

PLANNING COMMITTEE AGENDA - 7th May 2014

Applications of a non-delegated nature

- | <u>Item No.</u> | <u>Description</u> |
|-----------------|---|
| 1. | 13/01605/MFUL - Erection of a 500kW anaerobic digester and associated works with 4 silage clamps at Land at NGR 299621 112764, (Red Linhay), Crown Hill.
RECOMMENDATION
Grant permission subject to conditions. |
| 2. | 14/00222/FULL - Retention of an agricultural shed at Land and Buildings at NGR 301158 107743, (Adj Birchill Stud Farm), Growen Lane.
RECOMMENDATION
Grant permission subject to conditions. |
| 3. | 14/00285/FULL - Change of use from public house to B1(a) office use at The Mulberry, Cheriton Bishop, Exeter.
RECOMMENDATION
Grant permission subject to conditions. |
| 4. | 14/00359/FULL - Retention of an agricultural storage building at Land at NGR 291225 112623, Withleigh Lane, Withleigh.
RECOMMENDATION
Grant permission subject to conditions. |
| 5. | 14/00362/FULL - Change of use of land from agricultural to the storage of motor vehicles at Land and Buildings at NGR 291211 112639 (North West of Westfield), Withleigh Lane, Withleigh.
RECOMMENDATION
Grant permission subject to conditions. |
| 6. | 14/00368/FULL - Installation of ground mounted PV solar farm to generate up to 250kW of power (site area of 0.48 ha) at Land at NGR 304454 108728 (Behind Kingsford Rural Business Centre), Kentisbeare, Devon.
RECOMMENDATION
Grant permission subject to conditions. |

Application No. 13/01605/MFUL

Plans List No. 1

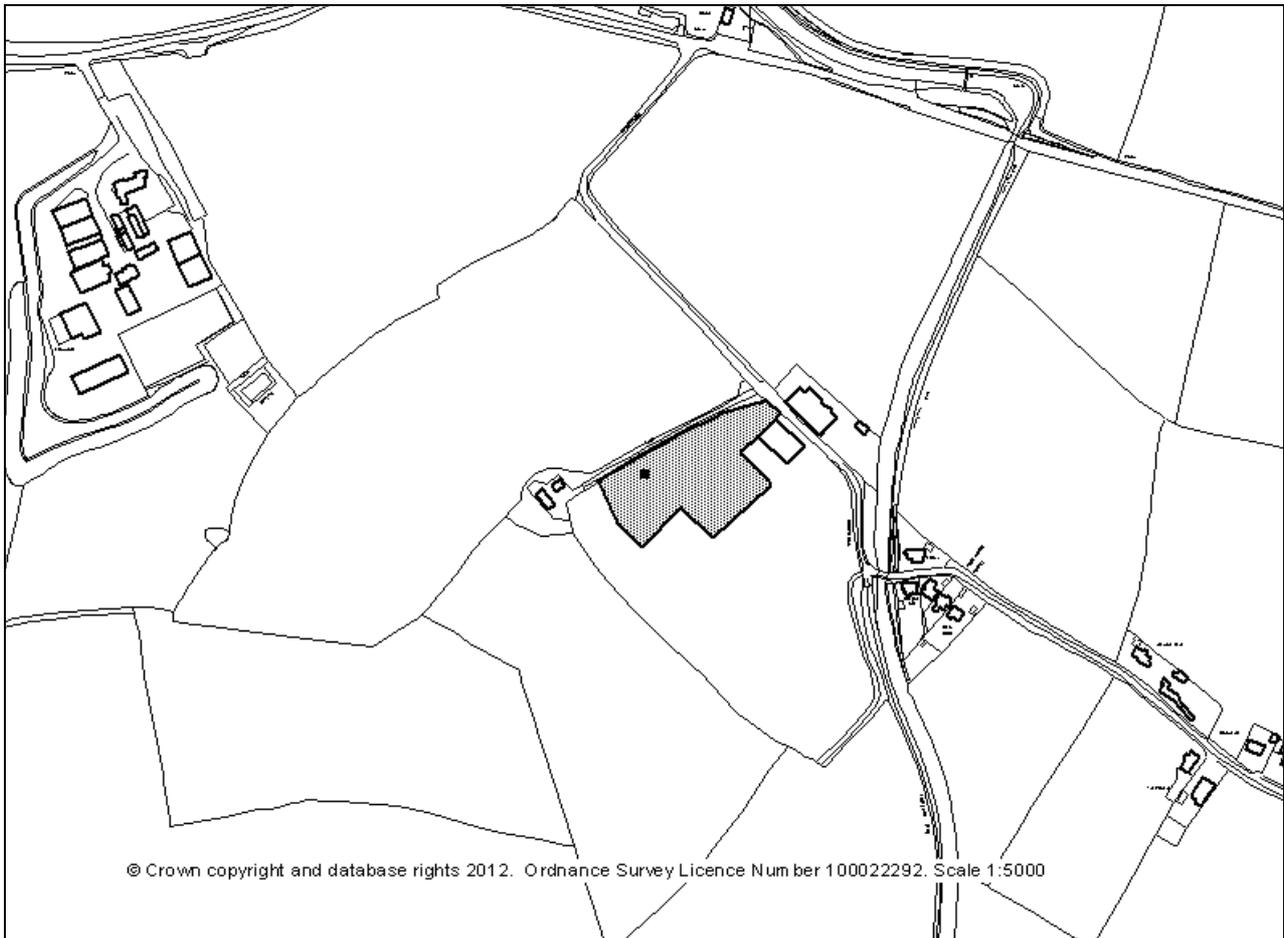
Grid Ref: 299621 : 112764

Applicant: Greener For Life
Energy Ltd

Location: Land at NGR 299621
112764 (Red Linhay)
Crown Hill

Proposal: Erection of a 500kW
anaerobic digester and
associated works with
4 silage clamps

Date Valid: 10th January 2014



Application No. 13/01605/MFUL

RECOMMENDATION

Grant permission subject to conditions.

PROPOSED DEVELOPMENT

The proposed development is for the installation of an anaerobic digester (AD) to generate 500kW of electricity converted from biogas via a combined heat and power unit (CHP). Some of the power will be used to run the site with the remainder exported to the National Grid. The site is a pasture field which forms part of the Hartnoll Farm agricultural holding accessed via the existing access on Crown Hill and is adjacent to existing agricultural buildings associated with Hartnoll Farm.

The AD plant comprises:

- A digester tank: height 7m, diameter 24.9m and capacity 4300 cubic metres with a gas collection dome above of height 4.8m.
- A digestate storage tank: height 7m, diameter 24.8m and capacity of 4500 cubic metres.
- A buffer tank: height 4m and diameter 8m.
- A control cabin housing the control panels for the anaerobic digester: 12 long, 3m wide, and 2m high
- A CHP unit: 12m long and 2.6 m wide and 7m high contained in an acoustic box
- A solids feeder tank: 9.2 m long, 3.8m wide and 2.8m high
- A separator frame and clamp: 9m long, 7m wide, and 5.5m high
- Silage clamps comprising four bays: 14.7m wide, 29m long by 4.6m high proposed to hold silage
- A concrete yard for vehicular movements
- A GRP kiosk to house metering circuit breaker

The digester tank, digestate store, buffer tank, separator frame and clamp and solids feeder would be contained within a bund recessed into the ground by 1.4 metres. The overall area covered by the plant will be approximately 0.91 hectares.

