

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 24 September 2014 at 17:00.

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### Agenda

- 1 Apologies.
- 2 Minutes of the meeting of the Planning Committee held on 3 September 2014 (to follow).
- 3 Public Question Time.
- 4 Declaration of Interests  
To receive declarations of personal or prejudicial interests, in accordance with the Code of Conduct.
- 5 05/14/0021 Erection of an agricultural building for the housing of cows and erection of an above ground slurry store with reception pit at Newley Farm, Upcott, Bishop's Hull
- 6 05/14/0022 Erection of an agricultural building for the housing of cattle at Newley Farm, Upcott, Bishop's Hull
- 7 05/14/0023 Erection of an agricultural building for the housing and feeding of dairy cows at Newley Farm, Upcott, Bishop's Hull
- 8 09/14/0016 Erection of telecommunications base station, comprising 1 No. mast, 6 No. antennas, 2 No. dishes and 6 No. radio equipment cabinets at land east of Bouchers Lane, Waterrow
- 9 10/14/0028 Installation of 500 ground mounted PV solar panels producing 125.50kwp with ancillary cut out/metering housing and transformer/substation in the paddock adjacent to Heather Cottage, Churchstanton (re-submission of 10/13/0015)
- 10 53/14/0008 Application for outline planning with all matters reserved for a residential development of up to 30 no. dwellings and 3 no. live/work units, public open space, allotments and associated infrastructure on land east of West Villas, Cotford St Luke (resubmission and amended scheme to 53/13/0012)
- 11 Planning Appeals - The latest appeals and decisions received (attached).

Bruce Lang  
Assistant Chief Executive

06 October 2014

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.

Except at meetings of Full Council, where public participation will be restricted to Public Question Time only, 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)



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 E Gaines  
Councillor C Hill  
Councillor M Hill  
Councillor L James  
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 Coles, A Wedderkopp and D Wedderkopp
- Employee of Somerset County Council – Councillor Mrs Hill
- Director of Southwest One – Councillor Nottrodt
- Employee of UK Hydrographic Office – Councillor Tooze
- Clerk to Milverton Parish Council – Councillor Wren

05/14/0021

W J VENN & SON

**ERECTION OF AN AGRICULTURAL BUILDING FOR THE HOUSING OF COWS AND ERECTION OF AN ABOVE GROUND SLURRY STORE WITH RECEPTION PIT AT NEWLEY FARM, UPCOTT, BISHOPS HULL**

Location: NEWLEY FARM, UPCOTT ROAD, BISHOPS HULL, TAUNTON, TA4  
1AQ

Grid Reference: 319770.124944

Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval

**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 VEN/CU/PH1/PLN/002 Site Plan  
(A1) DrNo VEN/CU/PH1/PLN/001 Location Plan  
(A1) DrNo VEN/CU/PH1/PLN/003 Site Plan  
(A1) DrNo VEN/CU/PH1/PLN/004 Floor Plan  
(A1) DrNo VEN/CUI/PH1/PLN/005 Roof Plan  
(A1) DrNo VEN/CU/PH1/PLN/006 Elevations  
(A1) DrNo VEN/PH2/PLN/MP/001 Site Section  
(A1) DrNo VEN/PH2/PLN/MP/001 Site 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 ensure that the proposed development does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

4. (i) Prior to implementation, 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 does not harm the character and appearance of the area in accordance with Policies DM1 and CP8 of the Taunton Deane Core Strategy.

5. No development shall take place until a surface water drainage scheme for the site has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include details of phasing of all drainage infrastructure and its maintenance thereafter together with plans and details of any attenuation pond to be provided. Once approved, the development shall be implemented and maintained in accordance with the details of the approved scheme.

Reason: To ensure that flood risk is not increased and to ensure that the development does not contribute to an unacceptable risk of water pollution in accordance with NPPF paragraphs 103 and 109 and Taunton Deane Core Strategy Policy CP8.

#### Notes to Applicant

1. WILDLIFE AND THE LAW. The protection afforded to wildlife under UK and EU legislation is irrespective of the planning system and any activity undertaken on the tree(s) must comply with the appropriate wildlife legislation.

BREEDING BIRDS. Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered must not be disturbed. If works are to be carried out during the breeding season (from February to August, possibly later) then the tree(s) should be checked for nesting birds before work begins.

BATS. The applicant and contractors must be aware that all bats are fully protected by law under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Natural Habitats and Species (Amendment) Regulations 2012, also known as the Habitat Regulations. It is an offence to intentionally or recklessly damage, destroy or obstruct access to structures or places of shelter or protection used by bats, or to disturb bats whilst they are using these places.

Trees with features such as rot holes, split branches or gaps behind loose bark, may be used as roost sites for bats. Should a bat or bats be encountered while work is being carried out on the tree(s), work must cease immediately and advice must be obtained from the Government's advisers on wildlife, Natural England (Tel. 0845 1300 228). Bats should preferably not be handled (and not unless with gloves) but should be left in situ, gently covered, until advice is obtained.

2. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.

## **PROPOSAL**

The application seeks planning permission for the erection of a livestock housing and feeding building together with a new above ground slurry storage tank at Newley Farm, Bishops Hull.

The proposal forms phase 1 of 3 for the provision of new cow accommodation units at the holding. The proposed cow accommodation unit will measure approximately 36.5m x 36m with a height to eaves and ridge of 4.75m and 9.6 respectively. The building will be finished externally in concrete reinforced panels with vertical timber boarding above; the roof will be of anthracite profile sheeting. Within the building floor space will be divided into four passages to provide two feed and two scrape passages respectively. The cow accommodation will be divided into three rows (one double) of accommodation pens.

The proposed slurry storage tank will have a diameter of approximately 40m with a maximum height of 5.7m above ground level. The tank will be of a metal frame and side walls, finished in juniper green.

A concrete apron will be laid around the perimeter of the building and slurry store. A reception pit will be created to gather waste from the accommodation building before transfer into the slurry store. Surface water from the roof of the building will be kept separated from contaminated ground water and drained to an attenuation pond to the Northeast corner of the site. The application is supported by a landscape planting scheme.

The application has been screened to determine whether it might be Environmental Impact Assessment (EIA) development. The conclusion has been reached that the development does not fall within either Schedule 1 or Schedule 2 of the EIA Regulations and therefore, there is no need to fully screen the application.

## **SITE DESCRIPTION AND HISTORY**

Newley Farm is a well-established farm business set over 300 hectares comprising a herd of 200 dairy cows, arable crops and apple orchard. Newley Farm accommodates a dairy herd of 200 head and employs 6 people on a full and 2 people on a part time basis. The existing farm yard is large and well developed, with portal frame buildings used for livestock housing and the storage of feed and machinery. Many of the buildings at the site are large with heights up to approximately 9 metres to ridge, but they have been in situ for many years and are in need of updating for animal husbandry and business operational needs. The application site currently comprises an open arable field with hedgerows to all boundaries. There are residential properties and a care home within 160 metres of the site.

The most recent development at the site has been the three phased development of new silage clamps, covered by roofs in excess of 9 metres in height; planning permission was approved for drainage and landscaping in conjunction with the silage clamps under LPA references 05/13/0034/0035/0036.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*BISHOPS HULL PARISH COUNCIL* - Bishops Hull Parish Council SUPPORTS this application with the following comments:

Although it has reservations as detailed below, the Parish Council supports the application. This is based on the need to encourage a sustainable rural economy in the parish and to maintain its current urban rural mix.

The scale of this development is large but, whilst not all the concerns expressed can be mitigated, a number could be by making changes and enhancements to the scheme and particularly by communication between the applicant and their neighbours. The submission of the planning in three phases has led to a suspicion that this has been done to circumvent any ecological or environmental impact assessment.

The design access statement states that this development is to replace aging livestock sheds and to allow for dairy herd expansion. It is clear, even from the distance viewed from, that some of the existing buildings are rapidly approaching the end of their useful life and do need replacing and that the farm is very active.

There are concerns with the development as planned. The views of the local inhabitants and the parish council are aligned and therefore will be stated as one list of comments.

Scale – For a single storey animal shed the height of the building seems excessive even to allow for the natural ventilation strategy stated in the design access statement. Local concern centres around the visual impact of the structures particularly when all three phases are built. The finished height will only be 1 metre

lower than the recently built silage barns which visually are very impactful even to the wider local area.

Visual impact – The overall scale of the development will take up what is now a green field site which allows views along an east west axis. These views will cease. The scale of the slurry storage tank is not visually represented on the plans and elevations but when judged against the scale of the sheds will be of a considerable size. The position is obviously influenced by the natural slopes of the ground to make best use of gravity drainage but the result is that it will be adjacent to Barr Lane on the most open part of the field and will be easily visible both from Broadleigh House and the Frethey House Nursing Home particularly in the winter months when trees have no foliage. If the scheme is to go ahead as planned this area would need extensive landscaping and planting with trees to mask what will be a very intrusive structure. The recent silage barns do not benefit from any attempt at landscaping and their existence is emphasised to the casual observers by the large mound of spoil on their northern side.

Drainage – Barr Lane suffers from flooding mainly caused by field run off along the stretch which will be close to the SUDs pond and slurry storage tank. The plans indicate a run off pipe from the Suds pond into a water course which runs along the eastern edge of the development area. This, according to locals, is the area that already floods and given the increase run off rate from the roofs and concrete areas can only be exacerbated. The design access statement makes no comment on how this is to be managed.

Slurry – The storage of large amounts of slurry will cause a nuisance of smell and the positioning of the tank will impact on Frethey House Nursing Home, Broadleigh House and other residential properties in Barr.

Flooding – The flooding concerns in general are dealt with under drainage. However a concern raised by locals is the possibility of the flood water becoming contaminated due to over spill from the slurry pit or from a contaminated run off from the building floors into the Suds ponds which then enters the general ground water. The design access statement makes no comment how this risk is to be managed.

Noise – Concern has been expressed regarding the noise that is already caused by the current numbers of cattle which would only increase with an expansion of the dairy herd plus noise from machinery operating in the sheds.

*SCC - TRANSPORT DEVELOPMENT GROUP* - No comments to make.

#### *LANDSCAPE -*

Initial comments -

The proposed new buildings will have a large landscape impact as seen from the nearby public footpath and wider views from higher parts of Bishops Hull. No landscape mitigation proposed. Proposals would be contrary to Core Strategy Policy CP8.

Additional comments -

This development is very large and will have quite an impact in the landscape. It will be easily viewed from certain parts of higher ground in Bishops Hull, eg, Parsonage Court.

If the building could be designed to appear as three separate buildings this would help to break down the mass. The applicant has submitted a landscape scheme which takes account of the visual impact of the development from the public footpath and from Barr Lane.

I consider the scheme to be insufficient. Additional landscaping is required to help soften the impact of the building from the higher ground to the East.

*ENVIRONMENTAL HEALTH - NOISE & POLLUTION* - No comments received.

## **Representations**

Taunton Deane Ramblers - Unless it can be assured that the development will not detrimentally impact upon footpath T3/17 both during development and in the future use of the path, strongly OBJECT for health and safety reasons.

8 number letters of OBJECTION received from members of the local community and wider public raising the following planning related observations:

- Slurry from existing farm spread over a wide area; smell can be so bad that windows and doors are not opened at Rumwell. Often have to avoid using public footpaths;
- Gasses from slurry are a known health hazard and can cause nausea, headaches and breathing problems in vulnerable people. Noxious gasses can drift over Bishops Hull, and Taunton; how can it be justified to expand this intensive type of farming in an area that is clearly unsuited to it?
- Understand the need to expand business but have concerns. The three applications should also be considered as one;
- A landscape and visual impact assessment should be provided to explore the visual impact on the surrounding area and a landscape plan to mitigate against the findings;
- An environmental impact assessment should be provided concerning odour and noise and assurances given that such will not travel to nearby gardens;
- Concerned about the site being close to River Tone and risk of pollution from any accidental spill. A wide range of wildlife could be affected and threatened by runoff;
- Major concerns about surface water runoff from such a large development; flooding already a problem in the area along road to Longaller and Barr which will be made worse;
- The rural appearance and character of the landscape would be transformed by these tall commercial buildings and extra large slurry tank; scale is out of proportion with the locality, particularly so close to residents at Barr, Longaller and Frethey Nursing home;

- There appears to be little or no plan to hide the buildings; extra hedging will do little and where is the extra soft landscaping? The scale will have an inevitable impact upon the sky line and will be yet another eye sore on the landscape;
- A permanently housed large to super large herd of cattle all year round so near to residents is not acceptable; we already hear the small herd of cattle which are further away;
- Such intensive cattle farming should not be so close to residents houses or a nursing home;
- The size of the development is bound to substantially increase surface water run-off; current run off has flooded the road on occasions over the last few years rendering it impassable at times;
- Proposed attenuation pond is useless as the water table will ensure it is full throughout the winter; therefore there will be no extra storage for surface water;
- Fields off the River Tone in the area regularly flood; proposals will only perpetuate the situation; why not site them nearer the existing buildings?
- A slurry tank of this scale will generate an enormous amount of toxic gasses and smell; Frethey Nursing home is in the immediate direction of the prevailing wind, with Barr and Longaller in different areas nearby;
- What safety measures are in place should the slurry tank fail? Risk to walkers along Barr Lane or footpaths?
- No assessment is made about traffic implications and noise; development will exacerbate problems experienced on the roads in winter months;
- Concerned that field gate to the North onto Barr Lane will be used as an additional entrance to the site;
- There is no indication as to how many cows will be accommodated in the new facilities;
- No noise assessment in relation to cow and machinery impact;
- No assessment of the impact of additional slurry and manure and associated odour;
- No mention of lighting scheme and the impact of this continuous lighting upon rural area;
- The site is a short distance from an Norton Fitzwarren Hill Fort; has any consideration been given to archaeology?
- The significant expansion, and heavy intensification of the site is getting out of hand; the farm is reaching a level of intensity and scale that is tantamount to an industrial operation in the open countryside; proposal will set a worrying precedent in the borough for greenfield development in favour of similar factory scale developments;
- The indication of the development providing for the relocation of an existing facility is unclear;
- If the Council are minded to approve the proposal, a substantial planting scheme and environmental mitigation programme be proposed to reduce the environmental impact;
- A long term management plan of mitigation should be secured through S106 agreement;
- This is a massive, brutal industrial building that will have a huge visual impact on our local surroundings;
- No mention is made of secondary power lines and whether these will need to be moved;
- Current Government guidance is to keep development close to built up areas; the only reason this is being considered is because it is agricultural; this should not extend to isolated development however;

- The development is isolated due to it being situated away from the core of existing buildings; there are better opportunities at Newley Farm to site buildings of this nature in close proximity to the farmstead and result in more suitable and sustainable development;
- No mention is made of the land and spring line dip;
- The development will reduce the sites ability to slow the transfer of water away to local watercourse, adding to the flood situation along Barr Lane with knock on effect downstream at Taunton;
- No details provided to show the attenuation pond is suitable or ground capable of having the capacity to allow sustainable drainage to happen;a pump storage/filtration unit to recycle storm water would be more appropriate;
- It appears that elements of the proposal are to be built over definitive footpath T3/17; do not see this as being acceptable; health and safety of the public will be put at risk

9 number letters of SUPPORT from local residents and members of the wider public raising the following planning related comments:

- As a local resident, land owner and employer I am satisfied that the relevant issues have been met and planning policy has been carefully considered when submitting the design and access statement;
- It is a delight to see the family farm continuing to expand when farming is struggling in general. It is important for local residents to support local farmers in difficult times;
- There are many comments about size but farming has always come down to efficiency so size has to be justified as part of any expansion and this has been the case here;
- The erection of the buildings will make little difference to the surrounding area as it is bordering the existing buildings;
- This generation of farmers have to be encouraged to expand their businesses to compete and survive in an increasingly competitive industry;
- The erection of new buildings will allow the farm to improve animal welfare by giving each animal more space and will also make the business more sustainable;
- The slurry store will reduce the risk of pollution so it is good to see a farm investing money in methods that reduce environmental impacts;
- If we do not allow the expansion of family runs farms we run the risk of the countryside disappearing altogether;
- We would rather see a few farm buildings than new housing;
- Investment in new buildings to improve welfare is to be encouraged;
- The undeniable benefits to the local economy and wider rural community as a whole far outweigh any impact the development may have;
- It is worth noting that it is down to Mr Venn and the environmental schemes to which he adheres that the local community can enjoy such a diverse range of natural wildlife;
- It is clear that every opportunity has been taken in terms of design, functionality and practicality to reduce the overall impact to the environment and pollution risk;
- In view of population growth both nationally and globally, any farmer willing to invest in the future, with all the issues of welfare and the environment should be encouraged;
- The proposals will clearly improve the viability and resilience of their dairy

farming enterprise enabling the business to meet stringent animal welfare and environmental legislation;

- The attention paid to the management of the environment of their farm and the welfare of their animals under their care is second to none;
- The farm has recently been divided into two businesses to accommodate the next generation in the family and the vision for the future; the proposals are an essential step in the business plan;
- Housing for young stock has been lost at Newley Farm since the division of the business; the development is needed as a vital part of the businesses future progress which provided employment, career opportunities and contributes greatly to the vibrant countryside and rural economy in the area;
- If you don't like the smell why live in the countryside? For its part of life there and I don't mind it.

Letter of SUPPORT from Genus Breeding Ltd, leading bovine genetics and reproduction specialists, making the following comments:

- The application is to secure the long-term business potential of a family owner farm, now in it's 4th generation of management;
- As the economic environment of the UK dairy industry continues to evolve amongst fluctuations in market conditions, sensible and timely investments to secure the future of UK dairy farm businesses will support a growing need for dairy production;
- A key driver is to increase production capacity as a whole; the proposal will allow a sensible increase in cow numbers contributing more milk to annual production, in line with the UK wide dairy industry;
- Housing modern dairy cows in specially designed accommodation will allow greater expression of their genetic potential;
- Maximising dairy cow welfare standards through modern dairy housing is critical for long-term dairy production;
- The expansion proposed will impact positively upon future generations of cows entering the adult milking herd; young stock management groups will have access to more suitable accommodation during the rearing phase;
- The proposed investment in slurry handling facilities will allow suitable handling of this product group in-line with local environmental policy;

Letter of SUPPORT from National Farmers Union Somerset County Advisor, making the following comments:

- The farming community faces formidable challenges with increasing regulation, volatile markets and fluctuating farming returns. Farmers need to respond in order to develop business and remain competitive; this often includes the need for new modern agricultural buildings to meet regulations and to achieve economies of scale, open up markets and to respond to changing market demand;
- Food production is a key Government priority; the NPPF reinforces the need for LPAs to assess the need of the food production industry and any barriers to investment that planning can resolve;
- This business not only supports the farming enterprise but benefits the wider rural economy through the number of businesses they supply and purchase

from;

- A key message of the NPPF is economic growth. Our member and his consultant have designed a development that meets the demands of the modern dairy enterprise whilst minimising the impact upon the landscape;
- The NFU supports this application because of the benefits it will have on the farming business. It will help to sustain jobs and diversity in the local economy. Crucially this development will help to deliver viable and profitable farming.

One letter of SUPPORT from Mount Vets Farm Practice making the following comments:

- The development will mean they are making a long term investment in their dairy business and will allow for an expansion of the unit leading to increased investment in the local economy;
- The new facilities will mean that older outdated buildings will no longer be used for housing the milking cows and thus result in continuing improvements in cow's health and welfare.
- The development will provide for the introduction of more modern systems of running the dairy herd which will result in less environmental impact and have a positive effect on the sustainability and economics of the business.

One letter of SUPPORT from Kite Consulting, specialist consultants in the UK dairy industry, making the following comments:

- The Venn family strive for the highest welfare standards for the cows within their dairy enterprise but we feel existing facilities no longer provide that required by modern dairy cows;
- Existing buildings are outdated and some in desperate need of updating. To date some improvements have been made and animal welfare improved. The main barrier is the existing free stall housing of the herd; the proposed free stall housing will offer superior cow comfort in terms of ventilation, feed access, superior comfort free stall mattresses and improved lighting;
- We support the scale of the development and reasoning's behind it; good ventilation is essential to prevent heat stress in cows;
- The slurry store will ensure the farm complied with all current legislation concerning nitrate vulnerable zones and slurry storage capacity whilst allowing for measured herd expansion;
- Structures expansion of the herd will ensure the business is financially viable and sustainable long term - future proofing. Existing housing will not allow for this;
- Through investment in new technology will help the Venn's to meet environmental and animal welfare obligations whilst improving farm efficiency.

One letter of SUPPORT from Mitchells Chartered Accountants, making the following comments:

- Over the past 26 years there has been only minimal capital expenditure on the dairy enterprise facilities at Newley Farm and the business has now reached a point where the existing buildings are outdated and badly in need of replacement;
- The economics of modern dairy farming dictate that herd sizes have to gradually increase in order to maintain financial viability;
- The practicality of the building reinvestment dictates that the existing facilities need to be maintained in operation whilst new ones are constructed and so

- inevitably this necessitates identifying a new location for facilities;
- We anticipate that this business, which employs 8 local people, will require further employees should the application be approved;
  - The applications are part of a genuine long term established and responsible family, who should be given the opportunity to move their dairy farming business forward.

## **PLANNING POLICIES**

DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,  
DM2 - TD CORE STRATEGY - DEV,  
CP2 - TD CORE STRATEGY - ECONOMY,  
CP6 - TD CORE STRATEGY - TRANSPORT AND ACCESSIBILITY,  
CP8 - CP 8 ENVIRONMENT,  
NPPF - National Planning Policy Framework,

## **DETERMINING ISSUES AND CONSIDERATIONS**

The pertinent issues to consider are the principle of development having regard to the development plan, the impact of the proposals upon visual amenity and landscape character and upon residential amenity. Other material considerations include highway safety, contamination and flood risk.

Concerns have been raised with regard to the nature of the application and the way in which the proposed livestock building and associated plant and ground works have been submitted to the Council. It is understood that the development has been split into three phases for submission in order to reduce the planning application fee; such is not a totally uncommon approach employed by applicants. Objectors note some other form of ulterior motive and have requested that the three phases be considered as one.

With regard to procedure, each planning application must be determined on its own merits, however given the scale of the development as an individual phase as well as cumulatively with phases two and three, it is prudent to consider the cumulative impact of the development as a whole. This is pertinent given the inter-related layout and construction of the development. The three phases are closely interlinked and if phase three to the South were to be refused, it would likely follow that the two associated phases should also fail, but it is also the case that should one phase be acceptable, it is highly unlikely to be built out as a stand alone unit. This report therefore considers the cumulative impact of the development of applications 05/14/0021, 0022 and 0023.

### Development principle

The proposed development is being justified by the applicants as being necessary in order to support the long term future of Newley Farm as a rural enterprise, as well as improving production rates, environmental and animal welfare standards. At present the housing of livestock and undertaking of related processes such as milking occur in very dated buildings, which are below the standards of accommodation provided within more modern equivalents. There is, in my opinion, a clear need to improve the level and standard of accommodation at the site.

Para 28 of the National Planning Policy Framework (NPPF) states that planning policies should support economic growth in rural areas and that plans should support the sustainable growth and expansion of business and rural enterprise through well designed new buildings and promote the development of agricultural businesses.

Policy DM2 (4.a) of the Taunton Deane Core Strategy states that new agricultural buildings commensurate with the role and function of the unit will be supported. Notwithstanding, the development must meet a number of criteria which include being compliant with the Habitats Regulations 2010, be near a public road and existing services, be of a design scale and layout compatible with the rural character of the area and not harm residential amenity, the landscape, ecology, highway safety and make adequate provision of services.

A strong case has been made in support of the proposed development and needs of the business and agricultural unit, which will require substantial investment in essential infrastructure if it is to remain economically and environmentally sustainable in the future. The applicant has gained a large amount of support for the development from various sectors within the agricultural industry. The existing buildings are clearly coming towards the end of their useable lifespan and providing suitable modern accommodation is necessary. Having regard to these matters and being mindful of the general thrust of planning policy, which is to support rural land based businesses, in particular agriculture, the principle of the development is considered to be acceptable.

#### Landscape Impact

As noted above, the application has been assessed against the EIA Regulations and has been found not to constitute EIA development. Notwithstanding, the impact of the proposals upon visual amenity and the character and appearance of the landscape must be assessed.

A range of objections have been made by members of the public against the proposed development, which is considered by some local residents to be an undesirable visual intrusion within the area that would result in the industrialisation of the landscape. The development has been described as being 'brutal' and out of proportion with the area, having regard to its scale. In contrast, the Parish Council supports the development, albeit having raised some points of concern over the visual impact of the development within the area.

The majority of the application site is currently laid to grass as pasture for grazing livestock. The topography is such that the land descends to the North, away from the existing congregation of farm buildings and properties at Upcott. Newley Farm and the application site North of the existing yard and buildings is surrounded by Upcott Road, Frethey Road and Barr Lane to the South, East and North respectively. The highway network forms a circular route around which there are a number of large residential and commercial properties within close proximity to the siting of the development. The settlement limit of Bishops Hull is some 200m East of the existing farm site and approximately 500m to the West is the site of a large electrical transformer station.

The field within which the development is proposed to be sited is bound by native species hedgerow with the sporadically positioned tree within the hedgerow. A large enclosed silage clamp has recently been erected adjacent to the application site following the grant of planning permission in 2013. As well as containing a number of small orchards and groups of trees, the local and wider landscape setting is characterised in part by the presence of large electricity power lines and associated pylons. The presence of overhead and underground electricity cables have largely dictated the positioning of the buildings, with such cables crossing the field to the Northwest, South and East of the proposed building.

Each individual phase of the development will provide for a section of a livestock building of a substantial scale; cumulatively the three phases, slurry store, feed hoppers and associated plant and hardstanding areas will be highly visible from certain vantage points within the local area and from some, such as the public footpath, the visual impact will be quite significant. That said, the design of the building has taken into account the sloping nature of the field with its stepped roofline; proposed materials and their colours are acceptable, being of a standard that is normally found on agricultural buildings. A visual representation has been provided by one neighbouring objector; the 3D imagery provides a depiction of how the proposed development might appear within the field, when viewed through the neighbouring boundary that is lined with hedgerow and tree planting. The building is shown to step down the sloping site, which will help reduce visual impact of the structure. The proposed livestock building will be set into the land at the highest point of the application site to the South; this together with the stepped roofline will help reduce the overall massing when seen from the East/West.

Within the wider landscape, particularly from Bishops Hull village and around the local highway network where glimpses will be available through field access gates, the proposed development will be viewed in conjunction with the previously approved silage clamp building and the historic farm yard and buildings to the South. It should be noted that the adjacent silage clamp building is 1.3m taller than the proposed livestock sheds and nearly twice the height of the proposed slurry store. The development as a whole will not strictly constitute a stand alone building within the field despite it appearing slightly detached on plan form.

