

You are requested to attend a meeting of the Planning Committee to be held in The John Meikle Room, The Deane House, Belvedere Road, Taunton on 17 October 2012 at 17:00.

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### Agenda

- 1 Apologies
- 2 Minutes of the meetings of the Planning Committee held on the 18 July and 15 August 2012 (to follow).
- 3 Public Question Time.
- 4 Declarations of Interests  
To receive declarations of personal or prejudicial interests, in accordance with the Code of Conduct. The usual declaration of interest are made at the meeting of the Planning Committee are shown in the attachment.
- 5 06/12/0007 - Erection of 3 no. dwellings with associated parking, access and landscaping at Station Farm, Station Road, Bishop's Lydeard
- 6 06/12/0036 - Erection of 5 no. dwellings with associated garages and parking, landscaping, and provision of open space, at Station Farm, Station Road, Bishop's Lydeard
- 7 07/12/0018 - Alterations to the external landscaping to include a timber decking area, pedestrian bridge and the relocation of disabled parking bays at the worlds end public house, Heatheron Park, Bradford On Tone (retention of works already undertaken) (resubmission of 07/11/0019)
- 8 10/12/0016 - Erection of two additional poultry houses and associated infrastructure including feed bins and hardstanding at Churchinford Poultry Farm, Church Road, Churchinford
- 9 10/12/0024 - Development of solar photovoltaic farm comprising approximately 23,000 No Panels, rated at up to 5mw, and covering an area of 21.4 hectares, complete with installation of associated infrastructure at former Culmhead airfield, Culmhead, Churchstanton (resubmission of 10/12/0009)
- 10 19/12/0006 - Reinstatement of hardcore area to south of entrance and reformation of hardcore area to north of entrance to land at Elm Bridge, Hatch Beauchamp (retention of work already undertaken)

11 E/0116/08/12 - shed erected on car parking area at 88 Waterleaze, Cheddon  
Fitzpaine

Tonya Meers  
Legal and Democratic Services Manager

07 December 2012

Members of the public are welcome to attend the meeting and listen to the discussions.

There is time set aside at the beginning of most meetings to allow the public to ask questions.

Speaking under “Public Question Time” is limited to 4 minutes per person in an overall period of 15 minutes. The Committee Administrator will keep a close watch on the time and the Chairman will be responsible for ensuring the time permitted does not overrun. The speaker will be allowed to address the Committee once only and will not be allowed to participate further in any debate.

If a member of the public wishes to address the Committee on any matter appearing on the agenda, the Chairman will normally permit this to occur when that item is reached and before the Councillors begin to debate the item.

This is more usual at meetings of the Council’s Planning Committee and details of the “rules” which apply at these meetings can be found in the leaflet “Having Your Say on Planning Applications”. A copy can be obtained free of charge from the Planning Reception Desk at The Deane House or by contacting the telephone number or e-mail address below.

If an item on the agenda is contentious, with a large number of people attending the meeting, a representative should be nominated to present the views of a group.

These arrangements do not apply to exempt (confidential) items on the agenda where any members of the press or public present will be asked to leave the Committee Room.

Full Council, Executive, Committees and Task and Finish Review agendas, reports and minutes are available on our website: [www.tauntondeane.gov.uk](http://www.tauntondeane.gov.uk)

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Lift access to the John Meikle Room and the other Committee Rooms on the first floor of The Deane House, is available from the main ground floor entrance. Toilet facilities, with wheelchair access, are also available off the landing directly outside the Committee Rooms.



An induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter.

**For further information about the meeting, please contact the Corporate Support Unit on 01823 356414 or email [r.bryant@tauntondeane.gov.uk](mailto:r.bryant@tauntondeane.gov.uk)**

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## **Planning Committee Members:-**

Councillor B Nottrodt (Chairman)  
Councillor S Coles (Vice-Chairman)  
Councillor J Allgrove  
Councillor C Bishop  
Councillor R Bowrah, BEM  
Councillor B Denington  
Councillor A Govier  
Councillor C Hill  
Councillor M Hill  
Councillor L James  
Councillor N Messenger  
Councillor I Morrell  
Councillor F Smith  
Councillor P Tooze  
Councillor P Watson  
Councillor A Wedderkopp  
Councillor D Wedderkopp  
Councillor G Wren

## **Declaration of Interests**

### **Planning Committee**

- Members of Somerset County Council – Councillors Govier and D Wedderkopp
- Employees of Somerset County Council – Councillors Mrs Hill and Mrs Smith
- Director of Southwest One – Councillor Nottrodt
- Employee of UK Hydrographic Office – Councillor Tooze
- Employee of Natural England – Councillor Wren

06/12/0007

TAYLOR WIMPEY (SOUTH WEST) UK LTD

**ERECTION OF 3 NO. DWELLINGS WITH ASSOCIATED PARKING, ACCESS AND LANDSCAPING AT STATION FARM, STATION ROAD, BISHOPS LYDEARD**

Grid Reference: 316313.12888

Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

The recommendation is subject to Members voting to approve both applications 06/12/0007 and 06/12/0036. Without which the public benefit, in the form of upgrading the West Somerset Railway car park (owned by TDBC), could not be delivered and would therefore change the balance of the planning considerations.

Recommended Decision: Condition Approval subject to the applicant entering into an appropriate legal agreement to secure the following:

Enabling Works

- Prior to the commencement of development a financial contribution of \*£50,000 shall be paid to the Council to deliver improved parking facilities at WSR terminus or such works shall be undertaken and completed by the developer, in accordance with an agreed schedule of works. This is a total figure and will be secured from applications 06/12/0007 and 06/12/0036.

\* Subject to DLO verifying that the costing schedule provided by the developer will deliver the necessary enhancements to the car parking facility.

Affordable Housing

- 20% provision of affordable housing to provided on site in accordance with details that shall be agreed by the Housing Enabling Lead. The provision shall be provided as part of the site area for applications 06/12/0007 and 06/12/0036 or across the wider consented development under application 06/11/0032.

Community Facilities

- Provision of the LEAP on site and its long term maintenance;
- Contributions of £1454 per dwelling for active outdoor recreation;
- Contribution of £194 per dwelling for allotment provision;

Public Art

- A contribution towards the provision of public art and public realm enhancements in accordance with the Council's Public Art Policy.

Reason for granting planning permission

It is considered that the loss of employment land is acceptable having regard to the public benefit that will be secured through improvements to the parking facilities at the Bishops Lydeard terminus, which will support the long term tourist potential of the West Somerset Railway, in broad accordance with saved Local Plan Policy EC22.

### **RECOMMENDED CONDITION(S) (if applicable)**

Conditions will be imposed to deal with the following matters:

Time limit; approved plans; landscaping; hard landscaping; grampian condition to secure off-site highway works; highways matters; surface water drainage; floor levels; materials; ecological mitigation.

### **PROPOSAL**

Planning permission is sought for the erection of three dwellings. The proposed design is very much reflective of the consented development as it is the same developer bringing forward the proposal. The materials are a mixture of slate or tiled roofs and brick or render external finish. The properties will benefit from either a single or double garage. The proposed development would be accessed by way of the consented estate road that serves the wider enabling residential development, which comprises 39 dwellings. The layout and position of the plots has been amended during the course of the application.

The application site currently has outline planning permission for an office building (400sqm). The application is accompanied by two submissions from commercial agents which conclude that the site would not generate demand for office use in this location.

The office development was consented as part of the wider enabling development at Station Farm. This is set out further below, in the planning history.

This application proposes enabling works, secured by way of a legal agreement, to deliver an enhancement of the existing car parking resource for the West Somerset Railway. Those works have been costed and, subject to their verification, a financial contribution would be secured for those works to be delivered by the Council.

### **SITE DESCRIPTION AND HISTORY**

The application site, measures 0.16 ha, and is located to the west of the tourist attraction of the West Somerset Railway. The Bishops Lydeard terminus of the railway and the railway line form the eastern boundary of the overall development. The rural centre of Bishops Lydeard is located to the north east, with a pedestrian underpass providing access across the A358. The site is accessed off Greenway Road, to the east of the entrance to the residential development at Greenway, which continues into Station Road and joins the A358.

The relevant site history dates back to 2007 when the developer GADD Homes secured a resolution to grant planning permission for the following applications:

06/07/0027 – Erection of mixed use development comprising tourist facilities, 29 open market houses, 8 affordable units and associated infrastructure works. The tourist element of the proposals provided for a café, micro-brewery, creative industry

centre, cycle hire centre and an ice cream kiosk.

06/07/0028 – Erection of Public House with restaurant.

06/07/0042 – Erection of 2 detached dwellings plots 38 & 39.

06/07/0043 – Erection of single storey building to form museum and carriage shed.

06/07/0044 – Erection of two storey office building.

Those applications were then held in abeyance as the developer went into administration. The applications were formally consented in August 2011 once the technical information on ecological and flooding matters were finalised.

In September 2011, reference application 06/11/0032, Taylor Wimpey sought permission to change the consented house types for their own design and some minor alterations to the layout of the scheme, including the provision of SUDS.

The application carried forward the main enabling works to secure:

- Transfer of land to WSR for the provision of tourism facilities related to the functions of a Heritage Railway;
- Provision of a Tourist Information Facility

and through a Grampian Condition:

- No more than 50% of the open market housing to be occupied until the following highway works had been delivered:
  - Improvements to the junction of Greenway Road/Station Road to include yellow lining of the bridge approaches;
  - Provision of shuttle traffic signals at the approach to the bridge and footway works over the bridge;
  - Provision of a new roundabout at the junction of Station Road and the A358.

In addition there were planning obligations related to the development i.e. affordable housing provision.

The application was approved by the Planning Committee. The transfer of the land known as the 'tourism land' to the WSR has now been executed.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*PARISH COUNCIL* – objects on the following grounds:

- The Council does not feel that the applicant has tested the local employment market sufficiently;
- The Council feels that the applicant should look at all forms of employment for



which the site could be used, not exclusively office based;

- While the Council does not agree with the applicant's view that the current site is not suitable for an employment building, the Council feels that the applicant has not looked at potential options to redesign the current development to re-site the proposed office buildings to a more prominent site, if this is what the applicant feels is necessary to improve viability;
- The Council wishes to point out that vacancy in employment buildings at nearby Broadgauge Park are rare and short lived, which does not agree with the applicant's assessment of the employment market in Bishops Lydeard.
- While a letter dated 9 January from Origin 3 was received by the Council, this did not arrive in time to be considered at the Council's meeting on 11 January.
- The letter was considered at the Council's February meeting and a response was prepared. However, the Council was disappointed to see that a planning application had been submitted without further contact from Origin 3 regarding the Council's opinion. No offer of a meeting was made by Origin 3 as stated in their letter. The Council had the following comments to make regarding the proposal outlined in Origin 3's letter, which the Council believes are also relevant to this proposal:
  - The Council is not aware of any spare employment land within the village;
  - The Council finds the statement that there is a lack of an employment market within the village questionable;
  - The Council questions the applicant's statement that vacant land would become scrub land – there are a number of projects that could effectively utilise the land, such as a skate park or allotments.
  - The Council would like to know what proportion of the proposed new houses would be social houses;
  - The Council requests clarification on the statement by Origin 3 that their research shows that existing employment land within Taunton should be considered as priority and that this is 'in accordance with the Council's strategy and policies'.

*ECONOMIC DEVELOPMENT MANAGER* – Comments as follows:

The site of the proposed residential development at Station Farm, Bishops Lydeard has an extant permission for B1 employment use. I have discussed the likely demand for small employment units in this location with a number of local commercial agents and developers and would offer the following views.

- There is demand for commercial units in this type of location, but the difficulty may be in attracting sufficiently high rent levels to make it stack up financially.
- Broadgauge Business Park is full and continues to be very popular – when units become available they are usually snapped up before they hit the market.
- There is an undoubted demand for small (500-1000sq ft), basic units in rural areas that would accommodate small, 1 or 2 person businesses. Offered on

easy-in, easy-out terms these sorts of units might generate £80-£100 per week. They may not be the best neighbours (noisy, outdoor and non-conforming uses) but they create local jobs and are an excellent way for people to start their own business.

- I would suggest the best model (learning from Broadgauge BP) is to offer the site as serviced plots of land for freehold sale.

The existing permission also includes provision for a public house, which would provide valuable amenities for the village, as well as jobs. Whilst many rural pubs are currently closing throughout the UK, there is still demand for property amongst breweries in the right location and situation. The pub's location adjacent to a major visitor attraction, and being the only pub in this part of the village, would imply that there is the potential for it to be commercially viable were it to be sited on the main road frontage.

The proposal to develop the site for residential would negate the opportunity to develop the site for the above mixed employment uses.

I am, however, mindful of the financial contribution offered to the West Somerset Railway from the residential scheme, which is in accordance with the relevant policy within the Core Strategy. The WSR contribution would enhance the visitor attraction by enabling it to improve its visitor facilities and attract more spend locally.

I do not wish to see this site become a housing site, and would prefer to see business units, but I am also mindful that were permission for residential to be refused the developer could take the view that he would rather leave it undeveloped; in which case the West Somerset Railway would lose the contribution on offer.

*HIGHWAY AUTHORITY* – The site lies outside of any development limit and is remote from any urban area, and therefore distanced from adequate services and facilities. As a consequence, the new development is likely to be dependant on private vehicles for most of its residents daily needs. Such fostering of growth in the need to travel would be contrary to government advice given in the NPPF and RPG10, and to the provisions of policies STR1 and STR6 of the Somerset and Exmoor National park Joint Structure Plan review (Adopted April 2000), and policy S7 of the Local Plan.

Notwithstanding the aforementioned comments, it must be a matter for the Local Planning Authority to decide whether the benefits of this application or any other overriding planning need, outweighs the transport policies that seek to reduce reliance on the private car.

The amended layout is shown within drawing number 0443-102. The garage sizes now have dimensions 6m x 3m and can be considered as part of the overall level of parking provision.

Off-street car parking for plot 42 is now located adjacent to the dwelling. However, the proposed driveway is not perpendicular to the highway and is shown to be at an angle. This would make it very difficult for vehicles to reverse onto the highway.

The proposed level of off-street parking provision is still considered to be unsatisfactory and does not accord to the Somerset County Council Parking Strategy. The guidance states that each of the dwellings should have three spaces.

Although it is acknowledged that the site is not in a particularly sustainable location, therefore it is accepted that this is a justification for providing additional parking for plots 40 and 41.

The shortfall in parking provision for plot 42 is considered to be unacceptable. This shortfall, combined with the poor alignment to the driveway, is likely to result in an increase in vehicles parking on the highway, to the detriment of highway safety.

It is therefore recommended that the planning application is refused permission for the following reason:

- Adequate provision cannot be made on the site for the parking of vehicles in a satisfactory manner. The proposal is therefore contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review (adopted April 2000).

*LANDSCAPE LEAD* – The proposals are acceptable subject to the implementation of landscape proposals.

*LEISURE DEVELOPMENT OFFICER* – Comments as follows:

The proposal for an additional 5 family size dwellings will create need for children's play. A contribution of £2,688.00 per each of the additional dwellings should therefore be made.

A contribution of £1454.00 for each dwelling should be made towards the provision of facilities for active outdoor recreation.

A contribution of £194.00 per dwelling should be sought for allotment provision along with a contribution of £1,033.00 per dwelling towards local community hall facilities.

All the above should be index linked.

A public art contribution should be requested, either by commissioning and integrating public art into the design of the buildings and the public realm or by a commuted sum to the value of 1% of the development costs.

*NATURE CONSERVATION & RESERVES OFFICER* – No objections to the change of use from office buildings approved to proposed residential dwellings.

Further comments received – 25.09.12

It is good to see confirmation that an EPS license was issued by Natural England.

*HOUSING ENABLING LEAD* – My comments are based on need and the comments do not reflect the site in terms of planning. The affordable housing requirement is 25% of the total number of new dwellings in line with the Taunton Deane Core Strategy Policy CP4. Details of which shall be agreed in writing with the Housing Enabling Lead Officer.

*ENVIRONMENT AGENCY* – No objection subject to the imposition of conditions addressing: finished floor levels; surface water drainage scheme; and, contamination.