The AD will be fed by approximately 13,925 tonnes of feedstock per annum comprising the following:

- Cow slurry - 2,000 tonnes
- Farmyard manure - 1,000
- Chicken manure - 2,000 tonnes
- Maize silage - 4,444 tonnes
- Grass silage - 2,981 tonnes
- Beet - 1500 tonnes

No animal by-products will be processed at the plant. The manures will be sourced from Swanhams Farm located approximately 4.25 km east of Halberton and Rix Farm located immediately north of the A361 between Tiverton and Bolham. The maize, grass and beet silage will be sourced from a number of local sites named by the applicant as Hartnoll Farm, Manley Lane, Maunders and 'Plots' all located within approximately 3km of the AD site and Wellington Farm which is located approximately 20km away.

The resulting products from the AD plant are digestate, heat and biogas which generate electricity via the CHP unit. The heat will be used on site to heat the digester and control cabin. The digestate will be in two forms, liquid and solid and used as a soil conditioner/fertiliser on land at Hartnoll Farm and Manley Lane. The electricity will be used to run the plant itself and the rest exported to the National Grid.

APPLICANT'S SUPPORTING INFORMATION

Waste Minimisation Statement

Odour Management Plan (dated March 2014)

Appendix 10 (showing Swanhams farm and Rix Farm - chicken, farmyard and slurry source sites)

Photograph (to illustrate GRP kiosk to house HV metering circuit breaker)

Nutrient Management Plan
Manure Management Plan
Written Scheme of Investigation for Archaeological Watching Brief
Landscape and Visual Impact Assessment
GroundSure - Flood Insight report
Pre-Development Flood Risk Assessment
Extended Phase 1 Habitat Survey Report
Envirocheck Report
Volume 1 - Supporting Information (Post Submission Amended) - February 2014
Volume 2 - Process Information - November 2013
Transport Statement - October 2013
Volume 3 - Environmental Review (post Submission Amended) - February 2014

PLANNING HISTORY

08/00282/PNAG Prior notification for the erection of an agricultural storage building - No objection
12/00585/PNAG Prior notification for the erection of an agricultural storage building
PRIOR APPROVAL REQUIRED - LETTER SENT 17TH MAY 2012 - No objection
12/00630/FULL Erection of an agricultural livestock building - PERMIT - June 2012

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR1 - Sustainable Communities
COR2 - Local Distinctiveness
COR5 - Climate Change
COR18 - Countryside

Mid Devon Local Plan Part 3 (Development Management Policies)

DM1 - Presumption in favour of sustainable development
DM2 - High quality design
DM5 - Renewable and low carbon energy
DM6 - Transport and air quality
DM7 - Pollution
DM8 - Parking
DM22 - Agricultural development
DM27 - Development affecting heritage assets

Devon Waste Local Plan WPC1 (Sustainable Waste Management)

CONSULTATIONS

Mr Mark Baker - 06.02.2014 - The Joint Advisory Committee (JAC) recognises the pressing need for alternative sources of energy, minimisation of waste and agricultural diversification. It holds no general view on anaerobic digesters. The committee however is concerned about the location of the proposed plant within such close proximity to the Country Park. The Grand Western Canal serves as recreational green space for the wider area and this section sits within an attractive rural landscape which is part of that amenity value. The proposed plant is large, and will contribute to altering the character of the immediate area, especially when seen as a further addition to the recently erected large agricultural shed on the same site. The JAC considers the combined impact to be significant and detrimental to the amenity of the country park. Secondly the committee is concerned about the additional heavy vehicle movements on the narrow, winding access road. The stretch connecting Crown Hill to the main Tiverton-Halberton road is very narrow and has blind, right angle bends. The recent road closure in Lower Town, Halberton caused a very temporary increase in traffic on the lane and the impact was significant. Vehicles frequently had trouble negotiating the route as they met large vehicles on the single track road. Quite a small increase in traffic has also resulted in very rapid degradation to the roadside verges and banks as vehicles have sought to pass. Additional heavy vehicle traffic on that route is undesirable and will reduce access amenity to Canal visitors.

The route to the site from Lower Town, Halberton and Ash Thomas is even less suitable as towpath users must use the road to cross the bridge as the towpath changes from one side of the canal to the other at this point. We understand that the applicant does not intend to use this route for heavy vehicle access. Should the application be allowed the committee feels that the planning committee should apply a condition ensuring access is not via that route in so much as that is within the planning committee's powers.

HIGHWAY AUTHORITY - 24th January 2014 - The Highway Authority has considered the application and has the following comments to make. The proposed development as described by the application details will give rise to a reduction in traffic, if the pumping system to Hartnoll Farm is installed and conditioned and that the feed materials are sourced from the farms identified (including Hartnoll Farm). On this basis the Highway Authority would have no objection subject to the identified farms being secured for the feed stocks and the delivery of the digestate by condition or legal agreement. Without which the applicant would be able to source the feed stock and deliver to alternative locations which would be an increase in the traffic generated by this development and highway improvements along Crown hill would be sought in the form of passing places.

However the Local Planning Authority will, be aware of the emerging review of the local plan and the potential for Hartnoll Farm to be included for development. It is a matter for the Local Planning Authority to consider the impact that such allocated development would have in terms of increased traffic on the network and the increase in traffic of feed stock deliveries as a result of the digestate being delivered to an alternative location and feed stock being received from alternative locations to this application site and the need for highway improvements resulting at the future date for the allocated development.

The Local Planning Authority may wish to future proof this application and negate the need for conditions over the use of the farms identified, which may prove difficult to enforce, by conditioning the provision of passing places along Crown Hill. The applicant is in control of land which would be necessary for such provision in the land edged blue and the number can be determined through the appropriate design. The Local Planning Authority may wish to discuss this with the applicant prior to a consent being granted and the Highway Authority would seek the advice of the Planning Authority prior to seeking any conditions.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, MAY WISH TO RECOMMEND CONDITIONS ON ANY GRANT OF PLANNING PERMISSION:-

ENVIRONMENT AGENCY - 13th January 2014 - While we have no objections to the proposal, we wish to make the following comments.

Flood Risk.

The site is under 1ha and in Flood Zone I , therefore we will not be commenting in detail on the Flood Risk Assessment, I do note there is a commitment to SUDS.

Water Quality.

Please refer to the Agricultural Development Guidance notes for the appropriate conditions and informatives.

General.

The proposed activity may require an Environmental Permit, the applicant is advised to discuss the proposal with our National Permitting Team (03708 506 506).

HALBERTON PARISH COUNCIL - 29th January 2014 - The Parish Council recommended refusal and its recommendation was unanimous based on the following:-

- i. Single lane road access to the application site is totally unsuitable for industrial type use.
- ii. No animal or bird waste is produced on Hartnoll Farm and would therefore lead to an inevitable increase of additional heavy vehicular movements through Halberton.

- iii. Grade I is the most versatile land and should be used for the production of food and not for the production of industrial use crops.
- iv. The digester would have an unacceptable impact on the amenities of nearby properties.
- v. The digester building would visually impair the setting of the Grand Western Canal and the surrounding area.
- vi. Smells emanating from the digester site could be at an unacceptable level both for local residents and users of the Grand Western Canal.
- vii. No additional employment would be created.

In addition it was recommended that:-

- i. an archaeological survey should be made of the proposed site.
- ii. In the event of Mid Devon District Council's Planning Officer being minded to grant permission, that the application should be determined by Mid Devon District Council's Planning Committee and therefore be called in.

The Clerk to liaise with Mid Devon District Council about this matter.

27th February 2014 - The Parish Council was of the view that nothing of significance had altered in relation to the application, despite the revised information/drawings. The objections submitted to Mid Devon District Council by the Parish Council previously, were unaltered other than Mid Devon District Council to be advised that as far as the Parish Council was aware the provision of a digester would not create one single extra job.

12th March 2014 - The Parish Council was of the view that nothing of significance had altered in relation to the revision and therefore the previous comments of the PC remain unaltered.