A landscaping scheme has been submitted and now generally meets with the approval of the Councils Landscape Officer. Mitigation planting in addition to that must be planted later this year in relation to the silage clamp development, will help soften the visual impact of the development, particularly from the East. Mid range views within the landscape will be partially obscured by the presence of trees, corpses and hedgerows. The natural topography of the land also aids in minimising the wider visual impact of the proposed development upon the landscape.

The proposed development will have only a short term impact upon the landscape and once established, the proposed landscape planting scheme will further help to soften the impact of the development within the area. Where short distance views of the proposals are available from the public footpath, Barr Lane and Bishops Hull village, the development will visually relate to the existing farm buildings and will not stand alone within the surrounding landscape.

In conclusion, the quality of the landscape within the area is harmed widely by the presence of power lines, pylons and other industrial land uses, together with

sporadic residential and agricultural developments. It is true that the development will be visible within the local landscape however it will not result in an industrialisation of the landscape. The development is clearly designed for agricultural purposes and will tie in visually with the principle farm buildings to the South, when viewed from the North and South. Additional landscape buffering will be provided to the East, softening views of the site in time. This is a rural area with sporadic pepper-potting of residential and commercial properties. It is an area where you would traditionally expect to find agricultural development.

From the east existing planting and development will provide a natural screen for the proposed building and associated plant and infrastructure. Whilst short term visual harm will arise to the appearance of the landscape, the setting of the building will continue to relate to the established farming enterprise at Newley Farm immediately to the South. Over the long term, the landscaping proposals will provide a great deal of screening, reducing the impact of the buildings. On the basis of the matters set out the impact of the proposed development upon visual amenity, landscape character and appearance is considered to be acceptable.

### Residential amenity

#### *Outlook*

The proposed development will be sited approximately 220m from Frethey House to the Northeast and 150m from the boundary of Barr House to the Northwest. Frethey House is a commercial nursing homes whilst Barr House is a private domestic residence with gardens that share a boundary with the agricultural field in which the development is proposed. Frethey House is more detached, with a further field and highway between the property and application site. Further residential properties are located at Upcott Hall and Upcott House 350m Southwest, Longaller 250m to the North and properties at Shutemead and Farrant Walk which are approximately 325m to the Southeast.

The primary impacts upon residential amenity that might reasonably be associated with a development such as this are the loss of outlook, disturbance through additional noise and a nuisance arising from increase noxious and unpleasant odour.

With regard to outlook the distance of the proposed building from nearby properties is sufficient in itself to ensure that there will be no adverse impact upon the outlook enjoyed by local residents. Whilst limited views of the building will be available on occasions, there is no 'right' to a view in planning terms and this does not bare any relationship itself to outlook. Previously approved landscaping together with that proposed as part of this application will help reduce visibility of the development from residential properties.

#### *Noise*

Concern has also been raised in objections with regard to a potential increase in unpleasant odour and noise from the development. The proximity of the livestock building to neighbouring properties is suggested by objectors as being unsuitable and incompatible. The noise generated by the existing livestock herd is said to be

audible already and that the proposals will exacerbate this issue.

Dairy cows, and cows in general, are relatively quiet animals unless they are subjected to stress and/or threatened. One of the key principles of the development is to improve animal welfare and housing conditions, both for the benefit of animal husbandry but also to improve milk production rates. The vastly improved livestock housing conditions will likely reduce the stressing of animals thereby having the potential to reduce the noise being generated.

Whilst the development will increase the head of cattle at the site, the building will be some distance away from Frethey House and the dwelling at Barr House. The livestock housing will be closer than existing but the distances and screening will act as noise buffers. The impact of noise upon neighbouring amenity is not considered to be significant.

### *Odour*

The primary source of odour from the development will be the livestock and their waste products. Waste matter will be directed to a new slurry store to the Northern most point of the application site. All three phases of development will link into the store. The proposed store is a modern facility that has been designed to a scale that will meet the strict guidelines and regulations of statutory bodies; its scale is calculated from the number of head of livestock that it will serve over a set period of time. The existing slurry store is not capable of dealing with additional waste matter that will be generated from the increase in livestock that the proposed development will facilitate.

The provision of a modern slurry store at the site will ensure that the most up to date technology and management practices are employed to deal with waste material from the holding in an appropriate manner. With regard to odour, the applicants have advised that *"normally these stores only have odour issues when they have been left untouched for months on end and then when you stir them it can be noticeable, but if agitated regularly it should be fine, as will be the case here. Currently Venns only agitate their existing store when the wind is from the east and north east."*

The applicants have also advise that *"when slurry is stored in any quantity it has to be conditioned to keep it in an homogenous state, which ensures that the store can be emptied easily and as and when required. To achieve this thick liquid consistency the slurry needs to be mechanically mixed on a regular basis. In carrying out this mixing process oxygen is naturally incorporated into the slurry and this will discourage the growth of anaerobic bacteria which are responsible for the production of methane and the obnoxious odours associated with volatile fatty acids. This type of low rate oxygen inclusion also enables nitrogen to be retained in soluble form within the slurry thus reducing loss of nitrogen as ammonia emissions, which will result in the reduction of bought in manufactured fertilisers. To further reduce the potential for odours the method of spreading nowadays is generally through a form of direct injection system or dribble bar arrangement where the slurry is put into contact with the ground/crop very quickly and with no great force, this also greatly reduces the loss of nutrients to the atmosphere."*

The storage of slurry at the site, from the evidence and information provided, is not

considered to give rise to the significant additional release of unpleasant odour into the atmosphere. The issue with slurry appears to be predominantly associated with its spreading and use as a fertiliser on surrounding land. Environmental Health have been consulted verbally since making no comment on the application; Officers have advised that identifying a statutory and unacceptable nuisance from potential sources of unpleasant odours is difficult to quantify. Ensuring that the impact of additional sources of odour will, to a large degree, rely on the sound and proper management of the farm and the application of working methods such as spreading when wind direction is favourable. These measures are understood to be employed at present and whilst some additional odour may be released, such is to be expected within the open countryside. If all other regulations and statutory body guidance is followed the impact of the development will not be so significant as to warrant the refusal of planning permission.

### Public Right of Way (PROW) \_

The site is within very close proximity of public footpath T3/17. The slurry store will be positioned close to the definitive line and landscaping is to take place from previously approved silage clamp building development around it also. Neither the proposed livestock building or slurry store will impact directly upon the definitive line of the public footpath; such has been raised as a reason for objection but having visited the site with the Council's Diversions Officer, I am satisfied that the PROW will remain safe and free to use for the public.

Notwithstanding the above, it must be acknowledged that the proposed development will adversely impact upon the general enjoyment of the PROW by its users, with the built form interrupting a currently view across the open agricultural land. The section of footpath affected most will have a length of approximately 125m. Over such a short section the impact upon the public's enjoyment and access to the countryside will be limited and the harm is not considered to be so significant as to warrant refusal.

### Highway safety \_

The Highway Authority have not submitted any comments in relation to the proposed development. The proposed development will be accessed via the existing farm yards and access gate onto Upcott Road. A new concrete track will be constructed to connect the new livestock building with the existing yard site to the South. The proposals are likely to result in only a modest increase in vehicle movements, primarily farm machinery orientated, but also in relation to the collection and delivery of additional feed, materials and produce by additional commercial vehicles.

From the site access Eastwards towards Shutewater Hill the highway is relatively wide and reasonably aligned to the point where vehicles enter Shutewater Hill and the 30mph speed limit. The junction between Shutewater Hill Bishops Hull Road is relatively tight but visibility is reasonable. No specific information has been provided with regard to any anticipated increase in vehicle movements, however, on the basis that the existing farm is well established and likely to generate a significant number of movements already, any increase in movements is likely to be negligible, although it is acknowledged that such cannot be confirmed at this time.

Notwithstanding the above, the existing access is served by an appropriate level of visibility for the area given that the highway network is generally lightly trafficked. The proposals are not likely to result in a significant increase in vehicle movements and on this basis the proposals will not result in any significant harm arising to highway safety.

### Contamination risk

Concerns have been raised with regard to potential ground contamination should there be a failure of the proposed slurry tank. Whilst no long term assurances can be made in this regard, the slurry tank will be built to industry standards and comply with all necessary regulations. Ongoing management and maintenance should ensure that any defect is dealt with but such failures are not to my knowledge common place and the risk posed to the environment and public health and safety is considered to be minimal and not an issue to warrant refusing planning permission.

### Flood risk

The application site is located within Flood Zone 1, an area at low risk of flooding and the proposed use and development is compatible with this area. The Environment Agency's Standing Advice document is relevant to the proposed development and such advises that surface water management good practice principles and standards should be adhered to. The advice notes that SuDS should be utilised where possible to ensure that development does not increase flood risk off site.

Concerns have been raised with regard to existing flooding issues along Barr Lane are noted, but it is important to acknowledge that the development will provide for on-site attenuation, with the pond then realising a controlled flow of water into a nearby drainage ditch. Full details of the SuDS scheme have not been provided but, as with the silage clamp development, an appropriately worded pre-commencement condition can be used to agree the drainage scheme. Existing issues along Barr Lane are likely to result from blocked drains and drainage ditches, or the lack of their provision entirely.

Para 103 of the NPPF gives priority to the use of SuDS for determining planning applications. It is noted that the previously approved silage clamps were to drain to an attenuation pond as part of a SuDS scheme. Details of this have not yet been submitted for approval by the Council in relation to the corresponding pre-commencement condition.

The SuDS scheme will need to be designed to British Standards and consent to discharge will also be required. It is considered that through the submission of details it can be assured that the drainage scheme will not exacerbate flood risk off site.

### Conclusions

As an individual phase the impact of the proposed development will not be significant, however when considered cumulatively alongside phases two and three, the proposals represent a significant agricultural development within an open area of land North of the main farm site.

The proposed development will change the character and appearance of the immediate area quite considerably, however it is considered that through appropriate landscaping this impact can be reduced to an acceptable level. Government guidance and planning policy places great weight on supporting rural businesses, particularly within the agricultural industry. The proposal represents a significant financial investment into the business in order to increase productivity, animal welfare and environmental standards.

The impact of the proposed development upon neighbouring amenity has not been found to be significant to the point where planning permission should be refused; the proposal represents an extension to the existing farm enterprise in an area of open countryside where one would normally expect to see agricultural development. The impact of the development upon flood risk, highway safety and the PROW is also acceptable.

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**

05/14/0022

W J VENN & SON

**ERECTION OF AN AGRICULTURAL BUILDING FOR THE HOUSING OF CATTLE  
AT NEWLEY FARM, UPCOTT, BISHOPS HULL**

Location: NEWLEY FARM, UPCOTT ROAD, BISHOPS HULL, TAUNTON, TA4  
1AQ

Grid Reference: 319724.124876

Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval

**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 VEN/CU/PH2/PLN/001 Location Plan  
(A1) DrNo VEN/CU/PH2/PLN/002 Site Plan  
(A1) DrNo VEN/CU/PH2/PLN/003 Site Plan  
(A1) DrNo VEN/CU/PH1/PLN/004 Floor Plan  
(A1) DrNo VEN/CU/PH1/PLN/005 Roof Plan  
(A1) DrNo VEN/CU/PH2/PLN/006 Elevations  
(A1) DrNo VEN/PH2/PLN/MP/001 Site Section  
(A1) DrNo VEN/PH2/PLN/MP/001 Site 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 ensure that the proposed development does not harm the

character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

4. (i) Prior to implementation, 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 does not harm the character and appearance of the area in accordance with Policies DM1 and CP8 of the Taunton Deane Core Strategy.

5. No development shall take place until a surface water drainage scheme for the site has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include details of phasing of all drainage infrastructure and its maintenance thereafter together with plans and details of any attenuation pond to be provided. Once approved, the development shall be implemented and maintained in accordance with the details of the approved scheme.

Reason: To ensure that flood risk is not increased and to ensure that the development does not contribute to an unacceptable risk of water pollution in accordance with NPPF paragraphs 103 and 109 and Taunton Deane Core Strategy Policy CP8.

#### Notes to Applicant

1. **WILDLIFE AND THE LAW.** The protection afforded to wildlife under UK and EU legislation is irrespective of the planning system and any activity undertaken on the tree(s) must comply with the appropriate wildlife legislation.

**BREEDING BIRDS.** Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered must not be disturbed. If works are to be carried out during the breeding season (from February to August, possibly later) then the tree(s) should be checked for nesting birds before work begins.

**BATS.** The applicant and contractors must be aware that all bats are fully

protected by law under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Natural Habitats and Species (Amendment) Regulations 2012, also known as the Habitat Regulations. It is an offence to intentionally or recklessly damage, destroy or obstruct access to structures or places of shelter or protection used by bats, or to disturb bats whilst they are using these places.

Trees with features such as rot holes, split branches or gaps behind loose bark, may be used as roost sites for bats. Should a bat or bats be encountered while work is being carried out on the tree(s), work must cease immediately and advice must be obtained from the Government's advisers on wildlife, Natural England (Tel. 0845 1300 228). Bats should preferably not be handled (and not unless with gloves) but should be left in situ, gently covered, until advice is obtained.

2. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.

## **PROPOSAL**

The application seeks planning permission for the erection of a livestock housing and feeding building at Newley Farm, Bishops Hull.

The proposal forms phase 2 of 3 for the provision of new cow accommodation units at the holding. The proposed cow accommodation unit will measure approximately 36.5m x 36m with a height to eaves and ridge of 4.75m and 9.6 respectively. The building will be finished externally in concrete reinforced panels with vertical timber boarding above; the roof will be of anthracite profile sheeting. Within the building floor space will be divided into four passages to provide two feed and two scrape passages respectively. The cow accommodation will be divided into three rows (one double) of accommodation pens.

A concrete apron will be laid around the perimeter of the building connecting into the phase 1 development. All waste will be fed into the phase 1 slurry store. Surface water from the roof of the building will be kept separated from contaminated ground water and drained to an attenuation pond to the Northeast corner of the site. The application is supported by a landscape planting scheme.

The application has been screened to determine whether it might be Environmental Impact Assessment (EIA) development. The conclusion has been reached that the development does not fall within either Schedule 1 or Schedule 2 of the EIA Regulations and therefore, there is no need to fully screen the application.

## **SITE DESCRIPTION AND HISTORY**

Newley Farm is a well-established farm business set over 300 hectares comprising a herd of 200 dairy cows, arable crops and apple orchard. Newley farm accommodates a dairy herd of 200 head and employs 6 people on a full and 2

people on a part time basis. The existing farm yard is large and well developed, with portal frame buildings used for livestock housing and the storage of feed and machinery. Many of the buildings at the site are large with heights up to approximately 9 metres to ridge, but they have been in situ for many years and are in need of updating for animal husbandry and business operational needs. The application site currently comprises an open arable field with hedgerows to all boundaries. There are residential properties and a care home within 160 metres of the site.

The most recent development at the site has been the three phased development of new silage clamps, covered by roofs in excess of 9 metres in height; planning permission was approved for drainage and landscaping in conjunction with the silage clamps under LPA references 05/13/0034/0035/0036.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*BISHOPS HULL PARISH COUNCIL* - Bishops Hull Parish Council SUPPORTS this application with the following comments:

Although it has reservations as detailed below, the Parish Council supports the application. This is based on the need to encourage a sustainable rural economy in the parish and to maintain its current urban rural mix.

The scale of this development is large but, whilst not all the concerns expressed can be mitigated, a number could be by making changes and enhancements to the scheme and particularly by communication between the applicant and their neighbours. The submission of the planning in three phases has led to a suspicion that this has been done to circumvent any ecological or environmental impact assessment.

The design access statement states that this development is to replace aging livestock sheds and to allow for dairy herd expansion. It is clear, even from the distance viewed from, that some of the existing buildings are rapidly approaching the end of their useful life and do need replacing and that the farm is very active.

There are concerns with the development as planned. The views of the local inhabitants and the parish council are aligned and therefore will be stated as one list of comments.

Scale – For a single storey animal shed the height of the building seems excessive even to allow for the natural ventilation strategy stated in the design access statement. Local concern centres around the visual impact of the structures particularly when all three phases are built. The finished height will only be 1 metre lower than the recently built silage barns which visually are very impactful even to the wider local area.

Visual impact – The overall scale of the development will take up what is now a green field site which allows views along an east west axis. These views will cease. The scale of the slurry storage tank is not visually represented on the plans and

elevations but when judged against the scale of the sheds will be of a considerable size. The position is obviously influenced by the natural slopes of the ground to make best use of gravity drainage but the result is that it will be adjacent to Barr Lane on the most open part of the field and will be easily visible both from Broadleigh House and the Frethey House Nursing Home particularly in the winter months when trees have no foliage. If the scheme is to go ahead as planned this area would need extensive landscaping and planting with trees to mask what will be a very intrusive structure. The recent silage barns do not benefit from any attempt at landscaping and their existence is emphasised to the casual observers by the large mound of spoil on their northern side.

Drainage – Barr Lane suffers from flooding mainly caused by field run off along the stretch which will be close to the SUDs pond and slurry storage tank. The plans indicate a run off pipe from the Suds pond into a water course which runs along the eastern edge of the development area. This, according to locals, is the area that already floods and given the increase run off rate from the roofs and concrete areas can only be exacerbated. The design access statement makes no comment on how this is to be managed.

Slurry – The storage of large amounts of slurry will cause a nuisance of smell and the positioning of the tank will impact on Frethey House Nursing Home, Broadleigh House and other residential properties in Barr.

Flooding – The flooding concerns in general are dealt with under drainage. However a concern raised by locals is the possibility of the flood water becoming contaminated due to over spill from the slurry pit or from a contaminated run off from the building floors into the Suds ponds which then enters the general ground water. The design access statement makes no comment how this risk is to be managed.

Noise – Concern has been expressed regarding the noise that is already caused by the current numbers of cattle which would only increase with an expansion of the dairy herd plus noise from machinery operating in the sheds.

*SCC - TRANSPORT DEVELOPMENT GROUP* - No comments.

*LANDSCAPE* - Initial comments -

The proposed new buildings will have a large landscape impact as seen from the nearby public footpath and wider views from higher parts of Bishops Hull. No landscape mitigation proposed. Proposals would be contrary to Core Strategy Policy CP8.

Additional comments -

This development is very large and will have quite an impact in the landscape. It will be easily viewed from certain parts of higher ground in Bishops Hull, eg, Parsonage Court.

If the building could be designed to appear as three separate buildings this would

help to break down the mass. The applicant has submitted a landscape scheme which takes account of the visual impact of the development from the public footpath and from Barr Lane.

I consider the scheme to be insufficient. Additional landscaping is required to help soften the impact of the building from the higher ground to the East.

*ENVIRONMENTAL HEALTH - NOISE & POLLUTION* - No comments. Verbal advice provided as contained within report.

*THE RAMBLERS ASSOCIATION* - Unless it can be assured that the development will not detrimentally impact upon footpath T3/17 both during development and in the future use of the path, strongly OBJECT for health and safety reasons.

## **Representations**

Taunton Deane Ramblers - Unless it can be assured that the development will not detrimentally impact upon footpath T3/17 both during development and in the future use of the path, strongly OBJECT for health and safety reasons.

8 number letters of OBJECTION received from members of the local community and wider public raising the following planning related observations:

- Slurry from existing farm spread over a wide area; smell can be so bad that windows and doors are not opened at Rumwell. Often have to avoid using public footpaths;
- Gasses from slurry are a known health hazard and can cause nausea, headaches and breathing problems in vulnerable people. Noxious gasses can drift over Bishops Hull, and Taunton; how can it be justified to expand this intensive type of farming in an area that is clearly unsuited to it?
- Understand the need to expand business but have concerns. The three applications should also be considered as one;
- A landscape and visual impact assessment should be provided to explore the visual impact on the surrounding area and a landscape plan to mitigate against the findings;
- An environmental impact assessment should be provided concerning odour and noise and assurances given that such will not travel to nearby gardens;
- Concerned about the site being close to River Tone and risk of pollution from any accidental spill. A wide range of wildlife could be affected and threatened by runoff;
- Major concerns about surface water runoff from such a large development; flooding already a problem in the area along road to Longaller and Barr which will be made worse;
- The rural appearance and character of the landscape would be transformed by these tall commercial buildings and extra large slurry tank; scale is out of proportion with the locality, particularly so close to residents at Barr, Longaller and Frethey Nursing home;
- There appears to be little or no plan to hide the buildings; extra hedging will do little and where is the extra soft landscaping? The scale will have an inevitable

- impact upon the sky line and will be yet another eye sore on the landscape;
- A permanently housed large to super large herd of cattle all year round so near to residents is not acceptable; we already hear the small herd of cattle which are further away;
  - Such intensive cattle farming should not be so close to residents houses or a nursing home;
  - The size of the development is bound to substantially increase surface water run-off; current run off has flooded the road on occasions over the last few years rendering it impassable at times;
  - Proposed attenuation pond is useless as the water table will ensure it is full throughout the winter; therefore there will be no extra storage for surface water;
  - Fields off the River Tone in the area regularly flood; proposals will only perpetuate the situation; why not site them nearer the existing buildings?
  - A slurry tank of this scale will generate an enormous amount of toxic gasses and smell; Frethey Nursing home is in the immediate direction of the prevailing wind, with Barr and Longaller in different areas nearby;
  - What safety measures are in place should the slurry tank fail? Risk to walkers along Barr Lane or footpaths?
  - No assessment is made about traffic implications and noise; development will exacerbate problems experienced on the roads in winter months;
  - Concerned that field gate to the North onto Barr Lane will be used as an additional entrance to the site;
  - There is no indication as to how many cows will be accommodated in the new facilities;
  - No noise assessment in relation to cow and machinery impact;
  - No assessment of the impact of additional slurry and manure and associated odour;
  - No mention of lighting scheme and the impact of this continuous lighting upon rural area;
  - The site is a short distance from an Norton Fitzwarren Hill Fort; has any consideration been given to archaeology?
  - The significant expansion, and heavy intensification of the site is getting out of hand; the farm is reaching a level of intensity and scale that is tantamount to an industrial operation in the open countryside; proposal will set a worrying precedent in the borough for greenfield development in favour of similar factory scale developments;
  - The indication of the development providing for the relocation of an existing facility is unclear;
  - If the Council are minded to approve the proposal, a substantial planting scheme and environmental mitigation programme be proposed to reduce the environmental impact;
  - A long term management plan of mitigation should be secured through S106 agreement;
  - This is a massive, brutal industrial building that will have a huge visual impact on our local surroundings;
  - No mention is made of secondary power lines and whether these will need to be moved;
  - Current Government guidance is to keep development close to built up areas; the only reason this is being considered is because it is agricultural; this should not extend to isolated development however;
  - The development is isolated due to it being situated away from the core of existing buildings; there are better opportunities at Newley Farm to site buildings

of this nature in close proximity to the farmstead and result in more suitable and sustainable development;

- No mention is made of the land and spring line dip;
- The development will reduce the sites ability to slow the transfer of water away to local watercourse, adding to the flood situation along Barr Lane with knock on effect downstream at Taunton;
- No details provided to show the attenuation pond is suitable or ground capable of having the capacity to allow sustainable drainage to happen; a pump storage/filtration unit to recycle storm water would be more appropriate;
- It appears that elements of the proposal are to be built over definitive footpath T3/17; do not see this as being acceptable; health and safety of the public will be put at risk

9 number letters of support from local residents and members of the wider public raising the following planning related comments:

- As a local resident, land owner and employer I am satisfied that the relevant issues have been met and planning policy has been carefully considered when submitting the design and access statement;
- It is a delight to see the family farm continuing to expand when farming is struggling in general. It is important for local residents to support local farmers in difficult times;
- There are many comments about size but farming has always come down to efficiency so size has to be justified as part of any expansion and this has been the case here;
- The erection of the buildings will make little difference to the surrounding area as it is bordering the existing buildings;
- This generation of farmers have to be encouraged to expand their businesses to compete and survive in an increasingly competitive industry;
- The erection of new buildings will allow the farm to improve animal welfare by giving each animal more space and will also make the business more sustainable;
- The slurry store will reduce the risk of pollution so it is good to see a farm investing money in methods that reduce environmental impacts;
- If we do not allow the expansion of family runs farms we run the risk of the countryside disappearing altogether;
- We would rather see a few farm buildings than new housing;
- Investment in new buildings to improve welfare is to be encouraged;
- The undeniable benefits to the local economy and wider rural community as a whole far outweigh any impact the development may have;
- It is worth noting that it is down to Mr Venn and the environmental schemes to which he adheres that the local community can enjoy such a diverse range of natural wildlife;
- It is clear that every opportunity has been taken in terms of design, functionality and practicality to reduce the overall impact to the environment and pollution risk;
- In view of population growth both nationally and globally, any farmer willing to invest in the future, with all the issues of welfare and the environment should be encouraged;
- The proposals will clearly improve the viability and resilience of their dairy farming enterprise enabling the business to meet stringent animal welfare and environmental legislation;

- The attention paid to the management of the environment of their farm and the welfare of their animals under their care is second to none;
- The farm has recently been divided into two businesses to accommodate the next generation in the family and the vision for the future; The proposals are an essential step in the business;
- Housing for young stock has been lost at Newley Farm since the division of the business; the development is needed as a vital part of the businesses future progress which provided employment, career opportunities and contributes greatly to the vibrant countryside and rural economy in the area;
- If you don't like the smell why live in the countryside? For it part of life there and I don't mind it.

Letter of SUPPORT from Genus Breeding Ltd, leading bovine genetics and reproduction specialists, making the following comments:

- The application is to secure the long-term business potential of a family owner farm, now in it's 4th generation of management;
- As the economic environment of the UK dairy industry continues to evolve amongst fluctuations in market conditions, sensible and timely investments to secure the future of UK dairy farm businesses will support a growing need for dairy production;
- A key driver is to increase production capacity as a whole; the proposal will allow a sensible increase in cow numbers contributing more milk to annual production, in line with the UK wide dairy industry;
- Housing modern dairy cows in specially designed accommodation will allow greater expression of their genetic potential;
- Maximising dairy cow welfare standards through modern dairy housing is critical for long-term dairy production;
- The expansion proposed will impact positively upon future generations of cows entering the adult milking herd; young stock management groups will have access to more suitable accommodation during the rearing phase;
- The proposed investment in slurry handling facilities will allow suitable handling of this product group in-line with local environmental policy;

Letter of SUPPORT from National Farmers Union Somerset County Advisor, making the following comments:

- The farming community faces formidable challenges with increasing regulation, volatile markets and fluctuating farming returns. Farmers need to respond in order to develop business and remain competitive; this often includes the need for new modern agricultural buildings to meet regulations and to achieve economies of scale, open up markets and to respond to changing market demand;
- Food production is a key Government priority; the NPPF reinforces the need for LPAs to assess the need of the food production industry and any barriers to investment that planning can resolve;
- This business not only supports the farming enterprise but benefits the wider rural economy through the number of businesses they supply and purchase from;
- A key message of the NPPF is economic growth. Our member and his consultant

have designed a development that meets the demands of the modern dairy enterprise whilst minimising the impact upon the landscape;

- The NFU supports this application because of the benefits it will have on the farming business. It will help to sustain jobs and diversity in the local economy. Crucially this development will help to deliver viable and profitable farming.

