept path analysis plan).
- E. A swept path analysis of the site access junction and Lopen Head roundabout junction.

Officer comment: This was forwarded onto the applicant who queried the need for C-E given that this was not requested from the Highway Authority in regard to the original application and also given that the transport arrangements have not changed. Following a site visit by a highway officer, the case officer was advised that the Highway Authority retain their no objection to the scheme and do not require any further mitigation and or submission of plans. The Highway Authority are satisfied that the highway network is capable of accommodating the traffic levels and vehicles associated with the development.

Highways England

No objection raised. However, would not permit surface water drainage from the site into their own detention pond.

Officer comment: Following the above comment from Highways England, the applicant amended the drainage scheme. Clean surface water would now be drained into existing ponds within the landowner's ownership.

Senior Planning Policy Officer, Minerals and Waste (County Council)

(Summary of comments Feb 2016)

An objection was raised to the scheme due to a number of issues raised. The assessment was based on the original submitted application. The key points raised are as follows:

- the supporting documents do not make reference to the Waste Core Strategy - policies in that plan are a material consideration in the determination of this application.
- - whilst acknowledging the relationship and advantages next to an existing farm the site is not a preferred type of location as it is greenfield site - application does not make any reference to known archaeology
- no carbon management assessment has been undertaken to demonstrate the proposal would have a lesser carbon footprint than any alternative method of managing the waste and other products.
- would welcome the use of greater grey water collection and re-use.
- surface water drainage proposals for the development need to be submitted in light of the change from discharge to an attenuation area owned by the Highways England to ponds in the land owner's ownership
- Require more information to demonstrate that the development would not cause significant

adverse impacts particularly in respect of odour and emissions. Advise enclosing the feed for the plant and the outlet from the feedstock chamber to the digester.

- need to achieve a clean floor policy and avoid rainwater from the roof potentially mixing with waste on the floor - assess any impact on users of the public rights of way
- concrete bunds around the digesters likely to be required by the EA.

Officer comment - Following receipt of the above comments, a site meeting was held with County Officers and the planning case officer with the applicant to discuss the points raised. County officers advised that they found the site visit very helpful particularly in relation to the proposed arrangements for processes on site, particularly in respect of poultry litter. In a follow up letter, they confirmed that they do not have a problem with the proposed arrangements as explained on site. However, did seek clarity on the operational measures that will be taken to minimise the risk of odour arising from (waste) feedstock management, in particular associated with the transfer of material. An Odour Management plan was submitted along with a copy of the EA permit. In addition, as outlined in this report, further information was submitted in respect of ecology, archaeology, and drainage.

Lead Flood Authority (County Council) (First response) (summary)

The development indicates an increase in impermeable areas that will generate an increase in surface water run off. This has the potential to increase flood risk to the adjacent properties or the highway if not adequately controlled. The LLFA raised an objection because the initial FRA and Storm Water report details contradicted each other i.e. water would drain via the existing pond (storm water report) and in the FRA, would drain to the soil surface for infiltration. In addition, the calculations need to show a 30% increase regarding the 1 in 100 year flood event to allow for climate change. The efficiency of the proposed method of water capture has therefore not been proven.

Lead Flood Authority (Response to the submission of additional information from the applicant to address comments raised above.

No objection to the application. (officer comment). It was confirmed that the water would drain to an existing pond off site within the landowner's control.

Wales and West Utilities:

No objection raised. Advised that they have gas pipes in the area and advise the applicant to contact them to ensure their apparatus is not harmed during construction.

Landscape Officer: (First response)

This re-submission of the proposal for an AD plant raises similar landscape issues as the initial application, hence much of my response is as my previous observation. I can confirm that the changes are noted, and I have reviewed the associated landscape appraisal, and landscape proposals.

The site was initially an arable field, and is now in the process of development, laying between the existing farm buildings and a raised section of the A303. Previous farm growth has been allied to comprehensive landscape treatment, which includes the tree- and shrub- planted bund that currently divides the farm complex from the application field to the south, and provides visual containment of the existing farm site as viewed from the south and southwest. The build proposal introduces both standard built forms; large tank structures - which are industrial in character and scale; and an extensive area of storage clamps. The most prominent feature of the layout is that of a gas dome, standing circa 11 m above its associated ground level, but located to the rear (north) of the digestate storage tanks, whilst the secondary gas tank toward the northeast corner of the site stands circa 7.5 metres above site level.

A landscape appraisal is submitted with the application, which states the proposal to have a limited visual profile, and proposes landscape mitigation in the form of both bunding, and planting, the larger areas of which are concentrated to the south and east of the main development footprint. The appraisal is scant in its detailed evaluation of the site, and I have had to rely on my own site evaluation

to test its conclusions. It is clearly proposing a substantial development footprint, and will add substantially to the farm form. From a landscape perspective, it is introducing some large structural forms to the locality that are alien to the rural landscape, and the development mass has the potential to be a dominant element within the local landscape, to the extent that it will be viewed as contrary to the scale and character of the locality. Thus it can be argued that it fails to respect local context, or conserve/enhance local character, as is required by our local plan policy EQ2. However, I would acknowledge;

The site lays within a valley-head location, to be contained in most part by both topography, the built form of the farm; and the raised section of the A303 carriageway;

Views of the site are limited, and the majority of the visual receptors are not unduly sensitive;

The current planted bund at the site's north boundary will help to counter the visual perception of the aggregation of built form;

There will be no landscape features lost as a result of this development;

Dominance issues are primarily related to the public road to the southeast, where there is scope for planting mitigation, and;

There is potential for satisfactory landscape mitigation.

Hence whilst there will clearly be a substantive and adverse visual effect arising from development of this scale, the impact is diluted by both the contained setting, and the lack of direct views of the site from sensitive receptors, such that if an appropriate scheme of mitigation can be agreed, then there would be no over-riding landscape case against the proposal. Turning to the application's mitigation proposal, whilst I agree that bunding and planting can be utilised to counter the likely visual effects of development, I am not wholly convinced by the detail. Bunding is proposed to contain the site along its most public boundaries, i.e; to the east and south of the development site, and this is set at a crest level of 59.00 aod. At its southern end, this results in a bund that is circa 7 metres above the level of the farm track, with an inferred grading of approx. 1 in 3 to the south, 1 in 2 to the southeast, lessening to 1 in 3 toward the farmhouse. Ordinarily I am not supportive of bunds of this height, for they (i) appear incongruous in scale, and (ii) create hostile conditions for plant growth, particularly where south-facing (toward the sun) due to their free-draining profile. In this instance however, the main face of the bund lays adjacent the engineered structures of the A303 bridge and carriageway, and its embankments, to thus provide a context wherein the bund is not at odds with the character of the road embankment. There is a need however, to deal with the hostile conditions of bunded form. To that end, I would advise the following;

- (a) we are provided with confirmation that the outer face of the bund, where facing south, is graded no steeper than a 1 in 3 gradient;
- (b) whilst the proposals for planting in the northwest corner of the site are acceptable, amendments are necessary for the planting proposal for the larger south and east areas, and I advise;
 - i. Initially, I note the area of land involved to be closer to 1 hectare, rather than the 7000 square metres scheduled, and plant numbers should reflect this.
 - ii. Second, a suitable mix of native species should include dry condition-tolerant species, to suit the particular soil and drainage conditions of the bund; and at sufficient density to enable the planting to draw-up in good time.
 - iii. A tighter density of planting will be required in this area - I would suggest 1.0 x 1.0 matrix, to deal with the hostile microclimate that bunding creates.

In terms of suitable species, I am happy with those suggested for the lower part of the bund, i.e; to a height above ground level of 2.5 metres. Above that height, on the upper levels of the bund, I would advise a change is necessary, and suggest a tree component within the mix incorporating;

10% oak, 10% beech, 10% field maple, and 10% grey alder, whilst the shrub component comprises - 20% hawthorn, 15% hazel, 15% wild privet, and 10% dogwood.

Could you please request confirmation of the bund gradients, and amended planting proposals, which for clarity should be indicated on plan.

Landscape Officer: (second response following submission of revised landscape plans). This drawing is now acceptable. The full landscape submission also includes the document 'landscaping details' that was submitted with the application. This document should be updated such that its planting schedule is consistent with the schedule on the drawing. It also needs to specify plant size and plant protection before the full planting proposal can be considered to be acceptable.

Landscape Officer: (third response following submission of information as requested above)
The planting details are now satisfactory.

Environment Agency

No objection raised subject to informatives. These relate to appropriate surface water drainage and advice, the need to submit a new and/or amended Environmental Permit, advice regarding storage of digestate liquid and silage clamps, and advice regarding pollution prevention during construction.

Environmental Health

The process being applied for will be covered by a permit issued by the EA under the Environmental Permitting (England and Wales) Regulations 2012. As such, the permit will cover areas such as odour and noise/vibration, that being the case I have no representations to make with regard to this application.

Officer comment: The applicant submitted a copy of their permit in respect of Frogmary Farm.

Ecologist (Response to the original submission)

No objection

Ecologist (Additional comments following submission of an additional ecological report in respect of the revised surface water drainage scheme).

I'm satisfied with the further survey and testing for great crested newts. The outcome was negative (newts unlikely to be present). I have no further comments.

Natural England

No comment to make on the application. Advise the officer to seek own specialist ecological advice.

Climate Change Officer

This is a very sustainable renewable energy development of exactly the type the Council should be supporting. The switch from burning gas to generate electricity to injecting gas directly to the gas grid is a very welcome development. This is a far more efficient use of the bio gas generated because a gas engine converting gas to electricity is at most 47.8% efficient whereas gas injected to the grid is used in the main for domestic central heating from gas condensing boilers with an efficiency of around 90% efficiency. Renewable electricity is increasingly generated from wind, solar and tidal power but renewable gas can only be generated from anaerobic digestion. The UK has one of the best gas grids in the world and it makes strategic sense to maximise bio gas injection. I calculate this plant will heat 1645-1869 households (as compared to the 1637 dwellings with South Petherton). I strongly support this application.

Senior Historic Environment Officer (First response)

The site lies within an area of high archaeological potential. A Roman settlement lies less than 200 metres to the south west. Numerous cropmark enclosures have been identified through aerial photography to the east. The corner of one enclosure appears to extend into the area to be developed for the digester. There is however currently insufficient information contained within the application on the nature of any archaeological remains to properly assess their interest. For this reason, I recommend that the applicant be asked to provide further information on any archaeological remains on the site prior to the determination of this application. This is likely to require a field evaluation as indicated in the NPPF (para 128).

Officer comment: Following the above comments, the applicant commissioned a consultant to undertake a written scheme of investigation for an archaeological watching brief. This has been agreed by the County Archaeologist.

REPRESENTATIONS

A number of letter/emails have been received from one local resident raising a number of different issues, queries and questions in respect of the AD plant. For the purpose of this report, the key issues are outlined below. Full copies of the emails/letters are available on the Council's website.

1 letter received in response to submission of an archaeological report and comments from the Council's Highway Consultant

- No archaeological investigation has been undertaken into the site - the site has been developed and archaeological evidence would have been destroyed. Asks why this wasn't sought at the beginning of the application process.

Officer comment:

An archaeological report was not sought by the LPA to support the original application nor at the submission stage of the revised application because archaeology was not shown as a constraint on the Council's mapping system. During discussions with the County Council, it was advised that the County Archaeologist is consulted. This was undertaken and a report submitted.

- West Street is narrow and 6'6" width restriction. Passing places created by use rather than design and are muddy potholed patches.
- No up-to date Travel Plan, submitted document written for the 1 MW plant, now plans have changed and material to be transported is greater.
- Silage clamps appear more extensive than earlier scheme, to reflect demands of a larger plant?
- This application should be treated as a brand new application given the differences between the 2 proposals.
- Building work still continuing in contravention of earlier permission.

1 letter received in response to submission of the SUD's Attenuation Requirement

- Outlines an inconsistency on plans and figures in respect of impermeable v permeable surfaces.

1 letter received in response to the submission of the Storm Water Report

- Retaining wall/bund to the east and south but what about the west? How would this retain the water?
- Query total size of site.
- Drainage layout should show full details of the bunds, impermeable areas and drains to the ponds.
- Inconsistency in the figures
- More clarity needed on the drainage plans.

1 letter received from the Open Spaces Society. Raised no objection but commented that the gravel track is a public right of way and that signs should be retained during construction to remind drivers that pedestrians have priority. Also, the bottom of the track has become muddy and that the owner should clear the road to ensure it is safe for all users.

Applicant responses to questions

In response to the various points raised by Lopen PC and a local resident, the applicant during the course of the application has been asked to respond to those points and the following information has

been given:

- The backloading of liquid/solid digestate will be undertaken on specialist duoliner trailers which bring feedstock onto the site, thus no additional traffic movements.
- 28 tonne and 44 tonne articulated lorries have been delivering to the site for many years. The duoliner is a similar size.
- It will create 3-4 jobs plus haulage jobs.
- Total energy production will vary depending upon the type and quality of the feedstock. Thus have given a range for the amount of energy to be produced.
- No adverse impacts on local amenity in respect of the way the biogas is produced and exported.
- Feedstock levels and associated transport levels not changed from the original application.
- Revised scheme has advantages in that it is more efficient than electricity generation.
- The farm will not use energy from the site. It will assist the farm through diversification and use of the digestate on the farmland. It is a development focused on producing renewable energy for public consumption and to help contribute towards producing renewable energy.
- Energy is required to run the plant but the switch to upgrading to gas has a minimal impact.
- 1MW electricity equal to 2.2 MW gas.
- The level of gas production is limited by the level of feedstock input which is restricted via the source land as previously conditioned. The amount of crops remain the same.
- 2 CHP's will be used at 500 kw each. Same as earlier scheme. No additional feedstock will be required. Only one CHP unit will run. The other used when gas cannot be exported and/or as back up for the first during any maintenance/breakdown.
- No change to the source of feedstocks, digestate disposal and spreading. The spreading to land will be no more in tonnage terms than historically occurs.
- Only a small proportion of land supplying feedstock lies within an NVZ. Dillington Estate is not within an NVZ. To offset use of artificial mineral fertilizers we will use the digestate. Backloading of digestate with silage which is then clamped on the estate.
- Level of biogas storage well below threshold in respect of Hazardous substances. No underground LPG tanks installed.
- LPG is back up fuel if the biogas in the tanks is not at the required quality or quantity to send to the grid. Will be used to enrich the gas. To enrich the gas will require 119 tonnes of LPG annually, this would equate to less than 1 trip per month.
- Have submitted an odour management plan. Odour is managed along with other emissions by the Environment Agency permit. The site is monitored by the EA. Government figures produced that show the reduction in odour (90%+) when comparing raw and digested slurry.
- The spreading of liquid digestate will be undertaken by dribble bar applicators. German research shows that applying digestate in this form reduces ammonia emissions to air by 69% compared with traditional air thrown spreading.
- The level of energy production and traffic movement has not changed since the original application, nor will it create any additional environmental impacts such as odour or noise. No justification for an EIA for this application.
- It is not a Centralised Anaerobic Digester, the host farmer supplies all feedstocks to the plant either directly or through contract farming agreements.
- Revised landscape plans have been submitted and agreed by the Council's Landscape Officer.
- Biosecurity is dealt with through the erection of the reception building on site where the chicken litter will be stored. This AD plant will take the chicken litter produced on site and reduces its mass by 80% through the digestion process, thus reducing the impact of the poultry operation.
- In regard to the use of solid digestate for animal bedding, the applicant is still waiting for confirmation that it can be put to such use. Should this not be permitted, the dried material will be spread on land around the farm and no additional movements would result on the public highway.