ENVIRONMENTAL HEALTH - 26th February 2014

Contaminated Land - No objections
 Air Quality - No objections
 Drainage - No objections
 Noise & other nuisances - Noise and Odour assessments required.
 Housing Standards - N/A
 Licensing - N/A
 Food Hygiene - N/A
 Health and Safety - No objections

5th March 2014

Contaminated Land - No objections
 Air Quality - No objections
 Drainage - No objections
 Noise & other nuisances - Noise and Odour assessments required.
 Housing Standards - N/A
 Licensing - N/A
 Food Hygiene - N/A
 Private Water Supplies - No objections
 Health and Safety - No objections

12th March 2014

I am satisfied with the noise and odour submissions and am happy to state that I have no objections to this proposal.

DEVON & CORNWALL POLICE AUTHORITY - 17th January 2014 - no comment

WILLAND PARISH COUNCIL - 28th January 2014 - No observations.

HISTORIC ENVIRONMENT SERVICE - 31.01.2014 - The information submitted in support of this application does not consider the impact of the proposed development upon the archaeological resource. The application area lies in an area of high archaeological potential. Recent archaeological work in the vicinity has identified the presence of several funerary monuments in the fields to the north and west. Findspots of prehistoric tools are recorded in fields to the west and geophysical surveys undertaken there indicate the below-ground survival of widespread prehistoric activity in the form of enclosures and funerary monuments across this landscape. Groundworks associated with the proposed development have the potential to expose and destroy archaeological and artefactual deposits associated with the known prehistoric activity in this area.

Given the high potential for survival and significance of below ground archaeological deposits associated with the prehistoric activity in the vicinity and the absence of sufficient archaeological information, the Historic Environment Team objects to this application. If further information on the impact of the development upon the archaeological resource is not submitted in support of this application then I would recommend the refusal of the application. This would be in accordance with the Mid Devon Local Plan Policy ENV7 and paragraph 128 of the National Planning Policy Framework (2012).

The additional information required to be provided by the applicant would be the results of:

1. a geophysical survey of the proposed development site, and
2. the excavation of a series of intrusive evaluative trenches to investigate any anomalies identified by the survey.

The results of these stages of work would allow the significance of heritage assets potentially affected by the development to be understood and enable an informed and reasonable planning decision to be made. It would also enable the requirement and scope of any further archaeological mitigation to be determined and implement in advance or during construction works.

I would recommend that the applicant or their agent contact this office to discuss the scope of works required and obtain contact details of professional archaeological consultants who would undertake these investigations. I would expect to provide the applicant with a Brief setting out the scope of the works required.

24th February 2014

After my initial response requesting additional information, I have re-examined the information on the archaeological work undertaken on the archaeological sites to the north and - given the known level of truncation of the known archaeology and the limited 'footprint' of the proposed development - I would regard it unlikely that any archaeology present on site would be a constraint to development. Any archaeological deposit present could therefore be dealt with through the usual worded archaeological condition or by the implementation of this Written Scheme of Investigation submitted in support of this application. In the latter case the following worded condition could be used:

The development shall proceed in accordance with the approved document: Proposed development Hartnoll Farm, Post Hill, Tiverton, Devon - Written Scheme of Investigation for an archaeological watching brief, version 1.4.

Reason

'To ensure, in accordance with guidance in paragraph 5.3 for Policy DM27 of Mid Devon District Council's Local Plan Part 3 (Development Management Policies) and paragraph 141 of the National Planning Policy Framework, that an appropriate record is made of archaeological evidence that may be affected by the development'.

REPRESENTATIONS

82 objections received, summarised as follows:

1. Concern regarding odour from the digester, silage clamps, unloading of feedstock materials on the site and the spreading of digestate
2. Concern about the volume of additional traffic movements - in particular through Halberton
3. Potential for congestion when considered alongside other local development e.g. Waddington Park, Junction 27, Tiverton Eastern Urban extension developments and general congestion in the local area
4. Visual impact for residents, on landscape of the wider area and in particular upon the Grand Western Canal
5. Odour impact upon local residents, the wider area and in particular the Grand Western Canal
6. Adequacy of the road access to site for large vehicles and lack of passing places
7. Noise from related vehicular movements on the highway and reversing alarms within the site - especially if deliveries are made throughout the night
8. Risk of vermin being attracted to the site
9. Concern that this site will become an industrial estate - more appropriate location at Hartnoll Business Park
10. Water run-off from hard surfaced areas and the impact on existing localised flooding of the highway
11. Visual impact on Grand Western Canal and introduction of an uncharacteristic structure
12. Visual impact on the general locality and lack of proposed screening
13. Noise impact on peace of Grand Western Canal
14. Questioning figures which state that solid digestate will be used as animal bedding as there are no animal shelters on site
15. Questioning whether the stated existing figures relate to the existing site access or in fact the Hartnoll Business park access further east
16. Not seen as a farming activity
17. Loss of Grade 1 agricultural land which should be used for food production rather than energy crops
18. Impact on recent reconstruction works carried out to Grand Western Canal
19. Traffic impact on Blundells Road and Sampford Peverell
20. Impacts on Grand Western canal may reduce leisure use and important economic income from it as a visitor attraction
21. Impacts on local holiday let businesses
22. The impact of noise from the digester and machinery on local residents and stress it may cause
23. Risk of pollution incidents from digester materials, in particular risk of pollution of Grand Western Canal
24. Lack of an Environmental Impact Assessment
25. Unacceptable impact on amenity of nearby residents
26. Lack of related employment benefits
27. Impact on archaeological interests
28. Resulting traffic on Crown Hill conflicting with pedestrians, cyclist and other road users
29. Health hazard from transporting feedstocks on the public highway
30. Air pollutions
31. HGVs damaging road verges
32. Lack of need - inappropriate use of agricultural land
33. Lack of control over the applicant's stated feedstock source sites which cannot be secured by planning condition
34. Difficulty controlling odour and enforcing controls on operations
35. Flood risk on the site and adequacy of the proposed soak-away to deal with clean surface water
36. Potential for mess on roads
37. Impact upon wildlife of Grand Western Canal
38. Inappropriate location for a 'commercial waste processing plant'
39. Would be better sited nearer agricultural waste sources
40. Carbon footprint from materials being brought to site
41. Concern that this is a petrochemical industrial activity
42. Misleading visuals stitching photographs together and taken with vegetation in full leaf
43. Lack of information addressing points set out in national policy statements relating to energy and

- renewable energy
- 44. The use of land for energy crops with the environmental implications of this
- 45. The AD will encroach upon the green buffer between Tiverton and Halberton
- 46. Concern that the feedstock source sites will not produce enough material and so additional will need to be transported in from further away
- 47. Concern that potential public nuisance will not be adequately considered

In addition, a petition opposed to the development was received with 187 signatures. However the petition included no statement giving reasons for the objections indicated.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

1. **Policy**
2. **Access and transport**
3. **Strategic planning and land allocations**
4. **Landscape and visual impacts**
5. **Impact on neighbouring residents**
6. **Drainage**
7. **Other impacts**

1. **Policy**

Mid Devon Core Strategy (LP1)

Policy COR1 seeks ensure that growth is managed so that development meets sustainability objectives, brings positive benefits, supports the diverse needs of communities and provides vibrant, safe, healthy and inclusive places where existing and future residents want to live and work.

Policy COR2 seeks to sustain the distinctive quality, character and diversity of Mid Devon's environmental assets, preserve Mid Devon's landscape character, and promote the efficient use and conservation of natural resources of land, water and energy.

Policy COR5 seeks to contribute towards targets for the reduction of greenhouse gas emissions and support the development of renewable energy capacity in locations with an acceptable local impact including, visual, on nearby residents and wildlife.