One letter of SUPPORT from Mount Vets Farm Practice making the following comments:

- The development will mean they are making a long term investment in their dairy business and will allow for an expansion of the unit leading to increased investment in the local economy;
- The new facilities will mean that older outdated buildings will no longer be used for housing the milking cows and thus result in continuing improvements in cow's health and welfare.
- The development will provide for the introduction of more modern systems of running the dairy herd which will result in less environmental impact and have a positive effect on the sustainability and economics of the business.

One letter of SUPPORT from Kite Consulting, specialist consultants in the UK dairy industry, making the following comments:

- The Venn family strive for the highest welfare standards for the cows within their dairy enterprise but we feel existing facilities no longer provide that required by modern dairy cows;
- Existing buildings are outdated and some in desperate need of updating. To date some improvements have been made and animal welfare improved. The main barrier is the existing free stall housing of the herd; the proposed free stall housing will offer superior cow comfort in terms of ventilation, feed access, superior comfort free stall mattresses and improved lighting;
- We support the scale of the development and reasoning's behind it; good ventilation is essential to prevent heat stress in cows;
- The slurry store will ensure the farm composed with all current legislation concerning nitrate vulnerable zones and slurry storage capacity whilst allowing for measured herd expansion;
- Structures expansion of the herd will ensure the business is financially viable and sustainable long term - future proofing. Existing housing will not allow for this;
- Through investment in new technology will help the Venn's to meet environmental and animal welfare obligations whilst improving farm efficiency.

One letter of SUPPORT from Mitchells Chartered Accountants, making the following comments:

- Over the past 26 years there has been only minimal capital expenditure on the dairy enterprise facilities at Newley Farm and the business has now reached a point where the existing buildings are outdated and badly in need of replacement;
- The economics of modern dairy farming dictate that herd sizes have to gradually increase in order to maintain financial viability;
- The practicality of the building reinvestment dictates that the existing facilities need to be maintained in operation whilst new ones are constructed and so inevitably this necessitates identifying a new location for facilities;
- We anticipate that this business, which employs 8 local people, will require

- further employees should the application be approved;
- The applications are part of a genuine long term established and responsible family, who should be given the opportunity to move their dairy farming business forward.

## **DETERMINING ISSUES AND CONSIDERATIONS**

The pertinent issues to consider are the principle of development having regard to the development plan, the impact of the proposals upon visual amenity and landscape character and upon residential amenity. Other materials considered include highway safety, contamination and flood risk.

Concerns have been raised with regard to the nature of the application and the way in which the proposed livestock building and associated plant and ground works have been submitted to the Council. It is understood that the development has been split into three phases for submission in order to reduce the planning application fee; such is not a totally uncommon approach employed by applicants. Objectors note some other form of ulterior motive and have requested that the three phases be considered as one.

With regard to procedure, each planning application must be determined on its own merits, however given the scale of the development as an individual phase as well as cumulatively with phases two and three, it is prudent to consider the cumulative impact of the development as a whole. This is pertinent given the inter-related layout and construction of the development. The three phases are closely interlinked and if phase three to the South were to be refused, it would likely follow that the two associated phases should also fail, but it is also the case that should one phase be acceptable, it is highly unlikely to be built out as a stand alone unit. This report therefore considers the cumulative impact of the development of applications 05/14/0021, 0022 and 0023.

### Development principle

The proposed development is justified by the applicants as being necessary in order to support the long term future of Newley Farm as a rural enterprise, as well as improving production rates, environmental and animal welfare standards. At present the housing of livestock and undertaking of related processes such as milking occur in very dated buildings, which are below the standards of accommodation provided within more modern equivalents. There is, in my opinion, a clear need to improve the level and standard of accommodation at the site.

Para 28 of the National Planning Policy Framework (NPPF) states that planning policies should support economic growth in rural areas and that plans should support the sustainable growth and expansion of business and rural enterprise through well designed new buildings and promote the development of agricultural businesses.

Policy DM2 (4.a) of the Taunton Deane Core Strategy states that new agricultural buildings commensurate with the role and function of the unit will be supported. Notwithstanding, the development must meet a number of criteria which include being compliant with the Habitats Regulations 2010, be near a public road and

existing services, be of a design scale and layout compatible with the rural character of the area and not harm residential amenity, the landscape, ecology, highway safety and make adequate provision of services.

A strong case has been made in support of the proposed development and needs of the business and agricultural unit, which will require substantial investment in essential infrastructure if it is to remain economically and environmentally sustainable in the future. The applicant has gained a large amount of support for the development from various sectors within the agricultural industry. The existing buildings are clearly coming towards the end of their useable lifespan and providing suitable modern accommodation is necessary. Having regard to these matters and being mindful of the general thrust of planning policy, which is to support rural land based businesses, in particular agriculture, the principle of the development is considered to be acceptable.

### Landscape Impact

As noted above, the application has been assessed against the EIA Regulations and has been found not to constitute EIA development. Notwithstanding, the impact of the proposals upon visual amenity and the character and appearance of the landscape must be assessed.

A range of objections have been made by members of the public against the proposed development, which is considered by some local residents to be an undesirable visual intrusion within the area that would result in the industrialisation of the landscape. The development has been described as being 'brutal' and out of proportion with the area, having regard to its scale. In contrast, the Parish Council supports the development, albeit having raised some points of concern over the visual impact of the development within the area.

The majority of the application site is currently laid to grass as pasture for grazing livestock. The topography is such that the land descends to the North, away from the existing congregation of farm buildings and properties at Upcott. Newley Farm and the application site North of the existing yard and buildings is surrounded by Upcott Road, Frethey Road and Barr Lane to the South, East and North respectively. The highway network forms a circular route around which there are a number of large residential and commercial properties within close proximity to the siting of the development. The settlement limit of Bishops Hull is some 200m East of the existing farm site and approximately 500m to the West is the site of a large electrical transformer station.

The field within which the development is proposed to be sited is bound by native species hedgerow with the sporadically positioned tree within the hedgerow. A large enclosed silage clamp has recently been erected adjacent to the application site following the grant of planning permission in 2013. As well as containing a number of small orchards and groups of trees, the local and wider landscape setting is characterised in part by the presence of large electricity power lines and associated pylons. The presence of overhead and underground electricity cables have largely dictated the positioning of the buildings, with such cables crossing the field to the Northwest, South and East of the proposed building.

Each individual phase of the development will provide for a section of a livestock building of a substantial scale; cumulatively the three phases, slurry store, feed hoppers and associated plant and hardstanding areas will be highly visible from certain vantage points within the local area and from some, such as the public footpath, the visual impact will be quite significant. That said, the design of the building has taken into account the sloping nature of the field with its stepped roofline; proposed materials and their colours are acceptable, being of a standard that is normally found on agricultural buildings. A visual representation has been provided by one neighbouring objector; the 3D imagery provides a depiction of how the proposed development might appear within the field, when viewed through the neighbouring boundary that is lined with hedgerow and tree planting. The building is shown to step down the sloping site, which will help reduce visual impact of the structure. The proposed livestock building will be set into the land at the highest point of the application site to the South; this together with the stepped roofline will help reduce the overall massing when seen from the East/West.

Within the wider landscape, particularly from Bishops Hull village and around the local highway network where glimpses will be available through field access gates, the proposed development will be viewed in conjunction with the previously approved silage clamp building and the historic farm yard and buildings to the South. It should be noted that the adjacent silage clamp building is 1.3m taller than the proposed livestock sheds and nearly twice the height of the proposed slurry store. The development as a whole will not strictly constitute a stand alone building within the field despite it appearing slightly detached on plan form.

A landscaping scheme has been submitted and now generally meets with the approval of the Councils Landscape Officer. Mitigation planting in addition to that must be planted later this year in relation to the silage clamp development, will help soften the visual impact of the development, particularly from the East. Mid range views within the landscape will be partially obscured by the presence of trees, corpses and hedgerows. The natural topography of the land also aids in minimising the wider visual impact of the proposed development upon the landscape.

The proposed development will have only a short term impact upon the landscape and once established, the proposed landscape planting scheme will further help to soften the impact of the development within the area. Where short distance views of the proposals are available from the public footpath, Barr Lane and Bishops Hull village, the development will visually relate to the existing farm buildings and will not stand alone within the surrounding landscape.

In conclusion, the quality of the landscape within the area is harmed widely by the presence of power lines, pylons and other industrial land uses, together with sporadic residential and agricultural developments. It is true that the development will be visible within the local landscape however it will not result in an industrialisation of the landscape. The development is clearly designed for agricultural purposes and will tie in visually with the principle farm buildings to the South, when viewed from the North and South. Additional landscape buffering will be provided to the East, softening views of the site in time. This is a rural area with sporadic pepper-potting of residential and commercial properties. It is an area where you would traditionally expect to find agricultural development.

From the east existing planting and development will provide a natural screen for the

proposed building and associated plant and infrastructure. Whilst short term visual harm will arise to the appearance of the landscape, the setting of the building will continue to relate to the established farming enterprise at Newley Farm immediately to the South. Over the long term, the landscaping proposals will provide a great deal of screening, reducing the impact of the buildings. On the basis of the matters set out the impact of the proposed development upon visual amenity, landscape character and appearance is considered to be acceptable.

## Residential amenity

### *Outlook*

The proposed development will be sited approximately 220m from Frethey House to the Northeast and 150m from the boundary of Barr House to the Northwest. Frethey House is a commercial nursing homes whilst Barr House is a private domestic residence with gardens that share a boundary with the agricultural field in which the development is proposed. Frethey House is more detached, with a further field and highway between the property and application site. Further residential properties are located at Upcott Hall and Upcott House 350m Southwest, Longaller 250m to the North and properties at Shutemead and Farrant Walk which are approximately 325m to the Southeast.

The primary impacts upon residential amenity that might reasonably be associated with a development such as this are the loss of outlook, disturbance through additional noise and a nuisance arising from increase noxious and unpleasant odour.

With regard to outlook the distance of the proposed building from nearby properties is sufficient in itself to ensure that there will be no adverse impact upon the outlook enjoyed by local residents. Whilst limited views of the building will be available on occasions, there is no 'right' to a view in planning terms and this does not bare any relationship itself to outlook. Previously approved landscaping together with that proposed as part of this application will help reduce visibility of the development from residential properties.

### Noise

Concern has also been raised in objections with regard to a potential increase in unpleasant odour and noise from the development. The proximity of the livestock building to neighbouring properties is suggested by objectors as being unsuitable and incompatible. The noise generated by the existing livestock herd is said to be audible already and that the proposals will exacerbate this issue.

Dairy cows, and cows in general, are relatively quiet animals unless they are subjected to stress and/or threatened. One of the key principles of the development is to improve animal welfare and housing conditions, both for the benefit of animal husbandry but also to improve milk production rates. The vastly improved livestock housing conditions will likely reduce the stressing of animals thereby having the potential to reduce the noise being generated.

Whilst the development will increase the head of cattle at the site, the building will be

some distance away from Frethey House and the dwelling at Barr House. The livestock housing will be closer than existing but the distances and screening will act as noise buffers. The impact of noise upon neighbouring amenity is not considered to be significant.

### *Odour*

The primary source of odour from the development will be the livestock and their waste products. Waste matter will be directed to a new slurry store to the Northern most point of the application site. All three phases of development will link into the store. The proposed store is a modern facility that has been designed to a scale that will meet the strict guidelines and regulations of statutory bodies; its scale is calculated from the number of head of livestock that it will serve over a set period of time. The existing slurry store is not capable of dealing with additional waste matter that will be generated from the increase in livestock that the proposed development will facilitate.

The provision of a modern slurry store at the site will ensure that the most up to date technology and management practices are employed to deal with waste material from the holding in an appropriate manner. With regard to odour, the applicants have advised that *"normally these stores only have odour issues when they have been left untouched for months on end and then when you stir them it can be noticeable, but if agitated regularly it should be fine, as will be the case here. Currently Venns only agitate their existing store when the wind is from the east and north east."*

The applicants have also advise that *"when slurry is stored in any quantity it has to be conditioned to keep it in an homogenous state, which ensures that the store can be emptied easily and as and when required. To achieve this thick liquid consistency the slurry needs to be mechanically mixed on a regular basis. In carrying out this mixing process oxygen is naturally incorporated into the slurry and this will discourage the growth of anaerobic bacteria which are responsible for the production of methane and the obnoxious odours associated with volatile fatty acids. This type of low rate oxygen inclusion also enables nitrogen to be retained in soluble form within the slurry thus reducing loss of nitrogen as ammonia emissions, which will result in the reduction of bought in manufactured fertilisers. To further reduce the potential for odours the method of spreading nowadays is generally through a form of direct injection system or dribble bar arrangement where the slurry is put into contact with the ground/crop very quickly and with no great force, this also greatly reduces the loss of nutrients to the atmosphere."*

The storage of slurry at the site, which will be produced by the livestock contained within the proposed building is not considered to give rise to the significant additional release of unpleasant odour into the atmosphere. The issue with slurry appears be predominantly associated with its spreading and use as a fertiliser on surrounding land. Environmental Health have been consulted verbally since making no comment on the application; Officers have advised that identifying a statutory and unacceptable nuisance from potential sources of unpleasant odours is difficult to quantify. Ensuring that the impact of additional sources of odour will, to a large degree, rely on the sound and proper management of the farm and the application of working methods such as spreading when wind direction is favourable. These measures are understood to be employed at present and whilst some additional

odour may be released, such is to be expected within the open countryside. If all other regulations and statutory body guidance is followed the impact of the development will not be so significant as to warrant the refusal of planning permission.

#### Highway safety .

The Highway Authority have not submitted any comments in relation to the proposed development. The proposed development will be accessed via the existing farm yards and access gate onto Upcott Road. A new concrete track will be constructed to connect the new livestock building with the existing yard site to the South. The proposals are likely to result in only a modest increase in vehicle movements, primarily farm machinery orientated, but also in relation to the collection and delivery of additional feed, materials and produce by additional commercial vehicles.

From the site access Eastwards towards Shutewater Hill the highway is relatively wide and reasonably aligned to the point where vehicles enter Shutewater Hill and the 30mph speed limit. The junction between Shutewater Hill Bishops Hull Road is relatively tight but visibility is reasonable. No specific information has been provided with regard to any anticipated increase in vehicle movements, however, on the basis that the existing farm is well established and likely to generate a significant number of movements already, any increase in movements is likely to be negligible, although it is acknowledged that such cannot be confirmed at this time.

Notwithstanding the above, the existing access is served by an appropriate level of visibility for the area given that the highway network is generally lightly trafficked. The proposals are not likely to result in a significant increase in vehicle movements and on this basis the proposals will not result in any significant harm arising to highway safety.

#### Contamination risk .

Concerns have been raised with regard to potential ground contamination should there be a failure of the proposed slurry tank. Whilst no long term assurances can be made in this regard, the slurry tank will be built to industry standards and comply with all necessary regulations. Ongoing management and maintenance should ensure that any defect is dealt with but such failures are not to my knowledge common place and the risk posed to the environment and public health and safety is considered to be minimal and not an issue to warrant refusing planning permission.

#### Flood risk .

The application site is located within Flood Zone 1, an area at low risk of flooding and the proposed use and development is compatible with this area. The Environment Agency's Standing Advice document is relevant to the proposed development and such advises that surface water management good practice principles and standards should be adhered to. The advice notes that SuDS should be utilised where possible to ensure that development does not increase flood risk off site.

Concerns have been raised with regard to existing flooding issues along Barr Lane are noted, but it is important to acknowledge that the development will provide for on-site attenuation, with the pond then realising a controlled flow of water into a nearby drainage ditch. Full details of the SuDS scheme have not been provided but, as with the silage clamp development, an appropriately worded pre-commencement condition can be used to agree the drainage scheme. Existing issues along Barr Lane are likely to result from blocked drains and drainage ditches, or the lack of their provision entirely.

Para 103 of the NPPF gives priority to the use of SuDS for determining planning applications. It is noted that the previously approved silage clamps were to drain to an attenuation pond as part of a SuDS scheme. Details of this have not yet been submitted for approval by the Council in relation to the corresponding pre-commencement condition.

The SuDS scheme will need to be designed to British Standards and consent to discharge will also be required. It is considered that through the submission of details it can be assured that the drainage scheme will not exacerbate flood risk off site.

### Conclusions

As an individual phase the impact of the proposed development will not be significant, however when considered cumulatively alongside phases one and three, the proposals represent a significant agricultural development within an open area of land North of the main farm site.

The proposed development will change the character and appearance of the immediate area quite considerably, however it is considered that through appropriate landscaping this impact can be reduced to an acceptable level. Government guidance and planning policy places great weight on supporting rural businesses, particularly within the agricultural industry. The proposal represents a significant financial investment into the business in order to increase productivity, animal welfare and environmental standards.

The impact of the proposed development upon neighbouring amenity has not been found to be significant to the point where planning permission should be refused; the proposal represents an extension to the existing farm enterprise in an area of open countryside where one would normally expect to see agricultural development. The impact of the development upon flood risk, highway safety and the PROW is also acceptable.

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**



05/14/0023

W J VENN & SON

**ERECTION OF AN AGRICULTURAL BUILDING FOR THE HOUSING AND FEEDING OF DAIRY COWS AT NEWLEY FARM, UPCOTT, BISHOPS HULL**

Location: NEWLEY FARM, UPCOTT ROAD, BISHOPS HULL, TAUNTON, TA4  
1AQ

Grid Reference: 319749.124848

Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval

**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 Ven/CU/PH3/PLN 001 Location Plan  
(A1) DrNo VEN/CU/PH3/PLN 002 Site Plan  
(A1) DrNo VEN/CU/PH3/PLN 003 Site Plan  
(A1) DrNo VEN/CU/PH3/PLN/004 Floor Plan  
(A1) DrNo VEN/CU/PH3/PLN 005 Roof Plan  
(A1) DrNo VEN/CU/PH3/PLN 006 Elevations  
(A1) DrNo VEN/PH2/PLN/MP/001 Site Section  
(A1) DrNo VEN/PH2/PLN/MP/001 Site 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 ensure that the proposed development does not harm the

character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

4. (i) Prior to implementation, 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 does not harm the character and appearance of the area in accordance with Policies DM1 and CP8 of the Taunton Deane Core Strategy.

5. No development shall take place until a surface water drainage scheme for the site has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include details of phasing of all drainage infrastructure and its maintenance thereafter together with plans and details of any attenuation pond to be provided. Once approved, the development shall be implemented and maintained in accordance with the details of the approved scheme.

Reason: To ensure that flood risk is not increased and to ensure that the development does not contribute to an unacceptable risk of water pollution in accordance with NPPF paragraphs 103 and 109 and Taunton Deane Core Strategy Policy CP8.

#### Notes to Applicant

1. **WILDLIFE AND THE LAW.** The protection afforded to wildlife under UK and EU legislation is irrespective of the planning system and any activity undertaken on the tree(s) must comply with the appropriate wildlife legislation.

**BREEDING BIRDS.** Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered must not be disturbed. If works are to be carried out during the breeding season (from February to August, possibly later) then the tree(s) should be checked for nesting birds before work begins.

**BATS.** The applicant and contractors must be aware that all bats are fully

protected by law under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Natural Habitats and Species (Amendment) Regulations 2012, also known as the Habitat Regulations. It is an offence to intentionally or recklessly damage, destroy or obstruct access to structures or places of shelter or protection used by bats, or to disturb bats whilst they are using these places.

Trees with features such as rot holes, split branches or gaps behind loose bark, may be used as roost sites for bats. Should a bat or bats be encountered while work is being carried out on the tree(s), work must cease immediately and advice must be obtained from the Government's advisers on wildlife, Natural England (Tel. 0845 1300 228). Bats should preferably not be handled (and not unless with gloves) but should be left in situ, gently covered, until advice is obtained.

2. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.

## **PROPOSAL**

The application seeks planning permission for the erection of a livestock housing and feeding building with two bulk feed hoppers at Newley Farm, Bishops Hull.

The proposal forms phase 3 of 3 for the provision of new cow accommodation units at the holding. The proposed cow accommodation unit will measure approximately 36.5m x 36m with a height to eaves and ridge of 4.75m and 9.6 respectively. The building will be finished externally in concrete reinforced panels with vertical timber boarding above; the roof will be of anthracite profile sheeting. Within the building floor space will be divided into four passages to provide two feed and two scrape passages respectively. The cow accommodation will be divided into three rows (one double) of accommodation pens.

A concrete apron will be laid around the perimeter of the building connecting into the phase 1 development. All waste will be fed into the phase 1 slurry store. Surface water from the roof of the building will be kept separated from contaminated ground water and drained to an attenuation pond to the Northeast corner of the site. Two feed hoppers will be erected to the Southern end of the development. The application is supported by a landscape planting scheme.

The application has been screened to determine whether it might be Environmental Impact Assessment (EIA) development. The conclusion has been reached that the development does not fall within either Schedule 1 or Schedule 2 of the EIA Regulations and therefore, there is no need to fully screen the application.

## **SITE DESCRIPTION AND HISTORY**

Newley Farm is a well established farm business set over 300 hectares comprising a herd of 200 dairy cows, arable crops and apple orchard. Newley farm accommodates a dairy herd of 200 head and employs 6 people on a full and 2

people on a part time basis. The existing farm yard is large and well developed, with portal frame buildings used for livestock housing and the storage of feed and machinery. Many of the buildings at the site are large with heights up to approximately 9 metres to ridge, but they have been in situ for many years and are in need of updating for animal husbandry and business operational needs. The application site currently comprises an open arable field with hedgerows to all boundaries. There are residential properties and a care home within 160 metres of the site.

The most recent development at the site has been the three phased development of new silage clamps, covered by roofs in excess of 9 metres in height; planning permission was approved for drainage and landscaping in conjunction with the silage clamps under LPA references 05/13/0034/0035/0036.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*BISHOPS HULL PARISH COUNCIL* - SUPPORTS this application with the following comments:

Although it has reservations as detailed below, the Parish Council supports the application. This is based on the need to encourage a sustainable rural economy in the parish and to maintain its current urban rural mix.

The scale of this development is large but, whilst not all the concerns expressed can be mitigated, a number could be by making changes and enhancements to the scheme and particularly by communication between the applicant and their neighbours. The submission of the planning in three phases has led to a suspicion that this has been done to circumvent any ecological or environmental impact assessment.

The design access statement states that this development is to replace aging livestock sheds and to allow for dairy herd expansion. It is clear, even from the distance viewed from, that some of the existing buildings are rapidly approaching the end of their useful life and do need replacing and that the farm is very active.

There are concerns with the development as planned. The views of the local inhabitants and the parish council are aligned and therefore will be stated as one list of comments.

Scale – For a single storey animal shed the height of the building seems excessive even to allow for the natural ventilation strategy stated in the design access statement. Local concern centres around the visual impact of the structures particularly when all three phases are built. The finished height will only be 1 metre lower than the recently built silage barns which visually are very impactful even to the wider local area.

Visual impact – The overall scale of the development will take up what is now a green field site which allows views along an east west axis. These views will cease. The scale of the slurry storage tank is not visually represented on the plans and

elevations but when judged against the scale of the sheds will be of a considerable size. The position is obviously influenced by the natural slopes of the ground to make best use of gravity drainage but the result is that it will be adjacent to Barr Lane on the most open part of the field and will be easily visible both from Broadleigh House and the Frethey House Nursing Home particularly in the winter months when trees have no foliage. If the scheme is to go ahead as planned this area would need extensive landscaping and planting with trees to mask what will be a very intrusive structure. The recent silage barns do not benefit from any attempt at landscaping and their existence is emphasised to the casual observers by the large mound of spoil on their northern side.

Drainage – Barr Lane suffers from flooding mainly caused by field run off along the stretch which will be close to the SUDs pond and slurry storage tank. The plans indicate a run off pipe from the Suds pond into a water course which runs along the eastern edge of the development area. This, according to locals, is the area that already floods and given the increase run off rate from the roofs and concrete areas can only be exacerbated. The design access statement makes no comment on how this is to be managed.

Slurry – The storage of large amounts of slurry will cause a nuisance of smell and the positioning of the tank will impact on Frethey House Nursing Home, Broadleigh House and other residential properties in Barr.

Flooding – The flooding concerns in general are dealt with under drainage. However a concern raised by locals is the possibility of the flood water becoming contaminated due to over spill from the slurry pit or from a contaminated run off from the building floors into the Suds ponds which then enters the general ground water. The design access statement makes no comment how this risk is to be managed.

Noise – Concern has been expressed regarding the noise that is already caused by the current numbers of cattle which would only increase with an expansion of the dairy herd plus noise from machinery operating in the sheds.

*SCC - TRANSPORT DEVELOPMENT GROUP* - No comments.

*LANDSCAPE* - Initial comments -

The proposed new buildings will have a large landscape impact as seen from the nearby public footpath and wider views from higher parts of Bishops Hull. No landscape mitigation proposed. Proposals would be contrary to Core Strategy Policy CP8.

Additional comments -

This development is very large and will have quite an impact in the landscape. It will be easily viewed from certain parts of higher ground in Bishops Hull, eg, Parsonage Court.

If the building could be designed to appear as three separate buildings this would

help to break down the mass. The applicant has submitted a landscape scheme which takes account of the visual impact of the development from the public footpath and from Barr Lane.

I consider the scheme to be insufficient. Additional landscaping is required to help soften the impact of the building from the higher ground to the East.

*ENVIRONMENTAL HEALTH - NOISE & POLLUTION* - No comments - verbal advice provided as per report.

## **Representations**

Taunton Deane Ramblers - Unless it can be assured that the development will not detrimentally impact upon footpath T3/17 both during development and in the future use of the path, strongly OBJECT for health and safety reasons.