*DRAINAGE OFFICER* – This application forms part of a previous larger application at which the design principles were agreed. Any drainage proposals agreed here shall ensure that the original design is not compromised.

A condition should be attached to any planning approval for this development that no development shall begin on site until a surface water drainage scheme for the site, based on sustainable drainage principles has been submitted to and approved. The scheme shall include full details of proposed on site storage, where run off rates have been limited to those from a 1 in 1 year storm on the greenfield site and for all storm events up to and including the 1 in 100 year + climate change allowance. The details shall clarify the intended future ownership and maintenance provision for all drainage works serving the site.

Details of exceedance flows shall be shown together with flow paths and depths indicated.

*WESSEX WATER* – Comments as follows:

New water supply and waste water connections will be required from Wessex Water to serve this proposed development.

#### *ARCHAEOLOGY*

There are limited or no archaeological implications to this proposal and we therefore have no objection.

*CONSERVATION OFFICER* – No observations to make.

#### **Representations**

7 letters of OBJECTION have been received. Summary of objections:

##### Principle

- If the applicant is so bothered about providing social and economic benefits to the location and immediate area then surely this would be better achieved by providing the offices (and the subsequent employment opportunities) as originally planned – rather than housing;
- Developers priority is profit driven;
- LPA should make a stand and represent their electorate;
- Original plan should be adhered to and then perhaps developers would stop including things in their original applications that they never had any intention of doing;
- TDBC Officers now accept the original office location was ‘inadequate and lacked coherence with its setting’ – why was the original plan approved;
- Local residents broadly supported the original application on the basis it provided employment opportunities;
- Further growth in Bishops Lydeard needs local employment, including small scale start up businesses, and will enable the village to be more self sufficient;
- Faster broadband coming to Bishops Lydeard will increase the viability of creating businesses;
- If offices are not viable then a different employment use should be pursued;

- There should be no automatic use of this employment land if offices are unviable at this time;
- Any economic benefit in terms of contributions should be put forward on the basis of the office floor space 4,520 sq ft and the UK Government recommended occupancy rate (110sq per person) – employing 41 staff. At an average salary of £26,871 that would equate to a contribution to the economy of over £1 million. Any benefit should therefore be judged against this context.
- No S106 contributions are offered;
- No onsite green space/play areas;
- Don't be surprised if further houses are proposed on the site of the public house;
- Previous applications considered pre NPPF.
- Localism – the Parish Council have expressed their objection to the scheme;
- Existing employment at Bishops Lydeard is at capacity;
- Market will pick up and we should be set to capitalise with a ready supply of employment land;
- The developer does not need to build a speculative employment;
- None of the existing industrial units in Bishops Lydeard are located on main roads and the inference that the site is not visible and therefore will not be attractive is not supported by fact;
- No financial contribution to WSR within the application;

#### Detailed Matters

- Plot 42 has only 1 parking space allocated – this is over 20 yards from the house entrance;
- It will not be used by the residents who will then park on the narrow road and pavement adjoining the plot, blocking the entrance to plot 20.
- A parking space should be allocated in the rear garden of plot No. 42 or the house re-sited further back to allow a parking space at the front.
- The entrance to the cul-de-sac for plots 21, 22, 40 & 41 is too narrow. Drivers will mount the pavement outside plot 20 to gain access. I suggest the front boundary line to plot 41 is taken back in line with plot 42, enabling a safer and wider entrance to the cul-de-sac.
- Plot 41, the dormer windows need to be south facing to gain maximum amount of daylight into the rooms.

One further letter of OBJECTION has been received following consultation on the enabling works. Summary of objections:

- Why has it taken two weeks for the consultation to be circulated?
- The offer of a financial contribution does not enable their development;
- The primary justification for this development was to promote tourism at the terminus of the WSR. This incorporated a hotel/pub/restaurant, brewery, take-away, cycle hire, museum, train sheds and offices. In order to 'enable' some of these facilities, the developer proposed to construct 39 dwellings;
- It is the dwellings that are the enabling development not the financial contribution;
- With the eradication of all of the non-residential uses from this supposed mix use development, the question is 'what is it that these dwellings are supposed to be enabling?'
- £50,000 towards surfacing a car park is way off the mark to compensate the

local economy for the loss of these commercial premises; as previously stated the value of salaries in the permitted office accommodation would exceed £1 million;

- Whilst the applicant has promoted additional public open space as a benefit this is effectively compensatory, not additional given the plan to convert the existing car park at the railway into a car park;
- In any case such development would need planning permission and any perceived benefit from its use as a car park cannot be taken into consideration;
- Determination must be made on the basis of the benefit of resurfacing the car park and not any possible increase in capacity that could be permitted in the future;
- The railway will not attract one single additional visitor on the basis that its car park has become smoother.

## **PLANNING POLICIES**

CP8 - TD CORE STRATEGY - ENVIRONMENT,  
CP6 - TD CORE STRATEGY - TRANSPORT AND ACCESSIBILITY,  
CP4 - TD CORE STRATEGY - HOUSING,  
SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,  
SP4 - TD CORE STRATEGY REALISING THE VISION FOR THE RURAL AREAS,  
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,  
DM2 - TD CORE STRATEGY - DEV,  
DM4 - TD CORE STRATEGY - DESIGN,  
EC22 - TDBCLP - Land West of Bishops Lydeard Station,  
M4 - TDBCLP - Residential Parking Provision,

## **DETERMINING ISSUES AND CONSIDERATIONS**

This application has been somewhat delayed in being presented to Members as a result of protracted discussions with the developer to ensure the development mitigates any planning harm.

The Parish Council and local residents have expressed their objection to the loss of the office, or employment land. The consented scheme for office development is a material consideration and any loss of such land would need to be balanced in the decision-making process.

The site is not allocated for office use or employment, other than could be considered in association with any tourism facilities. Its delivery was not previously considered to be fundamental to achieving the aims of the allocation. In other words there is no phasing or S106 requirement to deliver the office and it has no direct connection to the railway. Its provision was put forward as part of the subsidy which would deliver the transfer of the tourism land and tourism facilities. The transfer of land has been secured.

Nevertheless, there is a consented scheme for employment and its loss needs to be considered. The Parish and local residents express strong concern to the loss of employment land and suggest that alternative uses should be considered. There is a viability argument to delivering office development as identified by commercial agents and, in part, accepted by the Council's Economic Development Manager. The

alternative would be to require the developer to demonstrate that an alternative employment use could not be achieved.

Saved Local Plan Policy EC9 'Loss of Employment Land' is applicable and states:

*'Proposals which lead to the loss of existing or identified business, industrial or warehousing land to other uses, including retailing, will not be permitted unless the overall benefit of the proposal outweighs the disadvantages of the loss of employment or potential employment on the site.'*

In addressing whether there is any overall benefit regard must be had to the retained Policy EC22 of the Local Plan – Land West of Bishops Lydeard Station which states:

*'Land west of Bishops Lydeard Station is allocated for recreational and tourist development.'*

*Complimentary recreation and tourist development will be permitted which:*

- (A) support the tourist potential of the West Somerset Railway; and*
- (B) respect the character and setting of the station buildings, including Slimbridge.*

The main aim of the policy is the improvement of facilities for visitors at Bishops Lydeard terminus. The supporting text encourages proposals which enhance the tourist potential of the railway. Therefore proposals for further facilities to meet the needs of existing visitors to the WSR will be encouraged.

There are a range of examples provided including, café, picnic facilities, restaurant, pub or gift shop, and associated facilities to encourage greater use of the railway, such as railway-related exhibition area or museum, craft shops or workshops or other interpretative facilities.

The provision of office development is not an objective of the Policy. The policy seeks to improve the existing facilities at the terminus. The Council have been in dialogue with the WSR to understand their priorities. Now that the WSR have secured the land they are able to seek heritage funding and begin fundraising to deliver the tourism facilities i.e. museum, carriage shed. However, one of their most immediate pressing issues is that of parking provision. Two options were considered. However, option B has been rejected by officers as the loss of open space cannot be adequately compensated. The proposed scheme will therefore upgrade the existing resource. The car park will be re-surfaced, drained, landscaped, and, importantly marked out. This would provide a more efficient use of the car park facility for the WSR to manage and be an improvement for patrons of the railway, in general accordance with the objectives of Policy EC22. It is currently managed by staff who direct the parking of vehicles as best they can.

In terms of the principle of residential development outside of the settlement this is considered acceptable, in the context of the consented enabling development and the wider benefits that will be delivered.

It is therefore considered that the loss of the office building (or other employment use) is acceptable having regard to the primary objective of the allocation which is to

support the tourist potential of the WSR.

### Design and Layout

In terms of the planning layout and design of the proposed dwellings the scheme would integrate with the consented scheme. It is considered that there would be no unreasonable adverse impact on the amenity of nearby residents.

The Highway Authority has now raised an objection on the level of parking provision. However, the scheme would accord with the Local Plan provisions of 1.5 spaces per dwelling. There is also a technical concern to the car parking space to Plot No. 42 not being perpendicular. However, the submission is accompanied by a vehicle tracking plan which demonstrates that it is feasible to use the parking space. Furthermore, as this at the end of the cul-de-sac it is not considered to be so harmful to highway safety as to warrant a refusal on this ground.

### Conclusion

The concerns of the Parish Council and local residents are understood and noted. However, the loss of employment land needs to be balanced against the objective of Policy EC22. The allocation seeks to improve the facilities at Bishops Lydeard terminus. The parking issue has been identified by WSR in discussions with officers as a high priority. Those improvements will provide a tangible benefit to support the long term growth of the WSR.

As such it is recommended that permission be granted.

**In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.**

**CONTACT OFFICER: Mr A Pick Tel: 01823 356586**



06/12/0036

TAYLOR WIMPEY (SOUTH WEST) UK LTD

**ERECTION OF 5 NO. DWELLINGS WITH ASSOCIATED GARAGES AND PARKING, LANDSCAPING, AND PROVISION OF OPEN SPACE, AT STATION FARM, STATION ROAD, BISHOPS LYDEARD**

Grid Reference: 316283.128991

Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

The recommendation is subject to Members voting to approve both applications 06/12/0007 and 06/12/0036. Without which the public benefit, in the form of upgrading the West Somerset Railway car park (owned by TDBC), could not be delivered and would therefore change the balance of the planning considerations.

Recommended Decision: Condition Approval subject to the applicant entering into an appropriate legal agreement to secure the following:

Enabling Works

- Prior to the commencement of development a financial contribution of \*£50,000 shall be paid to the Council to deliver improved parking facilities at WSR terminus or such works shall be undertaken and completed by the developer, in accordance with an agreed schedule of works. This is a total figure and will be secured from applications 06/12/0007 and 06/12/0036.

\* Subject to DLO verifying that the costing schedule provided by the developer will deliver the necessary enhancements to the car parking facility.

Affordable Housing

- 20% provision of affordable housing to be provided on site in accordance with details that shall be agreed by the Housing Enabling Lead. The provision shall be provided as part of the site area for applications 06/12/0007 and 06/12/0036 or across the wider consented development under application 06/11/0032.

Community Facilities

- Provision of the LEAP on site and its long term maintenance;
- Contributions of £1454 per dwelling for active outdoor recreation;
- Contribution of £194 per dwelling for allotment provision;

Public Art

- A contribution towards the provision of public art and public realm enhancements in accordance with the Council's Public Art Policy.

Reason for granting planning permission

It is considered that the proposed loss of land for a public house is acceptable having regard to the existing provision of public houses in the village, viability concerns, and, the public benefit that will be secured through improvements to the parking facilities at the Bishops Lydeard terminus, which will support the tourist potential of the West Somerset Railway, in broad accordance with saved Local Plan Policy EC22.

### **RECOMMENDED CONDITION(S) (if applicable)**

Conditions will be imposed to deal with the following matters:

Time limit; approved plans; landscaping; hard landscaping; grampian condition to secure off-site highway works; highways matters; surface water drainage; floor levels; materials; ecological mitigation.

### **PROPOSAL**

Planning permission is sought for the erection of five dwellings and the provision of an on-site LEAP. The proposed design of the dwellings are very much reflective of the consented development as it is the same developer bringing forward the proposal. The materials are a mixture of slate or tiled roofs and brick or render external finish. The properties will benefit from a double garage.

The application site currently has outline planning permission for a public house with associated car parking. The proposed development would be accessed from Greenway Road by way of the consented estate road that serves the approved residential development, which comprises 39 dwellings.

This application proposes enabling works, secured by way of a legal agreement, to deliver an enhancement of the existing car parking resource for the West Somerset Railway. Those works have been costed and, subject to their verification, a financial contribution would be secured for those works to be delivered by the Council.

The application is accompanied by a planning statement and a commercial viability report. The report outlines the difficulties in bringing forward a public house in the current climate.

### **SITE DESCRIPTION AND HISTORY**

The application site is located to the west of the tourist attraction of the West Somerset Railway. The Bishops Lydeard terminus of the railway and the railway line form the eastern boundary of the overall development. The rural centre of Bishops Lydeard is located to the north east, with a pedestrian underpass providing access across the A358. The site is accessed off Greenway Road, to the east of the entrance to the residential development at Greenway, which continues into Station Road and joins the A358.

The relevant site history dates back to 2007, when the developer GADD Homes secured a resolution to grant planning permission for the following applications:

06/07/0027 – Erection of mixed use development comprising tourist facilities, 29 open market houses, 8 affordable units and associated infrastructure works. The

tourist element of the proposals provided for a café, micro-brewery, creative industry centre, cycle hire centre and an ice cream kiosk.

06/07/0028 – Erection of Public House with restaurant.

06/07/0042 – Erection of 2 detached dwellings plots 38 & 39.

06/07/0043 – Erection of single storey building to form museum and carriage shed.

06/07/0044 – Erection of two storey office building.

Those applications were then held in abeyance as the developer went into administration. The applications were formally consented in August 2011 once the technical information on ecological and flooding matters were finalised.

In September 2011, reference application 06/11/0032, Taylor Wimpey sought permission to change the consented house types for their own design and some minor alterations to the layout of the scheme, including the provision of SUDS.

The application carried forward the main enabling works to secure:

- Transfer of land to WSR for the provision of tourism facilities related to the functions of a Heritage Railway;
- Provision of a Tourist Information Facility

and through a Grampian Condition:

- No more than 50% of the open market housing to be occupied until the following highway works had been delivered:
  - Improvements to the junction of Greenway Road/Station Road to include yellow lining of the bridge approaches;
  - Provision of shuttle traffic signals at the approach to the bridge and footway works over the bridge;
  - Provision of a new roundabout at the junction of Station Road and the A358.

In addition there were planning obligations related to the development i.e. affordable housing provision.

The application was approved by the Planning Committee. The transfer of the land known as the 'tourism land' to the WSR has now been executed.

## **CONSULTATION AND REPRESENTATION RESPONSES**

*PARISH COUNCIL* – The Parish Council object to the proposal on the following grounds:

The original application was not in the local plan and was granted on the basis of the tourism and employment opportunities that it offered to the Bishops Lydeard area, these are being removed if houses are built instead of commercial properties.

If the applicant feels that a pub/restaurant may not be viable on the site, the applicant should consider other commercial opportunities for the site.

The applicant stated in their submission for application 06/12/0007 that they felt that a prominent site was necessary for commercial operations; this site is in a prominent position and therefore fits the applicant's own view of a viable site for commercial opportunities. The Council feels that the current economic climate is not a sensible time to make judgements on the viability of commercial businesses.

The Council's previous comments on application 06/12/0007 are relevant to this application also:

The Council does not feel that the applicant has tested the local employment market sufficiently. The Council feels that the applicant should look at all forms of employment for which the site could be used.

The Council wishes to point out that vacancies in employment buildings at nearby Broadgauge Park are rare and short lived, which does not agree with the applicant's assessment of the employment market in Bishops Lydeard. The Council is not aware of any spare employment land within the village. The Council finds the statement that there is a lack of an employment market within the village questionable. The Council would like to know what proportion of the proposed new houses would be social houses.

*HIGHWAY AUTHORITY* – Comments as follows:

No objection in principle. Identifies detailed matters re: location of lighting units; surface water drainage on to the highway; and, visibility splays.