Policy COR18 seeks to control development in the open countryside and specifically permits renewable energy developments.

Local Plan Part 3 (Development Management Policies)

Policy DM1 states that the Council will take a positive approach to sustainable development and approve wherever possible proposals that improve the economic, social and environmental conditions in the area.

Policy DM2 requires development to demonstrate a clear understanding of the site and surrounding area and to take into account impacts on local character and landscapes, biodiversity and heritage assets, impacts on neighbouring uses and appropriate drainage solutions.

Policy DM5 states that proposals for renewable or low carbon energy will be permitted where they do not have significant adverse impacts on the character, amenity and visual quality of the area, including cumulative impacts of similar developments, within the parish or adjoining parishes.

Policy DM5 is designed to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily.

Policy DM6 requires development proposals that would give rise to significant levels of vehicular movement to be accompanied by a transport assessment to include mitigation measures.

Policy DM7 permits development where the direct, indirect and cumulative effects of pollution will not have an unacceptable negative impact on health, the natural environment and general amenity.

Policy DM22 permits agricultural development where it is reasonably necessary to support farming activity on the farm or in the immediate agricultural community, where it is located to minimise adverse effects on the living conditions of local residents and to respect the character and appearance of the area, and where it will not have an unacceptable adverse impact on the environment or the local road network.

Policy DM27 Seeks to protect heritage assets and their settings, including Conservation Areas recognising that they are an irreplaceable resource.

National Planning Policy Framework (NPPF)

The NPPF has a presumption in favour of sustainable development which requires development which accords with the development plan to be approved without delay. It specifically requires planning to encourage the use of renewable resources, for example, by the development of renewable energy and requires significant weight to be placed on the need to support economic growth through the planning system.

The NPPF sets out core planning principles which include: seeking to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, and; supporting the transition to a low carbon future in a changing climate, encouraging the reuse of existing resource and encouraging the use of renewable resources (for example by the development of renewable energy).

The NPPF suggests that developments should be located and designed where practical to accommodate the efficient delivery of goods and supplies.

The NPPF states that local planning authorities should not refuse planning permission for buildings or infrastructure which promote high levels of sustainability because of concerns about incompatibility with an existing townscape, if those concerns have been mitigated by good design (unless the concern relates to a designated heritage asset and the impact would cause material harm to the asset or its setting which is not outweighed by the proposal's economic, social and environmental benefits).

The NPPF supports the rural economy by promoting the development and diversification of agricultural businesses taking a positive approach to sustainable development in rural areas.

The NPPF requires a safe and suitable access to be provided to the site and for improvements to be made to the transport network which cost-effectively limit the significant impacts of development. It states that development should only be refused on transport grounds where the residual cumulative impacts are severe.

The NPPF states that local planning authorities should help increase the use and supply of renewable energies and design their policies to maximise renewable developments whilst ensuring that adverse impacts are addressed satisfactorily, including cumulative impacts. It states that applicants should not need to demonstrate the overall need for renewable energy and requires local planning authorities to approve applications where the impacts are (or can be made) acceptable.

The NPPF states that Local Planning Authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.

The NPPF Planning policies and decisions should aim to mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions; recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

2. Access and transport

The agricultural element of the business at Hartnoll Farm (Red Linhay) is predominantly arable farming comprising in the main of maize/corn production which is then exported from the farm.

The application site is located approximately 1.5km west of Halberton and 5km east of Tiverton. The site is positioned south of Crown Hill. The applicant states that the site has been chosen for its proximity to the land which will provide the necessary feedstocks and the land over which the digestate can be spread.

The Transport Statement (TS) states that vehicles related to the proposed AD plant would travel to and from the application site via Post Hill only. This is the same route taken by traffic generated by existing agricultural activities at Hartnoll Farm for the delivery of grain to the two storage barns and products for conditioning/fertilising land. The site access currently serves the landowner's dwelling as well as the existing two agricultural barns and the proposed AD site. Plans show that there are adequate visibility splays at this access and HGV's can turn into the site and turn within the site using the space at the mouth of the silage clamps.

The feedstock for the AD plant would be provided by the farm business run by the owner of Hartnoll Farm - this refers to their wider holdings and not just the Hartnoll Farm site. Farmyard manure and slurry would be sourced from Rix Farm and chicken manure from Swanhams Farm. Sites identified on the submitted plans as 'Plots', Manley Lane, Maunders, Hartnoll Farm and Wellington Farm would provide maize, beet, wheat for use in the AD.

Silage would be delivered in trailers and stored in silage clamps and farmyard manure also delivered to site in trailers. Slurry would be brought to site in 10 tonne tankers over the course of a day and held in the buffer tank before being used in the digester.

The supporting documentation states that there will be a considerable reduction in traffic going to and from the wider Hartnoll Farm site (which covers 148.92 hectares) as a result of the proposal. The figures provided for the vehicle movements at present show:

- Slurry, compost, chicken manure, fertiliser and farmyard manure transported to the site - 809 loads annually
- Silage, maize, wheat and straw leaving the site - 449 loads annually

Averaged over the year this represents an average of approximately 4 loads (8 vehicle movements) per day based on a 6 day working week across the year.

In comparison, the proposal is anticipated to reduce the volume of material being transported to the site and also the volume of material leaving the site. This is partly because where crops are currently transported to the adjacent agricultural barns for drying and storage and then transportation off site, fewer loads of these crops will be required as feedstock for the AD and there will be fewer movements associated with removing the digestate as some will be pumped by pipe to adjacent fields. Therefore, the proposed development is anticipated to generate the following:

- Slurry and manure transported to the site - 300 loads annually
- Grass, maize, silage and beet loads transported to the site - 339 loads annually
- Digestate transported by road off the site - 145 loads annually

Averaged over the year this represents an average of approximately 3 loads per day (6 vehicle movements) based on a 6 day working week across the year.

It should be noted that the total loads of digestate stated here does not account for the total amount of digestate produced or removed from site - the remainder will be pumped from the AD to surrounding Hartnoll and Manley Lane fields for spreading using a temporary roll out 'umbilical pipe' which feeds spreading equipment on a tractor. Furthermore, the operation of the AD plant will remove the need for fertiliser and compost to be delivered to the site as the digestate will be used instead.

These figures show that in terms of traffic generation, the proposed development would reduce the number of vehicle movements on the local highway network by 474 loads (948 movements per year), therefore resulting in a net decrease in traffic when compared to the existing traffic movements occurring at the same site.

Respondents to the consultation have queried whether these existing traffic movements actually relate to the access to the site that will serve the AD plant, or in fact the Hartnoll Business Park located on the landowner's wider holding approximately 300m northwest of the site. However, the landowner has confirmed that the traffic movements stated relate to the agricultural access which is the subject of this application.

The Highway Authority notes that, as there is no land in the ownership of the applicant (Greener 4 Life), planning conditions cannot be used to secure the feedstock sources and pumping and destinations of digestate. This means that the LPA must consider the possibility that the applicant would be able to source the feedstock and deliver to alternative locations which could have an impact on the validity of the figures in the Transport Statement provided and on which this application is being assessed. Recognising this, the Highway Authority recommended that a passing place be provided between the site access and the junction of Crown Hill with Post Hill. The applicant has accordingly amended the site boundary to include the land necessary to provide a passing place. The provision of a passing place also addresses some of the concerns relating to traffic on Crown Hill raised by respondents. Full details of the design for the proposed passing place will be required by planning condition which therefore satisfies the requirements of policy DM22 d).

3. Strategic planning and land allocations

The figures in the Transport Statement are based on the presumption that Hartnoll Farm will be a key contributor to the provision of feedstock for the anaerobic digester and land where the digestate would be spread.