- The earth bund acts as a seal for the whole site and is scaled to meet EA requirements on containment.

CONSIDERATIONS

Background to Anaerobic Digestion (AD)/Principle of development

Anaerobic digestion is a natural biological process which transforms biomass (feedstock) into useful bio-fertiliser (digestate). Anaerobic digestion is a fully-enclosed in-vessel process which produces valuable renewable energy in the form of biogas. Organic waste, including animal manure, contains valuable nutrients and a significant amount of nitrogen locked up in unavailable forms. As an enclosed process, anaerobic digestion is able to retain all nutrients and convert them into available forms whilst preventing unwanted pollution. Foul odours are eliminated through the process, with the resulting odourless digestate bi-product available for use as a nutrient rich soil conditioner in place of raw manure or artificially manufactured fertilisers. Biogas produced by the process of anaerobic digestion can be used in a number of ways, including use in a conventional boiler, injection directly into the local grid network, or use as fuel for a Combined Heat and Power (CHP) unit which produces electricity. The "green energy" produced by an AD plant can be exported into local grid networks, reducing the carbon footprint of a local area and accommodating local energy consumption through a decentralised supply.

In this case, the original AD facility was proposed to generate 1MW of electricity, the majority of which would be exported directly to the local grid network, enough to power 2,500 typical households. This new application proposes a 2.2 - 2.5 MW gas export AD plant. Both national and local policy support the increase in the use and supply of renewable energy. The NPPF makes particular reference to this in Chapter 10. It is therefore considered that the principle of this form of development is acceptable subject to compliance with policies that seek to protect the character and appearance of the countryside, residential amenity and highway issues.

In addition, Policy EP5 supports well conceived proposals for farm diversification schemes for business purposes will be permitted subject to their compliance with other plan policies. In this case, the farm owner would receive an annual payment from Greener For Life Energy Ltd for their occupation of the site. In addition, the digestate produced by the plant would be used on the holding, both as livestock bedding (subject to approval) and as a nutrient rich soil conditioner/fertiliser. This arrangement would allow the site owner to reduce his reliance on imported fertiliser.

Highways

It is considered that the potential highway/traffic impact of the development has caused most concern about the AD plant. This is linked to concerns about the potential capacity of the AD plant and need for additional supplies of feedstock. Moreover, whether the anticipated traffic movements submitted by the applicant is fully comprehensive. The proposed plant would process and manage approximately 19,262 tonnes of feedstock per annum, to include farmyard manure, poultry manure and a range of different crops sourced from Frogmary Farm and local holdings. Deliveries to the site will be via a range of different vehicles ranging from 16 tonne tractor and trailers, 28 tonne HGV's and 44 tonne duoliner trailer lorries. It is understood that Frogmary Farm currently has/uses all of these sized vehicles. This is not unsurprising given the range of current farming activities.

The above vehicles use the existing access and exit points which are proposed to be used for deliveries to the AD plant. The Highway Authority has previously agreed the visibility splays of the northernmost access and it is considered that visibility splays (2.4m x 70m and 115m) shown for the southern access onto the C road are acceptable. There would be ample parking and turning space within the site.

The applicant has provided a table showing 'Anticipated Vehicular Movements' within their Supporting Statement. This shows 8 different types of feedstock (animal waste and crops) with respective tonnage, type of delivery vehicle, number of movements (including existing figures for poultry and maize) giving a figure for the total additional movements. This shows 637.5 additional movements covering Monday to Saturdays which equates to 2 per day. It must be stressed that these are anticipated movements and averaged across the year. There will be peaks and troughs throughout the year, most notably during the harvest season for crops (May- October). Maize harvesting would result in the most intense period of traffic movements with an average of 3.5 deliveries per day during September and October. Animal waste deliveries are more consistent across the year. The applicant states that those movements would be on roads and routes that have previously been agreed and affect few properties. However, given the noticeable increase in agricultural vehicles on the local roads during harvesting time throughout the district, this would add only a relatively small amount of farm traffic onto the roads. It is also worth noting that there are 182.5 current delivery movements to the farm of poultry waste and maize.

It should be noted that the traffic table did not include reference to the use of 44 tonne duoliner trailers for delivery and backloading. The applicant has confirmed that these will be used but will not add to the overall traffic movements. Having spoken to the highway officer about this, given the existing use of similar weighted vehicles and the low daily movement, no objection was raised.

The highway officer was also asked whether they would have any issues/concerns about the total movements combined with the other existing farm activities. On the basis that the farm is well established, and the Highway Authority accepted the proposed level of additional movements, no objection was raised.

In terms of the traffic routes, these are the same as previously agreed. Animal waste being delivered to the site by 28 tonne articulated lorries (as per present deliveries of chicken waste) would be routed via A303 exiting at the Hayes End / South Petherton Roundabout. Vehicles would then travel west on Harp Road to the Hollow Lane Junction where they would turn north travelling under the 303 and into Frogmary Green Farm main entrance. This waste comes from various farms including Martock, Honiton and Taunton, up to 23miles away but Frogmary Green Farm has been importing litter from these farms for the last 5 years.

Traffic movements from field blocks around the site itself would no impact on nearby properties - most movements travel across farm tracks or directly across the road into the site (field blocks to east). Movements from field blocks to the north travel a short distance on Whitfield Lane then on the road out of South Petherton (but would not affect the village itself or any isolated properties). Movements from the Ilminster Field Blocks would not affect the town. All movements from the land block to the South of Shudrick Stream and at Townsend Farm travel off road and cross the Townsend Road at Knott Oak House. They then travel on off road tracks to the B3168. If the land in the Shudrick Valley become unavailable (planning application currently pending to develop this land) the applicant would source feedstock from the Dillington Estate using similar transport routes.

The majority of the feedstock would be locally sourced and it is considered that the transport routes would not present any significant highway safety issues. The chicken litter would be imported from further afield via the A303 but this has been taking place for the last 5 years, with no increase in movements proposed. The disposal of the digestate on surrounding land should not give rise to any additional traffic movements. Any digestate not used at the farm would be used on the Dillington Estate.

In respect of the advice from the Council's own highway consultant, these were forwarded to the applicant and also discussed with the Highway Authority. The applicant's response was that as the level of traffic movement was the same as the previously approved scheme, it would be unreasonable to submit this information. In light of the fact that the highway authority did not request any further information or mitigation, no further plans etc have been submitted.

On the basis of the above information and the lack of any objection from either Highways England or the Highway Authority, it is considered that the additional traffic that would be generated by this proposal can be satisfactorily accommodated on the local highway network. No severe impact has been demonstrated that would warrant a refusal of the application. However, it must be stressed that this conclusion is based on the assessment of the figures that have been supplied by the applicant. As will be noted from this report, the applicant has been asked about the traffic figures on a number of occasions. The clear reply is that the figures will not change from the earlier approval. Moreover, the applicant has stated that if the capacity or need for more feedstock increases in the future, a new application would be required.

Strong concern has been raised that the actual level of movements would exceed these figures. This concern is particularly noted. Therefore, it is very important that the amount of feedstock required to supply the AD plant i.e. 19,262 tonnes is strictly controlled and limited to this level. This in turn would correspond with the level of traffic movements outlined by the applicant. Accordingly, to help monitor the use of the AD plant as outlined above, the LPA shall impose a condition on any consent to request that a report is submitted to the LPA every 3 months outlining the tonnage delivered to the AD plant and the number of vehicular movements.

Residential/General Amenity

Concern has been raised that the scheme has the potential to harm amenity of local residents particularly through odour, noise, and traffic. The landowner's own property is the closest to the site with the next nearest property over 300 metres away. In regard to the process of anaerobic digestion itself, this is a quiet process and no adverse harm would be caused to residential amenity. The pumps and loading system moving feedstock from the feeder to the digester tank operates intermittently over a 24 hour period. Again, the level of noise generated by this process would not be orally harmful. The CHP units would generate a continuous noise and these would be fitted within acoustic housing. The noise attenuation this provides at 1metre from the unit is the equivalent of a vacuum cleaner. Again, given its location, this would not give rise to any adverse noise levels warranting refusal. The Environmental Health Officer has not raised any objection in respect of noise. Vehicles transporting material to and from the site will clearly generate some noise. However, these would not generate any excessive noise. Moreover, given the routes previously agreed that these vehicles would take, avoiding most local villages and towns, and the small overall number of associated trips, it is not considered that noise associated with development traffic is such that warrants refusal of the scheme.

In respect of transport deliveries, these would be limited to 7am - 6pm Monday to Saturday (however during harvest periods some deliveries might run into the night). It is considered that the impact on the few isolated properties on the transport routes into the site would be limited and generally not in unsocial hours. The number of proposed additional road movements (averaged at 2 per day) is not considered significant in comparison with the overall existing number of movements on the roads associated with the use of the farm. Moreover, it is stated that all vehicles would be covered to ensure odour impact is minimised.

Anaerobic Digestion is a biological process which breaks down organic matter in an oxygen free environment with the AD digester tank being completely sealed in order to facilitate anaerobic gas collection and to eliminate odour release. The Supporting Statement explains that the transfer of materials from the feeder to the AD digester tank is within fully enclosed pipework. Having left the feeder, at no time would any material be exposed directly to the atmosphere until digested and released as the odour-free digestate.

The feedstock for the digester is agricultural produce, the majority of which is currently commonplace at the farm. The feedstock clamps would be used for the storage of feedstock to be utilised in the plant. The clamps would be covered with polythene in order to maintain the quality of the feedstock,

minimising odour.

Given the evidence submitted that show a significant reduction in the level of odour from slurry sources once it has been subject to anaerobic digestion, it is considered that the AD plant would offer an odour benefit in animal waste being treated in this way before being used on the land compared with traditional spreading of non-digested waste.

It is also important to note that farm-based AD plants are regulated by the Environment Agency (EA) through Environmental Permitting Regulations, rather than through the planning system. Accordingly, a permit would cover issues such as odour and noise/vibration - the Council's Environmental Protection Officer consequently has no representations to make.

For the reasons outlined above, it is not considered that the proposal would adversely affect residential or the general amenity of the area.

Landscape

It will be noted from the Landscape officer's comments outlined earlier in this report that, whilst this would be a significant development, no objection is raised subject to an appropriate and comprehensive planting scheme. Following discussions between the applicant and landscape officer, a satisfactory scheme has now been submitted which would assist in screening the development from the main public viewpoints. The scheme proposes to plant native species trees in areas not covered by hardstanding. A block of woodland will be positioned to the north east of the site, and along the south with boundary planting along the west. Earth bunding will also be used to assist with the screening of the development.

Flooding/Drainage

A Flood risk assessment was undertaken and submitted as part of the application. The whole site lies in Flood Zone 1 and thus there is low probability of flooding from fluvial sources. A surface water drainage scheme (as amended) will take clean roof water from the site and drain into existing ponds on the owners land to the east of the application site. Dirty effluent water will be collected and recycled through the AD process. Following the submission of additional information, both the EA and the Lead Local Flood Authority (County Council) raise no objection to the scheme.

Ecology

A Habitat Survey Report was submitted with the application. The conclusions of which stated that there are no significant species or habitats present on this site and, therefore, there is no reason on ecological grounds to refuse the application. The Council's Ecologist has read the Habitat report and additional ecological reports. He has raised no objection.

Loss of productive agricultural land

The majority of the site is understood to be grade 2 agricultural land with a very small proportion being grade 1. The NPPF states (para 112) that the LPA needs to take into account the economic and other benefits of the best and most versatile agricultural land and where significant development is necessary, poorer quality shall be used in preference to higher quality. It is considered that this AD plant is an agricultural related development which would benefit the adjacent farm and that other benefits, such as making a valuable contribution towards cutting greenhouse gas emissions, outweigh the loss of this field.

Use of crops to feed AD plants.

Attention was drawn to the DEFRA publication 'Anaerobic Digestion Strategy and Action Plan' published in 2011. Whilst clearly supportive of AD plants and increasing energy from waste from such means, it does give clear advice in terms of how to grow crops for AD plants in a responsible and environmentally sustainable manner. There is also a more moral issue in regard to the growing of crops to supply energy vis a vis growing for food. In this case, the spread of different fields used and acreage is not considered to be so intensive or significant in terms of scale to breach those guidelines.

Other issues

South Petherton PC asked about imposing a speed restriction on the route to the digester. In a similar vein, Seavington PC asked about amending the current location of speed signs and other highway works. Whilst the decision to impose/change speed restrictions is a matter for the Highway Authority, in asking them about this point, they did not consider that there was any current evidence to warrant additional speed restrictions over and above those currently in place, nor to move any of the current signage. In regard to the vehicular routes taken to bring the waste/foodstock from its origin to the farm, the applicant has submitted plans to show the various vehicular routes. A condition can be imposed on any consent to seek adherence to those routes. Moreover, given the local scale of the operation, it is likely that the same lorry drivers would be used and thus be aware of the appropriate routes.

Concern was raised about the changes that had been to the original permission, and questioning the genuine intent of the applicant. The applicant has outlined the reasons for the change. However, notwithstanding why the development has changed, the applicant is entitled to and has submitted a revised application. The LPA has a duty to consider the scheme and after careful assessment of all of the relevant issues, reach a recommendation.

A query was raised as to whether Hazardous Substances Consent is required for this development. The advice from the County Council Policy officer is that it does fall under the relevant category and therefore is not required for this development.

A Construction Environmental Management Plan was submitted with the application. This deals with construction hours, control of site drainage, noise and reducing dust/mud on local roads. A condition shall be attached to any consent to seek adherence to this document.