The planning officer will be aware of conditions attached to the original consent which require off-site works to be completed prior to the occupation of fifty percent of the open market dwellings on the site. This development will be in addition to those consented and therefore it is requested that a Grampian condition be attached to ensure that none of the dwellings sought under this application are occupied prior to the off-site highway works being fully delivered and open to traffic.

Conditions sought: all vehicles leaving the site shall not emit dust or deposit mud, slurry or other debris on the highway etc; provision within the site for the disposal of surface water so as to prevent its discharge on to the highway; development shall not be brought into use until that part of the service road which provides access to it has been constructed; gradients not steeper than 1:10; where garage doors are of an up-and-over type there shall be an area of hard standing at least 6m in length.

*ECONOMIC DEVELOPMENT MANAGER* – Comments as follows:

The site of the proposed residential development at Station Farm, Bishops Lydeard has an extant permission for B1 employment use. I have discussed the likely demand for small employment units in this location with a number of local commercial agents and developers and would offer the following views.

- There is demand for commercial units in this type of location, but the difficulty may be in attracting sufficiently high rent levels to make it stack up financially.
- Broadgauge Business Park is full and continues to be very popular – when

units become available they are usually snapped up before they hit the market.

- There is an undoubted demand for small (500-1000sq ft), basic units in rural areas that would accommodate small 1 or 2 person businesses. Offered on easy-in, easy-out terms these sorts of units might generate £80-£100 per week. They may not be the best neighbours (noisy, outdoor and non-conforming uses) but they create local jobs and are an excellent way for people to start their own business.
- I would suggest the best model (learning from Broadgauge BP) is to offer the site as serviced plots of land for freehold sale.

The existing permission also includes provision for a public house, which would provide valuable amenities for the village, as well as jobs. Whilst many rural pubs are currently closing throughout the UK, there is still demand for property amongst breweries in the right location and situation. The pub's location adjacent to a major visitor attraction, and being the only pub in this part of the village, would imply that there is the potential for it to be commercially viable were it to be sited on the main road frontage.

The proposal to develop the site for residential would negate the opportunity to develop the site for the above mixed employment uses.

I am, however, mindful of the financial contribution offered to the West Somerset Railway from the residential scheme, which is in accordance with the relevant policy within the Core Strategy. The WSR contribution would enhance the visitor attraction by enabling it to improve its visitor facilities and attract more spend locally.

I do not wish to see this site become a housing site, and would prefer to see business units, but I am also mindful that were permission for residential to be refused the developer could take the view that he would rather leave it undeveloped; in which case the West Somerset Railway would lose the contribution on offer.

*HOUSING ENABLING LEAD*– My comments are based on need and the comments do not reflect the site in terms of planning. The affordable housing requirement is 25% of the total number of new dwellings in line with the Taunton Deane Core Strategy Policy CP4. Details of which shall be agreed in writing with the Housing Enabling Lead Officer.

*LEISURE DEVELOPMENT OFFICER* – Comments as follows:

The proposal for an additional 5 family size dwellings will create need for children's play. A contribution of £2,688.00 per each of the additional dwellings should therefore be made.

A contribution of £1454.00 for each dwelling should be made towards the provision of facilities for active outdoor recreation.

A contribution of £194.00 per dwelling should be sought for allotment provision along with a contribution of £1,033.00 per dwelling towards local community hall facilities.

All the above should be index linked.

A public art contribution should be requested, either by commissioning and

integrating public art into the design of the buildings and the public realm of by a commuted sum to the value of 1% of the development costs.

*LANDSCAPE OFFICER* – Subject to suitable landscaping the proposals are acceptable, however, the road frontage landscaping needs ‘beefing up’ and the proposed park needs further consideration and planting. Maintenance plan required for the open space.

*NATURAL ENGLAND* – Standing advice as follows:

Bats – The authority may grant permission subject to appropriate conditions including a detailed mitigation and monitoring strategy for bats.

Great crested newts – Accept the findings and consider promoting biodiversity enhancements for GCNs (for example creation of new water bodies and suitable terrestrial habitat) in accordance with the NPPF.

Dormice – Further updated survey work should be sought.

It is for the Local Planning Authority to establish whether the proposed development is likely to offend against Article 12 (1) of the Habitats Directive. If this is the case then the planning authority should consider whether the proposal would be likely to be granted a license.

*Planning Officer Comment* – The agent has submitted a copy of the dormouse license issued in September 2011. This covered the site area of the consented developments.

*NATURE CONSERVATION & RESERVES OFFICER* – Comments as follows:

Change from public house to residential development is insignificant from an ecological perspective. Development should seek biodiversity gain and therefore condition recommended to secure bat/bird boxes within the development.

Further comments 25.09.12 – It is good to see confirmation that an European Protected Species license was issued by Natural England.

*FIRE AUTHORITY* – Means of escape together with access and facilities for the fire service should accord with Building Regulations 2000.

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

*ENVIRONMENT AGENCY* – No objection subject to imposition of conditions re: finished floor levels no lower than 51.8m AOD; contamination.

*WESSEX WATER* – No objection. New water supply and waster water connections will be required from Wessex Water to serve this proposed development. It is important the development undertake a full site survey of the site and surrounding land to determine the local drainage arrangements and to contact Wessex Water if a sewer may be affected.

*DRAINAGE OFFICER* – No observations.

*POLICE* – Comments submitted to the original scheme remain applicable. In respect of the proposed Public Open Space, communal areas have the potential to generate crime, the fear of crime and anti-social behaviour and should be designed to allow good supervision from nearby dwellings. The POS in this scheme is overlooked by dwelling No. 46 and to a lesser extent by No. 45, perhaps this could be improved by slightly re-orientating No. 45. Features to prevent unauthorised vehicular access to the POS should also be implemented.

## **Representations**

Six letters of OBJECTION have been received. Summary of objections:

### Principle

- Local resident's strong objections ignored and now yet more housing – where will it end?
- This is the last remaining non-residential element of the mixed use development permitted; Those uses were previously considered justified and viable as they were consented;
- The intention all along has been to deliver housing only;
- The consented scheme was put forward on the basis that it would benefit tourism associated with WSR;
- Taunton Deane's record on so called 'enabling developments' in this village is lamentable – Sandhill Park is used as an example of 'how not to do enabling development';
- Local residents trust lessons have been learnt;
- The original development was subject to consultation and justified on the basis that its non-residential elements – the inn, the restaurant, the brewery, the cycle hire, the take-away, the employment land, the museum, the train sheds – would all boost tourism associated with the railway. What has happened to these elements?
- The residential elements were proposed to enable public benefit, without which it would have been refused;
- The Council must therefore resist the loss of the non-residential elements;
- If it is accepted that a public house is not viable then an alternative employment or tourism use should be examined first;
- The site has road frontage;
- It should be noted that Broadgauge Business Park is at capacity;
- What has happened to the uses i.e. the cycle hire, take-away, brewery? I am aware of one brewery who would move tomorrow if available;
- Rather than support the existing service provision in the village the development would place further strain on local services, including the doctors surgery and school. None of the developments have contributed to education;
- No evidence that the village needs further residents to remain viable;
- What exactly is proposed to support WSR?
- The loss of employment consents runs into millions of pounds per year. This is the benchmark that the switch to residential use should be measured;
- The Government identify the need to boost the economy. The temporary benefit associated with the construction of houses is insignificant when compared with long-term employment and/or tourism uses.

### Loss of Public house

- There is no justification for the loss of the public house, other than it would compete with WSR – was this not obvious when consent was granted?
- Why would the 200,000 people who use the WSR annually not support a public house in this location?
- Has the public house been marketed or its viability assessed? This has not been tested;
- The Bell Inn did not go into receivership in 2011; it was sold by the owners who paid too much based on high borrowing costs;
- Enterprise Inns have struggled to attract permanent tenants at the Lethbridge Arms due to unreasonable rent expectations; The tenants will not make a penny from the sale of the car park;
- The land sold off will be worth more than Enterprise paid for the whole site including the pub;
- If the Lethbridge Arms is struggling it is nothing to do with this site;
- Disappointing the Council have asked for a viability report to justify why the public house should not be built but did not insist on the impact of the disposal of the majority of the car park and garden on the continued viability of the Lethbridge Arms;
- Loss of the public house at Cotford due to 'idiosyncrasies' of the landlord and is due to re-open;
- Given that permission was given with the full support of the WSR, what has altered to give rise to now having a 'detrimental effect on the retail facilities at the WSR', why is this only now apparent?
- Having regard to the above, it is accepted that the licensed trade is experiencing difficult trading conditions; however, what has changed in 12 months?

#### Residential Amenity

- Ongoing problems during construction work, including: noise, digging up the road, and traffic delays for residents of Greenway;
- Still no bridge work or roundabout carried out;
- Loss of rural outlook;
- Loss of privacy;
- Increase in flooding;

The West Somerset Railway has no objections to this application.

One further letter of OBJECTION has been received following consultation on the enabling works. Summary of objections:

- Why has it taken two weeks for the consultation to be circulated?
- The offer of a financial contribution does not enable their development;
- The primary justification for this development was to promote tourism at the terminus of the WSR. This incorporated a hotel/pub/restaurant, brewery, take-away, cycle hire, museum, train sheds and offices. In order to 'enable' some of these facilities, the developer proposed to construct 39 dwellings;
- It is the dwellings that are the enabling development not the financial contribution;
- With the eradication of all of the non-residential uses from this supposed mix use development, the question is 'what is it that these dwellings are supposed to be enabling?'



- £50,000 towards surfacing a car park is way off the mark to compensate the local economy for the loss of these commercial premises; as previously stated the value of salaries in the permitted office accommodation would exceed £1 million;
- Whilst the applicant has promoted additional public open space as a benefit this is effectively compensatory, not additional given the plan to convert the existing car park at the railway into a car park;
- In any case such development would need planning permission and any perceived benefit from its use as a car park cannot be taken into consideration;
- Determination must be made on the basis of the benefit of resurfacing the car park and not any possible increase in capacity that could be permitted in the future;
- The railway will not attract one single additional visitor on the basis that its car park has become smoother.

## **PLANNING POLICIES**

CP3 - TD CORE STRATEGY - TOWN AND OTHER CENTRES,  
 CP4 - TD CORE STRATEGY - HOUSING,  
 CP6 - TD CORE STRATEGY - TRANSPORT AND ACCESSIBILITY,  
 CP8 - TD CORE STRATEGY- ENVIRONMENT,  
 SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,  
 SP4 - TD CORE STRATEGY REALISING THE VISION FOR THE RURAL AREAS,  
 DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,  
 DM2 - TD CORE STRATEGY - DEV,  
 DM4 - TD CORE SRATEGY - DESIGN,  
 EC22 - TDBCLP - Land West of Bishops Lydeard Station,  
 M4 - TDBCLP - Residential Parking Provision,  
 EC15 - TDBCLP - Associated Settlements/Rural Centres/Villages,

## **DETERMINING ISSUES AND CONSIDERATIONS**

The main issues for consideration are the loss of the public house, provision of residential development outside the defined settlement boundary and whether the financial contribution to improve parking facilities at the West Somerset Railway sufficiently mitigates any harm from failure to provide a public house.

### Loss of public house \_

The public house development formed one of five applications granted on land west of Bishops Lydeard railway station. The scheme formed part of a mix of proposed uses. The public house scheme itself was not however part of the S106 agreement. The supporting text to Policy EC22 which allocates land for recreation and tourist development lists, in the supporting text, a public house as a use that would be acceptable. However, the original developer went into administration and the issue is whether there is any prospect of a public house being delivered.

Policy CP3 of the Core Strategy (iv) states that, with regards to facilities such as a public house:

*'Proposals which would result in the loss of such services will not be permitted where*

*this would damage the vitality and viability of a settlement or increase car travel by local residents unless it can be independently proven to be unviable for re-use for local service provision'*

The applicant has submitted a commercial report which outlines the difficulties in delivering such a use in the current market. Furthermore, it is noted during discussions with WSR they do not support the provision of a public house as this would be in direct competition with their business. As the objective of Policy EC22 is to support the tourist potential of the railway the non-delivery of the public house is not considered to be harmful to the viability of the railway. In terms of the loss of a potential community facility there are existing public houses in the village of Bishops Lydeard and therefore its loss is not considered to be significant in this context.

The Council have been in dialogue with the WSR to understand their priorities. Now that the WSR have secured the transfer of land they are able to seek heritage funding and begin fundraising to deliver the tourism facilities i.e. museum, carriage shed. However, one of their most immediate pressing issues is that of parking provision. Two options were considered. However, option B has been rejected by officers as the loss of open space cannot be adequately compensated. The proposed scheme will therefore upgrade the existing resource. The car park will be re-surfaced, drained, landscaped, and, importantly marked out. This would provide a more efficient use of the car park facility for the WSR to manage and be an improvement for patrons of the railway, in general accordance with the objectives of Policy EC22. It is currently managed by staff who direct the parking of vehicles as best they can.

This improvement to the tourist facilities of the WSR would be in general accordance with the objectives of Policy EC22.

### Outside Settlement

In terms of the principle of residential development outside of the settlement this is considered acceptable in the context of the consented enabling development and the wider benefits that will be derived.

It is therefore considered that the loss of the public house is acceptable having regard to the primary purpose of the allocation which is to support the tourist potential of the WSR. In addition, the proposal will provide public open space in the form of a LEAP within closer proximity to the enabling residential development and the residents of Greenway. This will also ensure there is no requirement to deliver the LEAP on the WSR land.

### Design

In terms of the planning layout and design of the proposed dwellings the scheme would integrate with the consented scheme. It is considered that there would be no unreasonable adverse impact on the amenity of nearby residents.

The on-site provision of a LEAP is a planning benefit which will provide a facility that is in closer proximity than the existing play area to both residents of the scheme and those in Greenway. The existing play area will be maintained for older children.

### Ecology

The Council's Nature Conservation Officer is satisfied that the proposals would have no adverse impact on ecology.

### Highways

Revised plans have been submitted to address the comments of the Highway Authority. Members will be updated of any further response received.

### Other matters

There has been a question as to where this development leaves the other tourism related uses such as the micro-brewery; creative industry centre, cycle hire centre and an ice cream kiosk. These were specifically identified under application 06/07/0027. The later Taylor Wimpey scheme, 06/11/0032, amended that consent only in so far housing elements of the scheme. There would be a marginal reduction in land available but this application would not prevent such uses coming forward in some form. However, its delivery is not part of the previous S106, as amended.

This does not affect the land transferred to the WSR and its intentions to deliver the museum and carriage shed. Indeed what it will do is provide some certainty to the railway that the LEAP will not be provided on their land.

### Conclusion

The concerns of the Parish Council and local residents are understood and noted. However, it is considered the loss of the public house would not adversely affect vitality and viability of the village. Furthermore, consideration is given to the objective of the allocation which is to support the enhancement of facilities at WSR. The provision of parking is an important resource for the WSR and the improvements to the parking provision will provide a tangible benefit. The scheme will also deliver on-site open space and play equipment to serve the needs of the development and in closer proximity to the existing community.

As such it is recommended that permission be granted.

**In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.**

**CONTACT OFFICER: Mr A Pick Tel: 01823 356586**

07/12/0018

HALL AND WOODHOUSE

**ALTERATIONS TO THE EXTERNAL LANDSCAPING TO INCLUDE A TIMBER DECKING AREA, PEDESTRIAN BRIDGE AND THE RELOCATION OF DISABLED PARKING BAYS AT THE WORLDS END PUBLIC HOUSE, HEATHERTON PARK, BRADFORD ON TONE (RETENTION OF WORKS ALREADY UNDERTAKEN) (RESUBMISSION OF 07/11/0019)**

Grid Reference: 317354.121939

Retention of Building/Works etc.

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval

The proposal is considered not to have a detrimental impact upon visual or residential amenity and is therefore considered acceptable and, accordingly, does not conflict with Taunton Deane Core Strategy Policy DM1.