8 number letters of OBJECTION received from members of the local community and wider public raising the following planning related observations:

- Slurry from existing farm spread over a wide area; smell can be so bad that windows and doors are not opened at Rumwell. Often have to avoid using public footpaths;
- Gasses from slurry are a known health hazard and can cause nausea, headaches and breathing problems in vulnerable people. Noxious gasses can drift over Bishops Hull, and Taunton; how can it be justified to expand this intensive type of farming in an area that is clearly unsuited to it?
- Understand the need to expand business but have concerns. The three applications should also be considered as one;
- A landscape and visual impact assessment should be provided to explore the visual impact on the surrounding area and a landscape plan to mitigate against the findings;
- An environmental impact assessment should be provided concerning odour and noise and assurances given that such will not travel to nearby gardens;
- Concerned about the site being close to River Tone and risk of pollution from any accidental spill. A wide range of wildlife could be affected and threatened by runoff;
- Major concerns about surface water runoff from such a large development; flooding already a problem in the area along road to Longaller and Barr which will be made worse;
- The rural appearance and character of the landscape would be transformed by these tall commercial buildings and extra large slurry tank; scale is out of proportion with the locality, particularly so close to residents at Barr, Longaller and Frethey Nursing home;
- There appears to be little or no plan to hide the buildings; extra hedging will do little and where is the extra soft landscaping? The scale will have an inevitable impact upon the sky line and will be yet another eye sore on the landscape;
- A permanently housed large to super large herd of cattle all year round so near to residents is not acceptable; we already hear the small herd of cattle which are further away;
- Such intensive cattle farming should not be so close to residents houses or a

nursing home;

- The size of the development is bound to substantially increase surface water run-off; current run off has flooded the road on occasions over the last few years rendering it impassable at times;
- Proposed attenuation pond is useless as the water table will ensure it is full throughout the winter; therefore there will be no extra storage for surface water;
- Fields off the River Tone in the area regularly flood; proposals will only perpetuate the situation; why not site them nearer the existing buildings?
- A slurry tank of this scale will generate an enormous amount of toxic gasses and smell; Frethey Nursing home is in the immediate direction of the prevailing wind, with Barr and Longaller in different areas nearby;
- What safety measures are in place should the slurry tank fail? Risk to walkers along Barr Lane or footpaths?
- No assessment is made about traffic implications and noise; development will exacerbate problems experienced on the roads in winter months;
- Concerned that field gate to the North onto Barr Lane will be used as an additional entrance to the site;
- There is no indication as to how many cows will be accommodated in the new facilities;
- No noise assessment in relation to cow and machinery impact;
- No assessment of the impact of additional slurry and manure and associated odour;
- No mention of lighting scheme and the impact of this continuous lighting upon rural area;
- The site is a short distance from an Norton Fitzwarren Hill Fort; has any consideration been given to archaeology?
- The significant expansion, and heavy intensification of the site is getting out of hand; the farm is reaching a level of intensity and scale that is tantamount to an industrial operation in the open countryside; proposal will set a worrying precedent in the borough for greenfield development in favour of similar factory scale developments;
- The indication of the development providing for the relocation of an existing facility is unclear;
- If the Council are minded to approve the proposal, a substantial planting scheme and environmental mitigation programme be proposed to reduce the environmental impact;
- A long term management plan of mitigation should be secured through S106 agreement;
- This is a massive, brutal industrial building that will have a huge visual impact on our local surroundings;
- No mention is made of secondary power lines and whether these will need to be moved;
- Current Government guidance is to keep development close to built up areas; the only reason this is being considered is because it is agricultural; this should not extend to isolated development however;
- The development is isolated due to it being situated away from the core of existing buildings; there are better opportunities at Newley Farm to site buildings of this nature in close proximity to the farmstead and result in more suitable and sustainable development;
- No mention is made of the land and spring line dip;
- The development will reduce the sites ability to slow the transfer of water away to local watercourse, adding to the flood situation along Barr Lane with knock on

effect downstream at Taunton;

- No details provided to show the attenuation pond is suitable or ground capable of having the capacity to allow sustainable drainage to happen; a pump storage/filtration unit to recycle storm water would be more appropriate;
- It appears that elements of the proposal are to be built over definitive footpath T3/17; do not see this as being acceptable; health and safety of the public will be put at risk

9 number letters of support from local residents and members of the wider public raising the following planning related comments:

- As a local resident, land owner and employer I am satisfied that the relevant issues have been met and planning policy has been carefully considered when submitting the design and access statement;
- It is a delight to see the family farm continuing to expand when farming is struggling in general. It is important for local residents to support local farmers in difficult times;
- There are many comments about size but farming has always come down to efficiency so size has to be justified as part of any expansion and this has been the case here;
- The erection of the buildings will make little difference to the surrounding area as it is bordering the existing buildings;
- This generation of farmers have to be encouraged to expand their businesses to compete and survive in an increasingly competitive industry;
- The erection of new buildings will allow the farm to improve animal welfare by giving each animal more space and will also make the business more sustainable;
- The slurry store will reduce the risk of pollution so it is good to see a farm investing money in methods that reduce environmental impacts;
- If we do not allow the expansion of family runs farms we run the risk of the countryside disappearing altogether;
- We would rather see a few farm buildings than new housing;
- Investment in new buildings to improve welfare is to be encouraged;
- The undeniable benefits to the local economy and wider rural community as a whole far outweigh any impact the development may have;
- It is worth noting that it is down to Mr Venn and the environmental schemes to which he adheres that the local community can enjoy such a diverse range of natural wildlife;
- It is clear that every opportunity has been taken in terms of design, functionality and practicality to reduce the overall impact to the environment and pollution risk;
- In view of population growth both nationally and globally, any farmer willing to invest in the future, with all the issues of welfare and the environment should be encouraged;
- The proposals will clearly improve the viability and resilience of their dairy farming enterprise enabling the business to meet stringent animal welfare and environmental legislation;
- The attention paid to the management of the environment of their farm and the welfare of their animals under their care is second to none;
- The farm has recently been divided into two businesses to accommodate the next generation in the family and the vision for the future; The proposals are an essential step in the business;

- Housing for young stock has been lost at Newley Farm since the division of the business; the development is needed as a vital part of the businesses future progress which provided employment, career opportunities and contributes greatly to the vibrant countryside and rural economy in the area;
- If you don't like the smell why live in the countryside? For it part of life there and I don't mind it.

Letter of SUPPORT from Genus Breeding Ltd, leading bovine genetics and reproduction specialists, making the following comments:

- The application is to secure the long-term business potential of a family owner farm, now in it's 4th generation of management;
- As the economic environment of the UK dairy industry continues to evolve amongst fluctuations in market conditions, sensible and timely investments to secure the future of UK dairy farm businesses will support a growing need for dairy production;
- A key driver is to increase production capacity as a whole; the proposal will allow a sensible increase in cow numbers contributing more milk to annual production, in line with the UK wide dairy industry;
- Housing modern dairy cows in specially designed accommodation will allow greater expression of their genetic potential;
- Maximising dairy cow welfare standards through modern dairy housing is critical for long-term dairy production;
- The expansion proposed will impact positively upon future generations of cows entering the adult milking herd; young stock management groups will have access to more suitable accommodation during the rearing phase;
- The proposed investment in slurry handling facilities will allow suitable handling of this product group in-line with local environmental policy;

Letter of SUPPORT from National Farmers Union Somerset County Advisor, making the following comments:

- The farming community faces formidable challenges with increasing regulation, volatile markets and fluctuating farming returns. Farmers need to respond in order to develop business and remain competitive; this often includes the need for new modern agricultural buildings to meet regulations and to achieve economies of scale, open up markets and to respond to changing market demand;
- Food production is a key Government priority; the NPPF reinforces the need for LPAs to assess the need of the food production industry and any barriers to investment that planning can resolve;
- This business not only supports the farming enterprise but benefits the wider rural economy through the number of businesses they supply and purchase from;
- A key message of the NPPF is economic growth. Our member and his consultant have designed a development that meets the demands of the modern dairy enterprise whilst minimising the impact upon the landscape;
- The NFU supports this application because of the benefits it will have on the farming business. It will help to sustain jobs and diversity in the local economy. Crucially this development will help to deliver viable and profitable farming.

One letter of SUPPORT from Mount Vets Farm Practice making the following comments:

- The development will mean they are making a long term investment in their dairy business and will allow for an expansion of the unit leading to increased investment in the local economy;
- The new facilities will mean that older outdated buildings will no longer be used for housing the milking cows and thus result in continuing improvements in cow's health and welfare.
- The development will provide for the introduction of more modern systems of running the dairy herd which will result in less environmental impact and have a positive effect on the sustainability and economics of the business.

One letter of SUPPORT from Kite Consulting, specialist consultants in the UK dairy industry, making the following comments:

- The Venn family strive for the highest welfare standards for the cows within their dairy enterprise but we feel existing facilities no longer provide that required by modern dairy cows;
- Existing buildings are outdated and some in desperate need of updating. To date some improvements have been made and animal welfare improved. The main barrier is the existing free stall housing of the herd; the proposed free stall housing will offer superior cow comfort in terms of ventilation, feed access, superior comfort free stall mattresses and improved lighting;
- We support the scale of the development and reasoning's behind it; good ventilation is essential to prevent heat stress in cows;
- The slurry store will ensure the farm composed with all current legislation concerning nitrate vulnerable zones and slurry storage capacity whilst allowing for measured herd expansion;
- Structures expansion of the herd will ensure the business is financially viable and sustainable long term - future proofing. Existing housing will not allow for this;
- Through investment in new technology will help the Venn's to meet environmental and animal welfare obligations whilst improving farm efficiency.

One letter of SUPPORT from Mitchells Chartered Accountants, making the following comments:

- Over the past 26 years there has been only minimal capital expenditure on the dairy enterprise facilities at Newley Farm and the business has now reached a point where the existing buildings are outdated and badly in need of replacement;
- The economics of modern dairy farming dictate that herd sizes have to gradually increase in order to maintain financial viability;
- The practicality of the building reinvestment dictates that the existing facilities need to be maintained in operation whilst new ones are constructed and so inevitably this necessitates identifying a new location for facilities;
- We anticipate that this business, which employs 8 local people, will require further employees should the application be approved;

The applications are part of a genuine long term established and responsible family, who should be given the opportunity to move their dairy farming business forward.

## **PLANNING POLICIES**

DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,  
DM2 - TD CORE STRATEGY - DEV,  
CP2 - TD CORE STRATEGY - ECONOMY,  
CP6 - TD CORE STRATEGY - TRANSPORT AND ACCESSIBILITY,  
CP8 - CP 8 ENVIRONMENT,  
NPPF - National Planning Policy Framework,

## **DETERMINING ISSUES AND CONSIDERATIONS**

The pertinent issues to consider are the principle of development having regard to the development plan, the impact of the proposals upon visual amenity and landscape character and upon residential amenity. Other materials considered include highway safety, contamination and flood risk.

Concerns have been raised with regard to the nature of the application and the way in which the proposed livestock building and associated plant and ground works have been submitted to the Council. It is understood that the development has been split into three phases for submission in order to reduce the planning application fee; such is not a totally uncommon approach employed by applicants. Objectors note some other form of ulterior motive and have requested that the three phases be considered as one.

With regard to procedure, each planning application must be determined on its own merits, however given the scale of the development as an individual phase as well as cumulatively with phases two and three, it is prudent to consider the cumulative impact of the development as a whole. This is pertinent given the inter-related layout and construction of the development. The three phases are closely interlinked and if phase three to the South were to be refused, it would likely follow that the two associated phases should also fail, but it is also the case that should one phase be acceptable, it is highly unlikely to be built out as a stand alone unit. This report therefore considers the cumulative impact of the development of applications 05/14/0021, 0022 and 0023.

### Development principle

The proposed development is justified by the applicants as being necessary in order to support the long term future of Newley Farm as a rural enterprise, as well as improving production rates, environmental and animal welfare standards. At present the housing of livestock and undertaking of related processes such as milking occur in very date buildings, which are below the standards of accommodation provided within more modern equivalents. There is, in my opinion, a clear need to improve the level and standard of accommodation at the site.

Para 28 of the National Planning Policy Framework (NPPF) states that planning policies should support economic growth in rural areas and that plans should support the sustainable growth and expansion of business and rural enterprise through well designed new buildings and promote the development of agricultural businesses.

Policy DM2 (4.a) of the Taunton Deane Core Strategy states that new agricultural buildings commensurate with the role and function of the unit will be supported. Notwithstanding, the development must meet a number of criteria which include being compliant with the Habitats Regulations 2010, be near a public road and existing services, be of a design scale and layout compatible with the rural character of the area and not harm residential amenity, the landscape, ecology, highway safety and make adequate provision of services.

A strong case has been made in support of the proposed development and needs of the business and agricultural unit, which will require substantial investment in essential infrastructure if it is to remain economically and environmentally sustainable in the future. The applicant has gained a large amount of support for the development from various sectors within the agricultural industry. The existing buildings are clearly coming towards the end of their useable lifespan and providing suitable modern accommodation is necessary. Having regard to these matters and being mindful of the general thrust of planning policy, which is to support rural land based businesses, in particular agriculture, the principle of the development is considered to be acceptable.

### Landscape Impact

As noted above, the application has been assessed against the EIA Regulations and has been found not to constitute EIA development. Notwithstanding, the impact of the proposals upon visual amenity and the character and appearance of the landscape must be assessed.

A range of objections have been made by members of the public against the proposed development, which is considered by some local residents to be an undesirable visual intrusion within the area that would result in the industrialisation of the landscape. The development has been described as being 'brutal' and out of proportion with the area, having regard to its scale. In contrast, the Parish Council supports the development, albeit having raised some points of concern over the visual impact of the development within the area.

The majority of the application site is currently laid to grass as pasture for grazing livestock. The topography is such that the land descends to the North, away from the existing congregation of farm buildings and properties at Upcott. Newley Farm and the application site North of the existing yard and buildings is surrounded by Upcott Road, Frethey Road and Barr Lane to the South, East and North respectively. The highway network forms a circular route around which there are a number of large residential and commercial properties within close proximity to the siting of the development. The settlement limit of Bishops Hull is some 200m East of the existing farm site and approximately 500m to the West is the site of a large electrical transformer station.

The field within which the development is proposed to be sited is bound by native species hedgerow with the sporadically positioned tree within the hedgerow. A large enclosed silage clamp has recently been erected adjacent to the application site following the grant of planning permission in 2013. As well as containing a number of small orchards and groups of trees, the local and wider landscape setting is

characterised in part by the presence of large electricity power lines and associated pylons. The presence of overhead and underground electricity cables have largely dictated the positioning of the buildings, with such cables crossing the field to the Northwest, South and East of the proposed building.

Each individual phase of the development will provide for a section of a livestock building of a substantial scale; cumulatively the three phases, slurry store, feed hoppers and associated plant and hardstanding areas will be highly visible from certain vantage points within the local area and from some, such as the public footpath, the visual impact will be quite significant. That said, the design of the building has taken into account the sloping nature of the field with its stepped roofline; proposed materials and their colours are acceptable, being of a standard that is normally found on agricultural buildings. A visual representation has been provided by one neighbouring objector; the 3D imagery provides a depiction of how the proposed development might appear within the field, when viewed through the neighbouring boundary that is lined with hedgerow and tree planting. The building is shown to step down the sloping site, which will help reduce visual impact of the structure. The proposed livestock building will be set into the land at the highest point of the application site to the South; this together with the stepped roofline will help reduce the overall massing when seen from the East/West.

Within the wider landscape, particularly from Bishops Hull village and around the local highway network where glimpses will be available through field access gates, the proposed development will be viewed in conjunction with the previously approved silage clamp building and the historic farm yard and buildings to the South. It should be noted that the adjacent silage clamp building is 1.3m taller than the proposed livestock sheds and nearly twice the height of the proposed slurry store. The development as a whole will not strictly constitute a stand alone building within the field despite it appearing slightly detached on plan form.

A landscaping scheme has been submitted and now generally meets with the approval of the Councils Landscape Officer. Mitigation planting in addition to that must be planted later this year in relation to the silage clamp development, will help soften the visual impact of the development, particularly from the East. Mid range views within the landscape will be partially obscured by the presence of trees, copses and hedgerows. The natural topography of the land also aids in minimising the wider visual impact of the proposed development upon the landscape.

The proposed development will have only a short term impact upon the landscape and once established, the proposed landscape planting scheme will further help to soften the impact of the development within the area. Where short distance views of the proposals are available from the public footpath, Barr Lane and Bishops Hull village, the development will visually relate to the existing farm buildings and will not stand alone within the surrounding landscape.

In conclusion, the quality of the landscape within the area is harmed widely by the presence of power lines, pylons and other industrial land uses, together with sporadic residential and agricultural developments. It is true that the development will be visible within the local landscape however it will not result in an industrialisation of the landscape. The development is clearly designed for agricultural purposes and will tie in visually with the principle farm buildings to the South, when viewed from the North and South. Additional landscape buffering will

be provided to the East, softening views of the site in time. This is a rural area with sporadic pepper-potting of residential and commercial properties. It is an area where you would traditionally expect to find agricultural development.

From the east existing planting and development will provide a natural screen for the proposed building and associated plant and infrastructure. Whilst short term visual harm will arise to the appearance of the landscape, the setting of the building will continue to relate to the established farming enterprise at Newley Farm immediately to the South. Over the long term, the landscaping proposals will provide a great deal of screening, reducing the impact of the buildings. On the basis of the matters set out the impact of the proposed development upon visual amenity, landscape character and appearance is considered to be acceptable.

## Residential amenity

### *Outlook*

The proposed development will be sited approximately 220m from Frethey House to the Northeast and 150m from the boundary of Barr House to the Northwest. Frethey House is a commercial nursing homes whilst Barr House is a private domestic residence with gardens that share a boundary with the agricultural field in which the development is proposed. Frethey House is more detached, with a further field and highway between the property and application site. Further residential properties are located at Upcott Hall and Upcott House 350m Southwest, Longaller 250m to the North and properties at Shutemead and Farrant Walk which are approximately 325m to the Southeast.

The primary impacts upon residential amenity that might reasonably be associated with a development such as this are the loss of outlook, disturbance through additional noise and a nuisance arising from increase noxious and unpleasant odour.

With regard to outlook the distance of the proposed building from nearby properties is sufficient in itself to ensure that there will be no adverse impact upon the outlook enjoyed by local residents. Whilst limited views of the building will be available on occasions, there is no 'right' to a view in planning terms and this does not bare any relationship itself to outlook. Previously approved landscaping together with that proposed as part of this application will help reduce visibility of the development from residential properties.

### *Noise*

Concern has also been raised in objections with regard to a potential increase in unpleasant odour and noise from the development. The proximity of the livestock building to neighbouring properties is suggested by objectors as being unsuitable and incompatible. The noise generated by the existing livestock herd is said to be audible already and that the proposals will exacerbate this issue.

Dairy cows, and cows in general, are relatively quiet animals unless they are subjected to stress and/or threatened. One of the key principles of the development is to improve animal welfare and housing conditions, both for the benefit of animal

husbandry but also to improve milk production rates. The vastly improved livestock housing conditions will likely reduce the stressing of animals thereby having the potential to reduce the noise being generated.

Whilst the development will increase the head of cattle at the site, the building will be some distance away from Frethey House and the dwelling at Barr House. The livestock housing will be closer than existing but the distances and screening will act as noise buffers. The impact of noise upon neighbouring amenity is not considered to be significant.

### *Odour*

The primary source of odour from the development will be the livestock and their waste products. Waste matter will be directed to a new slurry store to the Northern most point of the application site. All three phases of development will link into the store. The proposed store is a modern facility that has been designed to a scale that will meet the strict guidelines and regulations of statutory bodies; its scale is calculated from the number of head of livestock that it will serve over a set period of time. The existing slurry store is not capable of dealing with additional waste matter that will be generated from the increase in livestock that the proposed development will facilitate.

The provision of a modern slurry store at the site will ensure that the most up to date technology and management practices are employed to deal with waste material from the holding in an appropriate manner. With regard to odour, the applicants have advised that *"normally these stores only have odour issues when they have been left untouched for months on end and then when you stir them it can be noticeable, but if agitated regularly it should be fine, as will be the case here. Currently Venns only agitate their existing store when the wind is from the east and north east."*

The applicants have also advise that *"when slurry is stored in any quantity it has to be conditioned to keep it in an homogenous state, which ensures that the store can be emptied easily and as and when required. To achieve this thick liquid consistency the slurry needs to be mechanically mixed on a regular basis. In carrying out this mixing process oxygen is naturally incorporated into the slurry and this will discourage the growth of anaerobic bacteria which are responsible for the production of methane and the obnoxious odours associated with volatile fatty acids. This type of low rate oxygen inclusion also enables nitrogen to be retained in soluble form within the slurry thus reducing loss of nitrogen as ammonia emissions, which will result in the reduction of bought in manufactured fertilisers. To further reduce the potential for odours the method of spreading nowadays is generally through a form of direct injection system or dribble bar arrangement where the slurry is put into contact with the ground/crop very quickly and with no great force, this also greatly reduces the loss of nutrients to the atmosphere."*

The storage of slurry at the site, which will be produced by the livestock contained within the proposed building is not considered to give rise to the significant additional release of unpleasant odour into the atmosphere. The issue with slurry appears be predominantly associated with its spreading and use as a fertiliser on surrounding land. Environmental Health have been consulted verbally since making no comment on the application; Officers have advised that identifying a statutory and

unacceptable nuisance from potential sources of unpleasant odours is difficult to quantify. Ensuring that the impact of additional sources of odour will, to a large degree, rely on the sound and proper management of the farm and the application of working methods such as spreading when wind direction is favourable. These measures are understood to be employed at present and whilst some additional odour may be released, such is to be expected within the open countryside. If all other regulations and statutory body guidance is followed the impact of the development will not be so significant as to warrant the refusal of planning permission.

### Highway safety

The Highway Authority have not submitted any comments in relation to the proposed development. The proposed development will be accessed via the existing farm yards and access gate onto Upcott Road. A new concrete track will be constructed to connect the new livestock building with the existing yard site to the South. The proposals are likely to result in only a modest increase in vehicle movements, primarily farm machinery orientated, but also in relation to the collection and delivery of additional feed, materials and produce by additional commercial vehicles.

From the site access Eastwards towards Shutewater Hill the highway is relatively wide and reasonably aligned to the point where vehicles enter Shutewater Hill and the 30mph speed limit. The junction between Shutewater Hill Bishops Hull Road is relatively tight but visibility is reasonable. No specific information has been provided with regard to any anticipated increase in vehicle movements however, on the basis that the existing farm is well established and likely to generate a significant number of movements already, any increase in movements is likely to be negligible, although it is acknowledged that such cannot be confirmed at this time.

Notwithstanding the above, the existing access is served by an appropriate level of visibility for the area given that the highway network is generally lightly trafficked. The proposals are not likely to result in a significant increase in vehicle movements and on this basis the proposals will not result in any significant harm arising to highway safety.

### Contamination risk

Concerns have been raised with regard to potential ground contamination should there be a failure of the proposed slurry tank. Whilst no long term assurances can be made in this regard, the slurry tank will be built to industry standards and comply with all necessary regulations. Ongoing management and maintenance should ensure that any defect is dealt with but such failures are not to my knowledge common place and the risk posed to the environment and public health and safety is considered to be minimal and not an issue to warrant refusing planning permission.

### Flood risk

The application site is located within Flood Zone 1, an area at low risk of flooding and the proposed use and development is compatible with this area. The

Environment Agency's Standing Advice document is relevant to the proposed development and such advises that surface water management good practice principles and standards should be adhered to. The advice notes that SuDS should be utilised where possible to ensure that development does not increase flood risk off site.

Concerns have been raised with regard to existing flooding issues along Barr Lane are noted, but it is important to acknowledge that the development will provide for on-site attenuation, with the pond then realising a controlled flow of water into a nearby drainage ditch. Full details of the SuDS scheme have not been provided but, as with the silage clamp development, an appropriately worded pre-commencement condition can be used to agree the drainage scheme. Existing issues along Barr Lane are likely to result from blocked drains and drainage ditches, or the lack of their provision entirely.

Para 103 of the NPPF gives priority to the use of SuDS for determining planning applications. It is noted that the previously approved silage clamps were to drain to an attenuation pond as part of a SuDS scheme. Details of this have not yet been submitted for approval by the Council in relation to the corresponding pre-commencement condition.

The SuDS scheme will need to be designed to British Standards and consent to discharge will also be required. It is considered that through the submission of details it can be assured that the drainage scheme will not exacerbate flood risk off site.

## Conclusions

As an individual phase the impact of the proposed development will not be significant, however when considered cumulatively alongside phases one and three, the proposals represent a significant agricultural development within an open area of land North of the main farm site.

The proposed development will change the character and appearance of the immediate area quite considerably, however it is considered that through appropriate landscaping this impact can be reduced to an acceptable level. Government guidance and planning policy places great weight on supporting rural businesses, particularly within the agricultural industry. The proposal represents a significant financial investment into the business in order to increase productivity, animal welfare and environmental standards.

The impact of the proposed development upon neighbouring amenity has not been found to be significant to the point where planning permission should be refused; the proposal represents an extension to the existing farm enterprise in an area of open countryside where one would normally expect to see agricultural development. The impact of the development upon flood risk, highway safety and the PROW is also acceptable.

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**

09/14/0016

ARQIVA

**ERECTION OF TELECOMMUNICATIONS BASE STATION, COMPRISING 1 NO. MAST, 6 NO. ANTENNAS, 2 NO. DISHES AND 6 NO. RADIO EQUIPMENT CABINETS AT LAND EAST OF BOUCHERS LANE, WATERROW**

Location: LAND EAST OF BOUCHERS LANE, WATERROW, SOMERSET TA4  
2QX

Grid Reference: 304683.125163

Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval

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

1. The works for which consent is hereby granted shall be begun not later than the expiration of three years from the date of this consent.

Reason: To comply with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended by S51(4) Planning and Compulsory Purchase Act 2004).

2. If the mast and its base station becomes redundant, ceases to be used, or if technology makes it no longer necessary, the mast and all accompanying equipment shall be dismantled and entirely removed from the site, to the satisfaction of the Local Planning Authority, and the land restored to its former condition in accordance with a scheme of work that shall be submitted to and approved by the Local Planning Authority prior to those approved works being carried out.

Reason: To ensure that the land is returned to its former state in the interests of visual and landscape amenity in order to comply with policy CP8 (Environment) of the adopted Taunton Deane Core Strategy, should the mast cease to have any required use.

Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and entered into pre-application discussions to enable the grant of planning permission.
2. WILDLIFE AND THE LAW. The protection afforded to wildlife under UK and EU legislation is irrespective of the planning system and any activity

undertaken on the tree(s) must comply with the appropriate wildlife legislation.