Hartnoll Farm is included as a key allocation option for housing in the Local Plan Review options document (January 2014) and is the only available option which has been identified as providing sufficient capacity for Tiverton under the town-centric option (see Local Plan Review options document Policies S3, S11 and TIV2). Although it is recognised that currently the Local Plan Review is not at an advanced stage and can be accorded no weight in planning decisions, the impact of a grant of planning permission for an anaerobic digester at this site must be considered. There are 2 potential scenarios:

- a. If planning permission secured (by condition or legal agreement) the use of Hartnoll Farm as a key contributor of feedstock for the anaerobic digester and as the land where digestate will be spread, it would pre-empt the Council's strategic decision on the future distribution of development across Mid Devon. However, National Planning Practice Guidance (2014) indicates that to justify a refusal on grounds of prematurity, emerging plans should be at an advanced stage and the impact of a proposal so substantial or its cumulative impact so significant that to grant permission would undermine the plan making process. As such, it is unlikely that prematurity would justify a refusal of the application.
- b. If permission did not require the use of the wider Hartnoll Farm site for the spreading of digestate the impact on the plan-making process would be minimal, but this would call into question the validity of the results of the Transport Statement for the proposal. Alternative feedstock and spreading sites have not been considered in the figures provided, nor the implications of this for the level of traffic to and from the site. It should also be noted that the proposed site is likely to fall within the Green Infrastructure buffer for the Hartnoll Farm housing allocation option, intended to protect the Grand Western Canal's amenity, wildlife and heritage.

It is not considered to be necessary or reasonable to restrict the feedstock source sites and digestate spreading sites through a legal agreement because, as well as being a renewable energy project, this is an agricultural process using agricultural products and traffic movements relating to the movement of waste agricultural products and crops are likely to be on the public highway regardless of their end use. In addition, in such a rural area there are likely to be a number of alternative feedstock sources available. Policy DM22 a) requires that agricultural development is reasonably necessary to support farming activity on that farm or in the immediate agricultural community. It is unlikely to benefit the applicant to source feedstock from outside the local area and so any further control over this element of the development is not considered necessary.

The proposed site is also approximately 700m from the eastern edge of the Tiverton Eastern Urban Extension mixed use allocation in the current Local Plan and the impact of the AD on this allocation should be considered. The Tiverton Eastern Urban Extension draft Masterplan Supplementary Planning Document (SPD) proposes a significantly lower quantum of development than the policy allocation for the site (1500 houses as opposed to up to 2000 houses and 30,000 square metres of employment floorspace as opposed to up to 130,000 square metres of floorspace) and includes traffic management along Blundells Road between Post Hill and Heathcoat Way, which is the route the submitted Transport Statement states that the AD vehicles would use. As it is, the submitted Transport Statement does not include a thorough consideration of the impacts on Blundell's Road and the Tiverton Eastern Urban Extension. However as the predicted daily average number of vehicle movements is lower than those currently accessing the application site and having regard to the Inspector's findings in the 2010 appeal at Hartnoll Farm Business Centre which related to traffic impacts and which found that highway safety would not be compromised as a result of a small increase in traffic movements, it is not considered that a reason for refusal could be justified on the grounds of the impact upon traffic along Blundell's Road.

4. Landscape and visual impacts

The AD site is proposed to be located in a field adjacent to two existing buildings used as grain stores and farm equipment storage and within fields used as grassland for grazing and harvesting. There is also a large timber yard located on the far side of the Crown Hill lane from which the AD site is accessed, though this is less prominent in the local landscape. The site is located on land that is typical of the Mid Devon lowland plains landscape character area and is bordered on all four sides by hedgerows with some small trees. The land slopes from north to south away from the proposed location for the plant. The plant will therefore be prominent in some local views of the site, though the impact is reduced by the location of the plant adjacent to two sizeable agricultural buildings. As such it would be seen grouped closely together with existing agricultural structures relating to the same farm business and not as a solitary new built form in the landscape.

A plan has been provided which shows the grid connection is proposed to an existing pole approximately 210m south east of the site. The cabling will be laid underground so there is no visual impact in that respect.

All existing hedgerows would be retained and a planning condition is recommended to secure their maintenance and therefore screening properties in the longer term.

The Landscape and Visual Impact Assessment was conducted over a 5km radius study area and a total of 10 viewpoints. In summary, the assessment concludes that the significant effects of the proposed development would be limited to:

- The character of the landscape of the site and immediately surrounding area which would be limited to a small part of the Culm Valley Lowlands Landscape Character Area.
- The visual amenity of residents in properties up to approximately 1km from the proposed development, with open views towards the proposed development. These are limited to a few properties at Crown Hill Bridge as well as possible some other properties on the outskirts of Halberton and northwest near Hartnoll Cross.
- Walkers on a limited section of the Grand Western canal, boat users on the canal in the immediate vicinity of the site, cyclists on the section of Sustrans route adjacent to the site and users of a limited part of the country park adjacent to the site.

The assessment also concludes that there would not be any significant effects on the landscape fabric, the character of the landscapes beyond the immediate surroundings of the site, or the visual amenity of most residents, or walkers, equestrian and cyclists in the study area or motorists on the local highway network.

Many of the responses to the consultation raised concern based on visual impact, in particular the impact on the Grand Western Canal (GWC) which is located approximately 200m to the north and 70m to the east of the proposed AD site and designated as a Conservation Area, Country Park and Local Nature Reserve. The appearance and setting of the GWC is important to its special character and qualities, and the impact of the development must be taken into account in this regard. The proposed AD will introduce a large structure into the landscape close to and visible from the canal. The viewpoints provided in the Landscape and Visual Impact Assessment show that the AD will be more prominent in some views from the canal than others, depending on the density of vegetation along the canal and in the intervening landscape. However, it is noted that the viewpoints provided show the landscape in full leaf so the development may be more prominent in winter. It is also noted that the viewpoints do not include a photomontage or wireframes siting the development structures at scale in the landscape. However, reading the viewpoints in conjunction with the written assessment and the elevation plans it is possible to get an adequate impression of the impact and significance of the development in the landscape. For example, the elevation plans show the tip of the dome on the AD to be lower than the height of the tallest existing agricultural building immediately adjacent to it and so this can be considered when assessing the viewpoints.

The impact of the development can be further mitigated by the external finishes chosen. Correspondence from the applicant confirms that all proposed structures would be green. This is not detailed on the plans provided and so it is recommended that a planning condition is used to secure this important detail. A submitted planting plan shows a goat willow and downy birch to be planted along the northern boundary of the site. There is some potential for further planting if it were considered necessary though it would be limited to the application site boundary as there is no other land in the control of the applicant.

In order to properly assess the impact of the development upon the landscape, it is important to recognise that landscape has a perceptual aspect, not just a physical one. The European Landscape Convention defines landscape as 'an area, as perceived by people, whose character is the result of the action and interaction of natural and/or human factors'. The Mid Devon Landscape Character Assessment identifies the site area as Lowland Plains the key characteristics it describes as including large scale farmsteads including modern steel framed buildings located on the rolling sides of the land above the valley floor. As such, the existing agricultural buildings and the proposed AD structures would appear to be typical of this landscape character type and could be perceived as part of the farming practices and patterns that have become part of the local rural character over time.

While many of the objections raise concern about visual impact both in relation to the wider rural landscape and the GWC in particular, it is considered that the intermittent views from the GWC and the immediate site context which includes 2 existing large scale agricultural buildings means that the proposed development will read as part of the existing landscape fabric and not a solitary lone feature unrelated to its surroundings. Combined with careful colour choice and potential for some additional screening with planting the development is considered to respect the character and appearance of the area in accordance with criteria b) of policy DM22 and will preserve the character and setting of the GWC, meeting policy DM22 of Local Plan Part 3 (Development Management Policies).