**RECOMMENDED CONDITION(S) (if applicable)**

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

(A2) DrNo 04 Existing and Proposed Sectional Elevations A-A, B-B

(A2) DrNo 03 Proposed Landscape Plan

(A4) Block Plan

(A4) Location Plan

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

Notes for compliance

**PROPOSAL**

The application seeks planning permission for the erection of decking, bridge and child's play area at the Worlds End Public House. The proposals constitute an amended scheme, with the material change being the increase in height above ground of the raised decking. The decking has been constructed and the works completed at the site; the decking varies in height due to changes in the ground level, but generally varies between 300mm and 600mm above ground; the original application previously permitted a height of 150mm.

The application is made retrospectively with works having been completed on 29

June 2012.

## **SITE DESCRIPTION AND HISTORY**

The Worlds End is a large public house come restaurant located south of the A38 at Bradford on Tone. The property has a large car park and external seating/dining area to the rear (south); the latter is enclosed by a combination of stone and brick walls together with small areas of planting. The rear of the site is enclosed by timber fencing, stone walls and hedgerow planting that have a maximum height of 2.5 metres; the stone wall to the northern boundary of the car park has an approximate height of 2.5 metres and has recently had a small section adjacent to two existing disabled parking bays rebuilt. There are residential properties to the north and south of the car park.

Planning permission was originally granted for the proposals under LPA reference 07/11/0019; the works to the decking were not completed in accordance with the approved plans, with the decking being laid higher than permitted.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*SCC - TRANSPORT DEVELOPMENT GROUP* - No objection.

*BRADFORD ON TONE PARISH COUNCIL* - No comments.

### **Representations**

1 letter of objection received raising the following planning related matters:

- The decking is raised to 600mm high, turning my 8 ft wall into a 6 ft wall and inviting possible burglary;
- It is beyond me how a construction that so little resembles the plans can be allowed;
- The height of the decking has compromised the privacy, security and tranquility of my property. I often have people peering over the wall into my garden;
- The maintenance of the wall is now difficult because a large area at the base is now inaccessible; the corridor left by buildings is too tight to be of use;
- There is a void under the decking which is a fire hazard with smoking customers dropping cigarettes onto stray bark chipping's; it's also a health hazard as dropped floor will encourage rodents;
- They were made aware in advance that the decking height did not confirm to planning but continued regardless.

## **PLANNING POLICIES**

DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,

## **DETERMINING ISSUES AND CONSIDERATIONS**

The principle of the development was considered to be acceptable previously and the majority of the issues raised by the objector have not changed since this original

decision. The pertinent issue to consider is the impact of the additional height to the decking upon residential amenity.

The neighbouring resident has objected, claiming that the additional height to the decking is allowing customers of the public house to look over the stone wall that separates the two sites; burglary is also a concern as the wall is now lower for scaling than previously.

When stood on the decking within the site, the stone wall is approximately 1.9 metres in height above the decking. Having re-visited the site it is clear that views into the neighbouring property are largely restricted. A customer would only be able to see clearly into the neighbouring garden if they were in the region of 6ft 4 inches tall; such is well above the average height of the population, otherwise it would be necessary for people to deliberately scale the wall to look over and into the neighbouring garden. Such is not likely to be a regular occurrence and can be prevented with good management of the public house.

The impact of the additional height to the raised decking is not considered to significantly harm residential amenity of the adjoining property; nor is it considered likely to increase the risk of burglary as the 'reduced' height of the wall is not considered to aid any potential offender greatly.

Having regard to the above matters it is recommended that planning permission be granted subject to conditions.

**In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.**

**CONTACT OFFICER: Mr R Williams Tel: 01823 356469**

AMBER REAL ESTATE INVESTMENTS

**ERECTION OF TWO ADDITIONAL POULTRY HOUSES AND ASSOCIATED INFRASTRUCTURE INCLUDING FEED BINS AND HARDSTANDING AT CHURCHINFORD POULTRY FARM, CHURCH ROAD, CHURCHINFORD**

Grid Reference: 320963.113231

Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval

The principle of expanding an existing business use outside defined settlement limits is considered acceptable and the proposal is considered not to harm visual or residential amenity and is therefore considered acceptable and, accordingly, does not conflict with Taunton Deane Core Strategy policies CP1 (Climate Change), CP6 (Transport & Access), CP8 (Environment), DM1 (General Requirements) and DM2 (Development in the Countryside).

**RECOMMENDED CONDITION(S) (if applicable)**

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

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

(A1) DrNo 200-06 drainage plan  
(A1) DrNo 200-05 elevations  
(A1) DrNo 200-04 floor plan  
(A1) DrNo 200-03 layout plan  
(A1) DrNo 200-02 survey plan  
(A1) DrNo 200-01 location plan

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

3. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out and thereafter retained as such, in

accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the character and appearance of the existing building in accordance with Policy S2 of the Taunton Deane Local Plan.

4. No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall also include details of how the scheme shall be maintained and managed after completion. The development shall be subsequently implemented in accordance with the details of the approved scheme before the development is completed.

Reason: To prevent increased flooding and to ensure that the development does not contribute to an unacceptable risk of water pollution in accordance with the details of the NPPF paragraphs 102 and 109 and the Taunton Deane Core Strategy policy CP8.

5. The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Eco –Check Consultancy Ltd submitted report, dated April 2012 and include.
  1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
  2. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance
  3. Measures for the retention and replacement and enhancement of places of rest for the species

Once approved the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority.

Reason: To protect wildlife and their habitats from damage bearing in mind species are protected by law.

#### Notes for compliance

1. Most resident nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended). It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation.



Badgers are protected under the Protection of Badgers Act 1992. Planning and licensing applications are separate legal functions.

2. Churchinford Poultry Farm currently holds an Environmental Permit for 175,000 broiler places. A Variation to the existing permit will be required to increase places to 262,000. The applicant must contact the Environment Agency's National Permitting Centre (03708 506506) to apply for a variation.

## **PROPOSAL**

The proposal is to erect 2 new poultry houses 91.5m x 23.2m and 5.6m to the ridge. The roof vents project a further 1.775m above the ridge and the feed silos are 6.87m in height. The poultry houses are in addition to the existing 6 units on site and will allow for a stock increase of 87,000 birds from 175,000 to 262,000.

## **SITE DESCRIPTION AND HISTORY**

The existing site, to the north of Church Road heading out of the village, consists of a broiler unit producing birds for the table on a typical 40 day cycle with a 20-25% thin at 33 to 35 days. Allowing for a 6 day clean out period around 7-8 batches are reared per year.

There are currently 6 poultry house on site and the last 3 had planning permission in February 1988, reference 10/87/017. Prior to this permission was granted in 1974 for an office, workshop toilet and rest-room building, reference 10/74/001.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*CHURCHSTANTON PARISH COUNCIL* - The Parish Council objected to this application on the following grounds:

- The present surface water drainage problems have not been addressed by the consultant engineers for the extension. There are already surface water drainage problems in the immediate area which are being controlled by the residents of the cottages. No reference has been made to these in the application and I must assume that the drainage engineers who are proposing additional drainage improvements have not factored the existing problems into their calculations.
- The present noise problems, odours, dust and dirty water(effluent) issues have not been addressed. There will be additional noise generated by the intensification of use which will impact on the neighbours especially by the increase in deliveries of food and cleaning out of the houses. This noise occurs at any time of the day and night according to the neighbours
- There is already an issue of unpleasant smells which are not just restricted to the time when the houses are being cleaned out. This will also increase

- The present proposal to expand production by 50% on the site so close to residential property is inappropriate and will unreasonably intensify nuisance to residents and will increase the potential for flooding in the village by surface water run off along Church Road as occurred a few years ago.
- Bats are roosting in and around the Cricket Pavilion to the North-west of the site.

*SCC - TRANSPORT DEVELOPMENT GROUP* - The site lies outside of any development limit and is remote from any urban area, and therefore distanced from adequate services and facilities. As a consequence, the development is likely to be dependant on private vehicles for most of its staff, deliveries and customers daily needs. Such fostering of growth in the need to travel would be contrary to government advice given in the NPPF and RPG10, and to the provisions of policies STR1 and STR6 of the Somerset and Exmoor National park Joint Structure Plan review (Adopted April 2000), and policy S7 of the Local Plan (P6 of the Core Strategy).

Notwithstanding the aforementioned comments, it is noted that the application is for an extension to an existing use, and it must be a matter for the Local Planning Authority to decide whether the benefits of this application or any other overriding planning need, outweighs the transport policies that seek to reduce reliance on the private car.

The application site is currently occupied by Churchinford poultry farm. The proposals seek to expand the existing use, by providing two additional poultry houses and associated infrastructure. Access to the site is gained via Church Road. This is a classified unnumbered highway which is rural in nature, and carries a low volume of traffic. The existing vehicular access is surfaced and has appears to have been designed in order to accommodate HGV's and the types of vehicles which will regularly use it. On site observations confirmed that visibility onto the highway is considered to be acceptable. No access improvements are proposed.

The application proposal would increase the stocking level from 175,000 birds to 262,000 birds. One additional full time employee is also likely to be required.

Due to the nature of the poultry use, traffic generation associated with the site can vary greatly each week. However, information provided by the Agent has confirmed that the busiest week comes at the end of the 'cycle' when the birds are fully grown and are transported from the site. Currently, the busiest week could result in up to 61 traffic movements per week. The proposals would result in an additional 38 movements per week, which equates to additional 4 - 6 movements per day. It is noted that this level of traffic generation would only occur once every six weeks, and the level of traffic generation would be much lower during the other weeks within the cycle period. It is considered that the access and highway network can adequately accommodate the additional level of traffic which would be generated by the development proposals. On this basis there is no wish to resist the granting of planning permission.

Additional comment

The proposals to attenuate the surface water discharge from the site to equate to the pre-development scenario is noted, as is the proposal to provide a new outfall from the attenuation pond into the ditch running along the northern side of Church Road fronting the development.

Whilst Somerset County Council as highway authority currently enjoy prescriptive rights to discharge surface water run-off from Church Road into this ditch (via grips cut through the verge), the ditch is not considered to form part of the public highway. The Council consider that the ditch is in the riparian ownership of the adjacent land owner and not is therefore empowered to approve or otherwise the proposal. Of course the proposals must not compromise our current prescriptive rights or increase the potential for flooding on the highway.

*BLACKDOWN HILLS AONB SERVICE* - The AONB Partnership recognises the business needs of agricultural enterprises operating in the Blackdown Hills, but there is a need to balance these requirements with the need to conserve and enhance the natural beauty of the Blackdown Hills. While I agree with Ian Clark in that there would be minimal additional landscape impact, with a broader perspective I do question the capacity of the Blackdown Hills in respect of the increasing number of large and expanded chicken/egg farms in the AONB, introducing large, modern, industrial scale buildings into otherwise undeveloped areas of the AONB. Although I note the highway authority comments, that the highway network can adequately accommodate the additional level of traffic, at times there will be a significant level of vehicle movements in the local area. The vehicles carrying poultry across the AONB are very large, and the AONB Partnership is concerned about the impact on highway infrastructure and the impact of additional HGV traffic on residents' and visitors' enjoyment of the AONB.

*NATURAL ENGLAND* - This application proposes an increase from 175,000 to 262,000 birds that may substantially increase ammonia levels and therefore adversely affect the integrity or interest features of the SSSIs listed below which are situated between 3-5 km from the poultry farm.

- Deadman SSSI (3km), Southey and Gotleigh Moors SSSI (3km),
- Prior's Park and Adcombe Wood SSSI (4km), Ringdown SSSI (4km),
- Quants SSSI (5km) and Ruttersleigh SSSI (5km).

The Quants Site of Special Scientific Interest (SSSI) is part of the Quants Special Area of Conservation.

We understand the site is already registered under Integrated Pollution Prevention and Control legislation with the Environment Agency and that an amendment to the licence will be required once planning permission is given. We note that the Environment Agency does not object to the proposal.

Natural England notes the information in the odour model report provided by the applicant states that at most receptors the predicted odour exposure levels are below the Environment Agency's benchmark of 3.0ouE/m<sup>3</sup> which is acceptable to Natural England. This report can help your authority to undertake the Appropriate Assessment required under Regulation 61 of the Conservation Regulations 2010.

However on the basis of this information Natural England advises that your authority can conclude that the project is not likely to adversely affect the integrity of the designated sites, including the internationally protected site. Subject to the proposals being carried out in strict accordance with the details submitted (including any conditions or legal agreements), we advise you, as the Competent Authority, that it can be ascertained that this application will not adversely affect the integrity of the Quants SAC. You do not therefore need to undertake further stages in the appropriate assessment process.

Protected Species - Based on the information provided on your website, legally protected species are unlikely to be adversely affected by this proposal. The permission, should your council be minded to grant the application, should be subject to the recommendations made by your Nature Conservation Officer in her report dated 29 May 2012.

Landscape - The application falls within the Blackdown Hills AONB. Therefore given the location the LPA should seek the views of the AONB Partnership prior to determining the application.

Biodiversity - This proposal presents the opportunity to incorporate features into the design which are beneficial to wildlife such as the incorporation of roosting opportunities for bats, the installation of bird nest boxes or the use of native species in the landscape planting. We recommend that should the Council be minded to grant permission, measures to enhance the biodiversity of the site are secured from the applicant. This is in accordance with Section 40 of the Natural Environment and Rural Communities Act (2006) which states that 'Every public authority must, in exercising its functions, have regard, so as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'. Biodiversity 2020: A Strategy for England's wildlife and ecosystem services and Making Space for Nature (2010) also provide strong drivers for inclusion of biodiversity enhancements through the planning process.

*LANDSCAPE LEAD* - Subject to retention of the boundary trees and hedgerows the proposals should have minimal landscape impact.

*BIODIVERSITY* - The application is for the erection of two additional poultry houses with associated infrastructure at Churchinford poultry farm Churchinford. The new buildings will be sited on an area of improved grassland and accommodate 87,000 birds increasing the capacity of the site to 262,000.

There are two designated nature conservation sites (Royston Park and Ford Farm) within 1 km of the site, but there are six designated nature conservation sites within 5km. As one of these sites (Quants SSSI) is also a SAC, I agree with Natural England that an AA may be required under the Habitat Regulations. I suggest that the Council approach Larry Burrows of the County Council to carry out a Test of Likely Significance. The predicted ammonia and nitrogen deposition will need to be assessed on all designated sites.

The site comprises of improved grassland, buildings and hard standing. It is

bounded by hedgerows, scattered trees, woodland, earth banks and patches of ruderal vegetation. The site boundary is considered to be of greater ecological value than the main site and provides a corridor for wildlife movement.

Eco –Check Consultancy Ltd carried out a Phase 1 Habitat and Protected Species Survey for Acorus Rural Property services in April 2012.

Findings of the survey are as follows

Badgers - No setts were found on site but a badger path across the grassland to the east of the site was noted. The site is considered to have moderate potential for foraging badgers.

Bats - No signs of bats were found on site, but the surveyor considered the boundary trees could provide roosting potential as well as foraging and commuting habitat.

Dormice - The site is bordered by hazel trees and there is a hazel coppice in the SE corner of the site but a preliminary nut search did not reveal any obvious signs of dormouse feeding. As dormice are known to be in the area and the hedgerows/woodland has good connectivity to the surrounding landscape, I agree that should hedgerows be disturbed then detailed survey should be carried out.

Birds - The hedgerows and trees bordering the site offer nesting and foraging opportunities for birds.  
I agree that any ground clearance should take place outside of the bird nesting season.

Reptiles - No reptiles were noted during the survey. There is suitable habitat for slow worms around the site, primarily the earth banks and hedgerows. The rank grassland and ruderals have potential for common lizard. If these habitats are to be disturbed I agree that reptile surveys will be required.

To conclude there is potential for the site to be used by bats, badgers, birds, dormice and reptiles for foraging. I suggest the following condition, subject to any conclusions drawn from a Test of likely significance.

Recommend condition requiring a strategy to protect wildlife

*DRAINAGE ENGINEER* - I note that surface water from the proposal will be attenuated on site with a controlled discharge to the adjacent ditch. Before any construction works commence the applicant shall need to confirm that the owners of this ditch, presumably Somerset County Council, are happy with this arrangement. Details of the long term maintenance of the proposed pond and hydrobrake control also need to be agreed before any works commence and these issues should be made a condition of any approval given.