**BREEDING BIRDS.** Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered must not be disturbed. If works are to be carried out during the breeding season (from February to August, possibly later) then the tree(s) should be checked for nesting birds before work begins.

**BATS.** The applicant and contractors must be aware that all bats are fully protected by law under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Natural Habitats and Species (Amendment) Regulations 2012, also known as the Habitat Regulations. It is an offence to intentionally or recklessly damage, destroy or obstruct access to structures or places of shelter or protection used by bats, or to disturb bats whilst they are using these places.

Trees with features such as rot holes, split branches or gaps behind loose bark, may be used as roost sites for bats. Should a bat or bats be encountered while work is being carried out on the tree(s), work must cease immediately and advice must be obtained from the Government's advisers on wildlife, Natural England (Tel. 0845 1300 228). Bats should preferably not be handled (and not unless with gloves) but should be left in situ, gently covered, until advice is obtained.

## **PROPOSAL**

This application is for the development of a new ground based telecommunications structure as part of the Mobile Infrastructure Project. The Mobile Infrastructure Project (MIP) is publicly funded by the Department for Culture Media and Sport (DCMS), which is investing £150 million to tackle market failure and facilitate the development of new base stations that will provide connections to all Mobile Network Operators (MNOs). The project offers a number of rural communities across England, Scotland, Wales and Northern Ireland a 'one-time' opportunity to provide mobile connectivity to rural areas, where existing mobile network coverage is non-existent. These areas are referred to as 'not-spots'.

The development proposed in this instance is a shared base station which will provide coverage by all four Mobile Network Operators (Vodafone, O2, 3 and EE) for communities and businesses that live and work in the Waterrow area. The proposal includes the development of a new shared radio tower of lattice construction and 20 metres in height; the installation of sector and dish antennas on the tower; the installation of ground based radio equipment housing; the installation of security fencing with gated access; the provision of a temporary access track; and the installation of cabling and associated development.

## **SITE DESCRIPTION AND HISTORY**

The proposal site is located on elevated land to the east of Boucher's Lane and immediately due south-east of Bibors Hill. Bibors Hill runs in a south-westerly/north-easterly direction off the road through Waterrow. Both of these

roads are accessed off the B3227 at the point of Tone Valley Farm. Access to the site is from Bibor's Hill along Boucher's Lane and then a short new access track is required from this point to the specific location of the site. The proposal site sits on high land away from residential properties with undulating land in between and tree cover ensuring that the proposed mast would not be directly visible from residential properties. The site is located in the corner of the field adjacent to an animal loading bay and set against a hedge line which provides screening for the base of proposed installation.

There is no planning history for this site as it has never been developed or the subject of any proposals for development

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

#### *LANDSCAPE –*

The site for the mast is located within the landscape character area 15 - 'Farmed with river valleys' (15a - Brendon Fringe).

The nature of the proposal means that it has to be located on high land.

The mast, being 20 metres high and being located on a hill summit that offers fairly wide views to the south, will be viewed from the surrounding hills to the south. Topography and tree cover minimise the mast's impact from the north.

The mast is to be located close to an existing hedgerow that would help to screen the lower section of the installation, thus mitigating localised visual impact.

It would have an impact on the landscape but on balance the need to provide the mast does outweigh any adverse impact. I note that 5 electricity pylons are visible from the site and these have the same impact.

#### *HERITAGE –*

The proposal would not have any adverse impact on the settings of or the views to or from, the statutory listed buildings of West Bovey Farm, Trowell Farmhouse or Bethel Chapel.

*MID DEVON* – No response received at time of writing.

*WEST SOMERSET DISTRICT COUNCIL* - No response received at time of writing.

*WIVELISCOMBE TOWN COUNCIL* - No response received at time of writing.

*CHIPSTABLE PARISH COUNCIL* - No response received at time of writing.

*STAWLEY PARISH COUNCIL* - No observations to make on this application.

*ASHBRITTLE PARISH COUNCIL* - No response received at time of writing.

*BATHEALTON PARISH COUNCIL* - No response received at time of writing.

## **Representations**

The following representations have been received - a 72 signature petition against; 7 letters against; and 4 letters in support.

Of those OBJECTING the mast, the following comments have been made –

### Policy issues.

- The whole point of the planning system is to ensure that development proposals are properly and individually assessed on their merits having regard to established planning policies and other material considerations.
- National objectives must be shown to work within the context of the locality and must have regard to the concerns of local people. This is underpinned by the Government's drive for localism.
- The proposal is contrary to the landscape and amenity policies of the NPPF, the Taunton Deane Local Plan and Core Strategy and the supporting documents.
- The determining issue is whether the need for the mast in this particular site outweighs the adverse effects of the proposal on the special landscape character of the surrounding rural area.
- The applicant gives insufficient emphasis to the proviso in the NPPF that proposals for sustainable development will not be granted planning permission where any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole.
- The applicant gives insufficient attention in the site search to NPPF policies that state the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.
- Policies CP8 (Environment), SP4 (Rural Policy), DM1 (General requirements) and DM2 (Development in the countryside) are all relevant and the proposal conflicts with all of them.
- The TDBC Core Strategy policies CP8 and SP4 use the phrase 'conserve and enhance'. This proposal does not meet the dictionary definition of enhance.

### Comments on the applicant's submission.

- The applicant's site search has not been comprehensive. Many viable and workable locations in the area were not evaluated.
- The applicant has supplied no evidence of the land leasing arrangements and rental levels required or of the negotiations conducted. The reliability of the site search must therefore be brought into serious question.

- The applicant has not properly evaluated the impact of the proposal in terms of the landscape objectives of established planning policies.
- There are other sites which would meet the search criteria and have much less impact on the landscape and the character of the rural area.
- The applicants supporting statement states that there are no policies within the development plan that are directly relevant to electronic communications or the application site. This is misleading and incorrect. Policy E11 has been saved and provides that development which would harm the appearance, character and contribution to landscape quality of special landscape features will not be permitted unless conditions would prevent such harm. The proposal is contrary to this.

#### Landscape issues.

- The undisputed need for better mobile communications in the Waterrow area is matched by the sensitivity and special character of the landscape and the quality, unspoilt and natural beauty of this part of the countryside.
- The need for the mast is far outweighed by the detrimental impact that it would have on the landscape and amenities of the rural area.
- If allowed it would be an alien feature visible over a wide area.
- It would change the view and perception that local people, visitors and those passing through have of the special quality of the landscape
- There is no landscape and impact assessment.
- The mast would by reason of its purpose, height, design, construction and location, be an alien and intrusive feature visible over a wide area.
- The site forms part of an area of special landscape character described in the Taunton Deane Landscape Character Assessment as having a striking and varied landform comprising steep valley sides, narrow valley floors, prominent hills and ridges and a landscape of surprise.
- This area achieves the highest possible scoring in terms of landscape quality defined within the Landscape Character Assessment
- The proposed mast would not conserve the quality of the landscape but would significantly and demonstrably detract from it to the detriment of the character of the rural area.
- Photographs have been submitted to demonstrate that the mast is located on high ground on a prominent ridge/hilltop visible from a wide area.
- The mast cannot protect and enhance the landscape. The best that can be achieved is to move it to a less sensitive location. Such locations exist.
- Many people locally are worried that this is a one off and if permission is not granted the funds will go to other parts of the country. This has resulted in a failure to properly consider the issue of protecting the natural beauty of the area.
- The proposed mast would be an alien feature intruding upon and damaging a beautiful natural and unchanged landscape.
- The site proposed is in a beautiful rural area of Somerset countryside remote from significant developments of any kind.
- What is intended is to plant a massive mast complete with various transmission antennae and ground equipment, essentially an industrial site in the heart of English agricultural heartland.
- We are an outstanding beautiful area. Why spoil it.
- Given the local environment a full EIA must be required.

#### Visibility issues.

- The mast would be visible from many vantage points in the vicinity, from some

farms and residential properties, from roads footpaths and Rights of Way.

- Fortunately, it has already been formally recognised that there is a serious, undeniable visual impact arising from this proposal as noted by TDBC Planning Services Area Planning Manager from the pre-application consultation. He is absolutely right to do so.
- The purpose of planning systems is to control development balancing benefits and disbenefits. TDBC is asked to consider whether the minimal rewards in this case are worth the serious impact on the visual environment.

#### Amenity issues

- There is a direct significant and completely unacceptable impact on several properties overlooking the proposed site.
- There seems to have been little or absolutely no consideration to the proximity of the adjoining property where a family with three young children reside.
- Properties close by will be affected by the disruption and noise of many large vehicles travelling along the very narrow Bibors Hill.
- It is telling that the application discusses only listed buildings within 1 km of the site yet ignores badly impacted properties within a few hundred metres.

#### Other issues raised.

- There are landowners willing to discuss less sensitive sites with the applicant.
- When the special qualities of the area are lost they will not return.
- The applicant's pre-application consultation with the Parish Council and local residents has been one-sided, partial and misleading. Issues of planning policies, impact on the landscape, character of the countryside and visual amenities were not properly addressed at the public meeting hosted by the Parish Council on 27th August. The Agent representing the applicant refused to discuss them and the Chairman of the Parish Council allowed these issues to be swept aside. This makes the pre-application consultation process inadequate, biased and totally flawed.
- Only a limited number of local residents would benefit from this proposal.
- There are now innovative and small scale alternatives being developed by Vodafone known as 'open sure technology'. This is efficient and appropriate to a rural setting providing necessary improvements to mobile phone coverage without offensive visual intrusion.
- We (CPRE) are not convinced that this is the best solution in this case.
- It seems doubtful that a significant number of homes will benefit from improved signal, yet there will be a significant adverse landscape impact.
- It appears that because of the limited time available the best site (least impact with greatest benefit) has not been found and the developer has gone for this site because it has a willing landowner.
- If this application is approved we (CPRE) ask TDBC to impose a redundancy condition requiring the mast to be removed in its entirety if technology makes it no longer necessary.
- If permission is granted it is a known fact that further applications can be made to extend the mast to as high as 40 metres as has been confirmed by the landowner.
- These MIP's are designed to deliver coverage improvements to around 60,000 premises and key stretches of the A road network. The road through Waterrow is the B3277.
- The implied threat of now or never is futile.
- The alternatives available render this application totally inappropriate as these

types of mast may soon be outdated and unnecessary.

- The mast would be a waste of Government and taxpayers resources.
- The applicant is relying on Government funding to drive through an application that would be otherwise not viable, riding roughshod over serious location problems in the process.
- It is extremely unfortunate that TDBC in the pre-application consultation demonstrate a view that mobile connectivity would outweigh benefits without qualification even of a massive and inappropriate structure planted directly in heartland rural Somerset and directly in line of site of several properties.
- There are other sites within a short distance which would meet the technical requirements without the level of harm this application causes.
- The Government has not provided funds for such schemes to progress at any local cost.
- The pre-app information was sent to a former parish clerk in error and so the public did not have the appropriate opportunity to register their opposition within the agreed 56 day period.
- Parishioners have not had sufficient public consultation with the applicant or the agent with respect to the chosen site and possible other sites.
- The applicant has not taken on board the approved development of a dwelling on the adjacent land to the proposed site which would be approximately 70 metres from the installation.

Those in SUPPORT of the mast make the following comments -

- I am saddened by the fact that so many of the objectors have both mobile phones and signals at their end of the village but do not think that others should share the same benefit.
- The idea that people have made do with no signal in the past and so should continue to do so is an invalid statement to any well thought out argument and does nothing for the community as a whole.
- Waterrow is foremost a working, breathing environment that is constantly evolving and needs to future proof its technology to ensure the longevity of businesses and local jobs to ensure that it does not merely become a retirement village,
- What will the emergency services do in the future as they phase out the analogue signal and start using mobile signal? This is a serious issue as 999 calls cannot always be made without a signal.
- The countryside is not just a pastoral snapshot for those who want a pretty view.
- The countryside is there due to the hard work of farmers, shoots and people who manage the land, and with the pubs, hotels and B & B's bring a lot of money into the local economy, and are some of the very people whose businesses would benefit from mobile phone signal.
- The argument that it will intrude into the landscape forgets the fact that from the road, like the mobile tower in Shillingford, the more you see it the more it will disappear.
- Protection of the countryside doesn't stack up when we have tarmac roads, telegraph poles, strings of pylons stretching into the distance and farm buildings the size of small airports.
- Waterrow was once a thriving and quite diverse community. Nowadays there are few children and mainly elderly people and many houses for sale. Why has Waterrow changed? One of the main reasons must be that it has failed to keep pace with a changing world - in modern terminology 'connectivity'.

- We have very slow broadband and no mobile reception. These 2 factors are simply unacceptable to many people, particularly younger people with children and to businesses.
- I will see the mast from my house but would accept it as being necessary so that we can take part in a changing world.
- I plead that this application be approved for the future of this community.
- Give Waterrow a chance to catch up with changing times and help it become a thriving diverse community again.
- Vodafone Open sure signal has been suggested as an alternative but it requires a minimum 4MBps broadband speed which is simply not available in this rural area. It has been tried and does not work.
- The mast will not just serve 44 properties. Many others will have their signal greatly improved but there is no way of assessing this as the phone companies will not release this information.
- This is the 21st century and such masts are just a part of life today.
- This is a once only opportunity for this community to have Government help in enabling modern forms of communication in the area.
- Mobile phones are today an integral part of all of our lives. Masts are needed and they have to be in prominent positions in order to work.
- Please do not condemn this community to living in the past, otherwise you are denying it a future and it will slowly die as the world moves on without it.
- The document refers to the new mast as only reaching 44 households. But what about the businesses in Waterrow that offer accommodation (Hurstons Country House, Handley Farm, Manor Mill, Rock Inn, Exmoor Lodges, Waterrow touring park, and others). There could be 92 mobile phones just on the touring park alone.
- The mast will allow people to use their mobile devices to contact the emergency services. This is not currently possible and every second counts. Public telephones can be a long way away and often very costly. The same would apply to vehicle breakdowns and vehicle accidents. The inability to use mobile phones will be very costly one day.
- There is currently very little signal around the middle to lower area of Waterrow.
- Holiday makers have categorically stated they will not return to this beautiful area because mobile phone services are important during their stay.
- Lack of mobile connectivity is having a financial impact upon local businesses.
- Waterrow is a declared 'not-spot'. There is an extremely high percentage of people objecting to this mast who live more in the Chipstable and nearby areas where there is currently mobile phone coverage. There is not in Waterrow.
- The pros for the mast certainly outweigh the cons. Careful consideration must be given to the more important factors.
- The future of Waterrow, local businesses and visitors are now depending on this once in a lifetime opportunity.

## **PLANNING POLICIES**

NPPF - National Planning Policy Framework,

SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,

SD1 - SD 1 TDBC Presumption in Favour of Sustain. Dev,

CP7 - TD CORE STRATEGY - INFRASTRUCTURE,

CP8 - CP 8 ENVIRONMENT,

SP4 - TD CORE STRATEGY REALISING THE VISION FOR THE RURAL AREAS,

DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,  
DM2 - TD CORE STRATEGY - DEV,

## **LOCAL FINANCE CONSIDERATIONS**

There is no CIL liability for this proposal. Neither will the New Homes Bonus apply.

## **DETERMINING ISSUES AND CONSIDERATIONS**

### Background and technical issues.

This application is made under the Government's Mobile Infrastructure Project (MIP), which is designed to bring high speed wireless communications to assist in reducing the digital divide, thereby increasing economic opportunity, improving the social wellbeing of the local population and by having an environmental role through reducing the need to travel and allowing home working [*Government definition*]. By providing these benefits the Government argues that the MIP assists in achieving the goals of sustainable development. This is an accepted outcome, and given that all local planning authorities have a statutory duty placed upon them by the presumption in favour of sustainable development within the National Planning Policy Framework (NPPF), the Borough Council should be embracing this proposal (subject to usual and accepted planning considerations).

The agent has stated that in accordance with best practice, site sharing and utilisation of existing buildings/structures has been explored in a sequential approach to best meet the operational need, whilst minimising environmental impact. However, none of these preferred options met the physical or technical requirements for site selection in accordance with best practice. So a new mast structure has had to be proposed in order to deliver the required level of service. The applicant has looked at a number of alternative sites, and the proposal site at Boucher's Lane has been concluded to offer the best balance between achieving the desired level of coverage to the maximum number of 'not-spots', whilst minimising the impact upon the character and appearance of the area and both residential and visual amenity.

Information on the MIP and the general locations being considered for the installations of shared base stations to provide coverage to 'not-spots' was first provided to the Council in October 2013. Pre-application consultation in relation to this application site was undertaken with Taunton Deane Borough Council Planning Services in July 2014 and the Officer commented that despite the visual prominence of the site, the benefits brought by mobile connectivity would outweigh the disbenefits and therefore support could be provided to this application.

### Policy considerations.

Policy at national level is set out in the NPPF. The NPPF (in section 5) acknowledges that advanced, high quality communications infrastructure is essential for sustainable economic growth. The development of high speed broadband technology and other communications networks also plays a vital role in enhancing the provision of local community facilities and services. The NPPF does qualify this

aim by stating that existing masts, buildings and other structures should be used, unless the need for a new site has been justified, and where new sites are required, equipment should be sympathetically designed and camouflaged where appropriate. The NPPF makes clear that in an application for a new mast or base station, evidence will need to be submitted to demonstrate that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure and a statement must be provided that self-certifies that International Commission guidelines will be met when the new mast or base station becomes operational. The applicant has complied with these requirements. Section 11 of the NPPF (Conserving and enhancing the natural environment) sets out the Government's planning policies for the protection of a range of landscapes and habitats.

With regard to more local policy considerations, the relevant document is the Taunton Deane Core Strategy 2011-2028 (Adopted September 2012) and Some Saved Local Plan Policies. The relevant policies are SD1 (Presumption in favour of Sustainable Development), CP7 (infrastructure), SP4 (Realising the Vision for the Rural Areas), DM1 (General Requirements) and DM2 (Development in the countryside). With these in mind, officers are of the opinion that the appropriate consideration has been given to the need for the development being in the wider public interest and an appropriate balance has been struck between the objectives of developing new high quality communications infrastructure and environmental considerations. It is Officers view that on balance the proposal offers greater benefit than harm and therefore should be acceptable in principle, and not seen to be contrary to the spirit of any of the relevant policies. In reaching this conclusion, the following considerations have been taken on board. The site chosen does not fall within land designated for nature or built conservation. The site does lie within 320m of Grade II listed buildings located to the south at West Bovey Farm, however, due to the undulating topography and intervening tree cover no impact upon or from these buildings is perceived as the site simply would not be visible. Other listed buildings are 850m to the east the Grade II listed Bethel Chapel in Waterrow, and 890m to the north Grade II\* listed Farmhouse at Trowell Farm. These both are significant distances from the site, and the site would not offer an impact upon their setting. With regards to design, layout and scale, this has been guided by the special technical and operational requirements that are associated with electronic communications development. Good practice guidance requires careful consideration of the siting and design to minimise appearance and to ameliorate potential visual impact. Officers consider that this has been met. These issues should now be explored in more detail.

#### Landscaping considerations.

This is clearly an important issue and does receive greatest prominence from those objecting to this proposal. Section 11 of the NPPF (Conserving and enhancing the natural environment) sets out the Government's planning policies for the protection of a range of landscapes and habitats. Paragraph 115 requires that great weight should be given to the objective conserving landscape and scenic beauty in National Parks, Areas of Outstanding Natural Beauty and The Broads, which enjoy the highest level of landscape protection in England. This proposal site is not within any such areas. It follows that in other areas not falling within these designated landscapes, weight should be given to the need to facilitate development that accord with the Development Plan.

Any potential impact of the proposed development is principally associated with radio tower, which is the most visible component of the base station, and which cannot be fully screened for operational reasons. The height of the mast (at 20 metres to the top of the structure) means that any attempt to screen it in its entirety would be unrealistic in any event. The proposal would be sited adjacent to a boundary hedgerow that would help to screen the lower sections of the installation and would assist in mitigating the localised visual impact. This would be further assisted by farm buildings to the south that will minimise its visual impact. For this reason, the agent considers that additional landscaping is not considered appropriate and has not been included within the scheme.

In the wider landscape, the extremely undulating topography, boundary hedgerows and tree clutter would assist in filtering views of the installation from the wider area, particularly residential properties, public highways and viewpoints. The use of a lattice tower, which is a relatively open and permeable structure, does assist by allowing views through the structure to the backdrop of vegetation and the sky, thereby minimising its visual impact.

There are no adopted Public Rights of Way in the area. Boucher's Lane can be traversed, but it is not a Public Right of Way and in any event is not hard surfaced, does not serve to link any communities or points of interest, and has limited use for recreational purposes by virtue of its location. Apart from the limited number of dwellings in the immediate vicinity, the site is considered to have very limited impact on residential amenity by virtue of visual intrusion. This of course is not a reason by itself to justify any landscaping impact, and it is clear that the mast will have a visibility beyond its immediate surroundings. The applicant has been asked for further information to show the potential visual impact of the proposed mast from further afield and any additional information received will be presented at the committee meeting. Additional landscaping could be requested by Members if it were considered essential and appropriate, but additional landscaping can in itself change perceptions of the scenery and views of it.

#### The benefits of the improvement to the mobile signal.

It is a verifiable fact that much of the village does not have any mobile coverage at the moment and other areas are have very poor signal strengths. Improving the signal locally would help all of those who need to use mobile phones but currently cannot. The planning statement submitted in support of the proposal states that this new mast would provide coverage to 24 'not-spots' and 82 premises in and around the Waterrow area. In fact the number of people who will benefit from the improvements would in reality be far greater than this because this estimation does not take into account the numbers of people who may come to Waterrow on business calls, holidaymakers who use the local hotels, guest houses and touring camp site, those who come to use the local restaurants and pubs, and indeed those who may be only passing through. This given number does not either recognise the number of existing mobile phone users who would benefit from an up-grade in signal strength. The benefits are clear, and Members will note that local people and businesses have written in support of the proposal with these improvements in mind. The ability to contact the essential services with the proposed improvements is perhaps the most compelling argument in favour of the proposal. However, it is recognised that these undoubted improvements do have to be weighed up against any detriment that the siting of the mast could have to the appearance and character

of the landscape.

#### Health and safety considerations.

The proposed antennas comply with all relevant health and safety requirements, in accordance with ICNIRP guidelines. A certificate of compliance has been provided with this application. On this basis, it has been established in planning law that health considerations should not be an issue which the Local Planning Authority concerns itself with.

#### Other material considerations.

The financial constraints and time limits of the Mobile Infrastructure Project are also material planning considerations. It is clear that with so many alternative proposals throughout the country available for funding, any undue delays or issues associated is likely to result in the proposed site's cancellation and subsequent re-allocation of funds to fulfil another 'not-spot' area. This would not only affect the residents of the village, but also the many businesses in the area, particularly those in the tourism business, whose current operations are often close to financial non-viability. There is also the potential impact this would have on the emergency services and through traffic in general. These are all valid material considerations and need to be weighed against the considerations that seek to preserve the landscape.

The site will require periodic access for maintenance and servicing visits. This will be restricted to authorised personnel only, and therefore the proposal does not give rise to any issues associated with public access.

#### Conclusions.

There is no doubt that the improvements that would be provided by this new mast are both significant and beneficial. There is also no doubt that the provision of a new mast structure and ground level equipment would have an impact upon the landscape. Therefore, the primary consideration with this application is whether the improvements to the signal outweigh any detriment to the character and appearance of the landscape. There is no doubt that the impact upon the landscape arising from any proposal is a material consideration and can result in such injurious harm to amenity that refusal is the only option. In order to assess this in respect of this proposal for the mast, one really needs to understand the harm that would be caused and who, and how many people, would be prejudiced by its siting as proposed. It is not considered that the mast would be visible from the village itself due to intervening topography and vegetation. It would be viewed from Boucher's Lane, but this is not a public right of way. There are a few dwellings in the nearby vicinity who would have site of some or all of the mast. It is also true that the mast would have visibility from distance, particularly to the south, although the further away one views the mast, the less significance it will appear to have in the landscape particularly when viewed against all the other obstructions and man-made features. The decision is very much 'on-balance', but given that there are many people and businesses that would greatly benefit from the proposal and relatively few who would perceive disbenefit to the environment, my recommendation to

Members is that the proposal should be approved with relevant safeguards built in by way of suitable conditions. It will be noted that this approach is supported by the councils Landscaping Officer.

In conclusion, the proposed development has been sited and designed in order to locate the structure as sensitively and as practicable as possible. Specific consideration has been given to technical requirements and national and local planning policy. The proposal is state funded and will provide a one-time opportunity to provide vital communications coverage to the local area. The proposal is supported by both local and national planning policy, and as such it is considered that the application should be looked upon favourably. Conditions are suggested in order to mitigate any perceived impact upon the landscape.

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

**CONTACT OFFICER: Mr J Burton Tel: 01823 356586**

10/14/0028

DR M MENDOZA

**INSTALLATION OF 500 GROUND MOUNTED PV SOLAR PANELS PRODUCING 125.50kWp WITH ANCILLARY CUT OUT/METERING HOUSING AND TRANSFORMER/SUB STATION IN THE PADDOCK ADJACENT TO HEATHER COTTAGE, CHURCHSTANTON (RE-SUBMISSION OF 10/13/0015)**

Location: HEATHER COTTAGE, OATENS FARM LANE, CHURCHSTANTON, TAUNTON, TA3 7PU

Grid Reference: 319062.111913

Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval

**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:

(A3) DrNo S/S 16/03A Section and Elevations  
(A3) Cable Entry Requirements/Cut-out building  
(A2) DrNo S/S 16/01B Site and Location Plans

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

3. No development shall take place until samples or details of the colour to be used in the construction of the external surfaces of the structures 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 ensure that the proposed development does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy, and as agreed by the agent.

4. Within 25 years and 6 months following the development hereby permitted being brought into use, or within six months of the cessation of electricity

generation by the solar PV facility hereby permitted, 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 include deconstruction traffic management) that shall have been submitted to and approved in writing by the Local Planning Authority no later than three months following the cessation of power production.

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

5. 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 firm record of the date of operation, to allow effective future monitoring of the development.

6. (i) The landscaping/planting scheme shown on the submitted plan shall be completely carried out within the first available planting season from the date of commencement of the development.

(ii) For a period of five years after the completion of the 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 other appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

7. (i) Before any part of the permitted development is commenced, a wildflower enhancement scheme including details of suitable wildflower plug species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority. This shall be accompanied by a management plan that ensures the future maintenance of the wildflowers.

(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 wildflower enhancement scheme, the wildflowers shall be protected and maintained and any plants that cease to grow shall be replaced by wildflower plugs of similar size and species, or the appropriate species as may be approved in writing by the Local Planning Authority.