Impact on neighbouring residents

Odour

Manures will be transferred directly to the solids feeder on arrival at site for feeding into the digester. A planning condition preventing the storage of any farmyard or chicken manure in the clamps is recommended to avoid odour nuisance and addresses some of the concerns raised by respondents. The silage stored in the clamps will be sheeted restricting potential release of odours. The application states that other liquid digestate will be stored in a lagoon if required temporarily, but discussions with the applicant revealed this detail was an error in fact the sealed digestate tanks have sufficient capacity to store the product for 6 months.

The digestate (in both solid and liquid form) will be used on land as a soil conditioner and fertiliser, in place of the slurry that is currently used.

The applicant states that the digestate would have "significantly lower odour impact than slurry" as the volatile fatty acids in the raw materials is reduced in the AD process by up to 80% and so the potential for odour nuisance is significantly reduced and this would therefore reduce odour emissions during spreading.

Spreading techniques allow for digestate, to be injected into the land. This is much easier to do with digestate coming from the AD compared to slurry on its own. The digester chops the fibres and with the digestion process allows a more homogeneous product, the digestate, to be either dribble barred or injected into the land minimising opportunity for release of odour.

The plant would treat the feedstock in a fully enclosed environment thus controlling odour emissions and reduce risk of odour nuisance to residents and passers-by. Slurry would be transported in tractor and (sealed) tanker and then piped from the tanker into the buffer tank so the process is completely contained. The applicant asserts that the AD process itself stabilises organic wastes avoiding uncontrolled methane (CH₄) emissions and odours.

Anaerobic digestion can only take place in the absence of oxygen and so all tanks and pipe work must be airtight to keep oxygen out of the system - this will also have the effect of largely containing odours.

It is considered that all these considerations adequately address concerns relating to odour raised by respondents. Environmental Health have raised no objection to the proposed development based on the odour assessment provided and further control will be applied to the operation through the environmental permit process administered by the Environment Agency. These are considered to be adequate measures to protect against unacceptable odour emissions as a result of the proposed development and in line with the requirements of criteria b) and c) of policy DM22 and policy DM7 of Local Plan Part 3 (Development Management Policies).

Other emissions to air

No gases from the anaerobic digestions process would be released into the environment. During maintenance or in the unlikely event of a breakdown of the CHP unit, gas would be burned off via the fully enclosed flare. The only gases that would be released into the environment as a result of the proposed plan would be exhaust gases from the CHP unit which would need to be maintained within the statutory limits for such emissions.

Noise

The main sources of noise relating to this development are the related traffic movements from operations and the construction period, the unloading of materials on site, the running of the CHP unit and the pumping of digestate to land which will each be considered in turn.

Operating hours for deliveries and maintenance would be between 7am to 6pm Monday to Sunday. However, the applicant states that the traffic movements to and from the site would not be continuous during that period. While the transport figures given show the number of movements averaged out over the year, this is not an accurate reflection of the pattern of movements likely to take place. The applicant states that harvest of silage feedstocks will take place on approximately 20 days per year between mid-May and the end of October. At these times, delivery traffic movements may need to take place out of normal operating hours in order to complete the job while weather and light allows. This does present some level of uncertainty over the time and duration of vehicle movements, though the applicant stresses that harvests are part of normal agricultural practices and reflect the patterns of vehicle movements already taking place for deliveries of grain to the existing agricultural buildings for storage at harvest time.

Noise is also likely during the construction period which would be temporary and a construction environment management plan could be secured by planning condition to control hours of potential noise disturbance as well as dust and local traffic impacts from deliveries.

Respondents to the consultation raised concern regarding reversing alarms from delivery vehicles. Tractors and trailers making deliveries do not tend to have reversing alarms and so this leaves the slurry tanker deliveries as the only likely source of reversing alarm noise. This accounts for a small proportion of all the vehicle movements to site and so the frequency of this noise will be minimal.

The existing buildings and silage tanks will also act as a noise barrier between the source of the noise and nearest properties and the GWC.

The submitted noise assessment considers that the maximum noise level at the nearest noise sensitive property is likely to be 19dB(A). This takes into account the ambient noise levels, the distance to the nearest noise sensitive property, the position of existing buildings and the proposed silage clamps which would attenuate some of the noise. Environmental Health have advised that 19dB(A) would be considered very low and well below World Health Organisation guidelines. At these levels, noise is unlikely to have any discernible impact on the tranquillity and peaceful character of the GWC.

Examples of familiar noise levels:

Telephone ringing	80 dB
Piano practice	60 - 70 dB
Average road noise	@ 25m - 30m 72 dB
Normal Conversation	60 -70 dB
Washing Machine	70 dB
Vacuum Cleaner	@ 1m 72 dB

No noise assessment of the equipment used to pump the digestate to adjacent fields has been provided. However, the pump is driven by a tractor engine and would be used only for a few days twice a year when the spreading is required. The tractor and pump would be located within the site and so again the buildings and silage clamps would provide some attenuation for the temporary noise event. Environmental Health has raised no concern relating to this practice. Given that the noise would be temporary and infrequent and its source is a common agricultural practice, it is not considered to be likely to cause a statutory nuisance or present a robust reason for refusal.

6. Drainage and water impacts

Rain water from the buildings and non-silage clamp areas will be collected and channelled into a soakaway. Rain water from the clamps and effluent in the bunded area will be channelled into a drainage system and then into a buffer tank which feed the anaerobic digester. Sewerage from the WC facilities in the staff building will drain to a septic tank. Further details of these systems are recommended to be required by planning condition.

The site is in a Groundwater Nitrate Vulnerable Zone and as such the surrounding land would benefit from the use of fertilisers which have a more uniform nutrient content so that spreading rates can be better controlled on the land. While the land surrounding the site is identified as having soils with a high leaching potential, the plant is closely controlled by electronic monitoring systems and the bund within which the plant would sit has sufficient capacity to accommodate leaked material should there be a breach. The Environment Agency permit would require a bund that can contain the entire product volume plus 10%.

7. Other impacts

The operation of the biogas plant would be fully automated from an on-site central control panel which would monitor information transmitted from instruments around the plant. Marches Biogas (the technology provider) would provide a remote monitoring service via internet which allows changes to be made to the system remotely, while advice can be given over the phone. A plan would be put in place to ensure that plant is well maintained.

While the application states that the AD plant is designed to accommodate a variety of solid and liquid feedstock types to give the plant a greater degree of flexibility in the future, the application seeks permission for silage, slurry and chicken/farmyard manure only. Should the applicant wish to use different feedstock types in the future, an application to vary the permission would be required.

Although the proposal would result in just 1 additional job, the development would be operated by existing farm staff, helping to secure their employment and support diversification of this agricultural business in line with the National Planning Policy Framework.

The site does not lie within any designated wildlife site.

The Phase 1 Habitat Survey revealed no significant evidence of protected species or flora which need special consideration as a result of the proposed development.

The proposed development lies in an area of potential archaeological, prehistoric activity in the immediate vicinity demonstrated by find spots of flint tools and two ring ditches in the field to the northwest. Accordingly a Written Scheme of Investigation has been submitted with the application and as the Devon County Council Historic Environment Service raised no objection to the proposal, though a planning condition is recommended to secure the implementation of that scheme before any development commences.

There should be no risk of vermin being attracted to the site as the only materials stored outside the sealed AD system will be silage.

Respondents raised concern about the loss of Grade 1 agricultural land for the AD plant itself, and also the crops grown as part of the feedstock. However, the application site is compact and covers less than a hectare of land which has a minimal impact on ground available for food production. The applicant states that the land used for growing the silage elements of the feedstock is already used for growing the same or similar crops. However, whilst the application site will no longer be available for the growing of crops, renewable energy will be produced and given the relatively low land take involved, the benefits of the scheme in respect of renewable energy production outweigh the loss of the grade 1 land.