*ENVIRONMENT AGENCY* - We have no objection to the application as submitted subject to the following condition being imposed on any permission granted.

No development shall commence until a surface water drainage scheme for the site,

based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall also include details of how the scheme shall be maintained and managed after completion. The development shall be subsequently implemented in accordance with the details of the approved scheme before the development is completed.

Reason: To prevent increased flooding and to ensure that the development does not contribute to an unacceptable risk of water pollution in accordance with the details of the NPPF paragraphs 102 and 109 and the Taunton Deane Core Strategy policy CP8.

Informative /advice to LPA: Given the size of the site there is the potential for increased surface water flooding as a result of the proposals. Surface water will need to be attenuated on site up to and including for the 1 in 100 year storm event with an allowance for climate change. Drainage calculations will need to be provided to demonstrate that enough attenuation is provided for on site.

Clean roof water and potentially dirty/contaminated water will need to be dealt with via separate systems to ensure that maximum treatment is provided and to ensure that the conditions of the Environmental Permit are adhered to.

The following should be included as a note to the applicant.

Churchinford Poultry Farm currently holds an Environmental Permit for 175,000 broiler places. A Variation to the existing permit will be required to increase places to 262,000. The applicant must contact the Environment Agency's National Permitting Centre (03708 506506) to apply for a variation.

*ENVIRONMENTAL HEALTH - NOISE & POLLUTION* - I note that there are existing poultry houses at the site. The proposed houses are closer to nearby residential premises than the existing ones so there is the potential for noise and odour to affect residents.

Environmental Health have no record of complaints about noise or odours from the existing poultry houses. However, the premises has an Environmental Permit from the Environment Agency, which means that such complaints would be dealt with by the Agency under the Permit rather than by Environmental Health.

The Environmental Permit does have conditions relating to odour and noise and any new buildings should be included within a varied permit. If the operator does not comply with the conditions and the odours and noise do cause a nuisance, the Environment Agency would be able to take enforcement action under the Permit. If the Agency thought that the addition of the new buildings would mean that the operator could not meet the conditions on the permit then they may decide not to issue a permit for the use of the buildings.

## **Representations**

2 letters of OBJECTION from 3 residents on grounds of

- Noise levels will be raised by lorry deliveries both day and night with engines left running
- Increase in odour which can be obnoxious
- Increase in surface water run-off which can cause flooding in the lane, the village and entrance to properties
- The site will increase by a third but the land available to absorb water will reduce by a quarter. The proposed pond for attenuation will increase flood risk and will be a breeding ground for bacteria.
- Conflict between septic tank drainage and surface water store.
- Land to the NW should be used for expansion.

## **PLANNING POLICIES**

NPPF - National Planning Policy Framework,  
STR6 - Development Outside Towns, Rural Centres and Villages,  
S&ENPP49 - S&ENP - Transport Requirements of New Development,  
CP1 - TD CORE STRAT. CLIMATE CHANGE,  
CP6 - TD CORE STRATEGY - TRANSPORT AND ACCESSIBILITY,  
CP8 - TD CORE STRATEGY- ENVIRONMENT,  
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,  
DM2 - TD CORE STRATEGY - DEV,

## **DETERMINING ISSUES AND CONSIDERATIONS**

The main issues with the proposed new poultry units are the impact on the character of the area, the amenity of nearby properties, the surface water control and any impact on SSSI's and wildlife.

The site is one that is well established as a poultry producer having been in operation for over 30 years. The site lies off the northern side of Church Road and is well screened by existing boundary trees. The boundary trees will be unaffected by the development and in light of this two new poultry houses will also be adequately screened and the proposal is not considered to have any adverse impact on the landscape character and appearance of the AONB.

There have been objections on amenity grounds from three neighbours and the Parish Council. There are already 6 poultry houses on site and the site, due to its age, has no planning controls in respect of the hours of operation/deliveries. It would therefore be unreasonable to try and impose such conditions in respect of the new units as it would not be possible to enforce given the existing poultry houses on site. The current poultry houses are 78m away from the nearest residential property while the new poultry units would be 57m away at their nearest. There is a planting belt of trees 11m wide between the proposed site and the boundary screening the buildings. There have been no previous objections to the Council in respect of the site and its operation, although clearly the nearest residents raise issues in terms of noise and odour which may increase as a result of the proposal. The Environmental Health Officer raises no objection and emphasis is placed on the Environmental Permit covering the site. The Environment Agency advise that no complaints have been received. The applicant's submission indicate that odour exposure levels are

likely to rise due to the scheme but overall odours arising from normal operations at the proposed farm are unlikely to lead to nuisance, annoyance or complaint, given mitigation and the need to comply with the Environmental Permit. The new buildings will have improved ventilation fans and it is intended to fit new fans to the older buildings. Lorry feed deliveries will operate during working hours and therefore the new units should not have a negative impact on noise generation from the site. It would appear from the information submitted that the new proposal would not significantly increase noise and odour to warrant a refusal of the scheme. The new units are sited to the north of the dwellings and given the prevailing wind and screening the immediate impact on the residential properties is unlikely to be significantly worsened.

The proposal has brought to light concerns from local residents and the Parish Council of surface water drainage. Currently there is an outflow to the roadside ditch which the Highway Authority confirm is not their responsibility. The proposal will take up more of the existing grassland within the site, however the applicant has designed a surface water attenuation scheme to allow for the adequate storage of any surface water run-off. The Environment Agency raise no objection to the development and recommend a condition to address the implementation of a suitable drainage scheme. This is also reflected by the Drainage Officer's comments. A condition is therefore considered appropriate and necessary. The existing septic tank is proposed to be moved so there will be no conflict with the surface water store area.

A wildlife survey and ecological assessment has been submitted with the application as part of the EIA. The site lies within notifiable distance of a number of SSSI's and the comments of Natural England, therefore, on the impact of the scheme on these areas is crucial in the determination of the proposal. No objection has been raised in respect of the impact on the Quants Special Area of Conservation and other SSSI's and the condition suggested by the Nature Conservation Officer is recommended to address impact on protected species as well as biodiversity enhancement measures. This is therefore recommended as a condition of any approval here.

The site is adjacent to a public road that is considered adequate to serve the existing and proposed traffic servicing the site.

In summary the provision of two additional poultry houses are considered to comply with the policy requirements of Core Strategy policies DM1 and DM2 for general requirements and development in the countryside. The site is for an agricultural use near an existing road, it is compliant with the Habitats Regulations, it is a scale and design compatible with the rural area and it is not considered that the pollution in terms of noise, odour and dust would unacceptably harm public health, safety or the amenity of nearby dwellings given the environmental controls of the site.

**In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.**

**CONTACT OFFICER: Mr G Clifford Tel: 01823 356398**



10/12/0024

BLACKDOWN SOLAR POWER LTD

**DEVELOPMENT OF SOLAR PHOTOVOLTAIC FARM COMPRISING APPROXIMATELY 23,000 NO. PANELS, RATED AT UP TO 5MW, AND COVERING AN AREA OF 21.4 HECTARES, COMPLETE WITH INSTALLATION OF ASSOCIATED INFRASTRUCTURE AT FORMER CULMHEAD AIRFIELD, CULMHEAD, CHURCHSTANTON (RESUBMISSION OF 10/12/0009)**

Grid Reference: 320865.114662

Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval

The proposed development will generate electricity from renewable resources contributing to tackling climate change and meeting renewable energy targets. The short term harm of views of the site from public vantage points will be mitigated and the long term impact on the visual amenities of the area is considered limited. The benefits are considered to outweigh the limited visual harm and the proposal is not considered to harm wildlife interests, highway safety, flood risk or the landscape character of the Blackdown Hills AONB. It is therefore considered to be acceptable and in accordance with guidance in the NPPF and policies CP1 (Climate Change), CP8 (Environment), DM2 (Development in the Countryside) and DM1 (General Requirements).

**RECOMMENDED CONDITION(S) (if applicable)**

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

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

(A1) DrNo PE10015 Existing and Proposed Elevations  
(A1) DrNo PE10015 Existing and Proposed Floor Plans  
(A1) DrNo PE10015 Block Plan  
Figure 3.4 Fence detail  
Figure 3.5 Substation building

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

3. Within 25 years and six months following the development hereby permitted being brought into use, or within 6 months of the cessation of electricity generation, whichever is the sooner, the solar PV panels, frames, ground screws, inverter housings and all associated structures, foundations and fencing approved shall be dismantled and removed from the site. The site shall subsequently be restored in accordance with a scheme and method statement that shall have been submitted to and approved in writing by the Local Planning Authority no later than 3 months following cessation of power production.

Reason: To ensure the site is adequately restored following decommissioning in the interests of the visual amenity of the area in accordance with policy DM1 of the Taunton Deane Core Strategy.

4. The site operator shall inform the Local Planning Authority within 5 days of being brought into use that the site is operational and producing electricity.

Reason: To allow the Local Planning Authority to keep a record of date of operation to allow effective future monitoring of the development.

5.
  - (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority.
  - (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.
  - (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.

6. The development hereby permitted shall not be commenced until details of a strategy to protect and enhance the development for wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of EnvironGauge's Environmental Report and EnvironGauge's Badger Assessment; dated March 2012 and include:

1. Details of protective measures to include method statements to avoid

- impacts on wildlife during all stages of development;
2. Details of the timing of works to avoid periods of work when nesting/wintering birds could be harmed by disturbance.
  3. Measures for habitat enhancement of the site for wildlife.

Once approved the works shall be implemented in accordance with the approved details and timing of the works, unless otherwise approved in writing by the Local Planning Authority.

Reason: To protect and enhance the site for wildlife.

7. Details of a hedgerow management plan for the site shall be submitted to and approved in writing by the Local Planning Authority prior to electricity generation commencing and shall thereafter be carried out as agreed for the lifetime of the solar array.

Reason: In the interests of reducing the visual impact of the panels and protecting the character of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

8. Details of the proposed infra-red lighting columns shall be submitted to and approved in writing by the Local Planning Authority prior to installation and there shall be no external artificial lighting installed on the site other than that agreed.

Reason: To protect wildlife interests and the visual amenity of the area in accordance with policies DM1 and CP8 of the Taunton Deane Core Strategy.

9. Details of historical interpretation boards shall be submitted to and agreed in writing by the Local Planning Authority and shall be provided adjacent to the rights of way prior to the development generating electricity.

Reason: To aid interpretation of the landscape of the former airfield and associated monuments in accordance with Policy CP8 of the Taunton Deane Core Strategy.

10. Prior to work commencing on site details of a survey of the scheduled monument to assess its condition shall be submitted to and agreed in writing by the Local Planning Authority. The survey and production of a conservation management plan shall be agreed with English Heritage and carried out prior to electricity production commencing unless otherwise agreed in writing by the Local Planning Authority.

Reason: To enable a prioritised management plan for the monuments to be produced to help safeguard their future.

11. No development shall commence (or such other date or stage in development as may be agreed in writing with the Local Planning Authority) until the following components of a scheme to deal with the risks associated with

contamination of the site have been submitted to and approved, in writing, by the Local Planning Authority:

1. A preliminary risk assessment which has identified:
  - all previous uses
  - potential contaminants associated with those uses
  - a conceptual model of the site indicating sources, pathways and receptors
  - potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented in accordance with the details approved under this condition.

Reason: To protect the water environment and ensure the appropriate remediation of the site in accordance with NPPF paragraph 109.

12. If, during any development phase (including de-commissioning), contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with. The development shall subsequently be implemented in accordance with the approved strategy.

Reason: To protect the water environment and ensure the appropriate remediation of the site in accordance with NPPF paragraph 109.

13. No development shall commence until a Construction Environmental Management Plan has been submitted to, and agreed in writing by, the Local Planning Authority. The development shall be implemented in accordance with the approved plan.

Reason: To prevent pollution of the water environment in accordance with NPPF paragraph 109.

14. No development shall take place until a surface water drainage scheme for the

site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The drainage strategy shall demonstrate the surface water run-off generated up to and including the 1 in 100 year critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. 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 in accordance with NPPF paragraph 102. This is a unique Reason

15. No sub-station construction shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the character and appearance of the existing building in accordance with Policy DM1 of the Taunton Deane Core Strategy.

16. All services shall be placed underground unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual amenity of the area in accordance with Taunton Deane Core Strategy Policy DM1.

#### Notes for compliance

1. The condition relating to wildlife requires the submission of information to protect species. The Local Planning Authority will expect to see a detailed method statement clearly stating how wildlife will be protected through the development process and be provided with a mitigation proposal that will maintain favourable status for these species that are affected by this development proposal.

Badgers are protected under the Protection of Badgers Act 1992. Planning and licensing applications are separate legal functions.

It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation.

2. Underground fuel storage should be undertaken in accordance with the Association for Petroleum and Explosives Administration document: Guidance for Design, Construction, Modification, Maintenance and Decommissioning of Filling Stations (Revised June 2011). Any above ground fuel must be stored in

accordance with the Control of Pollution (Oil Storage) (England) Regulations 2001.

Any waste used on site or taken off site will be subject to the necessary waste exemptions and / or Environmental Permits required to be granted by the Environment Agency. More information can be found at the following link: <http://www.environment-agency.gov.uk/business/topics/permitting/default.aspx>

We are not aware of any watercourses on site. If any works are required in or adjacent to any watercourse, then the written consent of Somerset County Council, as the Lead Local Flood Authority (LLFA), will be required. The LLFA took on consenting powers originally held by the Environment Agency on 06 April 2012.

3. You should contact the Taunton Deane Area Highways Office on 08453 459155 to seek clarification on an alternative route for the construction phase, to minimise disruption to the highway network due to a Traffic Regulation Order along the B3170 (Corfe) enforcing a 7.5T weight restriction. In addition correct and appropriate signage should be used during the construction phase to notify all highway users of the potential hazard that will be associated with the development.

## **PROPOSAL**

The proposal is to erect approximately 22,538 photo voltaic panels on framework projecting 2.3m high. The maximum installed capacity would not exceed 5MW and the installation is based on a temporary 25 year lifespan. The associated infrastructure includes inverters attached to the panel mountings which will be linked with underground cables to a main Sub-station. This transformer will be sited approximately 90m from the main road in a building 11m x 5m and 4.8m high. The security fencing around the site will be 2.03m high and there will be up to 10 infra red imaging security cameras on 4m poles to prevent light pollution. The site is approximately 21ha, however panels will be spread across an area of approximately 13ha with gaps between to allow for the former taxiways and runways not to have panels installed on them. The resubmission also leaves a greater area free from panels away from the scheduled monument to the west.

The panels, which each measure 1.6m x 1m would be mounted two deep such that they had a combined height of 2.3m, at a 25 degree angle, such that they would cover 3.3sqm of ground. There would then be 0.2m between groups of panels mounted together. The front of each row of panels would be approximately 0.8m from the ground and the back would be around 2.3m high. The rows of panels would be mounted on a metal frame and fixed to the ground with metal piles. Thus, in general no concrete foundations are required and the supports can be easily removed at the end of the installation's life.

The on site construction period would be over 3-4 months and once operational the intended installed capacity of 4.845MW(p) would be expected to produce power which is equivalent to an average of 1215 homes in the district.

## **SITE DESCRIPTION AND HISTORY**

The site forms 21.4ha of the southern part of the former Culmhead Airfield. The site is in the majority agricultural land, part arable and part grassland, subdivided by areas of tarmac and concrete former taxiways/runways. The roadside boundaries of the site are hedgerows, there is planting to the south of Trickey warren Lane, while the land is open to the west and south. The site was used as an MoD listening post after the war for a number of years and had a number of masts erected across the site until the use ceased and site closed in 1999.

Planning permission for Installation of photovoltaic solar panels to generate up to 100 kilowatts of energy at Culmhead Business Park, reference 10/11/0007 was granted in May 2011 for works within the fenced off Business Park. An application for Erection of two 18kw wind turbines on 18.3m high masts, reference 10/11/0047, for the Business Park was also granted in January 2012.

An application for the development of Solar Photovoltaic Farm rated up to 5MW and installation of associated infrastructure at former Culmhead Airfield, Culmhead, reference 10/12/0009, was withdrawn on 19th June 2012.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*CHURCHSTANTON PARISH COUNCIL* - Comment awaited.