Conclusion

The construction and use of AD plants is supported by national government and local policy as a positive way to create green energy. The principle of developing an AD plant on this site has previously been established with an earlier grant of planning permission/albeit for a different type of AD plant. This new application has been carefully assessed by a number of different consultees and following submission of a range of additional documentation, do not raise an objection to the scheme. Various concerns have been raised about the AD plant and these have carefully been considered and assessed. Additional information and/or clarification has been sought and submitted by the applicant. Subject to the imposition of conditions to restrict the operation of the AD plant to that outlined in the application, it is considered that, along with legal controls exerted by other bodies, the development would not raise any significant adverse harm that would warrant refusal.

The application is therefore recommended for approval.

RECOMMENDATION

Approve.

01. The proposal would respect the character and appearance of the area, would provide an efficient means of dealing with farm waste and provide a sustainable form of renewable energy, it would not adversely affect highway safety or residential amenity or harm any ecological interest. The proposal would accord with policies SD1, TA5, TA6, EQ1, EQ2, EQ3, and EQ4 of the South Somerset Local Plan, the Waste Core Strategy and the NPPF.

SUBJECT TO THE FOLLOWING:

01. Notwithstanding the time limits given to implement planning permission as prescribed by Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended), this permission shall have effect from the 19th August 2015.

Reason: To comply with The Town and Country Planning Act.

02. The development hereby approved shall be carried out in accordance with the following approved plans:

- Location Plan - drawing no. SA15799/01 rev B, received 11 September 2015
- Site Plan - drawing no. SA19247/02 rev B received 11 September 2015
- Sectional elevations - drawing no. SA19247/03 received 19 August 2015
- Elevations omitting foliage - drawing no. SA19247/04 Rev A received 19 August 2015
- Digester, Digestate Tank and Gas Holder section - drawing no. SA19247/06 received 19 August 2015
- Proposed Digestate Spreading Area - drawing no. SA15799/07 received 19th August 2015
- Proposed Digestate Spreading Area with proposed routes for imported poultry manure- drawing no. SA15799/07 received 19 August 2015
- Proposed Feedstock Source Area - drawing no. SA15799-08 received 19 2015
- Proposed Feedstock Source Area with transport routes- drawing no. SA19247/08 received 19th August 2015
- Tractor Movement Plan - drawing no. SA15799/09 received 19th August 2015
- JCB Loader Movement Plan - drawing no. SA15799/10 received 19th August 2015
- HGV Movement Plan - drawing no. SA15799/11 received 19th August 2015
- Supporting Statement received 19th August 2015
- Planting zones drawing number SA19247/13 Rev A received 7th October 2015
- Drainage layout Drawing number 00020-00-H received 8th August 2015.
- Site surfacing PPlan - drawing number SA19247/13 received 19th August 2015.
- Revised Flood Risk Assessment received 21st January 2016
- proposed routes for imported poultry manure via A303 received 7th August 2015.
- Transport route from Ilminster field blocks /Dillington Estate received 7th August 2015
- Frogmary digestate pipeline routes received 7th August 2015.
- Route from Ilminster fields blocks received 7th August 2015.
- Frogmary land banks below Harp Road received 7th August 2015.
- Archaeological Watching Brief received April 2016
- Ecology Appraisal received April 2016.

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

03. No further buildings or structures as approved by this permission shall be constructed until particulars of the materials (including the provision of samples where appropriate) to be used for external walls and roofs have been submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the amenities and character of the area in accordance with policy EQ2 of the South Somerset Local Plan.

04. No external lighting shall be erected on the application site unless details including size, design, location and degree of luminance have been previously submitted to and agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities and character of the area in accordance with policy EQ2 of the South Somerset Local Plan

05. Within 2 months of the date of this decision, a surface water drainage scheme for the site (to accord with SuDS requirements where necessary), based on the hydrological and hydrogeological context of the development, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

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 in accordance with the NPPF.

06. Within 6 months of the cessation of the use of the development hereby approved, a scheme for the removal of all buildings, structures, hard-standings, plant and machinery, roadways, fencing or other structures and equipment brought onto or erected on the land for the purposes of the development shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of restoration and a timescale for completion. The scheme shall be fully implemented within 3 months of the date of approval.

Reason: To safeguard the amenities and character of the area and in accordance with policies EQ2 of the South Somerset Local Plan.

07. The landscaping scheme hereby approved shall be fully implemented in the first planting season following completion of the construction of the development. and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To safeguard the amenities and character of the area in accordance with policies EQ2 the South Somerset Local Plan.

08. The development hereby approved shall be carried out in strict accordance with the submitted Construction and Environmental Management Plan (CEMP) unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard highway safety and rural amenity in accordance with policies EQ2 and TA5 of the South Somerset Local Plan.

09. The feedstock to serve the anaerobic digester hereby approved shall be limited to farm waste and agricultural crops only. The total tonnage shall not exceed 19,300 tonnes without the express grant of planning permission. This feedstock shall only be grown or harvested from the land identified on the feedstock source maps drawing no. SA15799-08 and Dillington Estate map received 20 August 2014), and referred to in the agent's emails of 18 and 21 August 2014, (as per application no: 14/01923/FUL) without the express grant of planning permission. A record

shall be kept of all feedstock to serve the digester, including its origin, amount and type and made available to the Local Planning Authority upon request.

Reason: To allow any other feedstock source and additional feedstock over and above the weight limit approved to be properly considered in order to safeguard highway safety and rural amenity in accordance with policies EQ2 and TA5 of the South Somerset Local Plan.

10. There shall be no obstruction to visibility greater than 900mm above adjoining road level in advance of lines drawn 2.4m back from the carriageway edge on the centre line of the access point and extending to points on the nearside carriageway edge 70.0m either side of the access. Such visibility shall be fully provided before the development hereby permitted is commenced and shall thereafter be maintained at all times.

Reason: In the interests of highway safety to accord with policy TA5 of the South Somerset Local Plan.

11. The proposed southernmost access onto West Street over at least the first 10.0m of its length, as measured from the edge of the adjoining carriageway, shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details, which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with policy TA5 of the South Somerset Local Plan.

12. Any entrance gates erected shall be hung to open inwards and shall be set back a minimum distance of 10.0m from the carriageway edge.

Reason: In the interests of highway safety in accordance with policy TA5 of the South Somerset Local Plan.

13. The development hereby permitted shall not be commenced unless the surfacing materials for all hardstanding and tracks to serve the development hereby permitted have been submitted to and agreed in writing by the Local Planning Authority.

Reason: To prevent the increased risk of flooding and the interests of amenity in accordance with policies EQ2 and TA5 of the South Somerset Local Plan and the NPPF.



Department for
Communities and
Local Government

Please ask for: Dave Jones
Tel: 0303 4448027
Email: dave.jones@communities.gsi.gov.uk
Your ref:
Our ref: NPCU/EIASCR/R3325/77311
Date: 31 January 2017

**Request for a Screening Direction
Town and Country Planning (Environmental Impact Assessment) Regulations
2011 as amended
Proposal for construction of new Anaerobic Digester on land at Frogmary Green
Farm, West Street, South Petherton, Somerset**

I refer to your request dated 11 December 2016 made under 4(8) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (S.I. 2011/1824) as amended (S.I.2015/660) ("the 2011 Regulations") for the Secretary of State's screening direction on the matter of whether or not the development proposed is 'EIA development' within the meaning of the 2011 Regulations.

The above development falls within the description at Category 3 (b) Industrial installations for carrying gas, steam and hot water of Schedule 2 to the 2011 Regulations. Therefore, the Secretary of State considers the proposal to be 'Schedule 2 development' within the meaning of the 2011 Regulations.

However, in the opinion of the Secretary of State and having taken into account the selection criteria in Schedule 3 to the 2011 Regulations, the proposal is not likely to have significant effects on the environment, see the attached written statement which gives the reasons for direction as required by 4(7) of the EIA Regulations.

Accordingly, in exercise of the powers conferred on him by regulation 4(3) of the 2011 Regulations the Secretary of State hereby directs that the proposed development is not 'EIA development' within the meaning of the 2011 Regulations. Permitted development rights under the Town and Country Planning (General Permitted Development) Order 1995 (SI 418) are therefore unaffected.

You will bear in mind that the Secretary of State's opinion on the likelihood of the development having significant environmental effects is reached only for the purposes of this direction.

I am sending a copy of this letter and written statement to South Somerset District Council.

Yours faithfully

Dave Jones

Dave Jones
Senior Planning Manager
(With the authority of the Secretary of State)

Town & Country Planning (EIA) Regulations 2011
Secretary of State Screening Direction – Written Statement

Application name:	Frogmary Green Farm
SoS case reference:	NPCU/EIASC/R3325/77311
Schedule and category of development:	2 - 3(b)

Summary of likeliness of significant environmental impacts
Reasons for direction as required by 4 (5) (a) of amended EIA Regulations
<i>Schedule 3 selection criteria for Schedule 2 development refers:</i>
<p>1 (a) – (f) regarding characteristics of development</p> <p>The Secretary of State has had regard to Planning Practice Guidance with particular reference to the energy industry as set out in the Annex. These thresholds are indicative, however, and are intended to assist in identifying whether significant impacts are likely.</p> <p>The proposed development will be located on 2.78ha of agricultural land and will result in a relatively small loss of land. It will use natural resources including the use of land, water and materials. Energy will also be required to run the plant but the proposed upgrade from electricity to gas would be likely to have a minimal environmental impact.</p> <p>It is likely that the proposed development would be seen as part of a group of existing agricultural farm buildings albeit the proposed Digester Tank and Stationery Feeders would be large in scale at some 45m in diameter and 7m high. The Gas Holder and the Digestate Tank would be 12.5m in diameter and 10m high. However, it is considered that the existing farm buildings would provide adequate screening when viewed from the north. Due to a low hedge, it is likely that the proposed development would be visible when approached from the south. Additionally, an existing band of trees would block most views from the site when approached from the east but a larger gap in the trees offers views from the south west.</p> <p>The site would be visible when viewed by members of the public using the footpath which runs along the western and southern site boundaries but it would not be likely to be directly overlooked by any residential properties. As part of the development, a proposed earth bund would also provide additional screening in the south west with additional tree planting providing screening in all directions.</p> <p>There is no evidence that the site, or any areas around the site, contains any important, high quality or scarce resources, notwithstanding the loss of agricultural land. There is also no evidence of any groundwater or surface water resources, which might be significantly impacted.</p> <p>The site will be likely to generate wastes during construction and decommissioning and, due to the nature of the facility, during its operation. This includes any waste generated from the estimated 4,479 tonnes from the farm (including approximately 2,500 tonnes of chicken manure) and off site importation of poultry manure (approximately 5,000 tonnes). As part of the process, the digestate bi-product eliminated through the process is available for use as a nutrient rich soil conditioner in place of raw manure. It is intended that this liquid digestate would be pumped onto the surrounding farm land.</p> <p>However, it is not expected that the project as a whole will generate any significant levels of solid wastes during the operational phases or when the site is decommissioned which are likely to cause significant impacts due to scale, design function and location.</p> <p>Any surface water drainage run-off, which will be clean surface water, from the new areas of impermeable surfaces will be directed into existing ponds adjacent to the site.</p>

Anaerobic Digestion is a biological process with a digester tank completely sealed in order to facilitate anaerobic gas collection and to eliminate odour release. Transfer of the materials from the feeder to the digester tank will also be within fully enclosed pipework. It is noted that the whole plant will also be subject to strict permitting by the Environment Agency which would control potential releases to air, water and land. The poultry manure is also stored in a shed positioned to the north west of the site in order to mitigate odour release.

The anaerobic digester also offers a completely sealed liquid management system with all incoming materials immediately stored in the designated feedstock clamps. The process is totally enclosed and no liquids leave the plant other than treated digeste utilised as an organic fertiliser. It is also proposed that dirty effluent will be collected and pumped into the pre-treatment/buffer tank before being recycled through the Anaerobic Digestion process. It is not anticipated that the operational use, allied to measures to avoid surface and ground water pollution, will lead to any significant risk of contamination.

It can be expected that the delivery of materials to the site will include materials considered to have the potential to be harmful to human health. However, arrangements would be expected to be made by the site operators for all vehicles carrying any materials considered harmful to human health and/or the environment to be strictly controlled by Health and Safety Legislation.

On noise, the process of anaerobic digestion is considered to be a silent process albeit it runs continuously over a 24-hour period. The only expected continuous noise would emanate from the CHP engines which are to be fitted with acoustic housing (this is described as comparable to the noise generated by a vacuum cleaner). It is likely that there will be significant noise generating activities associated with the delivery of feedstock and exportation of digeste and this will take place in the morning and last for approximately 2-4 hours per day. Whilst it is likely that the proposed development during the construction phase will result in increased noise and vibration impacts in addition to an increase in lighting (operationally, during the winter months in particular), there is no evidence that this will be significant. There is also no evidence that electromagnetic radiation will be a significant factor.

2 (a)-(c) (i) - (viii) regarding location of development

The site is located within an area of gently undulating agricultural land in a valley-head location with the proposed development to be contained in most part by both topography, the built form of the nearby farm and the raised section of the A303 carriageway. The site has been chosen due to its proximity to Frogmary Green Farm. As the current land use is agricultural, the Anaerobic Digester will cause a physical change to the land through its construction. The scale and characteristics of the proposed development, however, due to its close proximity to the existing agricultural buildings, will not be likely to result in any significant environmental effects.

There are no statutory or non-statutory sites on or around the location which are protected under international, national or local legislation and no significant evidence of the presence of protected species was found during the survey work.

On heritage assets, there are no sites identified nearby apart from an area of high archaeological potential some 200m to the south west where a roman settlement was present. However, it is considered that any works could be subject to a suitable planning condition to protect any remains identified. Historic England has not submitted any concerns and the Secretary of State has no reason to disagree with their views.

The closest residential receptor lies directly to the north east of the site and is owned and occupied by the site owner. Other residential properties lie beyond 300m to the north east of the site and it is considered that views are likely to be limited.

3(a) - (e) regarding characteristics of potential impact

The key issue relating to the potential impact of the proposal on and in the vicinity of the site relates to the potential pollution and waste impacts on human health relating to the future operation of the Anaerobic Digester on the site.

The Secretary of State is satisfied that there is not likely to be a significant ecological impact as a result of the project. Nor does he consider that the proposed development will be likely to result in a significant impact on the use of any non-renewable resources.

The Secretary of State is satisfied that, as it is located in a relatively sparsely populated area, there are unlikely to be significant environmental impacts on any densely populated or built-up areas. In addition, he notes that there are no firm plans for development near to the site which could be affected by the project. Nor does he consider that there will be any significant urbanising effect as a result of the proposals.