Reason: To enhance the site for biodiversity

8. There shall be no stockpiling of material or ground-raising (temporary or permanent) on any part of the site.

Reason: To ensure that the general slope which is a character of this area is not compromised in accordance with the NPPF and Taunton Deane Adopted Core Strategy Policy CP8.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order amending, replacing or re-enacting that Order), no fixed plant or machinery, buildings, structures and erections or private ways shall be erected, extended, installed, rearranged, replaced, repaired or altered at the site, other than those hereby permitted, without the further grant of planning permission.

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

10. No external artificial lighting shall be installed on the site.

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

11. Prior to the commencement of development a construction traffic management plan providing details on the delivery of the photovoltaic panels and equipment to the site shall be submitted to and approved in writing by the Local Planning Authority (and Local Highway Authority) and fully implemented in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that construction traffic is adequately managed in order to minimise the impact on the local highway network in accordance with Policy DM1 of the Taunton Deane Core Strategy.

12. All services and cable connections shall be placed underground unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

#### Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.

## **PROPOSAL**

The application is for an array of solar panels in the central part of a paddock, the area is approx. 32m by 47m, sited approx. 30m from the gate and hedge. The panels would be 1m by 1.6m at an angle of 40 degrees to the horizontal, on a ground slope of around 10 degrees, facing south-west, with a max. height above ground of 0.5m. A new screen hedge of Beech is shown to the north east of the panels. Structures are shown close to the existing hedge/trees alongside the lane; these are a housing for cut-out and CT metering panel, and measuring 1.2m by 1.8m by 2.3m in height, this will be in the easterly corner of the site, away from the boundary trees. The transformer unit/substation which is 2.2m by 2.5m by 1.8m in height with a galvanized steel security fence around the immediate compound. New hedgerow planting will supplement the north-western boundary hedge. In addition a short section of new hedge will be planted to the south-east of the transformer. The submission states there is existing hardstanding, which has been allowed to grass over, for 2 vehicles inside the existing gate; this will be used for use for maintenance. The agent has also stated that the applicants are prepared to compensate for the reduction in bio-diversity as indicated in the survey, by planting/sowing selected species.

The applicant has submitted a Design and Access Statement, a Landscape and Visual Impact Assessment and a County Wildlife Site Impact Assessment, which incorporates a 2014 botanical survey. The latter survey assesses that the grassland diversity has degraded since the original in 1987 and it is more than possible that the included species were located in the further grasslands to the south. The natural vegetation will be encouraged, cut for hay, as at present, and there is no intention to cultivate or fertilise any of the developed or remaining paddock areas. The current flora identified is already below what would be typical for designation as a Local Wildlife Site, and is unlikely to deteriorate further given the existing and ongoing seasonal management of occasional grazing and mowing for hay, which will not change significantly other than a likely reduction in grazing.

## **SITE DESCRIPTION AND HISTORY**

The site is within the Blackdown Hills Area of Outstanding Natural Beauty and in open countryside as defined in the Taunton Deane Core Strategy. The field is within a Local Wildlife Site - Southey Moor. There are mature trees on the roadside verge as part of the hedgerow. The site slopes down away from the road, towards an area of trees/hedge. There is an existing access just to its north west (within the site).

The field lies to the north-west of the dwelling, known as Heather Cottage, which is a detached property on a rural road. Oaklands/Buttles Farm and Cleve Farm/Oaten Farm are the nearest properties. Other than linking these and a few other isolated properties, this road appears to be for local use only and is not a significant through route.

### Relevant Planning History

10/13/0025, installation of 500 ground mounted PV solar panels in middle of the paddock, adjacent to Heather Cottage, refused, 25/10/13, as the application was not accompanied by a current species list and/or ecological survey and so the potential

impacts of the arrays have not been investigated.

10/13/0015, installation of 500 ground mounted PV solar panels in paddock adjacent to Heather Cottage, withdrawn 31/07/13. (Site being the nearest to the adjacent road.)

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*CHURCHSTANTON PARISH COUNCIL* - This further amended application is still opposed since it continues to be against the NPPF AONB protective policies and the Blackdown Hills AONB Management Plan for such isolated and remote locations, close to a traditional Blackdowns rural landscape in the Bolham Valley. Even though the site has been moved down the hill to reduce its impact, some parts of the development will still be seen from the roads and from longer views. This conflicts with the policies to allow smaller applications that do not have such an impact in this sensitive area. The number of panels and their close proximity may even affect the low biodiversity of the chosen site by being unable to implement any landscape management and the council would want to see more positive conditions being applied if they are minded to approve this application.

*SCC - TRANSPORT DEVELOPMENT GROUP* - This proposal is the re-submission of planning application 10/13/0015 and having studied the previous plans they appear similar as such the Highway Authority's previous comments would apply and are set out below for your information.

The proposed development is situated on land within the farm site. 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. Access to the site is gained off Oaten Farm Lane a designated unclassified highway, to which the National Speed Limit applies. However, given the narrow and sinuous nature of Oaten Farm Lane, vehicle speeds are likely to be less than the posted speed limit.

With regards to the vehicles movements it is presumed that there will be an increase in vehicle movements along Oaten Farm Lane during the construction period for this site. However this will only be for a limited period during the construction phase of this development.

Once the site is operation it is unlikely that the site will generate a significant level of vehicle movements as the only vehicles which would access the site would be those associated with the sites on-going maintenance. As a result, the Highway Authority has no objections to this proposal.

*BLACKDOWN HILLS AONB SERVICE* - Thank you for requesting comments from the Blackdown Hills AONB Partnership on this application, and I apologise for this delayed response. Although described as a resubmission of application 10/13/0015, it seems that it is more accurately a re-submission of 10/13/0025, now with an additional ecological survey included.

The Blackdown Hills Area of Outstanding Natural Beauty is primarily an agricultural landscape that has retained a sense of remoteness and remains largely unspoilt by modern development. This delicate balance is severely threatened by large scale or inappropriate development in open countryside. Consequently, the AONB Partnership is keen to limit the introduction of unnecessary and incongruous developments in isolated and remote locations, and such proposals should be given very careful consideration as to their potential impact on the natural beauty of the area, and people's enjoyment of its associated special qualities. The Bolham valley, location of this application, is a particularly sensitive, characteristic area within the AONB retaining a strong sense of the English pastoral landscape that is central to the Blackdown Hills being a nationally important landscape.

Key to the area's designation are that it is an isolated, unspoilt rural area, largely undisturbed by modern development, and the diversity of landscape patterns and pictures, including long views over field patterned landscapes. The special qualities of the AONB are described further in the Blackdown Hills AONB Management Plan 2014-2019, and of particular relevance here are the following aspects:

- Unspoilt, panoramic views across flat-topped plateau and straight undisturbed ridge tops and over hidden valleys
- A well wooded pastoral landscape with a strong pattern of hedges and hedgerow trees
- Rich mosaic of diverse and interconnected semi-natural habitats
- A sense of remoteness enhanced by the ... extensive woodland of the upper slopes and hidden valleys
- Area of high tranquillity spared many of the intrusions of modern life

The Bolham Valley is a prime example of these special qualities; a quiet, out of the way part of the AONB, unaffected by commercial development or man-made structures. The area's extensive woodland cover may provide a screening and filtering function to limit visual impact, but the lightly settled character, the absence of modern development, sense of tranquillity and expansive views across the upper slopes indicate the sensitivity of this landscape to solar PV development. In this respect I am concerned about the potential for this development to affect local landscape character and adversely impact on the AONB's special qualities.

I do accept that the specific siting of the array proposed in this application, along with proposed hedge planting and management, would reduce the prominence and visibility of the panels in the wider landscape compared to the original position at the top of the field. However, given the sensitivity of the setting, I question whether it is robust enough to suggest in the landscape and visual impact assessment that 'if any long distance glimpses occur... the revised position... should adequately address this'.

The AONB Management Plan also includes the following management objectives, considered relevant to this application:

Objective PD 1 - All development in the AONB is of the highest quality, is in keeping with the landscape and conserves its wildlife, historic character and other special qualities.

Policy PD 1/A - Seek to ensure that all local plan documents and decision making

has regard to the AONB purpose, the management plan and other AONB statements and guidance, and ensure that the importance of conserving and enhancing the special qualities of the AONB is fully reflected in the land-use planning framework.

Policy PD 1/B - Seek to ensure that any necessary new developments or conversions within the AONB or affecting its setting conserve and enhance natural beauty and special qualities, particularly by respecting the area's landscape character and the local character of the built environment, reinforce local distinctiveness and seek to enhance biodiversity.

Objective PD 2 - Emissions of carbon and other greenhouse gases are reduced within the AONB through reducing energy consumption, applying energy conservation measures and utilising appropriate renewable energy technologies.

Policy PD 2/B - Support and encourage appropriate, small-scale renewable energy schemes to help achieve carbon reduction and energy security that do not conflict with the special qualities of the AONB or the conservation of natural beauty.

Objective LC 3 - The Blackdown Hills landscape is valued as a place where a sense of tranquillity can be enjoyed free from man-made noise and visual intrusion.

Objective BG 1 - Habitats in the AONB are well managed, restored and extended forming a coherent ecological network that can support more species and facilitate movement of wildlife within the landscape.

With regard to the local wildlife site (LWS) status and ecological survey, looking at the shape and extent of the LWS area, I would have thought it unlikely that this field was included if there were no notable species present (but have no evidence to support this). In any event, rather than accepting the degraded, 'below par' condition, if the planning authority is minded to approve this application then the AONB Partnership would welcome conditions seeking positive management of the paddock. The appearance of the panels themselves will also be an important consideration in minimising their impact, such as using dark recessive colours and non-reflective materials for the panels, frames and associated structures. The cut out/metering housing and transformer/substation, with associated security fencing, are very close to the highway and are in themselves incongruous features in this setting, and so should be considered carefully.

*LANDSCAPE – comments on previous application for the revised siting - the relocated scheme with the northern boundary Beech hedgerow addresses my earlier concerns.*

*EAST DEVON DISTRICT COUNCIL - no observations.*

*SCC - RIGHTS OF WAY - no response received*

*MID DEVON - No observations.*

*BIODIVERSITY - Further to comments made in connection with 10/13/0015, the*

original County wildlife impact assessment was revised in July 2014 and a further wildlife survey by Bluebell Ecology Ltd dated June 2014 has been submitted in support of this application.

The site forms part of the Bolham Brook LWS and was designated as a Local wildlife site in 1992. The latest botanical survey found that the field has deteriorated botanically since designation, there now being an absence of notable species such as bog pimpernel, common spotted orchid, lousewort and lesser spearwort.

I agree with the report that the notable species previously present were likely to be located in the southern lower section of the field.

The field is classed as semi improved with a medium level of species diversity. It now includes a sward dominated by Yorkshire fog, crested dogs tail, cocks foot, sweet vernal grass and red clover with at least an additional twenty species present in the sward.

My initial concerns were that notable species may be shaded by the panels but this no longer appears to be the case. I therefore consider that I am unable to object to the proposal on wildlife grounds, although I think that, on principle Local Wildlife Sites should remain undeveloped.

*SOMERSET WILDLIFE TRUST* - we have noted that this is a resubmission of a previous planning application (10/13/0015). As far as we are concerned this planning application does not differ significantly from the previous application as far as the possible impact on the Local Wildlife Site is concerned. We completely agree with the comments of the Authority's Biodiversity Officer in her email of 29/07/14, this is the wrong site for this development. The PV farm will occupy a significant part of the LWS and the amount of shading may impact on the flora of the field. It is not possible to assess the likely long term effects. We cannot support development of any sort on Local Wildlife Sites. We therefore object to this development which should be refused.

## **Representations**

4 letters of OBJECTION:

### Landscape/AONB

The proposal will be seen from various points in spite of the siting further down the slope;

The panels are unnatural, visible and an un-aesthetic distraction from the unspoilt countryside of the Area of Outstanding Natural Beauty;

There is concern about the taller substation and the galvanised security fencing;

No need for the car parking spaces;

There will be a clear view of these panels in winter;

Loss of views;

Local lanes used by walkers and horse riders who would be able to see the panels clearly;

This is a substantial commercial development out of character with the Area of Outstanding Natural Beauty;

The panels will be seen from the adjacent road;  
The primary purpose of the Area of Outstanding Natural Beauty is to conserve and enhance the natural beauty and a secondary purpose is to promote forms of social and economic development;  
The proposal is about 30 times that required for domestic use;

#### Wildlife

The site is a Local Wildlife Site;  
The area beneath the panels would be shaded, and have a detrimental impact on the flora and fauna;  
The grass will have to be kept short so as not to overshadow the panels;  
Disruption of animals, invertebrates and insects during construction leading to less biodiversity;

#### Other

Any schemes should be based on roofs only;  
This is a commercial scheme/venture and thus contrary to the Area of Outstanding Natural Beauty;  
Effect on property prices;  
Inappropriate use of residential land;  
The long term impact of extensive ground based solar panels is unknown due to the contemporary nature of the technology; site is overshadowed by large trees;  
The applicants are not resident in this country and have no appreciation of the character of the area;  
There is no provision for connections to the grid;  
Connections will have to go over others' land;  
Residents have been living in this area for many decades, these applicants are not resident and are attempting to destroy the landscape;  
Nobody has lived at the site for over 3 years;  
The only benefit is for the applicants to receive the feed in tariff;  
Precedent.

### **PLANNING POLICIES**

CP1 - TD CORE STRAT. CLIMATE CHANGE,  
CP8 - CP 8 ENVIRONMENT,  
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,  
DM2 - TD CORE STRATEGY - DEV,  
EN3 - TDBCLP - Local Wildlife and Geological Interests (HISTORIC),  
EN12 - TDBCLP - Landscape Character Areas,

### **LOCAL FINANCE CONSIDERATIONS**

Not applicable.

### **DETERMINING ISSUES AND CONSIDERATIONS**

The main issues are policy, the potential impact on landscape and ecology.

#### Policy/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 97 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.

DCLG has also published “Planning practice guidance for renewable and low carbon energy”, which is a series of guidelines, the main points are that the effective use of previously developed land is encouraged, that if a proposal involves greenfield land, that it allows for continued agricultural use and /or encourages biodiversity improvements around arrays.

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”.

In terms of Taunton Deane Core Strategy, 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. The site is and within Flood Zone 1. Policy CP1 relates to Climate Change, Policy CP8 relates to Environment including the SSSI designation and DM2 relates to Development in the Countryside.

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....their scale, form, design, materials and cumulative impacts 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’. Policy DM2 Development in the Countryside gives the types of development which would be supported in the countryside, subject to specified criteria.

Policy CP8, Environment - “The Borough Council will conserve and enhance the natural and historic environment, and will not permit development proposals that would harm these interests or the settings of towns and rural centres unless other material factors are sufficient to override their importance.....Unallocated greenfield land outside settlement boundaries will be protected and where possible enhanced. Development within such areas will be strictly controlled in order to

conserve the environmental assets and open character of the area. Development outside settlement boundaries will be permitted where it will:

Be in accordance with national, regional and local policies for development within rural areas.....

Be appropriate in terms of scale, siting and design; and

Protect, conserve or enhance landscape and townscape character whilst maintaining green wedges and open breaks between settlements.....”

### Landscape/character \_

The panels are now shown to be in the middle part of the field with landscaping between the arrays and the adjacent road. This landscaping is such that in due course, the arrays will not be visible from this adjacent road. The site is not adjacent to any other road or public footpath and any other views to the arrays will be across fields and between trees/woodland. Such views will therefore be intermittent from vehicles passing at some distance, on the other side of the valley. Some properties may have views at times when the trees are not in leaf. The Landscape Officer did not object to the previous application on this site but did have concerns about the earlier application. (This proposal is an amendment to an earlier application which sought to erect the panels on the upper slope of the field.)

The Blackdown Hills AONB Partnership has concerns as the proposal does have an impact on two of the Area of Outstanding Natural Beauty's special qualities. The area is primarily an agricultural landscape that has retained a sense of remoteness and remains largely unspoilt by modern development. The partnership is keen to limit the introduction of unnecessary and incongruous developments in isolated and remote locations. The Bolham Valley is a particularly sensitive, characteristics area within the Area of Outstanding Natural Beauty and the Partnership's Officer has concerns, but also comments that the specific siting along with proposed hedge planting and management would reduce the prominence and visibility in the wider landscape. It is suggested that there should be positive management of the paddock, the panels should be dark recessive colours with non-reflective materials for the panels, frames and associated structures.

Thus whilst the site may be sited in the Area of Outstanding Natural Beauty, such designation does not result in no development being approved at any time. Modest schemes are considered on their merits and on the visual impact on residents and/or users of public footpaths and/or highways.

This is a quiet part of the borough, which is generally unaffected by artificial structures, other than the occasional farm buildings, an isolated house and gates/fences. The panels are likely to be visible at times of the year when there are no leaves on trees and hedges from some surrounding areas, but not to the extent as if the site is crossed by footpaths and/or roads. Such glimpses and views of this relatively small area of panels is not considered to be such as would be considered to be visually intrusive.

### Wildlife/ecology

It is not considered that there will be a significant effect on the ecology of the immediate area due to overshadowing, although about more than half the field will not have the panels, this includes approx. 25 m to the south-west of the new post and mesh fence, adjacent to the woodland. The area which probably contained the species identified in the LWS appears to have more likely to be the wooded areas. There are currently no species of particular note in the area of the proposed panels. The absence of upto date information on plant species was the factor upon which the previous application was refused. The updated County Wildlife Site Impact Assessment found no species of note within the application site, and thus the potential impact is not likely to be significant. The agent has agreed to reintroduce specially selected 'varieties' of plants into the south-western part of the paddock, which will overtime bring back the biodiversity and plant interest in this area.

### Other

In respect to the other issues raised, the agent advises that the applicants are due to return to the property in due course. The absence of the applicants is not a reason to refuse the scheme. Whilst the application seems to be show there will be more than sufficient to serve the domestic property, and therefore some power will go to grid, this 'commercialism' is not considered to be necessarily detrimental to the Area of Outstanding Natural Beauty due to the relatively small scale of this proposal. A person's 'need' for energy/profit motive is not a planning issue. The long term effects may be unknown in terms of effect on the site however this is not grounds to refuse. Solar arrays have generally been granted for a period of 25 years, after which time the sites should revert to agriculture.

The agent has stated that the CT metering panel will connect by underground cables. If the scheme is approved it is considered that this should be conditioned. Whilst there may be areas more suited to solar arrays, Local Planning Authorities have to determine the application sites submitted

### Conclusion

Central Government is generally in support of renewable energy, whilst also requiring proposals to minimise impacts on biodiversity, and conserve and enhance biodiversity including mitigation. This results in the determination being a careful balance between the Central Government aims to promote renewable energy, and the requirements to conserve and enhance biodiversity, whilst appreciating the special qualities of the Blackdown Hills Area of Outstanding Natural Beauty and the potential visual impact from limited local points. Given the concerns of the Partnership Officer, it is considered that a positive management scheme for site be required, and care taken over the materials for the panels and equipment. There will be landscaping which should screen the site from the adjacent road, and the associated buildings are considered to be small and acceptable in this location. There will be a short section of hedge alongside the transformer unit, which will in time screen that structure and security fencing.

Thus given the relatively small scale of the proposal, its location away from public footpaths/bridleways and all but one road, from which it will be landscaped, and the generally well screened site, the potential visual impact of this scheme is not

considered to be detrimental to the overall landscape character of the Blackdown Hills Area of Outstanding Natural Beauty. Given the lack of significant ecology on the site, it is not considered to detrimentally effect the Local Wildlife Site. The scheme, subject to conditions, is considered to be acceptable.

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

**CONTACT OFFICER: Ms K Marlow Tel: 01823 356460**

S NOTARO T/A NOTARO NEW HOMES

**APPLICATION FOR OUTLINE PLANNING WITH ALL MATTERS RESERVED FOR A RESIDENTIAL DEVELOPMENT OF UP TO 30 NO. DWELLINGS AND 3 NO. LIVE/WORK UNITS, PUBLIC OPEN SPACE, ALLOTMENTS AND ASSOCIATED INFRASTRUCTURE ON LAND EAST OF WEST VILLAS, COTFORD ST LUKE (RESUBMISSION AND AMENDED SCHEME TO 53/13/0012)**

Location: LAND EAST OF WEST VILLAS, COTFORD ST LUKE

Grid Reference: 317283.127349

Outline Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Subject to the applicant entering into a S106 agreement to secure the following:

- 8 units of affordable housing comprising 60% social rented, 40% intermediate housing.
- Provision of public open space to include an 'enhanced' 8-piece LEAP together with ongoing maintenance provision.
- Provision of allotments.
- Ongoing maintenance for Surface Water drainage infrastructure.
- Provision of highway access to the site, including the realignment of Old Dene Road.
- Reconfiguration of the southern end of the adjoining cycleway to provide a safe junction with the realigned road.
- Provision and implementation of travel plan.
- Provision of public art integrated into the development or via the payment of 1% of development value.

Conditional Approval

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

1. Approval of the details of the layout, scale, appearance, access and landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Application for approval of the reserved matters shall be made to the Local Planning Authority not later than the expiration of three years from the date of this permission. The development hereby permitted shall be begun, not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last

such matter to be approved.

Reason: In accordance with the provisions of S92 (2) Town and Country Planning Act 1990 (as amended by S51 (2) Planning and Compulsory Purchase Act 2004).

2. Prior to the commencement of the development hereby permitted a surface water drainage scheme for the site, based on sustainable drainage principles, together with a timetable for its implementation and details of how the scheme shall be maintained and managed after completion shall be submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details and agreed timetable.

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

3. 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 Country Contracts Protected Species undated Survey and an up to date survey and include:

- Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
- Details of the timing of works to avoid periods of work when the species could be harmed by disturbance;
- 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 and thereafter the resting places and agreed accesses shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new resting places and related accesses have been fully implemented

Reason: To protect and accommodate wildlife and their habitats.

4. Full details of the public open space, children's play facilities and allotments shall be submitted to and approved in writing by the Local Planning Authority as part of the details submitted pursuant to condition 1 of this planning permission. The children's play facilities shall include an enhanced (8 piece) Locally Equipped Area for Play. Prior to the occupation of the 20<sup>th</sup> dwelling hereby permitted, the public open space, children's play facilities and allotments shall be provided in accordance with those details and shall be capable of use by members of the public.

Reason: To ensure delivery of the public open space and children's play facilities.

5. A pedestrian/cycle link to the adjoining land shall be provided up to the northern site boundary in accordance with details that shall be submitted to and approved by the Local Planning Authority pursuant to condition 1.

Reason: To ensure the comprehensive development and promote good connectivity within future development at Cotford St. Luke.

6. In respect of each live-work unit hereby permitted:

The details submitted and approved pursuant to condition 1 (submission of reserved matters) shall clearly identify the 'business floor space' and 'residential floor space' for each unit.

The residential floor space shall not be occupied until the associated business floor space is fully fitted and capable of use.

The occupation of the residential floor space shall be limited to a person solely or mainly working within the business floor space, their spouse (or partner) and to any resident dependants or relatives living together as a single family unit.

The occupation of the business floor space shall be limited to a person who resides in the residential floor space connected with that unit.

The business floor space shall be used only for purposes falling within Classes B1 or D1 and for no other purpose of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: To ensure that the live-work units are provided in a manner that ensures that the building operates as a live-work unit without detriment to other nearby property.

7. No more than 30 dwellings and 3 live-work units shall be erected on the site.

Reason: This quantum of development is considered to be sustainable with regard to the emerging Site Allocations and Development Management Plan and the infrastructure provision within the existing settlement.

8. The proposed estate roads, footways, footpaths, tactile paving, cycleways, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking

and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

The agreed details shall be implemented such that each dwelling shall be accessed by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and the existing highway prior to its occupation.

Reason: To ensure that the dwellings are provided with an acceptable means of access and to ensure that the detailed design of the proposed estate roads is acceptable and contributes to a well designed estate in accordance with Policy DM1 of the Taunton Deane Core Strategy.

9. The applicant shall ensure that all construction vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to the commence of development, and thereafter maintained the completion of construction.

Reason: To in the interests of highway safety in accordance with Policy DM1 of the Taunton Deane Core Strategy.

#### Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission.
2. The condition relating to wildlife requires the submission of information to protect the species. The Local Planning Authority will expect to see a detailed method statement clearly stating how the wildlife will be protected through the development process and to be provided with a mitigation proposal that will maintain favourable status for the bats and birds that are affected by this development proposal.
3. 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.
4. In the UK badgers are protected under the Protection of Badgers Act 1992. All excavations left open at night should either be cover plated or have a

means of escape should an animal fall in.

Any chemicals should be stored away from any obvious badger runs, which should not be obstructed with any materials. Security lights should be directed away from areas of the site where badger runs are evident.

5. The designs for the proposed live-work units in the design and access statement are not necessarily considered to be acceptable. It is likely that the Local Planning Authority will require a mix of residential floor space options (i.e. 2, 3, 4 bedroom options) to accompany the proposed business floor space.

## **PROPOSAL**

This application seeks outline planning permission for the erection of 30 dwellings and 3 live-work units. All matters are reserved for subsequent consideration.

An indicative layout proposes to gain access to the site from the south, through extending the existing (currently closed) Dene Road to the northeast, into the site.

The application suggests that the eastern part of the site would remain undeveloped, being left open to provide public open space, allotments and surface water attenuation features. A small area of woodland/copse would be provided in the northeast corner of the site.

At the northern part of the site, a number of dwellings are shown fronting Dene Road, opposite North Villas; the boundary hedge would be removed and a further pedestrian link provided to the northern section of Dene Road at this point.

## **SITE DESCRIPTION AND HISTORY**

The site is currently an agricultural field. It is on the eastern side of Cotford St. Luke to the north of Dene Barton Hospital. It is currently accessed via a farm gate towards the northern end of the site; there is no access to the southern side at present.

To the west, 1-6 North Villas face towards the site on the opposite side of Dene Road, which has been closed to vehicular traffic for a short section along the western site boundary to the south of this point. At the point opposite the application site, North Villas are raised up above the highway which descends into a cutting along the closed section – now a pedestrian/cycle link. At the southern end of the western site boundary, opposite across the pedestrian/cycle link the gable end of 1 West Villas and the rear elevations of 15-21 Milsom Place face towards the site.

A number of mature trees are present in the southern boundary with Dene Barton Hospital, although the boundary weakens towards the western end of the site. The western part of the site slopes up steeply and commands long ranging views over the surrounding vale to the south.

The site has been considered for allocation in the Site Allocations and Development

Management Plan (SADMP). The Preferred Options consultation plan identified half of the site for development as part of a wider allocation for 60 dwellings including half of the adjoining field to the north, this now looks set to be carried forward into the published plan.