*SCC - TRANSPORT DEVELOPMENT GROUP* - Somerset County Council is generally supportive of alternative energy development and as such there is no objection in principle to the proposal.

The proposed development is situated on land within the Culmhead Business Park for the development of an approx 23,000 solar photovoltaic panel park. Having made a site visit and studied the documentation supporting the application is clear that the proposal is in an adequate location for this type of development. The site will be accessed from the existing Business Park entrance onto Churchinford Road a designated classified unnumbered highway and provides vehicles with adequate visibility in either directions, it is also of sufficient geometry to cope with any HGV vehicle uses. The temporary increase in traffic will be at its maximum during the delivery/construction phase, the current access is capable of dealing with this these movements.

The proposed photovoltaic park is set back well away from the highway and is accessed by internal airfield tacks. In terms of maintenance the photovoltaic park requires minimal attention, therefore traffic associated with the development once completed will be minimal.

With regards to the construction phase of the development the Design and Access Statement, details that:

*“Around 70 delivery vehicles (standard articulated lorries) will be needed to transport the panels to the site, with up to a further 70 vehicles to transport the metal frames, fencing and cabling, depending on whether the frames are preassembled or require*

*onsite assembly.” “Approximately 10 deliveries are expected to be required to transport the transformers, inverters, substation components, giving a total of approximately 150 vehicle deliveries during the construction phase of the development.”*

Therefore in this instance it is estimated that 150 deliveries would equate to approximately 300 vehicle movements. The Highway Authority considers a site of this size should be providing a traffic management plan to establish suitable access routes to and from the site to minimise potential disruption to the wider highway network.

The Design and Access statement also includes a proposed route plan, however, it is recommended for the applicant to contact the Taunton Deane Area Highways Office on 08453 459155 to seek clarification on an alternative route for the construction phase, to minimise disruption to the highway network due to a Traffic Regulation Order along the B3170 (Corfe) enforcing a 7.5T weight restriction.

In addition correct and appropriate signage should be used during the construction phase to notify all highway users of the potential hazard that will be associated with the development.

As a result, the Highway Authority has no objection to this proposal subject to the following condition:-

Prior to the commencement of development a traffic management programme providing details on the delivery of the storage containers to the site shall be submitted to and approved in writing by the Local Planning Authority and fully implemented in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To minimise disruption to the adopted highway network.

*SCC - DEVELOPMENT CONTROL ARCHAEOLOGIST* - With regard to the Culmhead Airfield development for a solar photovoltaic farm, we would expect the revised layout to respect the setting and historic character of the airfield, in accordance with comments from English Heritage.

*BLACKDOWN HILLS AONB SERVICE* - The statutory purpose of Areas of Outstanding Natural Beauty (AONBs) is to conserve and enhance their natural beauty. The Countryside and Rights of Way Act 2000 places a duty on local authorities and other public bodies to have regard to this purpose in exercising their functions and duties. As such we are concerned with any development that may be contrary to this purpose and **the AONB Partnership wishes to object** to the above planning application.

The AONB Partnership seeks to act in an advisory capacity and it is not in our interest to object to planning applications where we do not consider there to be a threat to the beauty of the landscape. The Blackdown Hills is a living and working landscape and we do not expect it to remain unchanged, but we have a key consultative role to try to help ensure that change does not threaten the special character and qualities for which this landscape is recognised and nationally



designated. We believe a development of PV arrays of the scale proposed will be detrimental to the Blackdown Hills Area of Outstanding Natural Beauty - both in terms of landscape character and visual amenity - and is contrary to national planning policy. We believe that there is a fundamental consideration that has not been addressed of whether it is appropriate to have this scale of energy generation development within a nationally protected landscape. We consider that this scale and type of development is more appropriate in less sensitive landscapes (i.e. not sites within a nationally protected AONB and of heritage significance.)

The reasons for our objection in more detail are set out below:

#### Major development in an AONB

At such a large scale the proposal constitutes a major development in an AONB and is therefore contrary to national planning policy. The National Policy Planning Framework (NPPF) Para 116 carries forward well established protection for AONBs, stating: 'Planning permission should be refused for major developments in these designated areas [national parks, AONB, etc] except in exceptional circumstances and where it can be demonstrated they are in the public interest'. Consideration of such applications should include an assessment of the need for development, the scope for developing it elsewhere or meeting the need in some other way, and any detrimental effect on environment, landscape and recreational opportunities, including the extent to which that effect could be moderated. We consider that the application has failed to demonstrate that there is a need for this development in this location, and that there will not be detrimental effects.

#### Landscape character

The very large scale of the proposed development is incompatible with the landscape character of the Blackdown Hills AONB which is a small scale, unspoilt, mosaic of different habitats and landscape features. Contrary to the application documentation, the site is not uncharacteristic of the AONB. The application fails to recognise the intrinsic value of the airfield as an inherent element of the open, exposed plateau landscape, and also fails to recognise the role of the airfield in the cultural heritage of the AONB – not just Culmhead, but as one of three Second World War airfields and their connection with geology and topography, historical significance and relevance. The open, 'bleak' character of the plateau landscape is one of the AONBs defining features.

We are aware of Taunton Deane's landscape character assessment, which has not been referred to in the application but we understand was produced to form part of the council's core strategy/local plan evidence base. It identified this area as lying within Churchinford Clay-with-Chert Plateau landscape area. The associated landscape strategy states that 'the overall landscape strategy for this area should be to enhance the quality of the landscape' and that 'the overriding sense of openness and simplicity of the landscape pattern should be conserved.' Fundamentally, we are of the view that the introduction of a commercial solar PV development of this scale in this location runs counter to that commendable aim.

We remain unconvinced that the proposed hedge 'screening' is an appropriate mitigation measure, and would in itself affect landscape character. References to this are not clear within the application documentation, referring variously to 'boundaries of the site' 'perimeter of site' and planting hedges 'close to roadsides'.

The application supporting information also notes that there are 'little or no boundary hedges' and that fields are bounded by 'low hedgerows', and this is typical of the plateau landscape. New planting immediately around the perimeter fence or at other arbitrary locations would have no context, be at odds with existing and historic field pattern and would serve to exacerbate the perceived mass of the development. Any reliance on hedgerow screening to mitigate visual impact should be restricted to the appropriate management of existing roadside hedges.

### Visual impact

The proposed site is in agricultural use, and quite distinct from the business park at Culmhead. We accept that the site is part of a former airfield and that the visual impact will be relatively localised. Nevertheless, the proposed development of an estimated 23,000 panels, plus security fence, gates and 4 metre high pole mounted cameras will have a substantial impact in a protected landscape appearing as a major industrial use on agricultural land, highly visible from the adjacent roads and public rights of way. The adjacent roads are relatively well used routes across the AONB and we are concerned that the cumulative effect of this development and the existing wind turbines at the Business Park and Yeo Hill Farm will result in energy installations being perceived as the dominant landscape feature in this part of the AONB by residents, visitors and tourists. In an AONB the aim should be to conserve and enhance natural beauty, not accept further degradation or decline in character from inappropriate development. We believe there is cause to be worried about this potential adverse cumulative impact, particularly in terms of changing perceptions of landscape character and landscape quality.

### Heritage impact

We recognise that this application has sought to address the concerns of English Heritage regarding impact on the setting of the Scheduled Monument; however we remain concerned that the application fails to give enough value to the broader airfield site as a heritage asset, which is an important element of the cultural heritage of the AONB - we believe that this is contrary to the NPPF.

### Ecological interests

We consider that the impact on wintering birds requires further consideration. Golden plover are noted in the ecological assessment, and are known to use large open areas of farmland for wintering and traditionally return to the same site. Development of the site with PV panels and fencing would reduce the viability of this site for this species, and potentially other wintering waders. We believe that those involved in the management of the AONB should be doing all they can to conserve and enhance these traditional wintering sites. We recommend that further survey work prior to development is undertaken in relation to wintering and nesting birds on site to avoid long term detrimental impacts.

Although reference is made to maintaining grass land between the panels by grazing or hay cropping, the information provided raises concerns about the visual appearance and biodiversity value of the land on which the panels would be sited. Once the site has been 'prepared' and 'cleaned' and the arrays constructed, it is stated that the site will be landscaped and 'reinstated to its original condition with grass seeded between the panel arrays'. This suggests that the site will undergo significant works that will affect the fundamental agricultural nature of the site. There is no reference to the area under the panels, nor to the type of 'grass' that will be planted, nor to the management regime until ground cover is established. Without proper consideration, there is potential for harm to the site from water

run-off, erosion or water-logging.

### AONB renewable energy guidance -

The AONB's Renewable Energy report published in September 2010 highlights the key considerations in judging the impact of solar PV farms developments on the AONB landscape and features. Of particular relevance here are the following points:

- The overall scale, with smaller developments of less than two hectares more likely to be in keeping with the small-scale landscape of the Blackdown Hills
- The nature and visibility of ancillary developments including security fencing
- Not sited within the setting of historical features and archaeological sites
- Not viewed from public vantage points, including public rights of way and other paths

The purpose of this report is to help steer decisions about renewable energy in the Blackdown Hills to those which support the special qualities of the AONB, and we consider that this application goes against that guidance.

### Traffic

The application states that approximately 300 lorry movements will be generated during the construction phase. We are concerned about the lack of detail accompanying this; especially given that Corfe (B3170) is suggested as a route when in reality the weight limit on this road would preclude this option. HGV traffic, coupled with the nature of the AONB road network – narrow roads, single carriageway pinch points, steep hills, - is already identified as a problem in both the AONB management plan and the Blackdown Hills community plan in respect of causing noise, danger to other road users, and damage to banks and verges, and as such affecting the quiet enjoyment of the AONB and causing environmental damage. The additional traffic that this development would generate, even for a temporary period, would cause an additional unnecessary burden on the local road network.

### Conclusion

If, despite the numerous concerns outlined in respect of impact on the Blackdown Hills AONB, the local planning authority are minded to approve this application then the AONB Partnership would want to be assured that they will secure all necessary and appropriate controls through condition or obligation to mitigate the negative impacts and concerns, to seek biodiversity and heritage gains and environmental improvements – whilst noting our strong reservations about proposed hedge planting. Any community benefits should be designed to benefit a broad representation of the AONB communities.

If the local planning authority is minded to approve, the AONB would request that they are entirely convinced that there will be no harm to the AONB from the development or mitigation measures, since 23,000 PV panels and associated infrastructure in the middle of an AONB is quite an unprecedented legacy.

*ENVIRONMENT AGENCY* - We have **no objection** to the application as submitted subject to the following **CONDITIONS** being imposed upon any permission granted:  
**CONDITION:** No development shall commence (or such other date or stage in

development as may be agreed in writing with the Local Planning Authority) until the following components of a scheme to deal with the risks associated with contamination of the site have been submitted to and approved, in writing, by the Local Planning Authority:

1. A preliminary risk assessment which has identified:
  - all previous uses
  - potential contaminants associated with those uses
  - a conceptual model of the site indicating sources, pathways and receptors
  - potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented in accordance with the details approved under this condition.

**REASON:** To protect the water environment and ensure the appropriate remediation of the site in accordance with NPPF paragraphs 109 and 121.

**CONDITION:** If, during any development phase (including de-commissioning), contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with. The development shall subsequently be implemented in accordance with the approved strategy.

**REASON:** To protect the water environment and ensure the appropriate remediation of the site in accordance with NPPF paragraphs 109 and 121.

**CONDITION:** No development shall commence until a Construction Environmental Management Plan has been submitted to, and agreed in writing by, the Local Planning Authority. The development shall be implemented in accordance with the approved plan.

**REASON:** To prevent pollution of the water environment in accordance with NPPF paragraph 109.

**CONDITION:** No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The drainage strategy shall demonstrate the surface water run-off generated up to and including the 1 in 100 year critical storm will not exceed the run-off from the undeveloped site

following the corresponding rainfall event. 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 in accordance with NPPF paragraph 102.

**Informative / advice to LPA:** Paragraph 5.37 of the Environmental Statement (prepared by Wardell Armstrong and dated March 2012) states that there is a minimal risk of historic contamination associated with the site. Given the site's previous use as an airfield, we would have to disagree with this statement in the absence of any evidence to prove otherwise. Section 5 of the ES also refers to a baseline study, yet this does not appear to have been submitted with the planning application.

A desk based assessment of potential, existing sources of contamination on site should be undertaken (or the baseline study submitted if this contains such an assessment). The study should be based on the source-pathway-receptor model  
End 3

advocated by EA Guidance CLR11, focusing on risks to the principle aquifer beneath the site. This should be undertaken and agreed prior to any works commencing to ensure that the development does not introduce new pollutant pathways and to meet the requirement of the NPPF to remediate contaminated land.

Please could the following advice be placed as Notes on the Decision Notice for the applicant's information:

Underground fuel storage should be undertaken in accordance with the Association for Petroleum and Explosives Administration document: Guidance for Design, Construction, Modification, Maintenance and Decommissioning of Filling Stations (Revised June 2011). Any above ground fuel must be stored in accordance with the Control of Pollution (Oil Storage) (England) Regulations 2001.

Any waste used on site or taken off site will be subject to the necessary waste exemptions and / or Environmental Permits required to be granted by the Environment Agency. More information can be found at the following link:

<http://www.environment-agency.gov.uk/business/topics/permitting/default.aspx>

We are not aware of any watercourses on site. If any works are required in or adjacent to any watercourse, then the written consent of Somerset County Council, as the Lead Local Flood Authority (LLFA), will be required. The LLFA took on consenting powers originally held by the Environment Agency on 06 April 2012.

*PLANNING POLICY LEAD* - There are national commitments the Government has made to reducing carbon levels and the Council has a positive approach to reducing carbon, both through our Carbon Management plan and with the community through the emerging Climate Change and Resilience strategy. The Core Strategy also recognises the problems of not addressing the consequences of climate change and seeking measures to mitigate the impact. Renewable energy proposals can greatly assist in this area.

However, there does need to be a balance struck with environmental impact (by both not acting and also through allowing inappropriate proposals) - see Core Strategy policy CP1. In this instance, although an AONB, this should not rule out renewable energy proposals in principle. The key is one of assimilation and degree of impact. The AONB's own 'Wind Turbine Study' (which I think we also financially contributed) did not rule out the possibility of turbines in this location on the flat

plateau, thus I think structures of 2 metres could be assimilated a lot easier, especially with appropriate screening. Thus provided the Councils landscape section are happy with the visual impact and mitigation I would say the proposal is consistent with policy CP1 and is therefore supported by the Policy Team.

*LANDSCAPE LEAD* - My comments are similar to the previous application which in summary are that subject to proposed landscape mitigation measures it should be possible to overcome any landscape impacts in the short term from the roadsides and middle term from public footpaths. My concern is that the red line or blue line do not cover the roadside boundary hedgerows which are vital if the landscape mitigation is to be successful.

*HERITAGE* - This application does not appear to affect the setting of any listed buildings. It does however, appear to potentially impact parts of the former airfield which are Scheduled Monuments. I will therefore defer to the County Archaeological Service and English Heritage's views as to the heritage impact of this proposal.

*NATURAL ENGLAND* - The advice in our previous response applies equally to this amendment.

No objection. Our statutory purpose is to ensure that the natural environment is conserved, enhanced and managed for the benefit of present and future generations, thereby contributing to sustainable development.

#### Landscape

This application falls within the setting of the Blackdown Hills Area of Outstanding Natural Beauty (AONB). Natural England has no objection to this proposal as with native hedgerow screening of the Solar PV Farm we do not believe that this development is likely to impact on the reasons for which the site is designated as an AONB. However, given the location of the development, Taunton Deane Borough Council should seek the views of the Blackdown Hills AONB Partnership before determining this planning application, as they may have more detailed comments to make on the location, nature and design of this development.

It has been noted that a separate planning application from Western Power Distribution will be submitted for the connection to the existing grid network, and Natural England has received reassurance from the applicants that this will be via an underground transmission cable to the north of the site and not via an overhead connection.

Local wildlife sites - If the proposal site is on or adjacent to a local wildlife site, e.g. Site of Nature Conservation Importance (SNCI) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local wildlife site before it determines the application.