Whilst he accepts that there is always the risk of pollution being generated on the proposed site due to the storage and delivery of waste, it is not anticipated that the operational use, allied to measures to avoid surface and ground water pollution, will lead to any significant risk of contamination.

Moreover, the Secretary of State does not consider that the construction, operation or decommissioning phases are likely to lead to the release of any significant levels of pollutants whilst the sealed nature of the operations should serve to lessen the possibility of the nearest residential dwellings, businesses or visitors to the site being impacted. For these reasons, it is concluded that this proposed development is unlikely to represent a significant risk to human health during the construction, operational and eventual decommissioning phases.

Whilst the Secretary of State considers that some visual impacts are likely due to the characteristics and scale of the proposal, these are not considered to be significant.

The area has not been declared an Air Quality Management Area and there is also no evidence of any reported incidences where existing legal environmental standards are already being exceeded. The Secretary of State has seen no evidence to conclude that significant impacts as a result of the proposals are likely.

Whilst there is always the possibility of accidents during the construction, operational and decommissioning phase of any development which might affect human health or the environment, the Secretary of State is satisfied that there is no evidence to suggest that the potential risks will lead to impacts that are likely to be significant.

The Secretary of State is not convinced that these impacts, either individually or cumulatively, would result in significant environmental effects.

Is an Environmental Statement required?	No
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Name	Dave Jones
Date	31 January 2017

Agenda Item 12

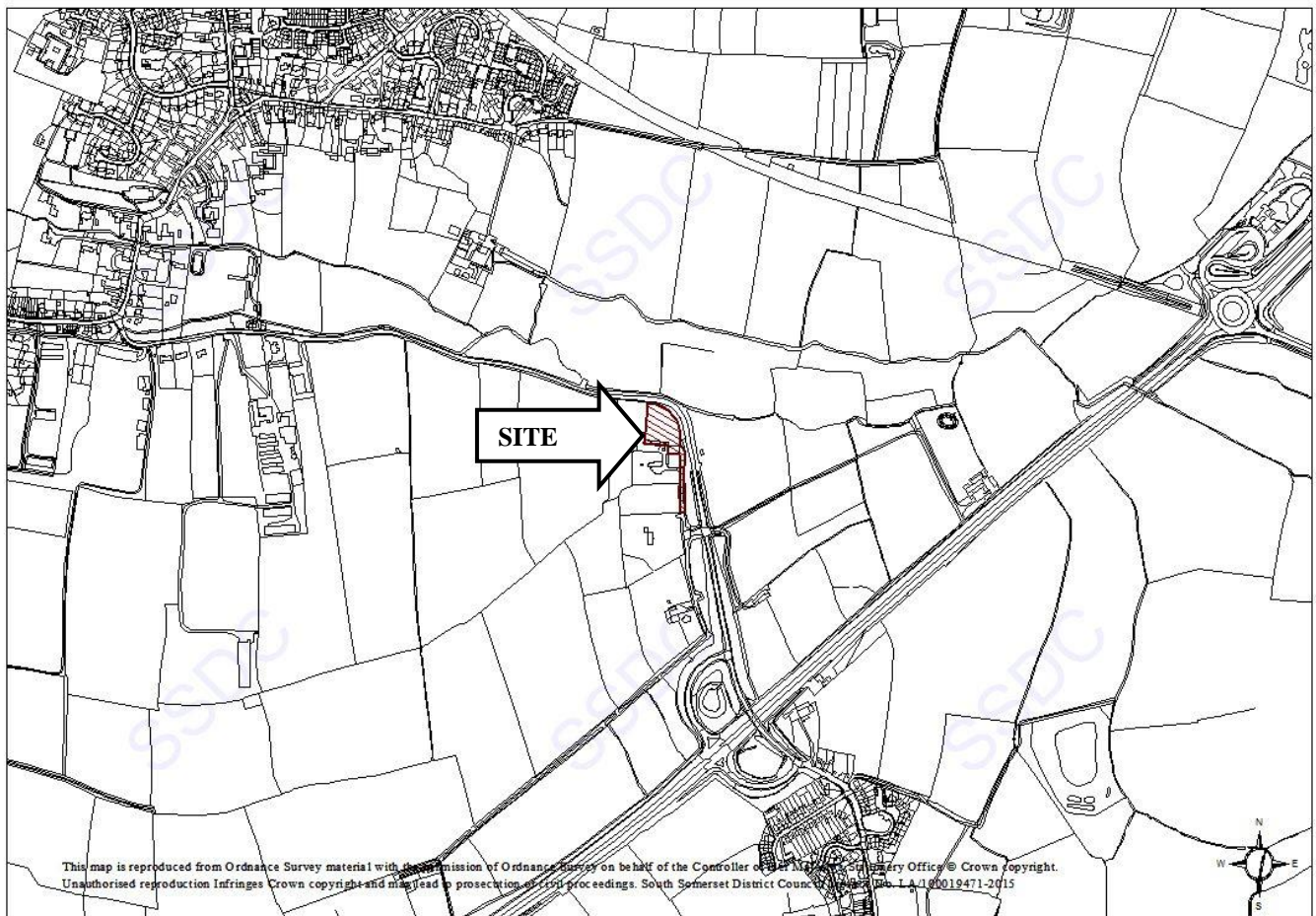
Officer Report On Planning Application: 16/04453/FUL

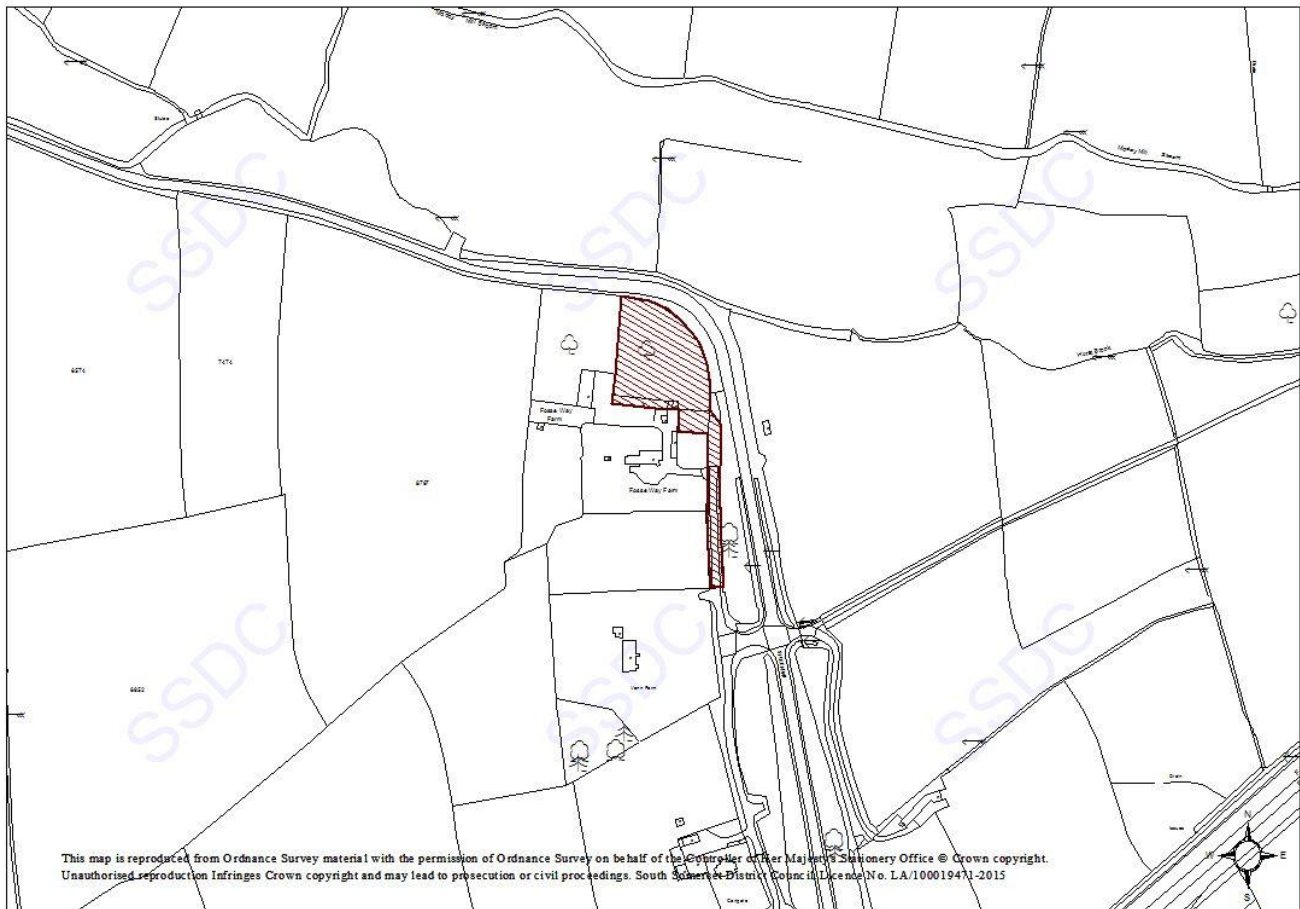
Proposal :	The Erection of 1no. dwellinghouse.
Site Address:	Land Adjoining Fosse Way Farm, Stoke Road, Martock.
Parish:	Martock
MARTOCK Ward (SSDC Members)	Cllr Neil Bloomfield Cllr Graham Middleton
Recommending Case Officer:	John Millar Tel: (01935) 462465 Email: john.millar@southsomerset.gov.uk
Target date :	18th January 2017
Applicant :	Sarah Dike
Agent: (no agent if blank)	Shaun Travers, Boon Brown Architects (3671), Motivo, Alvington, Yeovil BA20 2FG
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

This application is referred to committee at request of the Ward Members with the agreement of the Area Chair to enable the issues raised to be fully debated by Members.

SITE DESCRIPTION AND PROPOSAL





The application relates to an orchard to the north of Fosse Way Farm, a detached, pre-war dwelling located in the open countryside remote from any defined development areas or established settlements. The site contains a single storey former agricultural building that has recently been granted prior approval for conversion to a dwellinghouse, under Part 3 Class Q of the General (Permitted Development Order) (England) 2015.

The proposal is made to erect a large detached dwellinghouse at the centre of the site, effectively replacing the permitted development barn conversion, which is to be demolished with the rear wall to be retained as the boundary with Fosse Way Farm. The dwelling is proposed to be constructed with a mix of natural stone, timber cladding and glazing, with reclaimed plain tile roof.

HISTORY

15/01837/PAMB: Prior approval from agri to dwellings - Prior approval granted.

14/04237/FUL: Erection of an ancillary annexe to dwellinghouse (retrospective) - Permitted with conditions.

13/04764/OUT: Outline application for the erection of a detached dwellinghouse - Refused by reason of its unsustainable location. This decision was appealed against and the appeal dismissed.

POLICY

The South Somerset Local Plan (2006 - 2028) was adopted on the 5th March 2015. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) and Section 70(2) of the Town and Country Planning Act 1990 (as amended), the adopted local plan now forms part of the

development plan. As such, decisions on the award of planning permission should be made in accordance with this development plan, unless material considerations indicate otherwise. Legislation and national policy are clear that the starting point for decision-making is the development plan, where development that accords with an up-to-date local plan should be approved, and proposed development that conflicts should be refused, unless other material considerations indicate otherwise.

Policies of the South Somerset Local Plan (2006-2028)

SD1 - Sustainable Development
SS1 - Settlement Strategy
SS2 - Development in Rural Settlements
EQ2 - General Development
EQ4 - Biodiversity
TA5 - Transport Impact of New Development

National Planning Policy Framework

Core Planning Principles - Paragraph 17
Chapter 4 - Promoting Sustainable Transport
Chapter 6 - Delivering a Wide Choice of High Quality Homes
Chapter 7 - Requiring Good Design
Chapter 11 - Conserving and Enhancing the Natural Environment

National Planning Practice Guidance

Design
Natural Environment
Rural Housing

Policy-related Material Considerations

Somerset County Council Parking Strategy (September 2013)
Somerset County Council Highways Development Control - Standing Advice (June 2015)

CONSULTATIONS

Parish Council: No objections.

SCC Highway Authority: Standing Advice applies.

SSDC Highway Consultant: It would appear that the principle of residential development at this location has been accepted by the Prior Approval for the conversion of the agricultural building to a dwelling. The means of access appears reasonable. Ensure sufficient on-site parking is provided in line with the Somerset Parking Strategy standards.

SSDC Ecologist: No comments nor recommendations to make, having considered the applications and submitted bat survey report.

SSDC Landscape Architect: Noting the principle of a residential unit in this location has been established through the earlier PAMB, and the site to be well-contained by bounding features, I have no substantive landscape issues to raise.

Should you be minded to approve, please condition a scheme of planting, aimed to (a) substantiate the existing boundaries, and (b) introduce select tree planting within the plot, to soften the outline of this enlarged (relative to the scale of the PAMB proposal) residential form.

REPRESENTATIONS

None

CONSIDERATIONS

Principle of Development

The application site is located in open countryside, remote from any key services or facilities. It is to the west of Stoke Road, between the two nearest settlements of Martock and Stoke Sub Hamdon, however due to distance and lack of safe walking routes, occupiers of the proposed development would be reliant on private motor vehicle transport for their day-to-day needs. For this reason, the site is unacceptable located and any new unjustified housing development would constitute unsustainable development, contrary to the aims and objectives of the NPPF and saved policy SD1 of the South Somerset Local Plan.

In this case, the applicant has sought to justify the proposal on the basis that the proposed dwelling will replace the dwelling permitted by Part 3 Class Q of the GPDO. There are no planning policy grounds to support such a replacement dwelling, as barn conversions are usually only allowed in unsustainable locations under a specific exception policy, or as permitted development, as in this case. Notwithstanding the lack of policy, it is noted that the Local Planning Authority have given advice to applicants and agents that in some circumstances there may be a case to take a permissive approach to the substitution of a barn conversion allowed under permitted development rights, with a new build dwelling. This is however on the basis that the new build dwelling would offer enhancements over the approved scheme. In this case, the applicant argues that the proposal would allow for a dwelling with a much more efficient layout and that would be built to a much higher standard in sustainability terms.

The above is generally accepted and will be given weight in the final assessment of this application, alongside other issues such as visual impact, residential amenity and highway safety.