An application was submitted last year (53/13/0012) for the development of 44 dwellings on the site. On the basis that this would deliver more than half of the likely allocation, your officers felt that there was significant danger that granting permission for this number of dwellings would result in an overall growth for Cotford St. Luke well in excess of the anticipated target. There was also uncertainty over which site would be allocated in the SADMP and on this basis, it was considered to be premature. It had also not been demonstrated that the development would not have an unacceptable impact on the highway network, or lead to an increase in off-site flood risk.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*COTFORD ST LUKE PARISH COUNCIL* – Comment as follows:

#### TDBC Site Allocations and Development Management Plan

- This Application should be rejected on the grounds of prematurity, as the TDBC Site Allocations and Development Management Plan – Preferred Options to 2028 has not yet been adopted.
- The draft Site Allocations and Development Management Plan indicates 60 houses being allocated for CSL, as the village has been designated as a Minor Rural Settlement. Notaro New Homes is applying to develop up to 33 dwellings (3 of which are live/work units), public open space, allotments and associated infrastructure. At present it is not known, if there will be a Planning Application for Option 1 (site 2) and how many dwellings could potentially be built on this site. We note only 27 dwellings should be developed for this site.
- There are already severe limitations on CSL's infrastructure. Any new dwellings would merely increase the severity of the village's existing problems which are listed in detail below.
- Please note that the Parish Council wrote to TDBC Planning Policy Team on the 28 November 2013, to inform TDBC that out of the two options being proposed for CSL, Option 1 (site 2) is its preference for future development. Also, the Parish Council made it clear that it did not wish to see Option 2 (sites 2 and 3) developed.

#### Road and Footpaths

- Many of those presently living in South Villas, West Villas and North Villas have lived there before the land was sold to Cofton in June 1994 and CSL was subsequently built. It was made clear to them by TDBC Planning Department that all development would be to the west of Old Dene Road and would not impact on their properties. The 'sweetener' was that Old Dene Road would become a no-through road and traffic would therefore reduce. This was reinforced in the Planning Condition noted in 06/94/0018 which should remain in

force and must be adhered to.

- Drawing PL01 indicates a road within the proposed development linking to the adjacent field which is Option 1 (site 2). If this road was to be constructed in the future; it would create a vehicular through route linking the north and south of CSL, thereby creating another Distributor Road and a rat run through this part of the village.
- The Parish Council would like to suggest that access to the development should be through Option 1 (site 2) and the road layout be redesigned to preclude access from Old Dene Road. If this cannot be achieved, then an extra house should be built on the development where the road within the proposed development links to the adjacent field.
- This would prevent another Distributor Road being built and a rat run through CSL being created.
- If the proposed development is granted Planning Permission, there will be vehicles for 85 houses accessing/egressing Old Dene Road plus those working at and visiting patients in Dene Barton Hospital. Old Dene Road is not wide enough to take two cars passing one another safely unless one comes to a complete stop, as the road width is very variable (4.8 to 5.8 metres). There is no land available along Old Dene Road to improve it by widening or constructing a passing bay, to allow cars to pass one another due to the constraints of Orchard Lodge land which has already been allocated for house development and the rear gardens of Nr 1 South Villas and Aveline Court.
- The Transport and Travel Plan Statement states that the number of 'daily car trips would increase by 159 trips and that further analysis of the operational capacity of the local highway network is considered unnecessary and that this increase in traffic is negligible and will not be detrimental to highway safety'. The Statement does not take into account the existing traffic accessing/egressing Milsom Place, South Villas and Dene Barton Hospital, and the potential traffic once Orchard Lodge is developed.
- Also, the validity of the trip data is questionable. In reality, there is significantly more traffic accessing/egressing or travelling around CSL during rush hours either to/from work and schools. Also, there has been an increase in traffic accessing/egressing Dene Barton Hospital as additional services such as social care are being transferred to this unit.
- SCC Highways 'Estate Roads in Somerset – Design Guidance Notes' states that the minimum spacing between junctions where these are on opposite sides to one another in a Collector Road should be a distance of 30 metres from one another. Old Dene Road will become a Collector Road for potentially 85 houses. Five junctions will be potentially created by Milsom Place, Dene Barton Hospital, the Orchard Lodge Planning Decision and this Application. These junctions will be in close proximity to one another and it is not known how the 30 metre criteria can be physically complied with. The potential for an accident and traffic congestion to occur is high.
- The existing egress from South Villas has a very steep decline and is blind, there is no visibility splay for this private road. To egress safely, cars turning out of South Villas have to use the entire width of Old Dene Road. There is no land available to build a visibility splay. With the significant increase in vehicle trips, there is the potential for manoeuvres to be unsafe and an accident to occur.
- Despite garages and parking spaces being allocated to each property in CSL, on-street parking has always been an issue in the village. How will off-street parking being enforced within the proposed development?
- Drawing PL01 indicates that Plot 26 has no garage or parking area. Also, Plot

LW3 does not appear to have a driveway. The Transport and Travel Plan Statement Appendix A - Vehicle Access shows no service area for Plots 25, 26, 28 & 29. Within the proposed development, there is no provision for bicycles to be parked.

- The access/egress to CSL via Tithill Lane Bridge which under the original version of the Core Strategy was deemed to be structurally incapable of taking any further traffic.
- With the present on-going development of the Norton Fitzwarren/Silk Mills area, there is already significant congestion along the A358, the B3227 and other roads in the area especially in the rush hours.
- In order to create vehicular access/egress to the proposed development, it is noted that approximately 20 metres of the public footpath/cycleway between Milsom Place and West Villas will be lost for pedestrian and cyclist use. The Design and Access Statement indicates that the public footpath/cyclepath will be reconfigured within the public highway but there are no details as to how this will be achieved, and the safety of pedestrians and cyclists protected.
- Pedestrians including young children, dog walkers, runners and cyclists frequently use Old Dene Road. There is presently no pavement between South Villas and the post box for them to use. Their safety will be put at risk with the significant increase in vehicles using the road should the Orchard Lodge and Notaro New Homes Ltd developments be built.
- It is also noted that Drawing PL01 indicates that there is no footpath in front of plots 2 to 4; 15 & 16, 20 & 21, and 25 & 26 of the proposed development. Whilst the road in front of these dwellings appears to be rather narrow. There is no safe route for pedestrians and 8-axle vehicles such as refuse and recycling trucks to access/egress these plots. It is suggested that the length of these front gardens be reduced in order for pavements to be built and the road to be widened.

#### Road and Footpath Adoption

- Under the Highway Act 1980, the Advanced Payment Code requires anyone proposing to build houses served by a private street must deposit enough money with the Highway Authority to cover the eventual making up of that street to adoption standard. Should Planning Permission be granted, a condition is required to ensure that SCC Highways/the developer signs a Section 38 Agreement and for the appropriate bond to be in place within the required timeframe, as stipulated by the Highways Act 1980.

#### Water Supply

- The Flood Risk Assessment states that there is limited capacity within the local water supply network to serve the proposed development. There is no assurance from the Applicant that he will contribute to the supply network upgrade that will be required.

#### Foul Water Drainage

- There is no indication in the Flood Risk Assessment, where the foul water sewer from the proposed development will connect into the existing Wessex Water infrastructure – ‘the point of connection is to be agreed with the local sewerage network having a capacity to accept foul flows from only 50 dwellings. Yet 60 dwellings are proposed for options 2 and 3 as noted in the Site Allocations and Development Management Plan.

### Electricity Supply

- Additional housing will only exacerbate the poor infrastructure in CSL, such as unreliable electricity supply. The sub-station located in Graham Way has insufficient capacity to cope with this proposed development.

### Mix of Housing

- During pre-consultation by Notaro New Homes Ltd, the Parish Council requested accessible housing such as bungalows two storey apartment arrangements with lift is provided, due to the shortage of and demand for this type of housing in CSL. The Parish Council notes that this type of housing is not being provided by the Applicant.

### Ground Stability

- Drawing SE01 shows the 10 metre drop from Plot 19 at the top of the field to Plot 29 at the lowest point of the field. There is concern that the construction may undermine the present ground stability of the site and in the future subsidence may occur.

### Badgers

- The Parish Council notes that there is evidence of an active badger sett which will be in very close proximity to Plots 26 and 28. Please refer to the Protected Species Survey. The Protection of Badgers Act 1992 makes it illegal to interfere or disturb badgers and their setts. How will the badgers and their sett be protected from interference or disturbance especially by children and dogs?

### Protected Species Survey

- The Protected Species Survey' (Page 3) states that 'the period of time between this survey and commencement of the development extends more than 12 month,; then a further survey must be commissioned to ascertain any changes in wildlife usage before work commences'. It is noted that the date of the survey is 20 April 2012.

### Visual Impact

- When Dene Barton Hospital was designed, it had to be lowered to reduce the building's impact on the landscape. The Notaro New Homes field has a 10 metre drop and the proposed houses will stand out above the height of Dene Barton Hospital.

### Education

- SCC criteria is 30 places for 5-11 year olds per 150 dwellings. Presently 937 houses in CSL = 188 pupils based on SCC criteria but in reality there are now too many pupils already attending CSL Community Primary School.

### Public Transport

- It is a strategic objective (Core Strategy P14) that at least 50% of all trips should be undertaken by modes of transport other than the private car. Bus services to/from CSL have reduced significantly over the last 2 years. There is no bus service after 7.30PM and on Sundays and Bank Holidays. The present bus service makes it not feasible for the majority of people to rely on public transport to get to/from their place of employment. Any increase in the number of people living in CSL will only exacerbate this problem.

### Health

- Presently the village has a population of approximately 2500 people (all ages). A doctors branch surgery is now required and could be located in Dene Barton Hospital.

### Employment

- The employment opportunities within CSL have been severely hampered by the original decisions made by TDBC Planners. So far as the businesses that do exist in CS, they are hampered by poor infrastructure such as unreliable electricity supply
- The absence of mobile telephone coverage adds further to the difficulties and does not offer an alternative to Broadband.
- The trading hours and classification of employment need to be specified for the 'live-work' unit, in order to avoid any nuisance to other properties in the proposed development.

### Open Space

- Notaro New Homes is proposing to provide one play area; a natural play area, a swales and wetland area, a community orchard and a significant public grassed area.
- We retain the right for the allotments to be available to all CSL villagers.
- There is no indication of how the children's play area and allotments will be secured.
- There is no indication of what will be provided in the natural play area.
- The Parish Council notes that Notaro New Homes Ltd will retain ownership of the open space and allotments, and will employ a management company. What arrangements are in place should the management company cease trading?

### Documentation

- The Parish Council notes that there are factual errors in the Design and Access Statement. For example: there is no Post Office, Cricket Club, Zumba Club and Crafting Club in CSL. Also; there is no bus shelter at Dene Road/North Villas and Highlands Road does not exist in CSL.
- The Transport and Travel Plan Statement states that a Travel Co-ordinator will be based at the site, in order to promote sustainable travel. The Parish Council wonders who this will be, how the position and items worthy of reimbursement by mode of travel will be reimbursed.
- The Transport and Travel Plan Statement Appendix B – the dates noted are out

of date.

*SCC - TRANSPORT DEVELOPMENT GROUP* – Comments as follows:

### Traffic Impact

The Highway Authority previously required that further information be submitted on the previous application to allow us to assess the traffic impact of the proposal. Before this information was received the applicant withdrew the application.

This revised scheme has provided further information on traffic impact in the form of ATC traffic survey data. The data showed that currently there are 37 two-way vehicle movements in the AM peak and 32 two-way movements in the PM peak. It is envisaged that the addition of development would increase these flows to 61 two-way movements in the AM and 58 two-way movements in the PM. This would likely result in an increase in traffic to one per minute from one every two minutes although this is unlikely to have a significant impact on the surrounding highway network as such the Highway Authority would not be able to uphold an objection on traffic impact grounds.

### Travel Plan

As with the previous planning application the applicant has submitted a Travel Plan. This has been assessed by the Travel Plan Team .... From reading the report it appears that all the points raised from the previous audit have now been addressed. Furthermore the Travel Plan will need to be secured via a S106 agreement.

### Internal Design

[A number of detailed comments have been provided regarding the detailed design of the internal road layout, with advice given to the future designers. However, in the context of this outline application, they have not been repeated here].

Finally a footway/cycleway runs alongside the western boundary of the proposed site. The applicant would need to provide details of how this is going to tie into the proposed estate road. From the details provided on the submitted drawing the footway/cycleway will connect directly into the back edge of the carriageway. As a consequence the applicant will need to provide a feature at the end of the footway/cycleway to make cyclists dismount prior to entering the highway.

### Flood Risk Assessment and Site Drainage

The application was accompanied by a Flood Risk Assessment (FRA) in support of the proposal. This document has been audited by the Highway Authority and has the following observations to make.

In terms of the proposed surface water management strategy it doesn't make any particular reference to the collection of run-off from roofs and driveways and as

such it is assumed therefore that the strategy proposed is for the collective run-off from all impermeable areas in the development. It must be assumed that in the absence of any reference in the report the author has discontinued any potential use of infiltration on this site based on the likely ground conditions. This being the case the strategy will result in an increase in volume of run-off and this will need to be considered against the Taunton Deane Core Strategy drainage policies.

The FRA has proposed to drain the western side of the development into a storage tank alongside the road is noted but there are concerns with the proposal to discharge into the sewer in the public highway. Wessex Water's sewer records show that the nearest surface water sewer is in Milsom Place which rises off the eastern side of Dene Road. The only sewer on record in Dene Road is a foul sewer that crosses from east to west from South Villas. The presence of road gullies in Dene Road would indicate some form of carrier drain to serve the highway but there is no information relating to this on the Highway Authority's drainage records. If the applicant is proposing to utilise this drain to serve to collect run-off from the site, then its status will change to a sewer and will need to be upgraded to meet the required standards of the adopting water authority. This highway drain must be considered as being suitable for its current purpose, the collection of run-off from public highway only, and no allowance will be made to accept run-off from the development on the basis of current exceedance flow from the land.

The exact location and construction of the tank will need to be carefully considered as it is close proximity to the internal access road. It is presumed that the tank will be offered to Wessex Water for adoption. It would also appear that this tank will be designed to accept the surface flood pathway for events over the 1 in 30 year storm and this will need careful consideration as it could entail the incorporation of additional features into the road design.

### Conclusions

To conclude the proposal would result in an increase in vehicle movements along this section of the adopted highway. However from interrogating the figures it appears that it would only result in one additional movement every minute as a consequence the traffic impact is not considered severe. The Travel Plan is considered to be broadly acceptable although there are some minor amendments that need to be addressed. Furthermore this would need to be secured via a S106 agreement.

The internal layout is broadly considered to be acceptable in principle but the applicant would need to take note of the points raised above in particular where the footway/cycleway joins the proposed estate road.

Therefore based on the information set out above the Highway Authority raises no objection to this proposal and if planning permission were to be granted the following conditions would need to be attached.

*BIODIVERSITY* – Refers to comments on application 43/13/00012, which stated:

The agricultural field is surrounded by established hedgerows with some mature trees. The NW hedgerow includes a shallow ditch. There is a field pond adjacent to

the northern corner of the field and a small copse on the southern boundary. There are no built structures on site.

Country Contracts carried out a Protected Species Survey in April 2012. Findings of the survey were as follows:

Bats - The surveyor noted one tree which had potential for bats, a mature oak in the eastern corner of the field. On examination, there was no indication of bats using this tree.

The boundary hedges are likely to provide foraging and commuting for bats, potentially including lesser horseshoe bats from a roost at Norton Manor 1.4km to the east.

I agree that the development should provide roosting opportunities for bats in the new build. Lighting of hedgerows should be kept to a minimum.

Reptiles and Amphibians - The pond has no aquatic vegetation and is very shallow. No reptiles or amphibians were found, although the hedge bases and rough grass around the pond have potential for reptiles and amphibians.

Birds - The boundary hedges, overgrown vegetation and trees on site all provide nesting opportunities for birds.

The hedgerows, with the exception of sections along the western boundary which in parts are largely bramble, will be retained.

Removal of vegetation should take place outside of the bird nesting season.

I support the recommendation to provide bird boxes in the new development

Badgers - A badger sett with two active entrances was found in the SE corner of the site field adjacent to the copse. The status of this sett should be confirmed by survey prior to any development. The proposal is to retain a 20m buffer around the sett.

Dormice - The hedgerows, which are heavily flailed, are considered less secure and productive for dormice. The hedgerows would benefit from more sympathetic management

To conclude this survey is within date for consideration but was carried out nearly two years ago, so it is possible that the situation on site may have slightly changed. Indeed the report does state in the introduction that "If the period of time between the survey and commencement of development extends more than 12 months then a further survey must be commissioned"

I would like to see some biodiversity gain from this development so suggest conditions to achieve this

*HOUSING ENABLING* - 25% of the new housing should be in the form of affordable homes. This equates to 8.25 affordable units based on the 33 dwelling scheme, the 0.25 will be based on a financial contribution ring fenced for affordable housing within the Borough. The tenure split is 60% social rented 40% intermediate housing. The requirement is for house rather than flats. The unit mix should include 1b2p maisonette style houses with separate access way, 2b4p and 3b5p houses for rent. The majority of the shared ownership should be 2b4p houses with possibly a couple

of 3b5p houses subject to further discussions in relation to affordability.

Proposal involving affordable housing should be discussed at the earliest opportunity with the Borough's Housing Enabling Lead. The affordable housing scheme, including details of the unit mix, layout, tenure and location of the affordable housing must be submitted to and approved in writing by the Housing Enabling Lead at Taunton Deane Borough Council.

The affordable housing should meet the Homes and Communities Agency Design and Quality Standards 2007, including at least Code for Sustainable Homes Level 3 or such Standards which may supersede at the date of approval of the full application / reserved matters application.

The developer should seek to provide the Housing Association tied units from Taunton Deane's preferred affordable housing development partners list.

A local connection clause is to be included within the S106 agreement to prioritise the homes for local people.

*DRAINAGE ENGINEER* – Further to comments on the previous application, notes that discussions have taken place with Somerset County Council Highways and service manager regarding disposal and treatment of run-off from highway areas. In the FRA for this application dated 20 June 2014, it has been stated that drainage rates have been agreed at a level of 2 litres/second/ha and that flows will be spilt, discharging to a local watercourse and SCC's adopted highway drainage system.

The Environment Agency are currently revising their Local Flood Risk Standing Advice for the Taunton area which may change again allowable discharge rates. It should be noted that run-off from impervious areas only should be assessed when arriving at total discharge rates and storage volumes with no allowance given to run-off from undeveloped areas and parking areas discharging to underground strata for which porosity tests will have to be carried out. It is also noted that design standards and discharge rates for the connection to the County Council's highway sewer have not been finalised. The above points should be checked with Somerset County Council service managers.

A condition is recommended that a detailed drainage scheme should be submitted for approval prior to the commencement of development.

*WESSEX WATER* - The site will be served by separate systems of drainage constructed to current adoptable standards. Please see Wessex Water's Advice Note 16 for further guidance. There is current adequate spare capacity within the local water supply network to accommodate proposed development point(s) of connection to be agreed; buildings above two storeys will require on site boosted storage.

The applicant has indicated surface water disposal via Suds arrangements which will require the approval of your Authority. Elements of this system may be adopted by Wessex Water; details to be agreed.

Wessex Water comments on foul drainage contained within the Flood Risk Assessment submitted with the application date from 2012. Since this time we have advised:

- Wessex Water is aware that sewer flooding can occur within the downstream catchment following heavy rainfall.
- If the development of 50 dwellings proceeds to secure planning permission Wessex Water will need to prioritise further appraisal works.
- Foul water connections may require improvement works to reduce the risk of downstream sewer flooding.

[Further to this formal response, Wessex Water have confirmed that they will rectify any deficiencies in the existing system themselves and do not require contributions from this development to address the problem].

*ENVIRONMENTAL PROTECTION CONTAMINATED LAND* – No comments received.

*LEISURE DEVELOPMENT* – In accordance with Local Plan Policy C4, provision for play and active recreation should be made for the residents of these dwellings.

On an outline application proposal of 33 dwellings, assuming they will all be family size 2 bed + dwellings on-site children's play facilities of 20 square metres per dwelling giving a LEAP+ will be required. This should be centrally located, overlooked by the front of properties to provide natural surveillance and away from the main access road. Open Spaces should be asked to comment on the design and equipment proposed.

The provision of on-site allotments is to be welcomed as there is a known shortage of allotments within Cotford St. Luke which this development would exacerbate. Open Spaces should be asked to comment on the size and layout of the proposed allotments and related parking.

*PLANNING POLICY* – Comments on planning application 52/13/0012

The Council is in the process of preparing its Site Allocations and Development Management Plan (SADMP). This document will establish the precise scale and location of future allocations in Cotford St Luke.

The Council published a Preferred Options consultation in October 2013, which included this site as part of a proposed allocation with land immediately to the north at Highlands. The extent of the proposed allocation was defined on the basis that a singular, larger allocation comprising either of the two sites was likely to have an unacceptable landscape impact. This site is likely to be recommended for inclusion in the draft plan.

The adopted Core Strategy proposes that Cotford accommodate a share of a total allocation of at least 250 dwellings in the Minor Rural Centres. This is an application for up to 30 dwellings and 3 live/work units, a reduction on the previous application (ref 53/13/0012) which was for up to 44 dwellings. Land to the north at

Highlands is being promoted for c 110 dwellings with a further 60-70 suggested on a site to the north. However, it is apparent is that the village need not accommodate all three sites.

It is accepted that at present the presumption in favour of sustainable development should apply, since plans setting out precisely where and how much new housing should go to the village are not yet in place, although the Core Strategy has established broad parameters. Decisions about the most appropriate location(s) for growth in Cotford would ideally be taken by the SADMP, particularly when there is little real meaningful basis for a comparison between options. However the Council was unsuccessful in in similar circumstances with a recent appeal in North Curry after refusing a residential application on prematurity grounds.

The Policy Team is supportive of the proposed new employment opportunities proposed by the application. This is consistent with the Council's wish to see new employment opportunities created in Cotford to assist its sustainability. Since the provision of new opportunities in the village was considered by the pre-requisite to further allocations, it will be important to ensure that appropriate conditions are used to secure this element of the proposal.

The applicant places a good deal of emphasis on the latest housing land supply position as set out in the Borough Council's SHLAA. The Borough Council has identified sufficient land to meet a five percent buffer as set out in the Framework. It has not sought to argue that it could meet the requirements of a 20% buffer, or even a 5% buffer if shortfall to-date in provision is met upfront (although it is extremely close to being in a position to do so on its own housing supply figures). Officers acknowledge that this proposal would contribute towards the Council's five year housing land supply.

With three sites with comparatively little basis to distinguish between, there is a risk that approving this application would prejudge the outcome of the DPD for the village, although this argument in itself was unsuccessful for the Council in a previous planning appeal in North Curry.

*POLICE ARCHITECTURAL LIAISON OFFICER* - Having reviewed the documentation submitted in support of the application, I would make the following comments:-

Design & Access Statement – the DAS contains a reference to para. 58 of the NPPF which refers to new developments creating safe and accessible environments, where crime and disorder or the fear of crime, do not undermine quality of life or community cohesion. In addition, Section 5 of the DAS headed 'Crime Prevention' goes into some detail as to how the design of this development has been developed to comply with this requirement. This indicates to me that the applicant has taken into account crime prevention measures in the design of this development, the majority of which I am in agreement with as indicated below.

Crime & ASB Statistics – reported crime during the period 01/08/2013-30/07/2014 for the area of this proposed development(within 500 metre radius of the grid reference) is as follows:-

Burglary - 2 Offences (comprising 1 commercial and 1 non-dwelling)

Criminal Damage - 7 Offences (incl. 2 criminal damage to dwellings and 3 criminal damage to vehicles)

Drug Offences - 2

Theft & Handling Stolen Goods - 7 Offences (incl. 1 unauthorised taking of motor vehicle and 1 theft from motor vehicle)

Violence Against the Person - 18 Offences (incl. 5 assault ABH, 8 common assault and 3 Harassment/Provoke Fear of Violence)

Total - 36 Offences

This averages less than 1 offence a week, which are low crime levels. Peak offending days are weekends and times early evening and around midnight. Anti-Social Behaviour reports for the same period and area total 18, which are also low levels.

Layout of Roads & Footpaths – vehicular and pedestrian routes appear to be visually open and direct and should not undermine the defensible space of the development. The use of design changes such as rumble strips, changes in road surface colour or texture or similar features can also help define defensible space, giving the impression that the area beyond is private and deterring unwanted visitors. The cul-de-sac nature of the development also has some advantages over other layouts in that it can help frustrate the search and escape pattern of the potential offender.

Layout & Orientation of Dwellings – dwellings should be positioned to face each other to allow neighbours to easily view their surroundings and thus make the potential offender feel vulnerable to detection. From the Illustrative Layout this generally seems to be the case. The DAS also indicates that the majority of dwellings are 'back to back', which is also recommended as this helps deter unauthorised access to the rear of dwellings where the majority of burglaries occur.

Dwelling Boundaries – although not particularly clear from the Illustrative Layout, it is important that boundaries between public and private areas are clearly defined. In this regard, it is desirable that dwelling frontages are open to view, so walls, fences and hedges should be kept low, maximum height 1 metre. More vulnerable areas such as exposed side and rear gardens need more robust defensive barriers by using walls, fencing or hedging to a minimum height of 1.8 metres. Gates providing access to rear gardens should be the same height as this fencing and lockable.

Communal Areas – have the potential to generate crime, the fear of crime and anti-social behaviour and should be designed to allow supervision from nearby dwellings with safe routes for users to come and go. In this regard, I have some concerns regarding the location of the Play Area and Natural Play Area in the Community Open Space. The Play Area appears to be overlooked by one dwelling only and the Natural Play Area is not overlooked at all, being in an isolated location on the north/east edge of the Communal Space. The proposed circular walk around this space also passes close to both Play Areas and, particularly where it passes through the Woodland Copse, could also pose personal safety concerns. In my view, from a safeguarding children perspective, the Play Areas should be relocated to an area in the centre of the proposed development with good all-round natural surveillance opportunities from nearby dwellings.

Car Parking – with the exception of Plots 9-16, which appear to be allocated parking spaces opposite the dwellings, the majority of parking appears to be on-plot garages or parking spaces, which is the recommended option.

Planting – should not impede opportunities for natural surveillance or create

potential hiding places and, in areas where visibility is important, shrubs should be selected which have a mature growth height of 1 metre and trees should be devoid of foliage below 2 metres, so allowing a 1 metre clear field of vision.