Biodiversity enhancements - This application may provide opportunities to incorporate features into the design which are beneficial to wildlife such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is

in accordance with Paragraph 118 of the NPPF. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that '*Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity*'. Section 40(3) of the same Act also states that '*conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat*'.

**BIODIVERSITY** - The proposal is the development of a solar photo voltaic farm with associated infrastructure at the former Culmhead airfield, Churchstanton. The site encompasses an area dominated by a combination of arable acreage, temporary improved grassland, and former airfield tracks/airstrips. Apart from a belt of mature trees, which are to be retained, there is limited structural habitat on site.

Former ecological surveys were carried out on the site in 2008/9 in relation to a wind energy project that was not progressed. An extended phase I survey and badger surveys were then carried out in 2012.

The Environmental Report carried out by EnvironGauge dated March 2012 contains a section on ecology. Findings were as follows

Birds - The site has potential to support breeding birds in the hedgerows, scrub and, bramble, as well as ground nesting birds (eg skylark) in the arable/intensively managed grassland.

A small flock of golden plover (wintering birds) was observed by the surveyor on site. I agree that disturbance impact on wintering birds is possible if the construction phase takes place in the winter months. Timing is important to avoid impacts on wintering birds and nesting birds.

I agree that any new cabling should be located at least 70 m from hedgerows and trees.

The project will offer new potential bird nesting opportunities through the establishment of additional grassland and hedgerow.

Bats - At least five species of bats are known to occur in the area.

A single mature beech tree on site has bat roost potential. Apart from the belt of trees the site offers limited foraging bat habitat.

Thermal imaging surveillance cameras will be used for site security purposes so there will be no security lighting on site.

Badgers - A badger assessment of the site was carried out by EnvironGauge in March 2012 based on a site visit in January 2012 and a visit in March 2012. Evidence gathered in 2009 relating to the wind energy project was also considered. There are several setts, some disused, in a stretch of hedgebank.

This hedgebank is to be retained, although a section will be disturbed in order to install a perimeter fence. If necessary (to be determined before work commences) the applicant may need to apply to Natural England for a licence to temporarily

exclude badgers from the sett. Works will then be confined from July to November. I support the mitigation and monitoring proposed in the report.

I agree that the project is unlikely to result in a significant reduction in foraging habitat for badgers especially as new habitats, which badgers will be able to access, will be created.

I agree that the project presents an opportunity to create new habitat on site and I look forward to seeing full details.

I suggest a condition requiring a wildlife protection strategy to be submitted

*OTTERFORD PARISH COUNCIL - Comment awaited.*

*ENGLISH HERITAGE (HISTORIC BUILDINGS AND MONUMENTS COMMISSION FOR ENGLAND) -*

Having read through the latest plans I am pleased to see that the applicant has responded to EH's concerns in respect of the impact of the scheme upon the setting of the Scheduled Monument (the former Fighter Pens and associated remains). The drawing back of the solar array beyond the runway nearest to the monument will preserve the legibility of the former WWII airfield & fighter pens and allow a continued understanding of them in context with the runway upon which the fighters would have proceeded to & from their pens.

We acknowledge that there will be a remaining visual impact upon the monument caused by the large solar array sited just beyond the nearest runway, however the applicant has put forward proposals to undertake a condition survey and conservation management plan upon the Scheduled Monument. This could in effect offset that remaining visual impact to a substantial degree by providing the basis for the conservation of the monument.

The scheduled fighter pens are included on EH's Heritage at Risk register as being at High Risk of deterioration or loss. Sites listed at High Risk are those where there is a serious risk of loss of significance within the foreseeable future if no action is taken. The applicant has proposed to commission a condition survey of the structures within the monument, which can be used to identify the most urgent conservation needs. This data will in turn inform a conservation management plan, also to be commissioned by the applicant, that will assess the overall needs of the monument and set out a strategy for its conservation.

It is important that if this work proceeds, it is undertaken to a standard commensurate with the national significance of the heritage asset, in line with current best practice. The applicant has submitted draft proposals which suggest that this will be the case. It is proposed that the condition survey and conservation management plan would be secured by a condition of planning permission, if granted. If this were the case, such a planning condition should stipulate that the details of the proposed mitigation work must be approved by English Heritage prior to their commissioning.

Provided that it is possible to secure the condition survey and conservation management plan in this way, and taking into consideration the applicant's efforts to



revise the proposed layout so that it maintains the setting & legibility of the Scheduled Monument, I consider that it would not be reasonable for English Heritage to object to this planning application.

*SOMERSET FIRE & RESCUE SERVICE* - Means of access in case of fire should comply with the Building Regulations and should satisfy the provisions contained in either Approved Document B (ADB) or some other suitable and accepted standard. Detailed recommendations pertaining to these matters will be made later at Building Regulations consultation stage.

Access and facilities, which should include where necessary the provision of private fire hydrants for Fire & Rescue Services appliances, should comply with provisions contained within ADB, part 5 of the Building Regulations.

*PITMINSTER PARISH COUNCIL* - comment awaited

## **Representations**

5 letters of SUPPORT on grounds that

- The proposal accords with the NPPF and local planning policies
- Policies support renewable solar energy projects providing the location does not impact unfavourably on the environment in general and the local neighbourhood in particular.
- Although in the AONB the site is not of great natural beauty
- The site is a disused that minimises loss of agricultural green fields
- There is minimal visual impact on neighboring communities or surrounding areas.
- There are few immediate properties
- This is the right project in the right place
- Mitigation measures will minimise visual impact
- There will be community benefit from the proposal
- Solar is a very energy efficient means of feeding into the local network
- It will reduce the need for fossil fuel or nuclear power stations

6 letters of OBJECTION on grounds of

- The location is unsuitable and inappropriate for industrial project of this scale
- Impact of 23,000 panels on AONB
- It will ruin this cherished landscape
- National policy in NPPF gives the highest level of protection to the AONB
- The proposal is contrary to objectives LH3 and PD3 set out in the Blackdown Hills AONB Management Plan for freedom from man made intrusion
- More arable land, 52.9 acres would be covered, larger than before and the panels would be closer to the road making them more visible.
- The fence and security cameras would be a further made visual intrusion
- Hedges will take 10 years to establish and so visual intrusion from the road will be at least for 40% of the life time of the array.

- The site in the centre of the AONB is in conflict with objectives for maintenance of the AONB as an area free from man made intrusion and where the conservation of tranquility is stated in the objectives as 'taking precedence over all other planning considerations'.
- The site should continue as farmland
- The PV panels are made from toxic substances
- The site is subsidised and with an 11% return on investment the application would not be made if not.
- The community fund is a fraction of the profit that would be made.
- Serious issues have not been addressed
- The environmental impact on wildlife should rule the project out
- The visual impact is disproportionate especially to the community and is inappropriate
- Impact of sunlight reflected at an angle on amenity of residential property
- Fire risk
- The material considerations should not outweigh the impact on the AONB
- The location in the Blackdown Hills AONB is an over-riding reason to reject the application.
- The business case is flawed
- The joint venture company is unsuited to the development without provision of guarantees

## **PLANNING POLICIES**

NPPF - National Planning Policy Framework,  
 RPG10 - Regional Planning Guidance for the South West,  
 RSSDR - Regional Spatial Strategy for the SW, Draft July 2006,  
 STR1 - Sustainable Development,  
 STR6 - Development Outside Towns, Rural Centres and Villages,  
 S&ENPP1 - S&ENP - Nature Conservation,  
 S&ENPP3 - S&ENP - Areas of Outstanding Natural Beauty,  
 S&ENPP49 - S&ENP - Transport Requirements of New Development,  
 S&ENPP64 - S&ENP - Renewable Energy,  
 CP1 - TD CORE STRAT. CLIMATE CHANGE,  
 CP8 - TD CORE STRATEGY - ENVIRONMENT,  
 DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,  
 DM2 - TD CORE STRATEGY - DEV,

Blackdown Hills AONB Management Plan 2009-2014

Policy LH1/A - Support the development and delivery of environmental schemes and projects that maintain and enhance the landscape character, historic environment and local distinctiveness of the AONB.

Policy EQC2/A - Support and encourage appropriate, small scale renewable energy schemes to minimise net emissions of carbon dioxide and other greenhouse gases to help achieve carbon reduction without conflicting with the special qualities of the AONB or the conservation of the natural beauty.

Policy PD1/B - Seek to ensure that new developments or conversions conserve and enhance natural beauty, particularly by respecting the area's landscape character and the local character of the built environment, and reinforce local distinctiveness.

## **DETERMINING ISSUES AND CONSIDERATIONS**

The main issue with this proposal is whether the government guidance in support of renewable energy, as set out in the National Policy Statements for Energy and the more recent National Planning Policy Framework (NPPF), outweighs any adverse landscape and visual impact of the proposal, given that the site is within the Blackdown Hills Area of Outstanding Natural Beauty, a highly protected landscape. Also other material considerations have to be considered such as impacts on ecology, heritage and residential amenity.

### PRINCIPLE

The National Planning Policy Framework (NPPF) states that the purpose of planning is to contribute to the achievement of sustainable development. This should be with a social, economic and environmental role. In terms of its environmental role, planning should contribute “to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy”. As part of the 12 principles of planning, the NPPF states that in moving to a low carbon economy, Local Planning Authorities should encourage the use of renewable resources (for example, by the development of renewable energy).

Paragraph 79 specifically states: “To help increase the use and supply of renewable and low carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources”, going on to add that local policies “should maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts”. As in previous planning policy, the NPPF indicates that the ‘need’ for the development should not be considered by the Local Planning Authority.

In terms of local plan policy, the proposal is located on land designated as open countryside. In general terms, development in these areas is restricted, unless they are for agricultural purpose or accord with other specific development plan policies. Policy DM2 of the Core Strategy allows for essential utilities infrastructure subject to other criteria being met. In this context, those criteria are considered to be the ones relating to the other considerations detailed in the remainder of the report.

The emerging Taunton Deane Core Strategy states at Strategic Objective 1 (Climate Change) that “Taunton Deane will be a leader in addressing the causes and impacts of climate change and adapting to its effects”. Policy CP1 (Climate Change) states that ‘proposals for the development of renewable and low carbon sources of energy, including large-scale freestanding installations will be favourably considered provided that...[they] can be satisfactorily assimilated into the landscape ... and would not harm the appearance of these areas; [and that their] impact on the local community, economy, nature conservation or historical interests does not outweigh the economic and wider environmental benefits of the proposal”.

Some concern has been raised about the loss of agricultural land. Neither local nor

national planning policy makes any meaningful reference to the quality of agricultural land and whilst its loss is regrettable, the permission is sought for a 25 year period after which the land could be returned to agriculture. As such, it is not considered that this matter carries sufficient weight to warrant refusal of the application.

With regard to the foregoing, it is considered that the proposal is acceptable in principle, provided that it has an acceptable impact on the landscape, ecology, highway access, heritage assets and other surrounding land uses.

## LANDSCAPE IMPACT

The proposal is sited in the Blackdown Hills AONB which was designated an AONB due to a combination of four characteristics as set out in the Management Plan. These characteristics are its isolated, unspoilt rural area, the diversity of landscape patterns, its unique geology and it being a landscape with architectural appeal. Under the Countryside and Rights of Way Act 2000 Authorities have to 'have regard' to the purposes of conserving or enhancing the natural beauty of the AONB. The NPPF also identifies that (para 115)

*"Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty."*

The next paragraph of the NPPF advises that "planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated that they are in the public interest." It goes on to advise that considerations of such applications should include an assessment of:

- the need for the development, including in terms of national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- the cost of, and scope for, developing elsewhere outside of the designated area, or meeting the need for it in some other way; and
- any detrimental affect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

A landscape character assessment of the area has also been carried out. The siting of the solar array on a former airfield which has already affected the landscape surrounding the site is not considered to adversely affect these specified characteristics set out in the designation. The solar array will not affect the landscape pattern of the area or its geology, it will have no significant adverse impact on the architecture of the area and while the development is a modern feature in the landscape, it is sited on a former airfield which has already affected the rural character of the area. There have been other non-renewable technologies allowed in the area, including two wind turbine and a small solar array within the fenced compound of the business park. The AONB Partnership raise concern over the cumulative impact of these developments on the AONB, however the provision of solar panels on this site are not considered by the Landscape Officer to significantly harm the character of the area.

The AONB Partnership commissioned consultants to provide an initial assessment of the constraints and opportunities for renewable energy in the Blackdown Hills AONB. This document is not policy but gives guidance in assessing any renewable energy

provision. The document recognises that the landscape effects of the technologies listed are site specific and that any effects will need to be judged on their merits based on the specific site selected for development. The generic advice in terms of solar pv farms is that the scope is very limited and that if they are to be accommodated then they need to be carefully sited taking into account factors listed in paragraph 6.18 to avoid adverse landscape impacts that could significantly alter the character of the landscape.

The considerations identified by the consultants in paragraph 6.18 are as follows:

- the overall scale of the development, with smaller developments of less than 2 hectares more likely to be in keeping with the small scale landscape of the Blackdown Hills;
- both the nature and visibility of ancillary developments including security fencing;
- not disturbing underground archaeology or semi-natural habitats, and not sited within the setting of important historic features and archaeological sites;
- their location relative to topography with plateau top locations (away from the plateau edge) not overlooked by higher ground likely to be better locations, avoiding sloping ground, where these developments may be seen over a considerable distance.
- not visible in long views, including those from outside the AONB;
- not viewed from public vantage points, including public rights of way and other paths;
- well screened by a combination of local topography and vegetation, including the hedgerow network and woodland.

While the above are identified factors, they are not policy criteria whereby if a factor is not met the proposal automatically should be refused. The proposed scheme is clearly bigger than 2 hectares, however the assessment to be made here is whether the scale of the development and ancillary structures harms the landscape character of the AONB. The proposal is located on the plateau where it is not overlooked by higher ground and cannot be seen in long views. It is considered to be well screened by local topography and vegetation from local roads, although it would be visible from public vantage points. However it is not considered that purely because the site is visible from a public right of way it should be refused. The visual impact on the immediate area has to be considered and whether this impacts on the overall character of the AONB. Renewable energy provision is considered a national need and the applicant's claim that scale and solar insolation are why it has to be sited here. It is accepted that there is a need for solar energy schemes as an element of the future energy needs of the country. The applicant claims there are no other suitable sites in the area outside of the AONB. The impact of the scheme will benefit to some degree the local community and therefore the local economy.

A landscape and visual impact assessment was submitted with the application and has been considered by the Council's Landscape Officer. While it is considered that the development would have an impact on the landscape, it is not considered to harm the landscape character of the area and the mitigation proposed is considered sufficient to reduce those impacts to an acceptable level. This mitigation would involve tree and hedge planting towards the boundaries of the site and this can be suitably covered by conditioning a hedgerow management plan for the site. While the AONB Partnership object on the basis of the visual impact and character of the area and raise issue with the planting mitigation, it is noted that Natural England do not object on landscape grounds considering the development not to impact on the reasons for which the site is designated as an AONB.

## ECOLOGY

The applicant has submitted wildlife surveys with the proposal and both Natural England and the Council's own Biodiversity Officer consider the development would not harm wildlife and there are appropriate mitigation measures that can be conditioned to ensure maintenance and protection of species. The NPPF in paragraph 118 advises when determining applications the local planning authorities should aim to conserve and enhance biodiversity. There are not considered to be any adverse impact on designated sites and the proposal and mitigation to be provided would comply with the relevant policy guidance in the NPPF.

## ACCESS

The proposed access for the site is intended to be the access into the business park and then use of an existing trackway to the site across the former airfield. There would be no need for additional tracks to be laid on site. The County Highway Authority consider the access suitable from a safety point of view and for construction traffic and raise no objection. They also identify that the level of traffic associated with the development once completed will be minimal. While the access will cross Trickey Warren Lane it would be for the developer to ensure the safety of users of this lane, particularly during construction. The Highway Authority also consider that appropriate access routes to the site should be designated by the developer and have suggested a condition of a traffic management programme to address this. However there is no way to satisfactorily enforce this condition (other than requiring physical works such as signposting) and there are weight limits on certain roads to the site which would potentially preclude their use. Consequently the condition would not meet the necessary tests and would not be included if all other matters are acceptable.