Scale and Appearance

Policy EQ2 states that "development will be designed to achieve a high quality, which promotes South Somerset's local distinctiveness and preserves or enhances the character and appearance of the district." Furthermore, development proposals...will be considered against (among other things):

- Conserving and enhancing the landscape character of the area
- Reinforcing local distinctiveness and respect local context
- Local area character
- Site specific considerations

Guidance within chapter 7 of the NPPF (requiring good design) states that "good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making better places for people." The Core Planning Principles contained within paragraph 17 of the NPPF repeat the need to "always seek to secure high quality design."

In this case, the dwelling proposed, is considered to be an inappropriate design, which fails to respect the prevailing character of development found locally, thereby failing to reinforce local distinctiveness or respect local context. The proposed dwelling will have a bulky appearance, with design elements and proportions that fail to respect the design characteristics and general form of a development traditionally found within the district.

The Landscape Officer has raised no substantive landscape issues on the basis that the principle of a

residential unit is established and that the site is very well-contained limiting any opportunities to see the development form beyond the site. Notwithstanding this, it should be noted that the dwelling permitted is through an exception to general planning policies strictly controlling development in open countryside locations such as this. Despite the comments made in the submitted planning statement (paragraph 6.2), the permitted barn conversion does not benefit from permitted development rights, which are explicitly removed in the relevant permitted development classes in Part 1 of the GPDO. It is also noted that the domestic curtilage of the permitted dwelling is only limited to the size of the building itself. This development proposal not only seeks to substantial increase the mass of built form on site but also spreads development further into greenfield land, opening up the possibilities for additional built form, unless of course permitted development rights are specifically withdrawn in the grant of any permission.

Taking into account the lack of enhancements over and above the permitted dwelling, and noting the additional harm identified above, the proposed dwelling is considered to be unacceptable and it is therefore deemed appropriate to recommend refusal.

Highway Safety

The Highways Authority has raised no specific objection, stating that Standing Advice should be applied. Similarly the Council's Highway Consultant has raised no objection, noting the existing permitted development that would make use of the same existing access. The proposal can easily accommodate the parking needs for this dwelling.

Overall, the proposal is not considered to have any detrimental impact on highway safety and general accords with highway Standing Advice.

Residential Amenity

The proposed development is located at sufficient distance from the adjoining dwelling, Fosse Way Farm to avoid any unacceptable impact on residential amenity. There are no other immediately adjacent properties that would be affected.

Other Issues

A bat survey has been submitted in support of the application, the outcomes of which identified no bat activity. The Council's Ecologist has considered the report and has no objections. It is therefore considered that the proposal would have no adverse impact on local ecology.

Policies HG3 and HG4 of the adopted South Somerset Local Plan requires either on site provision of affordable housing (schemes of 6 or more units) or a financial contribution towards the provision of affordable housing elsewhere in the district. In May 2016 the Court of Appeal made a decision (SoS CLG vs West Berks/Reading) that clarifies that Local Authorities should not be seeking contributions from schemes of 10 units or less. It is considered that whilst policies HG3 and HG4 are valid, the most recent legal ruling must be given significant weight and therefore the Local Planning Authority are not seeking an affordable housing obligation from this development.

Conclusion

The proposed development is considered to be of a design, scale and appearance that fails to reflect local distinctiveness and has an adverse impact on the character of the area. The development proposal is therefore considered to be unacceptable and fails to meet the aims of sustainable development.

RECOMMENDATION

Refuse permission

FOR THE FOLLOWING REASONS:

01. The proposal, by reason of its siting, design, scale, proportions, bulk and massing, represents an incongruous form of development that fails to respect the established character and appearance of the locality, reinforce local distinctiveness or respect local context, contrary to policies SD1 and EQ2 of the South Somerset Local Plan (2006-28) and aims and objectives of the National Planning Policy Framework.

Informatives:

01. In accordance with paragraphs 186 and 187 of the NPPF the council, as local planning authority, takes a positive and proactive approach to development proposals focused on solutions. The council works with applicants/agents in a positive and proactive manner by;
 - offering a pre-application advice service, and
 - as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions

In this case, the applicant/agent did not take the opportunity to enter into pre-application discussions and there were no minor or obvious solutions to overcome the significant concerns caused by the proposals.

Agenda Item 13

Officer Report On Planning Application: 13/01500/OUT

Proposal :	Outline application for residential development for 35 dwellings (GR:345930/120260)
Site Address:	Land Off Lyndhurst Grove, Martock.
Parish:	Martock
MARTOCK Ward (SSDC Members)	Cllr Neil Bloomfield Cllr Graham Middleton
Recommending Case Officer:	Adrian Noon Tel: 01935 462370 Email: adrian.noon@southsomerset.gov.uk
Target date :	16th July 2013
Applicant :	Mr R Frankpitt
Agent: (no agent if blank)	Greenslade Taylor Hunt 1 High Street, Chard, Somerset TA20 1QF
Application Type :	Major Dwlg's 10 or more or site 0.5ha+

BACKGROUND

This application is was considered at committee in October 2013 when it was resolved to approve the application subject to a section 106 agreement to :-

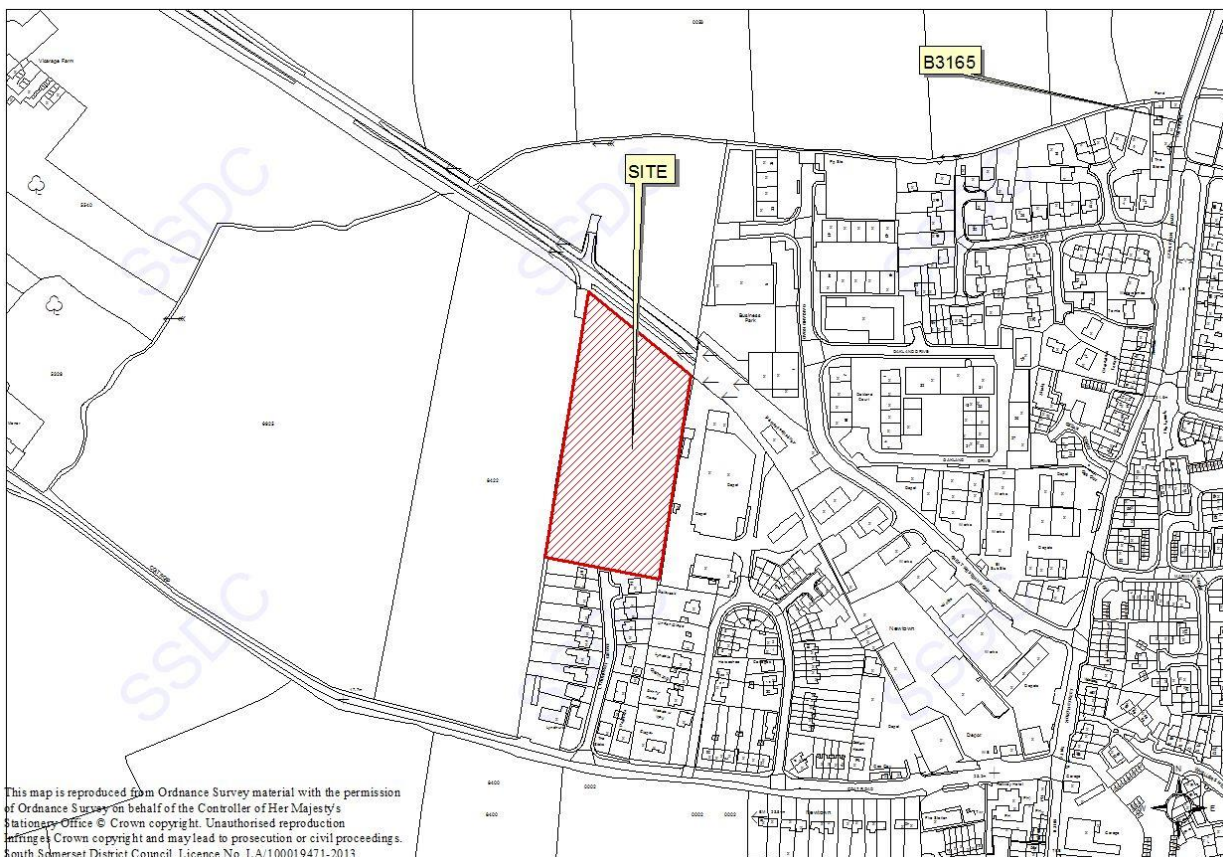
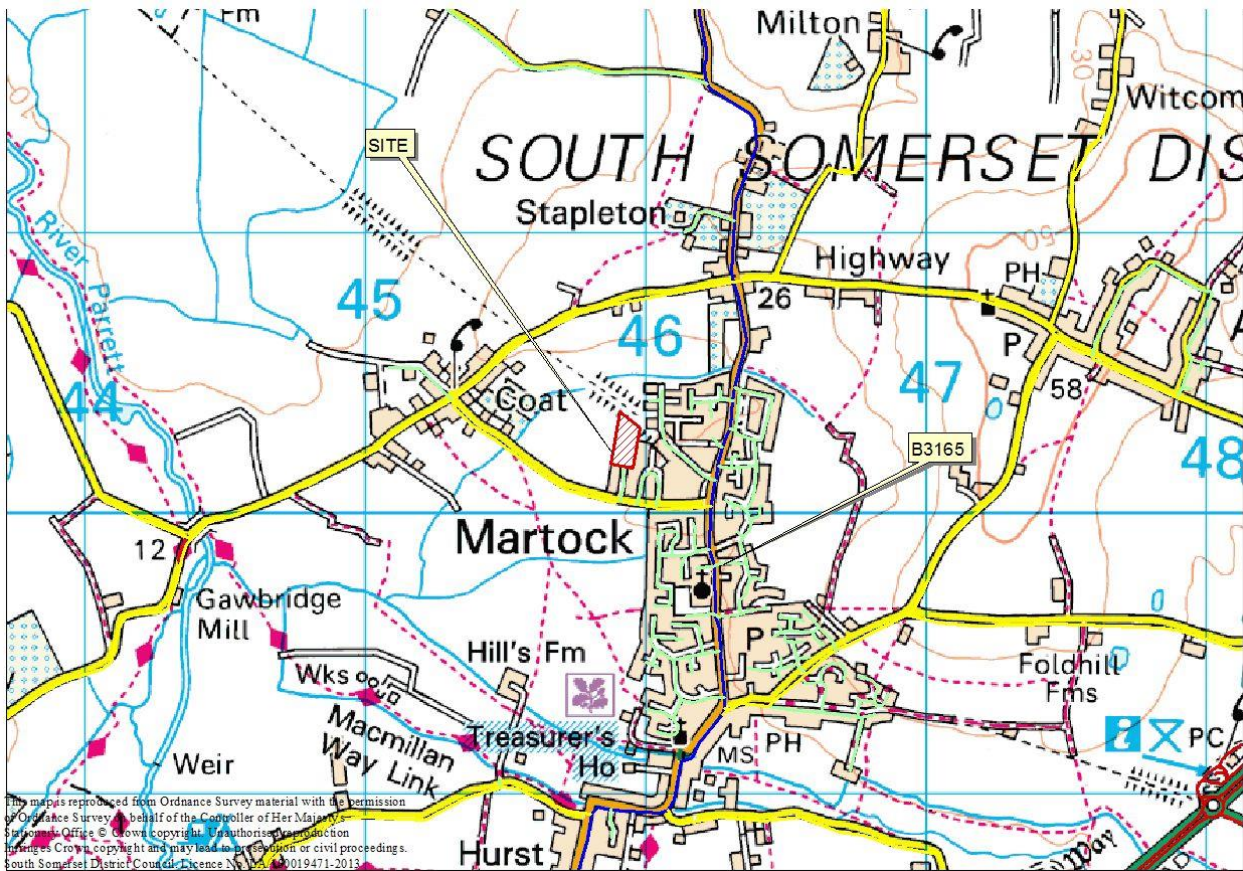
- 1) Ensure that 12 of the residential units are affordable and remain so in perpetuity to the satisfaction of the Corporate Strategic Housing Manager
- 2) Provide for a contribution of £171,565.30 (or £4,901.87 per dwelling) towards the increased demand for outdoor playing space, sport and recreation facilities to the satisfaction of the Assistant Director (Wellbeing).
- 3) Provide for Travel Planning measures to the satisfaction of the County Highway Authority with the agreement of the development Manager and fully implemented in accordance with the agreed details.
- 4) Provide for a S106 monitoring based on 20% of the outline planning application fee.

Since then the applicant has claimed that these obligations would render the scheme unviable and has asked for the scheme to be reconsidered. Detailed viability figures have been provided and considered by the District Valuer. Originally it was contended that no affordable housing could be provided, however this was disputed by the Council's advisors.

In the course of subsequent negotiations the leisure contributions where reviewed in light of current practice and the CIL regulations, this resulted in the figure being reduced. It was further considered that, in light of national guidance and a number of legal cases, the monitoring fee can no longer be justified. At 35 dwellings the travel planning can satisfactorily be addressed by a planning condition. On this basis the applicant has agreed to provide 4 affordable houses for rent and the leisure obligations now requested with a £5,000 reduction to the strategic component. The DV has confirmed that this reflects a 'viable' proposal.

The previous report is reproduced below, up-dated as necessary to reflect the adoption of the new local plan.

SITE DESCRIPTION AND PROPOSAL



This is an outline application for the erection of up to 35 dwellings with the details of the access from Lyndhurst Grove to be considered now. All other matters (appearance, landscaping, layout and scale) are reserved for subsequent consideration under a 'reserved matter's application.

The site is currently a single level, 1.35 hectare agricultural field bounded by existing residential development in Lyndhurst Grove to the south, industrial development to the east, the former railway line to the north and agricultural land to the west. The properties in Lyndhurst grove are 2-storey houses of a variety of design and materials fronting onto the road. To the east the industrial buildings are large modern structures housing an engineering works (B2) and there is a sewage pumping station within the industrial area on the east boundary.

The application is supported by:

- Planning Statement
- Design and Access Statement
- Ecological Assessment
- Transport Statement
- Draft Travel Plan

Subsequently a Flood Risk Assessment and a Noise Assessment have been provided and further consultations carried out. An amended site layout has also been provided for information to demonstrate that the measures suggested by the Noise Assessment can be implemented. Additional clarifications of the proposed noise mitigation measures has been provided.

HISTORY

892456	Outline permission refused for 6 houses (27/9/89)
880810	Outline permission for residential development refused (06/05/88). Appeal dismissed (26/04/89).
870257	Outline permission for 14 houses refused (13/03/87).
862211	Outline permission for 14 houses refused (07/11/86).

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 South Somerset Local Plan.