Respondents also raised concern relating to the potential for mess to be brought onto the public highway. However, the site will be set on a concrete pad with only silage stored externally in the clamps which offer only limited risk of being spread onto the road. The applicant will be bound by the normal responsibilities to keep the public highway clear of debris without the need for a specific condition to try and control this further.

The site is within a Groundwater Nitrate Vulnerable Zone and the digestate produced by the AD process offers better control over nutrients being applied to this land as well as the resulting reduction in transport movements and odour from transporting raw materials to sites for spreading.

The NPPF states that local planning authorities should help increase the use and supply of renewable energies and that applicants should not need to demonstrate the overall need for renewable energy. It also requires local planning authorities to approve applications where the impacts are (or can be made) acceptable. The proposed development would contribute to national targets for sourcing 20% of the UK's energy from renewable sources by 2020 and this report has demonstrated that the proposed development accords with Local Plan policy and the impacts are considered to be acceptable.

The AD process is an efficient way of capturing nutrients in organic wastes, including animal manures. The AD process retains these nutrients and converts them into available forms enabling a farm to plan its nutrient management and reduce its use of fossil fuel dependant mineral fertilisers. The recycling of these wastes also reflects the priorities of the waste hierarchy and Policy WPC1 of the Devon Waste Local Plan.

Significantly, the AD produces renewable energy in the form of biogas. Biogas can be used either in a conventional boiler, or as the fuel for a combined heat & power (CHP) unit. The applicant has stated that they are keen to work in partnership with Mid Devon District Council to support local plan priorities. The Allocations and Infrastructure DPD expressed the LPAs commitment to renewable and low carbon energy in policy AL/TIV/5 which seeks Renewable and low carbon energy generation to provide a significant proportion of the Tiverton Eastern Urban Expansion's energy use. The proposed AD could contribute to these ambitions, through for example, a district heating scheme which the applicant states they are willing to consider should the opportunity arise.

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. No development shall begin until details of the colour and finish of the building materials to be used (including the digester dome) has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with these details.
4. No development shall begin until a Construction Environment and Traffic Management Plan shall have been submitted to and approved in writing by the Local Planning Authority. The plan shall include details of:
 1. hours of working;
 2. hours of deliveries;
 3. dust suppression management measures;
 4. traffic management
 5. vehicle routing to and from the site;
 6. programme of works
 7. parking for vehicles of site personnel, operatives and visitors;
 8. storage of plant and materials;
 9. loading and unloading of plant and materials.
5. No development shall begin until full design details of the proposed passing place on Crown Hill as shown on the submitted plans shall have been submitted to and approved in writing by the Local Planning Authority. The passing place shall be provided in accordance with the approved details before any other works begin.
6. The development shall proceed in accordance with the approved document: Proposed development Hartnoll Farm, Post Hill, Tiverton, Devon - Written Scheme of Investigation for an archaeological watching brief, version 1.4, received by the Local Planning Authority on 17th February 2014.
7. No development shall take place until a Sustainable Urban Drainage System for the management of surface water from the development, including specifications for the proposed soakaways, and a timetable for its implementation and provision has been submitted to and approved in writing by the Local Planning Authority. The surface water management system shall be completed on site in accordance with the approved details and maintained for that purpose at all times.
8. There shall be no external storage of chicken and farmyard manures or slurry within the application site.
9. All hedgerows within the site shall be retained.
10. The feedstock for the anaerobic digester shall be slurry, farmyard and chicken manure and grass and arable crops only.
11. There shall be no floodlighting during the hours of darkness, except for low-level safety lighting for the protection of personnel or for purposes of essential maintenance.

REASONS FOR CONDITIONS

1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.

2. For the avoidance of doubt and in the interests of proper planning.
3. No development shall begin until details of the colour and finish of the building materials to be used (including the digester dome) has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with these details.
4. To safeguard the amenities of the area and occupiers of nearby buildings in accordance with DM2.
5. In the interest of highway safety and to ensure that adequate passing facilities are available for vehicles attracted to the site in accordance with DM2 and DM22 of the Local Plan Part 3 (Development Management Policies).
6. To ensure that an appropriate record is made of archaeological evidence that may be affected by the development in accordance with the National Planning Policy Framework.
7. To ensure adequate facilities are provided for the disposal of surface water from the development in accordance with policy DM2 of the Local Plan Part 3 (Development Management Policies).
8. There shall be no external storage of chicken and farmyard manures or slurry within the application site.
9. In the interest of the visual amenity of the area and to protect the setting of the Grand Western Canal in accordance with policies DM2, DM22 and DM27 of the Local Plan Part 3 (Development Management Policies).
10. The application has considered as a site accepting these feedstock types only and not as a general waste facility and consideration of the impacts on the environment, neighbouring residents and the road network has been made on this basis and in order to accord with policies DM5 and DM22 of the Local Plan Part 3 (Development Management Policies).
11. To protect the rural character of the area in accordance with policies COR2 of the Mid Devon Core Strategy (LP1) and DM5, DM22 and DM27 of the Local Plan Part 3 (Development Management Policies).

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

While a significant number of objections have been received in response to the consultation on this proposal, it is not considered that the harm to the environment, the landscape, neighbouring residents and the Grand Western Canal is significant enough to warrant refusal of the application when balanced against the benefits.. The Anaerobic Digestion plant will process farm wastes into a product which will assist in improving land management techniques and will generate a source of renewable energy. The proposal has demonstrated how it will reduce traffic movements on the local highway network and improve the access to site. The impact on the Grand Western Canal is considered to be limited and is considered to be outweighed by the benefits of the proposal. Any harm likely to arise from this proposal can be adequately mitigated by the imposition of conditions. It is considered that this proposal will not cause significant harm and that the benefits of granting planning permission outweigh any limited harm that may be caused. Accordingly the application is in accordance with Mid Devon Core Strategy (Local Plan 1) policies COR1, COR2, COR5 and COR18, Local Plan Part 3 (Development Management Policies) DM1, DM2, DM5, DM6, DM7, DM8, DM22, DM27, Devon Waste Local Plan policy WPC1 and the National Planning Policy Framework.

Application No. 14/00222/FULL

Plans List No. 2

Grid Ref: 301158 : 107743

Applicant: Mr J Hill

Location: Land and Buildings at
NGR 301158 107743
(Adj Birchill Stud
Farm) Growen Lane

Proposal: Retention of an
agricultural shed

Date Valid: 13th February 2014



Application No. 14/00222/FULL

RECOMMENDATION

Grant permission subject to conditions.

COUNCILLOR MRS NIKKI WOOLLATT HAS REQUESTED THAT THIS APPLICATION BE DETERMINED BY THE PLANNING COMMITTEE FOR THE FOLLOWING REASON:

To consider whether noise associated with the shed will have an acceptable impact upon the amenity of surrounding residential properties.

PROPOSED DEVELOPMENT

This application seeks planning permission for the retention of an agricultural shed on land adjacent to Birchill Stud Farm, Cullompton. The site is adjacent to Growen Lane which is a public bridleway adjoining Tiverton Road just outside of the western edge of the Cullompton settlement limit. The land is agricultural, although a piece of land directly to the north was approved for a change of use from agricultural to equestrian under 10/00069/FULL, and a timber stable block was approved on land to the south under 93/00731/FULL. This application is retrospective, and has been submitted to regularise the building following complaints made to the Local Planning Authority and correspondence with the Local Planning Authority and Environmental Health.