## HERITAGE ASSETS

The proposed site does not affect any listed buildings but does lay close to County Archaeological sites and Scheduled Monuments. The County Archaeologist has raised no objection to the proposed development on archaeology grounds given the location of the site and the setting out of the areas of panels and the fact that no breaking of ground would occur on runways where archaeological remains have been detected. To the western side of the site lie the Scheduled Monuments that are the World War II Fighter Pens and associated structures. In addition the former airfield itself can be considered a non-designated heritage asset. One of the factors identified by the Consultants in their report in paragraph 6.18 quoted above is the impact on archaeology and the setting of important historic features and archaeological sites. The development has been designed to avoid impact on underground archaeology and this reflected in the County Archaeologist response. So the issue here is one of the setting of the Scheduled Monuments.

The revised layout of the site from the previous scheme that was withdrawn sets the panels some 200m away rather than 40m from the boundary of the monument to the west of the site so there would be no impact or construction on the Scheduled Monuments. English Heritage has also raised the issue of the need for a condition

survey of the Scheduled Monuments of the World War II Fighter Pens and other remains and defences. English Heritage consider that this would need to feed into the production of a conservation management plan for the site. The revised layout will not disrupt the legibility of the former RAF base and reduce the ability to appreciate the relationship between the monuments and the airfield they were built to serve. At present there are no means of interpreting the existing airfield or monuments on site and the applicant has offered to display information boards to interpret the current monuments and airfield. I consider this would be a necessary requirement for any approval on the site to ensure that the area can be properly interpreted from public vantage points. The requirements of English Heritage are also considered appropriate to help safeguard the future of the nearby monuments and would be a condition of any approval.

## DRAINAGE

The site drainage has been professionally assessed in the submitted report and the Environment Agency has further assessed the submission and no objection is raised to the current scheme. The amount of water falling on the site will not differ with the provision of solar panels on the site and if anything the provision of grass beneath the panels will reduce the level of surface water flow in comparison with the bare earth of cultivated land. Conditions to address surface water run-off and potential contamination are recommended by the Environment Agency and are considered necessary and appropriate.

## AMENITY

The edge of the solar array area is approximately 100m away from the nearest residential properties to the east. The nearest objectors property is well screened by boundary trees and while parts of the panels in the array may be visible in the early stages of the site operation, growth of boundary hedging would help screen the site in the longer term. There is not therefore considered to be any significant adverse impact on residential amenity from the scheme. In addition the solar panels would face south and there are no immediate residential properties to the south and there is not considered to be an issue with glare from the panels given the orientation and setting of the site.

## OTHER ISSUES

The developer is offering to establish a community fund to the value of £1,000 per MegaWatt of installed capacity per year, either as annual payments or a single equivalent up-front payment and will be established primarily for the benefit of people living within a 2.5km radius of the solar farm. The fund will be managed and administered by representatives of the local community. This offer is not considered to meet the tests in terms of Section 106 provision and is not therefore a material consideration in terms of determining the application.

The status of the applicant and the availability of tariffs to fund the site is not relevant in terms of the planning consideration of the site. The NPPF states authorities when determining applications for energy development should not require applicants to demonstrate need.

## SUMMARY

There is a clear identified need at a national level for renewable energy and paragraph 93 of the NPPF states *“Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.”* This is reflected in the sustainable policies of the Local Planning Authority and addressing climate change as a corporate priority. Paragraph 98 goes on to state when determining applications local planning authorities should *“approve the application [unless material considerations indicate otherwise] if its impacts are (or can be made) acceptable.”*

The main material consideration against in this case is the landscape impact. The landscape impact is limited to the immediate surroundings of the site and the mitigation in terms of boundary tree and hedge planting are considered adequate mitigation by the Landscape Officer to limit immediate impact of the development and not harm the character of the area. The applicant has attempted to lessen the impact on the heritage assets in terms of the revised layout of panels in terms of distance to the scheduled monuments and respecting the runways/taxiways of the former airfield and the proposed provision of information boards to explain the site history and importance of the monuments. The overall setting of the monuments is now considered to have been adequately addressed by the scheme and other issues such as ecological, highway, drainage and amenity impacts are considered acceptable. In light of the above it is not considered that the landscape impact is such to warrant refusal of the scheme and the recommendation is therefore one of approval in this instance.

**In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.**

**CONTACT OFFICER: Mr G Clifford Tel: 01823 356398**



19/12/0006

MR P RUST

**REINSTATEMENT OF HARDCORE AREA TO SOUTH OF ENTRANCE AND REFORMATION OF HARDCORE AREA TO NORTH OF ENTRANCE TO LAND AT ELM BRIDGE, HATCH BEAUCHAMP (RETENTION OF WORK ALREADY UNDERTAKEN)**

Grid Reference: 331371.119704

Retention of Building/Works etc.

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval

The proposal is considered not to have a detrimental impact upon visual or residential amenity and is therefore considered acceptable and, accordingly does not conflict with Taunton Deane Core Strategy DM1 and CP8.

**RECOMMENDED CONDITION(S) (if applicable)**

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

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

(A4) Location Plan  
(A4) Layout Plan

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

3.
  - (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority.
  - (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.
  - (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a

healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Core Strategy CP8.

Notes for compliance

## **PROPOSAL**

Planning consent is sought for two hardcore areas, at a corner site at Elm Bridge. One area will be to the north of the access adjoining the side boundary and the other area is to the south west of the access, not adjoining the boundary. An unsurfaced gangway will separate the two areas and there is to be no alteration to the existing access.

## **SITE DESCRIPTION AND HISTORY**

The site is flat and comprises part of an agricultural field that lies between the river and the road situated to the north west of Elm Bridge. The field was previously laid to grass and enclosed by a hedge. Currently along the roadside boundary there is a 1 metre high timber fence. The western boundary is separated from the adjoining field by a corrugated fence, which is not included in this application. The river runs along the southern boundary. There is some post and rail fencing inside the enclosure along with a vegetable garden and a small shed with mesh fencing attached to it.

19/11/0009 Application for change of use of land to erect stables, erection of timber fence and formation of access road. Application Refused.

19/12/0003 Application to erect agricultural building, erection of timber fence and formation of access road. Application Withdrawn

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*HATCH BEAUCHAMP PARISH COUNCIL* - objects to the application for the following reasons

- 1) The application in its current form is inconsistent to such an extent that it would be unreasonable to give approval: the design statement refers to a hardcore area of 0.015 hectares (150 sq. metres) and the flood risk report 325 sq metres; the design statement states that the "gangway" will not be surfaced whereas the flood risk report states that the access will be changed to crushed stone/paving; the design statement states that the

area to the north will be “reformed” and the area to the south will be re-instated whereas the flood risk report states that it is the area to the north which will be re-instated and the area to the south which will be “reformed”

- 2) The design statement is inaccurate. It refers to the northern area as soil with agricultural debris on top of an existing hardcore area whereas from the photographs on page 13 of the flood risk report this area clearly comprises an unauthorised deposit of waste materials unrelated to an agricultural use, and as the area was until recently a field it is impossible to confirm or otherwise that originally it had a hardcore surface
- 3) The application in its current form is too vague to form the basis for a planning approval: in the description the reference is to work already undertaken and in the absence of a clear statement as to what work has already been undertaken the Council cannot reasonably be expected to come to a view as to its acceptability; the deposit of waste is clearly unacceptable.
- 4) The application lacks detail as to the type, depth and size of hardcore to be used (the material on site is clearly unacceptable) and the final levels to be achieved. This area is susceptible to flooding and as is clear from the enforcement notice served by TDBC the laying of hard standing has the potential to alter ground levels and/or restrict flood waters and therefore needs to be regulated. Any proposal which increased ground levels would appear to be in conflict with the enforcement notice issued by TDBC
- 5) The absence of any business plan indicating the scale of operations on a site which currently appears to be a domestic enterprise makes it difficult to see a requirement for hard surfaced areas of such a size for the storage and parking of agricultural vehicles and other items required for the agricultural use of this small field.

Additionally TDBC be advised of the continuing concern over the lack of progress in re-instating and maintaining the hedgerow bounding this site which was removed without authority

#### *SCC - TRANSPORT DEVELOPMENT GROUP -*

The Highway Authority has previously commented on the site, specifically planning application 19/11/0009 to which a Decision of Refusal was made on 3rd October 2011 by the Local Planning Authority.

The present proposal seeks to reinstate a hardcore area to the south of the entrance and reformation of a hardcore area to the north of the entrance within the site boundary. These hardcore areas are to be used as vehicle parking.

The proposed development is located along Stocks Lane a unclassified section of highway. Due to the narrow nature of Stocks Lane and the close proximity of the junction onto Lower Mill Lane and Frog Street, vehicle speeds past the site are reduced. Traffic movements past the site are infrequent.

The site will make use of the existing access and will not generate any additional vehicle movements. However, it is noted from the Design and Access Statement (paragraph 2.7) that the proposed hard surfaced areas are fenced off and are divided by a gangway. It is assumed that the gangway forms part of the existing access into the site, therefore the highway Authority would recommend that this area is also hard surfaced, to prevent any loose stone or gravel from being dragged onto the public highway. Therefore taking into account the above information I raise no objection to this proposal.

*LANDSCAPE LEAD* - Subject to hedgerow, native species, planting along the western boundary fence line, proposals are acceptable.

#### *ENVIRONMENT AGENCY* -

We have no objection to the application as submitted.

We consider that, given the size and scale of the site, there is no need for any formal drainage system. The development will not result in any increase in buildings at the site or people using the site, therefore no site specific flood risk mitigation measures are required. Our only concern would be if significant ground-raising had taken place as a result of the proposals because this may reduce flood storage and restrict flood flows. However, this does not appear to be the case.

Given the flood risks at the site, the applicant should consider developing a flood emergency plan for the site so that users are aware of the appropriate actions to take during a flood.

### **Representations**

Four letters of objection have been received raising the following issues:

- this is deliberate attempt to start a change of use
- trees and hedge have been previously removed
- area prone to flooding
- surface water run off
- use of resilient building materials
- damage to landscaping
- enforcement order should be re-issued
- there was no existing hardcore
- land is used mostly for builders rubble/waste and weeds
- hardcore area may impede the drainage of frequent floodwater
- size of hardcore area not a small area
- pity existing landscaping is not to be improved
- would not expect hardcore area in field
- hardcore area out of keeping.

### **PLANNING POLICIES**

DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,

## **DETERMINING ISSUES AND CONSIDERATIONS**

It is accepted that the land is being used for agricultural purposes and that this application is for the formation of two hardcore areas. Previously the site has been the subject of an enforcement case due to the erection of a fence and gates and formation of hardcore areas without the relevant planning permission. Subsequently the height of the fence has been reduced to 1 metre as no longer requires the benefit of planning permission. The hardcore areas were dug up so that the enforcement notice was complied with. This application is to reinstate the two areas. The application is not for a change of use and does not relate to the gates and fences.

In essence the material considerations are the visual impact of the proposed hardcore and any potential impact on flooding and flood risk from the proposed hardcore areas. It is not considered that the proposed development affects the residential amenities of the nearby properties.

Visual impact ; The hardcore areas will not be easily visible from the wider landscape. Subject to additional planting along the roadside boundary the Landscape Officer has no objections to the proposal. It is considered that the visual impact from the proposal is significant enough to warrant a refusal.

Flood risk; Part of the site lies within flood zones 2 and 3 and the river is prone to flooding part of the site. The Environment Agency has been consulted regarding the proposals and has no objections. The hardcore areas will not present a flood risk to users of the site. The proposals do not involve raising the site levels and there is considered to be no impact upon flood storage or flood flows. When the Enforcement Notice was served requiring the removal of the hardcore area (which was complied with), no flood risk assessment had been carried out and it was considered appropriate to apply a precautionary principle and require the removal of any built up land. This application includes a flood risk assessment so a view can be made to the impact on flooding.

In summary, no change of use is proposed and this application is for the formation of two hardcore areas. The proposal does not increase the flood risk of the area and does not affect the amenities of nearby dwellings. The visual impact of the proposal can be mitigated by a suitable landscaping condition.

**In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.**

**CONTACT OFFICER: Ms F Wadsley Tel: 01823 356313**

**E/0116/08/12**

**SHED ERECTED ON CAR PARKING AREA AT 88 WATERLEAZE, CHEDDON FITZPAINE**

**OCCUPIER:**

**OWNER:** MR C R GILMOUR  
88 WATERLEAZE, TAUNTON, SOMERSET  
TA2 8PS

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**PURPOSE OF REPORT**

To consider whether it is expedient to serve an Enforcement Notice requiring the removal of a shed located on the car parking area specifically allocated for the parking of vehicles.

**RECOMMENDATION**

That no further action be taken.

**SITE DESCRIPTION**

Waterleaze is located to the south east of the town off the A3259 leading to Monkton Heathfield. The site is located to the rear of 84 Waterleaze and adjacent to 96 Waterleaze. This area is for the parking of vehicles and a section of the area is allocated to the row of terrace houses Nos 88 to 96 Waterleaze.

**BACKGROUND**

A complaint was received in July 2012 regarding a shed sited on the car parking area adjacent to 96 Waterleaze, Taunton. Contact was made with the owner and he was advised that Planning permission was required for the shed in this location. The owner advised that he had not erected the shed and he bought his property in 2009 and the allocated parking space with the shed already in situ. The owner agreed to try and get as much information as possible to establish when the shed was erected. After some considerable time the previous owner was located and he confirmed that the shed was erected in June 2009.

**DESCRIPTION OF BREACH OF DEVELOPMENT CONTROL**

The shed measures approximately 2.7m x 1.8m in metal and has a leanto roof measuring from 1.8m to 2.1m. As the shed is not within the domestic curtilage of the dwelling, planning permission is required. The shed is sited on the car parking area allocated to 88 Waterleaze, Taunton. The original Planning permission required 2 parking spaces for each dwelling and the siting of this structure on part of the parking area reduces the space available for parking.

**RELEVANT PLANNING HISTORY**

The reserved matters for this site are under Planning application 08/99/0008 approved 30.03.2000.

**RELEVANT PLANNING POLICES**

National Planning Policy Framework

Enforcement (Paragraph 207)

Taunton Deane Core Strategy

DM1 – General Requirements

**DETERMINING ISSUES AND CONSIDERATIONS**

The shed has been erected in the corner of the car parking area, close to the timber fence boundary with no.84 Waterleaze. The shed is viewed against the 1.8m high timber fence to the north and is only marginally higher than it. It is also viewed against the trees to the west, with which the green colour blends in. As such, the shed does not appear prominent or incongruous in the surrounding area. The shed is located in an allocated parking area and accessed under an archway of the flying freehold of a nearby property. It is screened from public viewpoint by surrounding dwellings and the trees to the west and is not therefore considered to cause harm to the appearance of the area.

The shed roof ranges from 1.8 metres to 2.1 metres in height, which is only marginally higher than the adjacent boundary fence. It is not therefore considered to result in any overbearing impact or loss of light to the neighbouring property to the north and is a sufficient distance from other properties to avoid impact. The use of the small shed is not considered to result in increased noise and disturbance beyond that area being used for car parking. As such, the shed is not considered to result in harm to the residential amenities of the neighbouring properties.

Whilst the shed has been erected on the allocated car parking area, the shed being 2.7 metres in length, only occupies a small proportion of this area. The area in total extends to over 15 metres in length and therefore there is still sufficient car parking space for two cars to park even with the shed in situ and consequently the requirements of the original planning permission can still be met.

NB - At the time of the site visit, it was noted that a fallen tree occupies part of the parking area and therefore currently restricts the space available. However, once this has been removed, adequate car parking space would be available.

It is not therefore considered expedient to take enforcement action.

**In preparing this report the Enforcement Officer has considered fully the Implications and requirements of the Human Rights Act 1998**

**PLANNING OFFICER:** Mrs K Walker  
**PLANNING ENFORCEMENT OFFICER:** Mrs A Dunford

**CONTACT OFFICER:** Mrs A Dunford, Telephone 01823 356479