Policies of the South Somerset Local Plan (2006-2028)

SD1 - Sustainable Development
SS1 - Settlement Strategy
SS4 - District Wide Housing Provision
SS5 - Delivering New Housing Growth
SS6 - Infrastructure Delivery
HG3 - Provision of Affordable Housing

HG5 - Achieving a Mix of Market Housing
TA1 - Low Carbon Travel
TA4 - Travel Plans
TA5 - Transport Impact of New Development
TA6 - Parking Standards
HW1 - Provision of Open Space, Outdoor Playing Space, Sports, Cultural and Community Facilities in New Development
EQ1 - Addressing Climate Change in South Somerset
EQ2 - General Development
EQ4 - Biodiversity
EQ5 - Green Infrastructure
EQ7 - Pollution Control

National Planning Policy Framework

Core Planning Principles - Paragraph 17
Chapter 3 - Supporting a Prosperous Rural Economy
Chapter 4 - Promoting Sustainable Transport
Chapter 6 - Delivering a Wide Choice of High Quality Homes
Chapter 7 - Requiring Good Design
Chapter 8 - Promoting Healthy Communities
Chapter 10 - Climate Change and Flooding
Chapter 11 - Conserving and Enhancing the Natural Environment
Chapter 12 - Conserving and Enhancing the Historic Environment

National Planning Practice Guidance

Climate Change
Conserving and Enhancing the Historic Environment
Design
Natural Environment
Open Space, Sports and Recreation Facilities, Public Rights of Way and Local Green Space
Planning Obligations
Rural Housing
Travel Plans, Transport Assessments and Statements in Decision-taking
Water Supply, Wastewater and Water Quality

Policy-related Material Considerations

Somerset County Council Parking Strategy (September 2013)

Martock Peripheral Landscape Study (2008)

Martock Sustainable Development Plan (July 2013)

Other Policy Considerations

On 7 July 2016 a report was accepted by the District Executive that confirmed that the Council is currently unable to demonstrate that it has a 5 year supply of deliverable housing land as required by paragraph 47 of the NPF. In such circumstances paragraph 49 is engaged, this states:-

“Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”

CONSULTATIONS

Martock Parish Council – initially lodged a ‘holding objection’ pending submission of additional details regarding drainage, noise and ecology. Clarification was sought on “*a strategic plan for sustainable development in Martock.*” In relation to Noise assessments and flood risk assessment support is offered subject to:-

- No objection from highways
- Approval of a noise mitigation scheme
- 15m zone between buildings and pumping station;
- Agreement of surface water drainage scheme
- S106 towards highways improvements to relieve traffic congestion in Martock/Ash.

County Highway Authority – no objection subject to conditions to cover the formation of the access and to agree the technical details of the roads and a S106 to cover travel planning measures. They have confirmed that they own land needed to complete footpath link to North Street and suggest a condition to a condition needs to be added to require this prior to occupation.

SSDC Area Engineer – recommends a condition to secure the agreement of surface water drainage details.

Somerset Drainage Boards Consortium – no objection subject to agreement of drainage details.

Wessex Water – no objection to drainage proposals and confirms the adequacy of the existing water supply. Request 15m buffer zone around the sewage pumping station on the east boundary.

Environment Agency - initially sought additional information about the flood risk assessment. Subsequently raises no objection subject to conditions to agree surface water drainage and maintenance. Informative recommended to cover water efficiency, construction and waste management.

Climate Change Officer – no objection, suggests layout should be reconsidered at reserved matters stage to maximise solar orientation.

Environmental Protection Unit – no objection on the grounds of possible land contamination. Accepts the findings and recommendations Noise Assessment and raises no objection subject to a 20m cordon sanitaire along the east boundary, an acoustic barrier and a condition to agree a noise mitigation scheme in relation to the final layout.

They have re-visited the original Unwins noise assessment and observe that the:-

“current position remains the same, the crash test facilities to date have provided no complaints from residents who reside in very close proximity to the building concerned, as indicated by the acoustic report submitted with the planning application for this facility.”

It is also confirmed that the crash test facilities and have not generated complaints from existing residents who live in very close proximity. It is accepted that this is not the main source and that there are other sources from the site including manufacturing and vehicle movements

Landscape Architect – No landscape objection to the principle of development. Notes that this is an area of land that is indicated as having a potential for development by the landscape peripheral study of Martock, June 2008.

Leisure Policy Coordinator – Seeks a contribution of £140,969 (£4,028 per dwelling) towards the increased demand for outdoor playing space, sport and recreation facilities as follows:

- £29,708 for enhancing the equipped play area at Bracey Road Recreation Ground, Martock or towards the development of new equipped play facilities within Martock
- £5,833 for enhancing the youth facilities at Bracey Road Recreation Ground, Martock
- £16,110 for enhancing the pitches at Bracey Road Recreation Ground, Martock
- £27,823 towards the provision of new changing rooms to serve Martock Recreation Ground, Martock
- £31,333 commuted sums for the above
- £17,955 towards the provision of a new community/youth centre at Martock Recreation Ground or towards the enhancement of community hall provision within Martock
- £10,811 towards a new studio theatre at the Octagon
- £1,396 administration fee

Ecologist – accepts the findings and recommendations of the Ecological Assessment.

Planning Policy - Notes lack of a 5 year housing land supply and considers that Martock is a sustainable location for development. This area has been denoted as having a high capacity to accommodate built development and relates well to the existing settlement. Advises consideration should be given to the employment site to the east which has the potential to cause conflict.

SSDC Housing Officer – originally requested 12 affordable - 8 social rent and 4 shared ownership or other intermediate solutions. Subsequently acknowledges the necessity to reduce the affordable housing in light of the DV's advice.

Somerset Wildlife Trust – accepts recommendations of Ecological Assessment and suggest control be exerted over external lighting to mitigate impact on bats.

REPRESENTATIONS

15 letters of objection have been received from local residents raising the following concerns:-

- The development of this site has been previously rejected and an appeal dismissed – nothing has changed;
- Land is outside development area
- Over development;
- Unsustainable location – residents would have to travel to work by car;
- Loss of residential amenity;
- Lyndhurst Grove ill-suited to serve as access;
- Impact of increase traffic in Lyndhurst Grove on safety and parked cars;
- Impact of increased traffic in Ash;
- Increased flooding;
- Pumped foul drainage system is already at maximum capacity;
- Loss of agricultural land;
- Visually intrusive and out of character;
- Loss of outlook;
- Impact on wildlife;
- No need for additional houses in Martock;
- Impact should be considered in light of proposal for 80-100 on other side of Coat Road;
- Play area next houses is abhorrent – there are only 7 children in Lyndhurst Grove at present –

- bigger gardens should be provided instead;
- Play area should not be next to a road;
- Impact on infrastructure, including the school and doctors;
- Full planning application should be made;
- Loss of property value

Additional letters have been received from the adjoining industrial occupier and the developer of the residential site on the other side of Coat Road raising the following:-

- Potential conflict between the amenities of future occupiers of the proposed houses and the existing and future operations and expansion of neighbouring industrial businesses;
- The Unwins site currently operates 0730-1630. Forecasted growth is likely to lead to increased manufacturing hours and more shifts.
- There have already been complaints from dwellings to the south;
- Previous schemes have been refused due to the relationship with the industrial site;
- There are plenty of alternative sites for residential development;
- This site is well positioned to provide a significant contribution toward future need for employment land
- If access were to be taken from further west along Coat Road a new access to Unwins could be provided relieving the pressure on The Horseshoe;
- As a smaller site it would only offer a piecemeal approach to planning obligations. Larger sites are better positioned to deliver the necessary social infrastructure required by the community;

As a result of the further consultations on the Noise Assessment and Flood Risk Assessment 2 further comments were received from businesses on the industrial site:-

- The Assessment noise survey was carried out between 1410 and 1100. This is not a full 24 hour period and does not reflect activities on the industrial site;
- The equipment was not recording between 0700 and 0730 and 1625 and 1635 the peak times for staff coming and going;
- Lack of clarification over what constitutes a 'short term' noise;
- 3m acoustic barrier would be unsightly;
- Mitigation measures such as specialist glazing only works when the windows are closes;
- The scheme would be detrimental to the future viability and growth of our businesses;

APPLICANT'S CASE

1. Policy. Officers have confirmed that in view of deficiencies in the 5 year housing land supply, it is appropriate to consider housing sites outside settlement limits, that are otherwise acceptable and sustainable. Area North Committee has previously allowed similar departures from policy including sites at Hayes End, South Petherton, and Water Street, Martock, and there have been several approvals on Appeal. There is therefore clear policy justification and precedent to approve this development.

2. Relationship with CN Unwin. Following the recommendations in the report prepared by Hepworth Acoustics, the Council's Environmental Protection Officer concluded that *"It has been demonstrated that noise reduction of 26dBA (or more) is quite achievable. Based on the noise report previously submitted, I believe this level of mitigation will be satisfactory to deal with existing noise levels, and also gives sufficient protection against potential future increases in noise from the adjoining industrial units, either at night or during the day."*

Specific reference was made at Committee to potential noise from the crash testing building at the

CN Unwin premises. This building was approved in 2009 on the eastern side of the complex, closer to existing dwellings than the present application site. The acoustic report submitted with that application concluded that *“The operation within the proposed test facility will not affect the existing background noise levels at the nearest affected residential properties at Somerset Close.”* SSDC’s Environmental Protection Officer commented that *“I have studied the noise assessment and it would appear that the proposed building will have no impact on the local environment....”*

3. Density. The proposal at Lyndhurst Grove may be compared with other sites as follows:

Lyndhurst Grove (application proposal)	25.9/ha
Existing adjacent housing at Lyndhurst Grove & The Horseshoe	26.9/ha
22 homes at Hayes End, South Petherton	25.3/ha
52 homes at Kelways, Langport (residential areas only)	25.5/ha
35 homes at Water Street, Martock (excluding sports pavilion)	33.0/ha

It is also apparent from OS mapping evidence that much existing residential development in Martock is at a higher density than the current proposal, including areas around Old Market, Beech Road, Steppes Meadow and Bracey Road.

4. Highway improvements. The Highway Authority has not requested off-site works in connection with this proposal or indeed the proposal for up to 95 homes off Coat Road. There can therefore be no justification to require improvements to the Coat Road/North Street junction. The application will however complete the footpath on the North side of Coat Road which will provide safe pedestrian access to the village centre for existing and new residents.

5. Disposal of sewage. Wessex Water has confirmed that *“There is a public foul pumping station just beyond the eastern boundary of the site... The pumping station can accommodate the foul flows only from the proposed development although it is envisaged that further emergency storage will be required at the pumping station for which a development contribution will be sought.”* With regard to surface water drainage, the Environment Agency has now withdrawn its objection following submission of the Flood Risk Assessment from consultant engineers AJ Sands Ltd.

6. Waste Collection. The site layout plan was prepared to illustrate that a development of 35 homes can be achieved together with the necessary noise mitigation measures. It has no relevance otherwise. We are confident that an internal highway layout can be achieved to the required standard for waste collection including a circuit route if necessary.

Statement provided by agent 07/10/13

CONSIDERATIONS

The main issues are considered to be:

- Principle of Development
- Visual Amenity
- Residential Amenity
- Highways
- Planning Obligations

Principle of Development

In the absence of a 5 year housing land supply the NPPF advises that policies that seek to restrict

development should be regarded as out of date and that local planning authorities. Significant weight should be given to proposals that contribute a deficient supply. Case law has established that out of date policies should be given reduced weight, although the final weight to be attributed to such policies is a matter for the decision maker.

The Local Plan identifies Martock as a Rural Centre (policy SS5) and sets housing target of at least 230 dwellings over the plan period (2006-2028). As such SS5 must be regarded as a restrictive policy and therefore 'out of date'.

The latest figures (July 2016), record 77 completions and 175 commitments, a total of 276. The 175 commitments include the 35 dwellings proposed at this site for which there has been a long standing resolution to approve. Members are reminded that policy SS5 advises that prior to the adoption of site allocations a permissive approach will be taken considering housing proposals adjacent to the development area at the Rural Centres. In their previous consideration of this application Members agreed that the development of this site, adjacent to the settlement boundary, is acceptable in principle.

Given that the development proposed by this application would only marginally exceed the SS5 figure, taking the total figure from 241 to 276, it is not considered that this proposal constitutes the unacceptable over growth of Martock contrary to policy SS5.

Visual Amenity

This site is considered to be visually 'self-contained' being a level site bounded by development on 2 sides and the raised former railway embankment to the north. It is accepted that there is open countryside to the west, however any views from this direction would see the proposed houses as an extension of the existing development in Lyndhurst Grove set against the back drop of the industrial site on slightly higher ground. As pointed out by the Landscape Architect, this position was acknowledged by the landscape peripheral study which identifies this as being within an area of land that has the potential to accommodate development.

On this basis, and subject to the agreement of a suitable design and appropriate landscaping measures at the reserved matter stage, it is considered that the proposal complies with policy EQ2 and would not have such a harmful impact that permission should be withheld on the grounds of visual amenity.

Residential Amenity

Subject to the consideration of the layout at reserved matters stage it is not considered that the development of this site would give rise to any overlook or loss of light and privacy to any existing residents in Lyndhurst Grove.

The 18 existing properties along Lyndhurst Grove are set back from the road and, whilst residents are concerned about additional traffic, it is noted that the Transport Assessment anticipates that the development would generate up to 22 vehicle movements per hour at peak times (0800-0900 and 1700-1800). It is not considered that this level of traffic would be so detrimental to the amenities of residents in Lyndhurst Grove that permission should be refused.

There is concern about the proximity of the site to the industrial site and the potential for conflict over noise and disturbance. This could manifest itself in two ways. Firstly the amenity of future residents could be undermined and secondly the viability of businesses could be threatened by complaints about noise from the new residents. Such complaints would be considered by the Council's Environmental Protection Unit who would investigate and take any action necessary under environmental health legislation.

Both issues are material planning considerations – EQ2 and the NPPF seek to provide a suitable standard of amenity for future occupiers of development and para. 123 of the NPPF advises that decisions should “recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established”. Clearly local businesses are concerned that complaints from future occupiers might threaten the way they work and jeopardise future expansion plans. Such concerns are legitimised by para. 123 and have been considered carefully by the Council’s environmental protection officers who have requested a noise assessment of the situation.

The submitted noise assessment concludes that:-

“noise levels at the site are generally of a low level, but that based on an assessment in line with BS 4142, an appropriate and commensurate scheme of noise mitigation measures should be incorporated into the scheme.....to ensure that the potential impact of noise from adjacent industrial noise sources is adequately controlled.”