Street Lighting – all street lighting for both adopted highways and footpaths, private estate roads and footpaths and car parks should comply with BS 5849:2013

Physical Security of Dwellings – the applicant is advised to formulate all physical security specifications of the dwellings i.e. doors, windows, security lighting, intruder alarm, cycle storage etc in accordance with the police approved 'Secured by Design' award scheme, full details of which are available on the SBD website – [www.securedbydesign.com](http://www.securedbydesign.com).

I note that, if planning permission is granted, some of the more detailed matters will be addressed at the Reserved Matters stage and I would be pleased to be of further assistance at that time.

*SCC - CHIEF EDUCATION OFFICER* – No comments received.

*SCC - DEVELOPMENT CONTROL ARCHAEOLOGIST* - 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.

*SCC - FLOOD RISK MANAGER* – No comments received.

*SCC - RIGHTS OF WAY* – No comments received.

## **Representations**

### Somerset Wildlife Trust

“We have noted the above mentioned Planning Application submitted on behalf of Notaro Homes by Pegasus Planning. We have also noted that this Application replaces 53/13/0012 which was previously withdrawn. We note that the Authority's Biodiversity Officer has referred back to her comments on 53\13\0012 when commenting on 53\13 \0008. We would similarly refer back to our previous comments. However at that time we were referring back to an Ecological survey which was already 2 years old. We are concerned that the latest Application does not appear to include an Ecological Appraisal or Wildlife survey. As far as we can see the only reference to wildlife is 1 page of the Design and Access Statement which refers to Ecology and Nature Conservation. This is insufficient. Either the previous report needs updating with regard to this Application or else a new report should be provided. In the absence of this information, we object to this Application.

### RSPB South West

- Concerned that the recommendations in the Protected Species Survey would

- not meet the Council's obligations to protect and enhance biodiversity.
- Developments on greenfield sites create a different eco-system where species that habituate our houses and gardens have potential to thrive. An ongoing management plan should enable them to do so.
- Measures that encourage new residents and other occupants to take responsibility – such as private nest boxes/cups – are preferable to heavily managed public spaces that can be vandalized and need maintenance.
- Permanent nesting cavities within buildings should be explored; advice given regarding locations.

11 letters of OBJECTION/CONCERN raising the following comments:

- The village is already more than double that originally planned. There are many empty properties in the village. The originally proposed employment and shops never materialised, so no further housing can be considered to be sustainable.
- The school is overflowing.
- A reduction to 30 dwellings makes no difference to the proposal – the impacts would be the same.
- Traffic to and from Cotford St. Luke would be worse.
- Surface water would still flow onto the main exit road to the south of the site. The road already floods and other infrastructure is inadequate.
- The additional traffic on Dene Road would be dangerous for pedestrians and make driving difficult. The road is not wide enough to accommodate any increase and access/egress from South Villas requires both sides of the road and visibility is poor. People drive in the middle of the road to avoid the overgrowth and debris at the sides.
- The transport statement is inaccurate in its assessment of Dene Road. At the Local Plan Inquiry in 1993, the Highway Authority concluded that it would not be appropriate to increase traffic levels on Dene Road without comprehensive improvements. Other further development at Milsom Place and Dene Barton Hospital has already increased traffic on the road beyond the intended quiet cul-de-sac when the village was developed.
- Along with the Orchard Lodge development, the proposal would create 5 accesses onto Dene Road within 30 yards.
- If the two fields are joined, then a rat-run will be created.
- There are no details of the proposed access from Dene Road.
- The development will be detrimental to the views from the Quantock Hills AONB.
- The development contravenes the original plan to keep development in Cotford St. Luke west of Dene Road. Dene Road should remain the village boundary. This was promised by TDBC and previous applications have been refused for being outside the development boundary and detrimental to the rural character of Dene Road.
- The site is agricultural land.
- The site is very close to a military base.
- Properties in North Villas, South Villas and West Villas would be devalued.
- Other sites in the village are more suited to development. No decision has been made on potential new allocations, so this site remains contrary to the development plan.
- Dwellings in North Villas will be overlooked.

- The development is not being proposed jointly with the site to the north, as advocated by the SADMP and therefore, will not limit encroachment into the countryside as advocated by the emerging plan.
- Development will have a significant visual impact due to the steep topography and views from the south. Dene Barton to the south was dug into the ground to limit views.

In the context of an objection, the following comments were made in the event that planning permission is granted:

- The hedgerow fronting Dene Road should be left in situ.
- Support the provision of allotments, but they are poorly located in a low lying heavy clay area with poor drainage. Land to the north of the site around the orchard area would be preferable. Conditions should ensure that the allotments, play areas etc. are provided before the final houses have been completed.
- SUDS should be used to reduce flood risk. The topography would result in run-off flowing onto the footpath and down the road to the stream.

## **PLANNING POLICIES**

SD1 - SD 1 TDBC Presumption in Favour of Sustain. Dev,  
 CP1 - TD CORE STRAT. CLIMATE CHANGE,  
 CP8 - CP 8 ENVIRONMENT,  
 SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,  
 SP4 - TD CORE STRATEGY REALISING THE VISION FOR THE RURAL AREAS,  
 CP4 - TD CORE STRATEGY - HOUSING,  
 CP6 - TD CORE STRATEGY - TRANSPORT AND ACCESSIBILITY,  
 CP7 - TD CORE STRATEGY - INFRASTRUCTURE,  
 DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,

## **LOCAL FINANCE CONSIDERATIONS**

The application is for residential development outside the settlement limits of Taunton and Wellington where the Community Infrastructure Levy (CIL) is £125 per square metre. Based on current rates, the CIL receipt for this development is approximately £324,375.

The development of this site would result in payment to the Council of the New Homes Bonus.

### 1 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£37,569
Somerset County Council (Upper Tier Authority)	£9,392

## 6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£225,415
Somerset County Council (Upper Tier Authority)	£56,354

## **DETERMINING ISSUES AND CONSIDERATIONS**

The main issues in the consideration of this application are the principle of the development, the site's location, accessibility and links to the existing built form, landscape and visual impact, highway impact, impact on surrounding properties, the impact on community facilities/infrastructure, flood risk and the impact on wildlife.

### Principle of development

The site adjoins, but is outside the settlement limit for Cotford St. Luke. It is, therefore, contrary to the development plan, specifically Policy CP8 of the Core Strategy which restricts development outside settlement limits. Policy SP1 of the Core Strategy identifies sustainable development locations including Minor Rural Centres, of which Cotford St. Luke is one. The policy states that:

*“New housing development at these locations will include an appropriate balance of market and affordable housing together with some live-work units and will be small scale allocations, sites within the development boundary (primarily on previously developed land) and sites fulfilling affordable housing exceptions criteria outside of development boundaries. For these settlements a total allocation of at least 250 new net additional dwellings will be made through the Site Allocations and Development Management DPD” (SADMP).*

This application proposes 30 dwellings plus 3 live-work units. The indicative layout plan shows that this quantum of development can be accommodated within the area identified in the allocation for housing, the eastern part of the site accommodating public open space, surface water attenuation features, woodland and parkland tree planting and allotments.

At the present time, despite its advanced stage, the SADMP is not adopted and, so, the development plan must be regarded as silent on the precise locations of new housing development within Cotford St. Luke, although the presumption of some additional development is established by the Core Strategy. The decision is therefore one over the location of new housing within the village rather than the outright principle of development.

Given that the plan is silent on the matter of location, the ‘presumption in favour of sustainable development’ set out in Policy SD1 of the Core Strategy and paragraph 14 of the NPPF is formally invoked. This states (quoting SD1) that:

*“...the Council will grant permission unless material considerations indicate otherwise – taking into account whether:*

- *Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the*

*National Planning Policy Framework taken as a whole; or*

- *Specific policies in that Framework indicate that development should be restricted”.*

The benefits of providing some additional housing in the minor rural centres should be taken as read, given the commitments of policy SP1. What has not yet formally been stated as policy is the precise quantum and location of those developments – this being a job for the SADMP. Whilst it is anticipated that Cotford St. Luke will accommodate 60, such is not yet formally adopted policy, nor is the location within the village. That said, if the development can be found to be sustainable in all other regards (discussed below) then the presumption in favour of sustainable development would apply and permission should be granted unless there is significant and demonstrable harm.

Furthermore, the SADMP is currently at an advanced stage of preparation with the plan due to be published for representations in November prior to submission to the Secretary of State. The Council's preferred option included part of the current application site, showing a potential allocation encompassing part of the field subject of this application and part of the field to the north. This is now extremely likely to be rolled forward into the submitted plan, with an allocation 60 dwellings across the two sites and in this situation a prematurity argument is very weak indeed.

Some concern has been made that promises had been made to existing residents when the existing part of Cotford St. Luke obtained planning permission that development would never occur to the east of Old Dene Road. The context of such promises are not known, but it is fair to say that the entirety of the development to date has been to the west and that previous applications to the east have been refused in the past. That said, the current application must be determined on the basis of the current planning policy context and with regard to the NPPF and this matter is not considered to carry significant weight in the determination of this application.

### Mix of development

The application originally proposed to provide 23 market dwellings and 7 affordable homes. If the live-work units are not taken into account, this is only 23% and accounting for the live work units would be just 21%; 33 dwellings would create a need for 8.25 affordable homes. Your officers consider that, whilst the live-work units are a separate policy requirement to the dwellings, they are still residential units and will, as a matter of fact, provide additional dwellings. That said, the live-work units are a different product and it would not be possible to provide 'affordable live-work' units. On this basis, your officers have negotiated a compromise of providing 8 affordable homes and this is considered to be acceptable.

Live-work units are a requirement of Policy SP1 in setting out the overall spatial framework for the Borough and defining the settlement hierarchy. Their provision is, therefore, welcomed in principle. The design and access statement provides the only design indication of the proposed live-work units. The suggestion is to site them on the steepest part of the site, with work accommodation on the lowest level and a two storey dwelling above. This would work well with the levels and allow the

dwellings to retain a private garden to the rear. There may be discussion required as to whether the work area would be best located to the side rather than underneath the dwellings and whether the dwellings above should be 2,3 or 4 bedroom (or a mix), but this can be a matter for the reserved matters application. It is considered that both B1 and D1 (clinics etc.) would be an acceptable use for the work area and this would also broaden the marketability of the units. The use should be limited to planning condition, along with control over occupancy of the dwelling and work accommodation.

#### Location, accessibility and general relationship to the existing built form

The location of the site is such that future residents would be an acceptable distance from the existing facilities in Cotford St. Luke. The existing cycle and footway networks through the village mean that the primary school and village hall are around 600m from the edge of the site and the shop and pub are within around 450m walking distance. Bus services to Taunton are within 250m.

From an aerial photograph, the site, in isolation appears a rather odd addition, jutting out from the side of the relatively compact existing settlement. However, view would never be seen and limiting the built form to the western side of the site means that it relates well to the existing settlement, especially given Dene Barton Hospital and West Villas to the south. The proposed vehicular link to the south and pedestrian link to the north means that the development links well with the existing built form and existing pedestrian/cycle networks around the village. Where it feels detached is along the majority of the western boundary, due to the sunken nature of the 'closed' section of Old Dene Road at this point. Nothing can be done about this, but the detachment from that part of Old Dene Road would go some way to preserving it's rural character, despite being surrounded by housing development and it is not considered to prevent any development at the site from successfully integrating.

The illustrative masterplan indicates that a vehicular link would be provided to the north, into the remainder of the 'preferred' allocation, such would provide good connectivity with future development, should it occur and would re-open Old Dene Road – albeit on a realigned course and through new development – to through traffic. This has met with substantial concern from local residents and the Parish Council who do not want to see the road become a through route again.

If permission were granted, and then assuming that development would continue to the north, the provision of a vehicular link here would certainly provide the best form of connectivity between the developments and the most integrated built form. However, to do so, would potentially lead to an increased amount of traffic past North Villas and, of greater concern, South Villas – where there is no footway. In this circumstance, it seems reasonable to place some weight on local concerns and the assurances that seem to have been given in the past to these residents that the development of Cotford St. Luke and provision of a new through route would result in reduced traffic along Old Dene Road. Whilst a vehicular link would visually integrate the sites well, a good arrangement, if carefully designed, could also be accommodated if this were just a pedestrian/cycle link. The detail of this could be considered in any reserved matters application and controlled by conditions on any grant of outline planning permission. In conclusion, it is considered that a route should be safeguarded for pedestrian and cycle linkage to the north, but that this

should not be open to vehicular traffic.

With regard to the above, the site is considered to be well located within Cotford St. Luke; access to services, facilities and public transport would be possible with ease by foot or cycle.

### Impact on the highway network

The site would be accessed via a new access to the south, which would be formed by extending the closed end of Old Dene Road into the site.

Old Dene Road currently serves 8 dwellings at South Villas, 21 dwellings at Milsom Place and Dene Barton Hospital. Permission has been granted for 24 dwellings at Orchard Lodge and the indicative plans for that application suggests that around 14 of these would be served by accesses from Old Dene Road and Milsom Place. Concern has been expressed by the Parish Council and residents of West Villas that the narrow road, which is reportedly not wide enough for two vehicles to pass in places, together with the lack of footways will result in a detriment to highway safety, particularly for pedestrians wishing to access West Villas.

Information has been submitted regarding the likely traffic impact of the proposal. From the evidence provided, the Local Highway Authority have concluded that traffic flows would be likely to approximately double in the peak hour from one movement every two minutes to one per minute. On this basis, the Highway Authority have confirmed that the impact on the highway network would be acceptable and that they could not support a reason for refusal on the grounds of traffic impact.

Some concern has been raised regarding alteration to southern end of the cycle way as the new length of road enters the site and the proximity of junctions on Old Dene Road. The Highway Authority have noted that the termination of the cycle way where it meets the highway will need some further design work, but it is considered that this is a matter detail that does not need to be agreed before the grant of outline permission. They have been specifically asked to comment on the proximity of junctions, and at the time of writing this is outstanding. Members will be updated at the meeting if necessary.

With regard to the above, the impact on the highway network is considered to be acceptable. The Highway Authority have recommended a number of conditions, but some of these are more relevant to a reserved matters application, such as controlling gradients of roads and private drives. They have recommended that a construction traffic management plan including delivery hours and vehicle routings is imposed. However, vehicle routing is notoriously difficult to enforce and disturbance from construction is better controlled through environmental health legislation.

### Landscape and visual impact

The site is on the eastern side of Cotford St. Luke on rising land. The site itself commands long views over the surrounding countryside to the south, particularly at its eastern end giving the impression that it would be highly visible in the landscape from the site.

However, having viewed the site from the B3227 and around, it is clear that there are actually limited public opportunities to see the site. These are generally limited to small gaps in the hedgerow or accesses and in any case, the site is seen in the context of the existing village. The most prominent part of the site is the eastern side and this is proposed to be used for public open space. It is not considered, therefore, that the development would have a harmful visual impact from the south.

When the previous application was considered, the Landscape Lead was concerned that the site would be visible from the northeast, on approach from the Bishops Lydeard direction and at a greater distance from the A358. Here, the existing dwellings at North Villas are visible in the landscape, but the remainder of the village is hidden from view. With some supplementing of the northern boundary hedgerow and some additional tree planting within the rear gardens of these properties (perhaps 2 trees per plot) the Landscape Lead felt that a suitable northern boundary treatment could be provided that would not lead to a 'raw' edge of development, should the site to the north not proceed. The indicative masterplan now shows some additional woodland planting on the northeastern and eastern parts of the site that will help to screen the development from this direction, and together with the parkland trees suggested in the open space, it is considered that the landscape impact would be acceptable.

The formation of a new access to the south would have a landscape impact in that a new gap would have to be formed in the existing hedgerow. The generally narrowing and 'rural lane' character of Old Dene Road as it approaches the 'closed' section would be eroded and it would more resemble an estate road with two footways and 5.5m carriageway. Such a formal arrangement may jar slightly in the views from the south, as Old Dene Road would change in character. However, the wider road with two footways does start adjacent to the hospital to the south of the site and, although the road will no longer be seen continuing into the narrow section, it is not considered that the change is so harmful as to warrant the refusal of permission on this basis.

It would appear that the access itself could be provided through a gap between adjoining trees, only necessitating the removal of the hedgerow, which would be acceptable in landscape terms. The proposed future landscaping of the site is a reserved matter and, therefore, would appropriately be a condition of that future approval.

#### Impact on surrounding properties

There are neighbouring properties all the way along the western site boundary, on the opposite side of Old Dene Road.

Starting at the northern end, North Villas face the site and are raised up above the highway level. The application suggests that the existing boundary hedge would be removed at this point and new dwellings would be constructed facing the existing dwellings across the road turning this part of Old Dene Road into a two-sided street. This is considered to be the correct approach from an urban design perspective, although it would significantly alter the outlook from the existing residential properties. The supporting information confirms that it is intended that new

dwellings in this location are provided with a separation of 21m from the front elevations of the existing dwellings and this is considered to be acceptable.

Moving south, 1 West Villas has been extended towards the site and now has large windows at ground and first floor looking towards the site. The indicative layout proposed suggests a dwelling that, if conventionally built, may cause some overlooking of this existing dwelling, but again, this can be dealt with at reserved matters stage. The separation distances mean that the development would be unlikely to cause an adverse overbearing impact on this dwelling, although its outlook will be significantly changed.

At the southern end of the western boundary, properties on Milsom Place back onto the site. With regard to the indicative layout, the alignment of dwellings here would likely follow the access road, the location of which is governed by the existing termination point of Old Dene Road. It is unlikely, then, that dwellings on this part of the site would cause unacceptable overlooking of Milsom Place.

The Dene Barton hospital campus on the southern site boundary would not be adversely affected by the development.

#### Impact on/provision of community facilities/infrastructure

This application proposes to provide children's play facilities and allotments. The development would be liable for CIL and, so, no other financial contributions would be required.

Some concern has been raised about school capacity – both Cotford St. Luke Primary School and Kingsmead secondary school in Wiveliscombe. The County Council, as education authority, have not responded to this application as, with the adoption of CIL, they cannot influence the level of contribution from the proposed development. However, in response to previous application, they advised that the two schools were currently operating at or in excess of their design capacity, but that financial contributions could be used to increase the classroom provision. Such would now be funded through CIL.

CIL can also be used to fund improvements/extensions to off-site facilities for active recreation and sports pitches and community hall provision, so the impacts on these facilities are adequately mitigated by the development.

The development would provide on-site allotments and children's play facilities in the form of an enhanced LEAP. This can be required by condition, with future maintenance agreements secured via a Section 106 agreement.

#### Flood risk

The EA no longer provide bespoke advice for residential developments in Flood Zone 1 (the lowest risk zone) such as this. Instead they have produced area specific standing advice to deal with the principles required at application stage, with a

recommendation that detailed drainage strategies are subsequently agreed by conditions attached to a planning permission. Therefore, it is now for the Local Planning Authority to consider whether the submitted FRA complies with the EA's standing advice, and there are a number of criteria to assess it against.

Having assessed the FRA, it is considered it complies with EA standing advice in that it proposes a discharge rate of 2l/s/ha from the site. Surface water would be attenuated on site through open swales and SUDS features and then discharged to the same watercourse that the site currently drains to in its undeveloped state.

Proposals have not yet been agreed for ongoing future maintenance of the SUDS, and it is recommended that this is finalised before permission is granted. However, it is a technical matter and need not prevent a decision on the application.

The Highway Authority have raised concerns that the development might be seeking to discharge surface water to an existing highway drain. However, reading the FRA, this does not appear to be the case, the only flow to the highway drain would be an attenuated flow from the new length of highway – not the wider surface water drainage of the site.

### Impact on wildlife

The application was accompanied by a fairly aged wildlife survey. However, your Biodiversity Officer has agreed that it forms an adequate basis for a baseline assessment of the ecological value of the site due to its findings. The report found that there was limited potential for wildlife to be present on the site, although the trees and hedges may be used as foraging/commuting routes for bats. It is not considered that any protected habitats or species would be harmed by the carrying out of the proposed development and, therefore, with appropriate conditions the protection of any wildlife that does exist on the site can be ensured, together with enhancements through additional landscaping and habitat provision.

### Conclusions

The issues raised in this report have found that the site is capable of being developed without significant harm to existing facilities or neighbouring residential properties. It is considered that the development can be accommodated on site without detriment to the visual amenities of the area. It would not have an unacceptable impact on the highway network and is well located for ease of access to facilities and services by means other than the private car.

Suggestions have been made by the Parish Council and in other representations that the development of the site is premature, ahead of the adoption of the SADMP. However, the emerging plan looks set to allocate this land as part of an overall allocation for 60 dwellings. This application seeks to provide half of that allocation on approximately half of the land and in this context it is not considered that significant weight should be given to a prematurity argument. It is also reasonable to consider the live-work units in addition to the housing requirement as they are stated separately in Policy SP1. Fundamentally, the foregoing discussion has shown that the site would not cause significant or demonstrable harm in respect of any of the

main material considerations and it is well linked to the existing urban area. With regard to the other development plan policies and the NPPF taken as a whole it is, therefore, considered to be sustainable development and it is recommended that planning permission should 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 M Bale Tel: 01823 356454**

**APPEAL DECISIONS FOR COMMITTEE AGENDA – 24 SEPTEMBER 2014**

APPEAL	PROPOSAL	REASON(S) FOR INITIAL DECISION	APPLICATION NUMBER	INSPECTOR'S REMARKS
APP/D3315/C/14/2218684	NON COMPLIANCE WITH AGRICULTURAL TIE AT MANOR FARM, STAPLEGROVE	Enforcement action for unauthorised use.	E0239/34/13	<p>The inspector considered the main issue to be whether the agricultural tie continues to have any useful planning purpose.</p> <p>He found the direct functional need that originally justified the dwelling no longer exists as there is no need to retain Manor Farm specifically to serve the needs of agriculture or forestry. It is not an isolated home in the countryside, the appeal site is sustainably located and any harm that the dwelling may have caused to the character and appearance of the countryside has long been accepted with the site now having a more urban location.</p> <p>The Inspector concluded the appeal should succeed and planning permission should be GRANTED for the dwelling without complying with condition 5 of the original planning permission.</p>

<p>APP/D3315/D/14/2222345</p>	<p>REPLACEMENT OF BEECH HEDGE AND WALL BOUNDARY WITH THE ERECTION OF A FENCE AT 13 JEFFREYS WAY, COMEYTROWE (RETENTION OF WORKS ALREADY UNDERTAKEN)</p>	<p>The metal fence, by virtue of its, design, materials and positioning, appears as an incongruous addition to the street scene, detracting from the character and visual amenity of the area.</p> <p>The fence in this prominent position does not relate well to surrounding areas and fails to respect the nature of the area. As such, it is contrary to Policy DM1.</p>	<p>52/14/0026</p>	<p>The Inspector stated that the retention of the fence was not an act of development. The development is the erection of a fence. Therefore he would amend the description of the proposed development and consider the scheme accordingly.</p> <p>He found that there are some tall roadside fences near to the appeal site while other front boundaries are characterised by low walls often with higher hedges and vegetation behind. Thus while the estate is generally open plan, the partial enclosing of front and side gardens is not unusual to the area. He also stated that the fence is a minor addition to the general street scene and although it is metal, its design and colour, which matches other timber fences, means that it has a domestic, rather than industrial, appearance.</p> <p>The Inspector concluded the appeal should succeed and planning permission should be GRANTED.</p>
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APP/D3315/A/14/ 2219143	Land at junction of A358 and Stoke Road adjoining, Laburnum Terrace, Henlade, Taunton, Somerset TA3 5HP	It has not been satisfactorily demonstrated that surface water can be sufficiently attenuated or that the proposed route of surface water discharge will not give rise to additional off-site flooding to existing residential properties in Lower Henlade. It is, therefore, contrary to Policy CP8 of the Taunton Deane Core Strategy and the advice contained in the NPPF.	31/13/0025	<p>The Inspector found that the proposed layout of the houses would not unacceptably increase the risk of flooding elsewhere. It would accord with the requirements of CP 8 of the Taunton Deane Core Strategy 2011 – 2018 Development Plan Document (2012), that amongst other things, requires development not to exacerbate flood risk with increased water flows. This would be consistent with an objective of the National Planning Policy Framework (the Framework) that requires development to ensure that flood risk is not increased elsewhere.</p> <p>He also noted that Local residents are concerned that the proposed houses would exacerbate traffic levels within the area and have inadequate parking provision within the site but commented the level of proposed parking would be commensurate with the size of the proposed dwelling.</p> <p>The Inspector concluded the appeal should succeed and planning permission should be GRANTED.</p>

APP/D3315/A/14/2 219960	ERECTION OF 5 DWELLINGS WITH GARAGING, CAR PARKING AND VEHICULAR ACCESS AT LAND OFF WHITE STREET, NORTH CURRY (AMENDED SCHEME TO 24/13/0036)	<p>The application site lies outside of the settlement limits of North Curry as defined in the adopted Core Strategy (proposals map) and the proposal is therefore an unsustainable development contrary to Policies SP1 and DM2 of the Taunton Deane Core Strategy.</p> <p>2 The proposed development would be detrimental to the setting of Longs House/Cottage (a Grade II Listed Building) and the North Curry Conservation Area, in particular, the proposed highway access and urban road frontage, the restricted dwelling and plot sizes, its regimented layout, the loss of the surrounding hedge and tree boundary with White Street, contrary to the requirements of Policies CP8, CP1(h) and DM1(d) of the Taunton Deane Core Strategy .</p> <p>3 The proposed development would have a detrimental impact on the semi-rural character of the area which forms the boundary between the built form of the</p>	24/14/0019	The appeal is allowed and planning permission is granted for erection of five dwellings with garaging, car parking, landscaping and vehicular access from White Street on land off White Street North Curry Taunton.
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		<p>development and open countryside beyond and is therefore considered to be contrary to policies CP1(g), DM1(d) and CP8 of the adopted Taunton Deane Core Strategy.</p> <p>4 The proposal does not provide a suitable means for securing the appropriate affordable housing, the Sustainable Urban Drainage scheme for the site, or a Travel Plan, and therefore is contrary to policies CP4, CP6 and CP7 of the adopted Taunton Deane Core Strategy.</p>		
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**APPEALS RECEIVED FOR COMMITTEE AGENDA – 24 SEPTEMBER 2014**

<b>APPEAL NO</b>	<b>PROPOSAL</b>	<b>APPLICATION NUMBER</b>
APP/D3315/A/14/2223665	ERECTION OF 4 NO. DETACHED DWELLINGS WITH GARAGES AND ASSOCIATED WORKS ON LAND TO THE SOUTH OF THE COACH HOUSE, SIDBROOK, WEST MONKTON	48/13/0082