This echoes the findings of Unwins noise report submitted in support of the test facility which assessed the impact on residential properties in Somerset Close which concluded that:-

“The operation within the proposed test facility will not affect the existing background noise levels at the nearest affected residential properties within Somerset Close.”

Those properties are c.24m from the test building with no intervening structures. The approval was conditioned to require the installation of the recommended noise mitigation measures and since then there have been no noise complaints.

The assessment submitted in support of the current application recommends the erection of a suitable noise barrier to the east boundary, a buffer zone between the barrier and the homes and plot specific mitigation measures e.g. acoustically attenuated trickle vents and high specification glazing. This has been considered in light of the representations made by the nearby businesses and the environmental protection unit have concluded that:-

“.....it is possible to achieve an acceptable noise environment for the proposed dwellings using the mitigation measures that are proposed.... [It] has been demonstrated that noise reduction of 26dBA (or more) is quite achievable. Based on the noise report previously submitted, I believe this level of mitigation will be satisfactory to deal with existing noise levels, and also gives sufficient protection against potential future increases in noise from the adjoining industrial units, either at night or during the day.”

Accordingly conditions are recommended to require a 20m buffer zone, the provision of an acoustic barrier and the agreement of sound insulation and noise mitigation measures for each dwelling.

It is noted that the test facility is approximately 70m from the current site with the main Unwins building between. Given the distances involved, the mitigation measures proposed and the findings/recommendations of 2 noise reports (both supported by the Council’s environmental protection officers) it is considered that the amenities of future residential occupiers would be safeguarded in accordance with policy EQ2 and the existing businesses would be shielded from possible future complaints as required by paragraph 123 of the NPPF. Whilst local concerns are noted it is not considered that there is any evidence to justify over-riding the advice of the environmental protection officer.

Highways

Although there have been objections to any increased traffic in Lyndhurst Grove the highways authority do not consider the suggested increases (up to 22 vehicles per hours at peak times) to be objectionable or beyond the capacity of Lyndhurst Grove or its junction with Coat Road. Furthermore no issues have been identified with the capacity of the local highways network to accommodate additional traffic generated by the proposed development.

It is noted that junction improvements to the Coat Road/Station Road junction have been requested in connection with the proposed supermarket on the Paulls site. It is not considered that this modest development would generate such levels of traffic that those improvements should be required of this developer.

Accordingly, whilst local concerns are noted, it is considered that the proposed access arrangements and local highway network are capable of accommodating the traffic generated by the development without detriment to highways safety. As such the proposal complies with policy TA5 of the local plan.

Parking provision and other matters of detail (footpaths etc.) would be assessed at the reserved matter stage and need not be conditioned at this stage as requested by the highways officer. A footpath link to North Street is requested and it is noted that there is currently only a short gap in the footpath between Lyndhurst Grove and North Street – approximately 40m to the front of ‘Elsper’ and ‘Meadow Way’ on the west side of The Horseshoe. Here there is a broad grass verge, in the ownership of the highway authority. The applicant is willing to provide this final piece of footpath as requested and this could be conditioned.

Planning Obligations

- Sport, Art and Leisure – a contribution of £140,969 (£4,028 per dwelling) has been requested towards the increased demand for sport and recreation facilities. However it has been agreed that this needs to be reduced to reflect the viability of the development. This has been achieved by the omission of the Strategic Facilities contribution of £10,811 toward the Octagon Theatre. The agreed leisure contribution is therefore £130,158 or £3,719 per dwelling.
- Affordable Housing – whilst 12 affordable houses here originally requested a reduced obligation of 4 two bedroom units have been agreed. These would all be for social rent to a standard that is acceptable to the Corporate Strategic housing Officer.

The applicant is willing to enter into a S106 agreement to provide for these obligations in compliance with policies SS6, HG3 and HW1.

Other Matters

Whilst local concerns have been raised about drainage, ecology, sewage capacity and the impact on local infrastructure such concerns are not supported by technical consultees or service providers and, where necessary, details can be conditioned. No service supply issues (e.g. education, healthcare etc) have been identified in Martock by the providers.

Objections to the indicative open space are noted, however on-site open space is a policy requirement and its provision can be fully considered at the reserved matters stage along with all other matters of detail. Whilst a full application might provide greater clarity there is no justification to demand one in this instance and residents will still have the opportunity to comment on these details at that stage.

Subject to achieving a satisfactory design and layout at the reserved matters stage there is no reason to assume that the resident's outlook will be unacceptably affected and in this instance any effect on

property values is not a material consideration.

It is not considered that the development would adversely impact on Unwin's operations. The Noise Assessment provided with their application planning demonstrates that there would be no conflict with properties in Somerset Close which are closer than the current application site.

The density of the proposal (assuming 35 houses) would be 25.9/ha. This is considered reasonable and compares well with the surrounding pattern of development (26.9/ha) and other permission recently granted at Old Kelways (25.5/ha) and Water Street in Martock (33/ha). Full consideration of the density of development would come at the reserved matters stage.

Apart from the completion of the footpath on Coat Road, the highways authority do not consider off-site highways improvements to be necessary in Ash/Highway or elsewhere in Martock. It is not considered that there is any evidence to demonstrate that there are capacity or safety issues to justify insisting on such obligations.

Wessex Water have no objection to the proposal and have confirmed that they have no capacity issues within the system that could not be addressed through their normal connection criteria

There is no reason to assume that a layout suitable for waste collection lorries could not be agreed at reserved matters stage. This would be a simple continuation to the existing cul-de-sac arrangement in Lyndhurst Grove which is currently served by refuse lorries without apparent problems. Somerset Waste Partnership has been consulted and has not objected.

Conclusion

Given the Council's lack of a five year housing land supply and the site's location adjacent to the settlement limits of Martock, it is considered that, in principle, it is a sustainable location for development. No adverse impacts on the landscape, ecology, drainage, residential amenity or highway safety have been identified that justify withholding outline planning permission and all matters of detail would be adequately assessed at the reserved matters stage or by the agreement of details required by condition. The applicant has agreed to pay the appropriate contributions.

Therefore, notwithstanding the various concerns raised, the proposed development is considered to be in accordance with the policies of the South Somerset Local Plan 2006-2028 and the aims and provisions of the NPPF. As such the application is recommended for approval.

RECOMMENDATION

That application reference 13/01500/OUT be approved subject to:-

- a) The prior completion of a section 106 agreement (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued to:-
 - 1) Ensure that 4 of the residential units are affordable at 'social rent' and remain so in perpetuity to the satisfaction of the Development Manager in consultation with the Corporate Strategic Housing Manager.
 - 2) Provide for a contribution of £130,158 or £3,719 per dwelling towards the increased demand for outdoor playing space, sport and recreation facilities to the satisfaction the Development Manager in consultation with the Assistant Director (Wellbeing).
- b) The following conditions:

Justification

Notwithstanding the local concerns, the provision of 35 houses and community facilities in this sustainable location would contribute to the council's housing supply without demonstrable harm to residential amenity, highway safety, or visual amenity. The appropriate mitigation has been put forwards to address concerns about flood risk and future occupiers would not be placed at undue risk, nor would there be an increased risk of flooding elsewhere as a result of the proposed development. As such the scheme is considered to comply with the polices of the South Somerset Local Plan 2006-2028 and the aims and objectives of the NPPF.

Conditions

01. Details of the appearance, landscaping, layout and scale (herein after called the "reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: As required by Section 92(2) of the Town and Country Planning Act 1990.

02. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development shall begin no later than 3 years from the date of this permission or not later than 2 years from the approval of the last "reserved matters" to be approved.

Reason: As required by Section 92(2) of the Town and Country Planning Act 1990.

03. Prior to the commencement of the dwellings hereby approved details of an acoustic barrier along the eastern boundary of the site shall be submitted to and approved in writing by the Local Planning Authority. Once approved such barrier shall be fully erected prior to the occupation of the dwellings and shall be maintained and not altered at all times thereafter without the prior permission of the Local Planning Authority.

Reason: In the interests of residential amenity, in accordance with policy EQ2 of the South Somerset Local Plan 2006-2028,

04. No dwelling shall be sited within 20m of the acoustic barrier referred to in condition 3.

Reason: In the interests of residential amenity, in accordance with policy EQ2 of the South Somerset Local Plan 2006-2028.

05. Prior to the commencement of the dwellings hereby approved, a noise mitigation scheme shall be submitted to and approved in writing by the Local Planning Authority. Such measures shall ensure that noise from nearby sources will not cause detriment to amenity or a nuisance, to the proposed development. Once approved such scheme shall be fully implemented prior to the occupation of the dwellings. Subsequently the scheme shall be maintained and not altered without the prior permission of the Local Planning Authority.

Reason: In the interests of residential amenity, in accordance with policy EQ2 of the South Somerset Local Plan 2006-2028.

06. No development shall commence until a surface water drainage scheme for the site, in accordance with the submitted Flood Risk Assessment By Sands Ltd (reference 13.06.180 dated June 2013), has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the

development is completed.

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 in accordance policy EQ1 of the South Somerset Local Plan 2006-2028.

07. No dwelling approved by this permission shall be occupied use until a scheme for the future responsibility and maintenance of the surface water drainage system has been submitted to and approved by the Local Planning Authority. The approved drainage works shall be completed and subsequently maintained in accordance with the details and timetable agreed.

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 accordance policy EQ1 of the South Somerset Local Plan 2006-2028.

08. The proposed estate roads, footways, footpaths, tactile paving, cycleways, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking, and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason:- In the interests of visual amenity and highway safety and to accord with Policy TA5 of the South Somerset Local Plan 2006-2028.

08. The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

Reason:- In the interests of highway safety and to accord with Policy TA5 of the South Somerset Local Plan 2006-2028.

09. No dwelling hereby approved shall be occupied until a continuous footway link has been provided between Lyndhurst grove and North Street in accordance with design and specification to be agreed in writing by local planning authority.

Reason:- In the interests of highway safety and to accord with Policy TA5 of the South Somerset Local Plan 2006-2028.

10. No dwelling hereby permitted shall be occupied until such time as a Travel Plan has been submitted to and approved in writing by the local planning authority. Once approved the agreed travel planning measures shall be fully implemented for the period of the travel plan unless agreed otherwise in writing by the local planning authority.

Reason:- In the interests of sustainable development and to accord with Policy TA4 of the South Somerset Local Plan 2006-2028.

11. The development hereby approved shall comprise no more than 35 dwellings.

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

12. The site hereby approved for development shall be as shown on the submitted location plan 2023-PL-01 received 16 April 2013.

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

Informatives:

01. You are reminded that the County Highway Authority have requested that a Condition Survey of the existing public highway will need to be carried out and agreed with the Highway Authority prior to any works commencing on site, and any damage to the highway occurring as a result of this development will have to be remedied by the developer to the satisfaction of the Highway Authority once all works have been completed on site.
 02. You are reminded of the comments of the Council's Climate Change Officer dated 02/05/13 which is available on the council's web-site.
 03. You are reminded of the need to obtain a right to discharge any surface water into the highway drainage system.
 04. You are reminded of the contents of the Environment Agency's letter of 24/07/13 which is available on the council's web-site.
 05. You are reminded of the need to minimise the risk of harm to badgers that may pass through the site as recommended by paragraph 6.4.1 of the submitted Ecological Assessment.
 06. In the event that any signs of pollution such as poor plant growth, odour, staining of the soil, unusual colouration or soil conditions, or even actual remains from the past industrial use, are found in the soil at any time when carrying out the approved development you should contact the Local Planning Authority to discuss any remediation is deemed necessary.
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Agenda Item 14

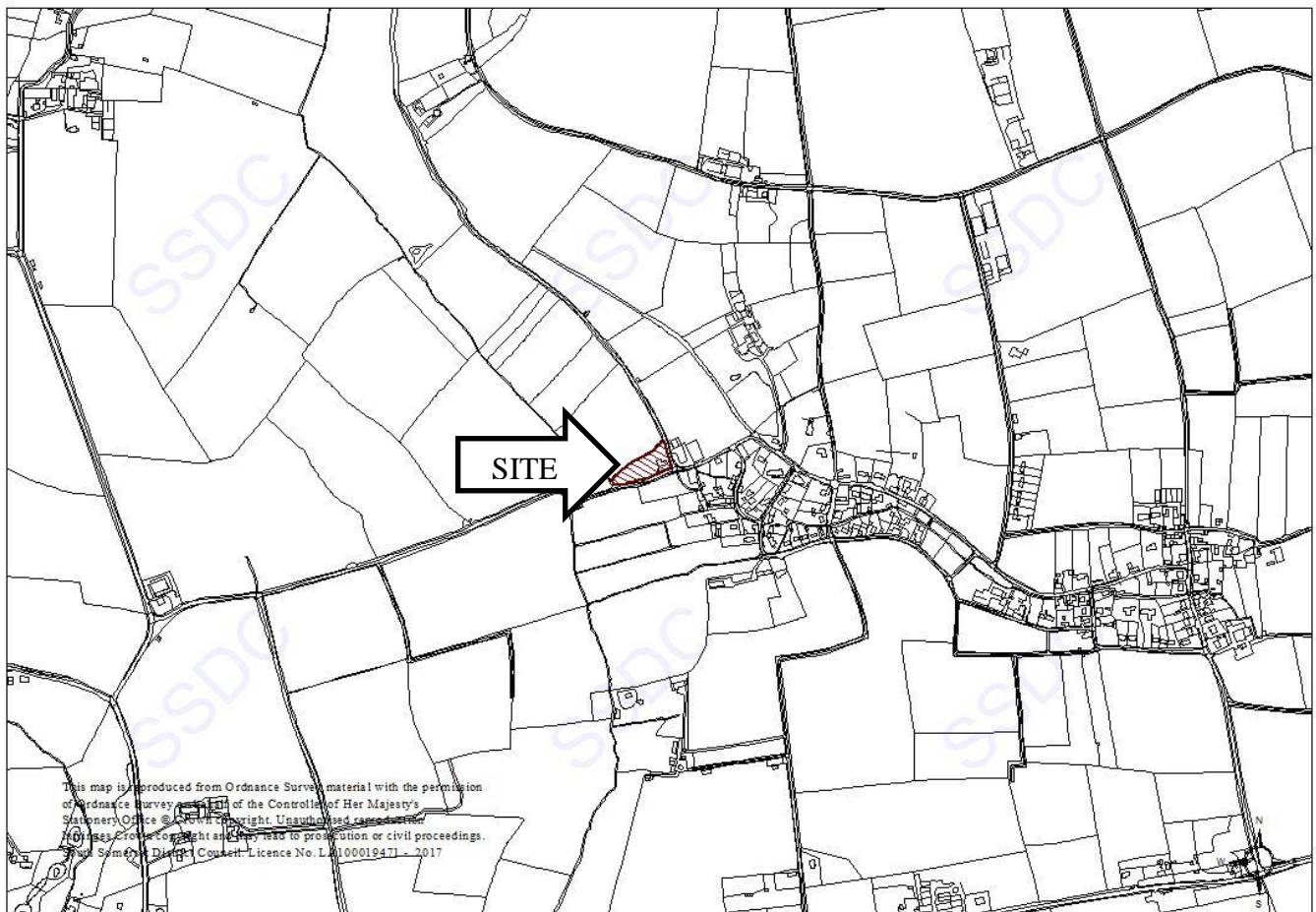
Officer Report On Planning Application: 17/00112/FUL

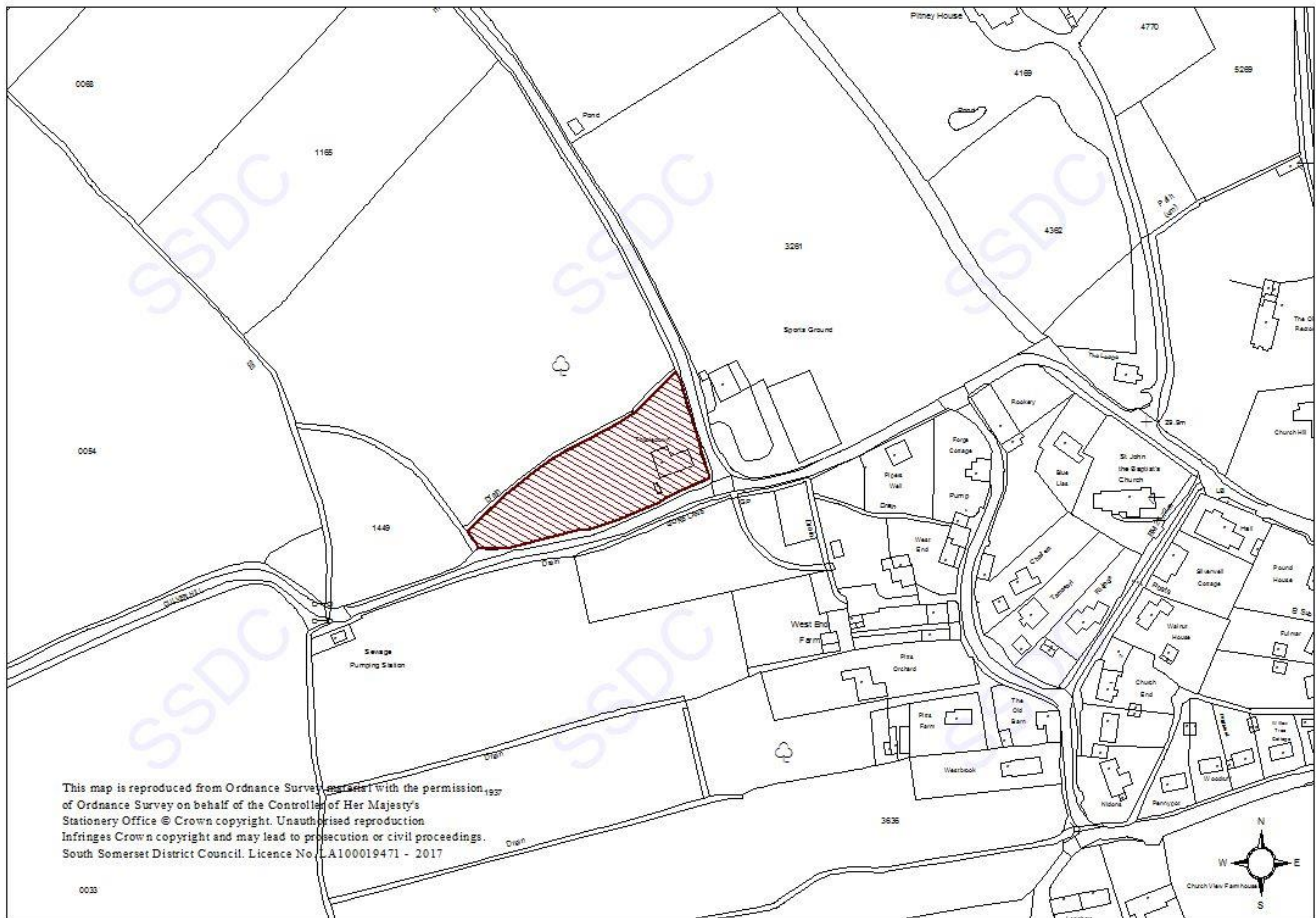
Proposal :	Demolition of existing garage and sheds and the erection of a new garage.
Site Address:	Thistledown, Gore Lane, Pitney.
Parish:	Pitney
TURN HILL Ward (SSDC Member)	Cllr Gerard Tucker
Recommending Case Officer:	Lee Walton Tel: (01935) 462324 Email: lee.walton@southsomerset.gov.uk
Target date :	1st March 2017
Applicant :	Mr M Payne
Agent: (no agent if blank)	
Application Type :	Other Householder - not a Change of Use

REASON FOR REFERRAL TO COMMITTEE

This application is referred to Area Committee in accordance with the council's scheme of delegation on the basis of the applicant being a council employee who has an input in to the development process.

SITE DESCRIPTION AND PROPOSAL





The application site is located in the countryside beyond development limits. The dwelling is single storey that lays adjacent to the road junction, across the lane from the village sports ground.

There are several timber buildings stood at the south east corner of the dwelling that are to be removed and replaced by a new purpose built garage measuring 6.1m by 4.9m with eaves 2.2m and ridge 3.7m above ground level. The site is forward of the dwelling to the highway requiring planning permission.

RELEVANT HISTORY

861122 - The erection of an extension to bungalow, Approved.

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 of the NPPF state that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

For the purposes of determining current applications the local planning authority considers that the adopted development plan comprises the policies of the South Somerset Local Plan 2006 2028 (adopted March 2015).

Policies of the South Somerset Local Plan (2006-2028)
EQ2 - General development

Regard shall also be had to:
National Planning Policy Framework (March 2012):
Chapter 7 - Requiring Good Design

National Planning Policy Guidance

Other Relevant Documents
Somerset Highways Standing Advice - June 2015.

CONSULTATIONS

Pitney Parish Council - The plans were circulated and there were no comments.

County Highway Authority - Standing advice applies.

SSDC Highway Consultant - No highway issues - no objection.

REPRESENTATIONS

None

CONSIDERATIONS

As a householder application the principle of development is accepted. Accordingly the main considerations include character and appearance, highway safety and neighbour amenity.

Character and Appearance: The scale and position of the proposed garage is considered respects the location and relates well to the existing single storey dwelling. There is no detrimental impact in terms of character and visual appearance that arises from the proposal.

Highway Safety: There are no highway safety matters raised by the proposal.

Neighbour Amenity: It is considered that the proposal would not unacceptably harm the residential amenity of occupiers of adjacent properties by disturbing, interfering with or overlooking such properties.

RECOMMENDATION

APPROVE

01. The proposed garage is of a scale and relationship to the main dwelling without detriment in terms of visual amenity, character and appearance, highway safety and without neighbour concerns so accords with policy EQ2 of the South Somerset Local Plan 2006- 2028.

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, Garage plan and elevation plan received 4 January 2017.

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

Agenda Item 15

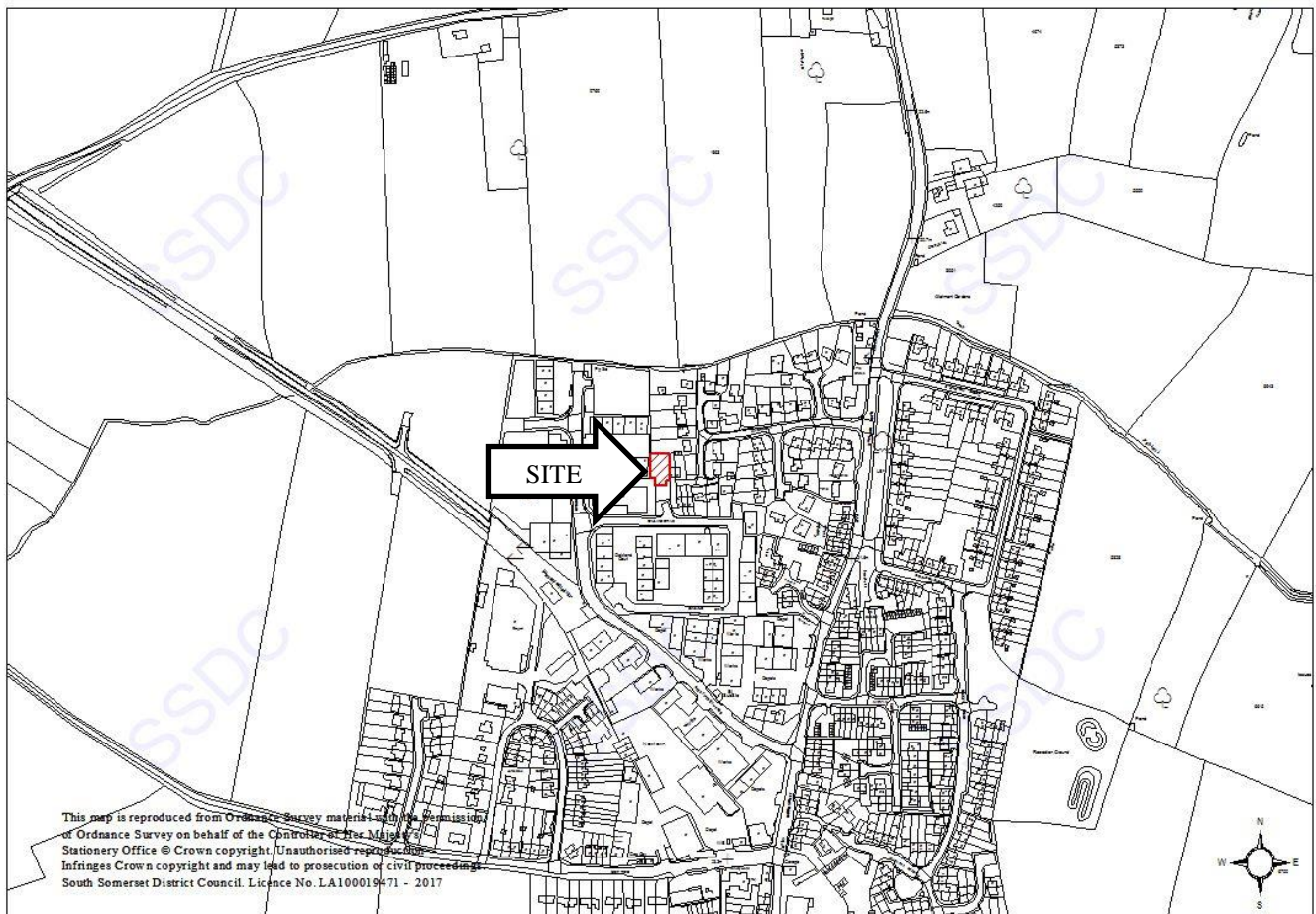
Officer Report On Planning Application: 17/00104/FUL

Proposal :	Erection of single storey pitched roof side extension.
Site Address:	52 Lavers Oak, Martock TA12 6HG.
Parish:	Martock
MARTOCK Ward (SSDC Members)	Cllr Neil Bloomfield Cllr Graham Middleton
Recommending Case Officer:	Emma Meecham Tel: 01935 462159 Email: emma.meecham@southsomerset.gov.uk
Target date :	6th March 2017
Applicant :	Mr Walker
Agent: (no agent if blank)	
Application Type :	Other Householder - not a Change of Use

REASON FOR REFERRAL TO COMMITTEE

Due to the relationship between the applicant and an elected member this application is to be considered at Area North Committee.

SITE DESCRIPTION AND PROPOSAL





The property is an end of terrace two storey dwelling in Lavers Oak. It is constructed of reconstituted stone. The property benefits from two allocated parking spaces. Approximately 15 metres to the west of the property are some business or light industrial units.

This application seeks permission for the erection of a single storey extension to the west of the existing dwelling, located toward the rear of the existing property. The proposed extension would have double roman tiles to match the existing property and the walls would be rendered. To the rear of the proposed extension would be bi-fold aluminium doors and on the west elevation would be a window.

RELEVANT HISTORY

None relevant.

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 of the NPPF indicate it is a matter of law that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

Policies of the South Somerset Local Plan (2006-2028)

Policy EQ2 - General Development

Policy SS1 - Settlement Strategy

Policy SD1 - Sustainable Development

Policy TA5 - Transport Impact of New Development

Policy TA6 - Parking Standards

National Planning Policy Framework
Chapter 7 - Requiring Good Design

Martock Parish Council:

No objections

Other Consultees:

County Highways: No observations.

SSDC Highways Consultant: No highways issues - no objections.

REPRESENTATIONS

Site notice posted, no representations were received.

CONSIDERATIONS

Visual Amenity

The location of the proposed extension is to the west and rear of the existing building and as such would only be visible from a limited number of places in the street scene. The materials proposed are considered appropriate for the building. It is therefore considered that there would be no harm to the visual amenity of the area caused by this proposal in accordance with policy EQ2 of the South Somerset Local Plan.

Residential Amenity

The proposed extension is to the west of the terraced property, between the dwelling and fenced boundary. There are no neighbours on this side of the property and the proposed extension is single storey. For these reasons it is considered that there will be no harm to residential amenity caused by this proposal in accordance with policy EQ2 of the South Somerset Local Plan.

Highway Safety

The proposal is a ground floor extension and will not increase the number of bedrooms in the property. There would be no alteration to the amount of parking for the property. For these reasons it is considered that there would be no impact on highway safety in accordance with policy TA5 of the South Somerset Local Plan.

RECOMMENDATION

Grant permission for the following reason:

01. The proposal by reason of its nature and location will have no substantial adverse impact on visual or residential amenity in accordance with the aims and objectives of policy EQ2. Subject to appropriate conditions the policies TA5, TA6 and SD1 of the South Somerset Local and the relevant sections of the National Policy Planning Framework 2012.

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 works hereby permitted shall be carried out in accordance with the plans numbers PL/001, PL/002, PL/003, PL/004, PL/005, PL/006, PL/007 and PL/008 and the external surfaces of the development shall be of materials as indicated in the application form and no other materials shall be used without the prior written consent of the local planning authority.

Reason: To ensure that the local character and distinctiveness of the area is not adversely affected in accordance with Policy EQ2 of the South Somerset Local Plan.