The application building measures approximately 12 metres in width by 18 metres in length, and is stated to have a floor space of 204 square metres. The maximum height is 2.4 metres. The building is constructed from a timber frame with wooden cladding across the exterior, with a monopitch corrugated roof. There are wooden vents on the exterior ends, floodlighting and a container, raised on a metal frame, all of which are associated with the poultry enterprise. There are no proposed changes to the land surrounding the building, nor the concrete access onto Growen Lane.

The shed forms part of a wider agricultural land use, and there are 3 moveable poultry houses and one wooden storage shed adjacent to the building. This site and remaining section of field to the west were granted planning permission for the retention of three poly tunnels for housing poultry (03/00801/FULL), although these are no longer found on the land. The applicant has an established business based at Weaver Mill Farm, Kentisbeare.

The shed is stated to have been on the land in excess of 3 years, and is in use for the production of eggs. This is the sole function of the business, and the shed currently houses 1200 chickens producing around 100 eggs per day. It is proposed to retain the shed for the keeping of poultry, although the proposed use has been altered to remove the cockerels that are currently being housed in the shed. The application also states that the land has been used as a chicken rearing business in excess of 10 years.

APPLICANT'S SUPPORTING INFORMATION

Planning, Design and Access Statement
Fly Control Management Plan

RELEVANT PLANNING HISTORY

93/00731/FULL - Erection of timber stables - Permitted June 1993.
95/00395/FULL - Erection of timber stables - Refused May 1995.
03/00801/FULL - Retention of use land for the siting of three poly tunnels used to house poultry - Permitted June 2003.
06/00616/FULL - Erection of 1 no. temporary dwelling - Refused May 2006.
10/00069/FULL - Change of use of land from agricultural to equestrian - Permitted March 2010.

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR2 - Local Distinctiveness
COR18 - Countryside

Mid Devon Local Plan Part 3 (Development Management Policies)

DM2 - High quality design
DM7 - Pollution
DM22 - Agricultural development

CONSULTATIONS

HIGHWAY AUTHORITY - 20th February 2014 - Standing advice applies please see Devon County Council document <http://www.devon.gov.uk/highways-standingadvice.pdf>

(Relevant parts attached below):

Junction Visibility

The provision of adequate visibility between all highway users as a result of the development is vital for the safety of all road users.

3.4.4 Where vehicular speeds are believed to generally exceed 37mph the relevant County Council officer should be consulted.

Agricultural Vehicular Accesses

3.5.1 For agricultural accesses from adopted highway into privately owned property the arrangement must comply with drawings shown in Appendix IV.

Surface Water Drainage

3.7.1 Adequate provision should be made to ensure that surface water does not drain on to the public highway. Equally any new access should be designed to ensure that highway water does not drain on to the development site.

Rights Of Way

3.8.1 The planning application should identify if there is any effect on public rights of way. The need for stopping up or diversion orders should be identified. For further advice on the process please contact the Public Rights of Way section of Devon County Council.

3.8.2 The planning application should establish rights of access of others to highway and consider any subsequent effects. It should be noted however that in many cases private rights of access issues will be a civil matter.

Overhanging Signs, Buildings and Vegetation

3.9.1 Signs overhanging the highway must be over 2.4m above the footway level and no closer than 500mm from the carriageway edge.

3.9.2 Roots or overhanging vegetation which causes damage or obstruction to the highway can be removed by the appropriate order by the County Council. It is advised that any planting scheme, especially proposals for trees, allows sufficient clearance from the highway allowing for seasonal growth of vegetation.

3.9.3 In areas proposed for development it is strongly advised that it shall be inspected prior to any site clearance and, if any of the plants detailed in Part II of Schedule 9 of the Wildlife and Countryside Act 1981 are noted, this shall be disclosed within the application, and a method statement provided by the developer before work is commenced to ensure their eradication.

Lighting

3.10.1 Any development shall ensure that any external lighting systems do not interfere with the use of highway.

Parking

3.11.2 Parking standards should conform to the appropriate guidance given in each of the LPA's Local Plans/Local Development Frameworks.

ENVIRONMENT AGENCY - Operational development less than 1ha within flood Zone 1 - No consultation required - see surface water management good practice advice see standard comment.

CULLOMPTON TOWN COUNCIL - 18th March 2014 - Recommend approval.

ENVIRONMENTAL HEALTH - 26th February 2014

Contaminated Land - Not applicable.

Air Quality - Not applicable.

Drainage - See comments on noise.

Noise & other nuisances - Following my site visit on the 18th February 2014 my assessment is:

Whilst a waste management plan has been submitted with the application to deal with potential fly nuisance, very little has been included in relation to dealing with noise nuisance. The very nature of the rearing shed means that there are a large number of cockerels within the shed. The distance from the shed to the nearest residential property is around 30m. Taking account of the Local Plan 3 Sections DM7 & DM22, it is my opinion that the application should be refused as the shed is too close to the nearest residential property and the development is likely to have an unacceptable negative effect on the general amenity due to noise nuisance. Due to the close proximity to residential properties there is also the potential nuisance from the effects of odour and inadequate drainage.

Housing Standards - Not applicable

Licensing - Not applicable

Food Hygiene - Not applicable

Private Water Supplies - On inspecting the site, I was not able to confirm that adequate drainage has been provided. Without adequate drainage being provided there's the potential of contaminated water from the cleaning of chicken shed entering local groundwater. If the local groundwater is contaminated by chicken manure this could have an influence on a nearby private water supply.

I would recommend refusal unless the adequate provision of drainage has been fully addressed.

Health and Safety - No objections

25th March 2014

As discussed if this was a new build we would not recommend this application for approval due to the close proximity to existing residential properties and the potential risks from nuisance issues.

Environmental Health's stance with this application is that we would have concerns over the following issues:

NOISE

If cockerels are to be housed within the building then we would recommend refusing the application. If no cockerels are to be housed within this building this would remove our recommendation for refusal. If the applicant is still considering to house cockerels within the building we would expect to see a noise assessment detailing the levels of noise mitigation works to be undertaken to reduce the noise from the cockerels to an acceptable level. Without this information we would recommend refusal.

DRAINAGE

Without adequate means of drainage being in place we would look at recommending refusal of the application. Adequate means of drainage would include removing any water coming into contact with the chicken manure (primarily during wash-down) from the site to ensure that no contamination is caused to local ground water and private water supplies.

As a site we may have further issues with regards to dust, odour, pest control and fly nuisance but these can be dealt with via the applicants site management plans and EH legislation.

15th April 2014

Further to the information given my comments are:

NOISE

If cockerels are to be housed within the building with the building in its current condition, we would recommend refusing the application. However, if no cockerels are to be housed within this building this would remove our recommendation for refusal on the grounds of noise.

If the applicant is considering to house cockerels in the building at any point in the future, EH would expect to see a noise assessment detailing the levels of noise mitigation works to be undertaken to reduce the noise from the cockerels to an acceptable level and any works would have to of been completed before any cockerels can be housed within the building.

I would ask that this is detailed as a condition for the application.

I understand that the applicant is proposing to move the cockerels to a different building that is even closer to the neighbouring residential property. Although this does not form part of this application is should be noted that EH expresses a serious concern over the moving of the cockerels closer to any residential properties as this may result in an investigation and possible enforcement action being undertaken by EH under statutory nuisance legislation.

DRAINAGE

Without adequate means of drainage being in place we would look at recommending refusal of the application. Adequate means of drainage would include removing any water coming into contact with the chicken manure (primarily during wash-down) from the site to ensure that no contamination is caused to local ground water and private water supplies.

As a site we may have further issues with regards to dust, odour, pest control and fly nuisance but these can be dealt with via the applicants site management plans and EH legislation.

REPRESENTATIONS

4 letters of objection summarised as follows:

1. No indication as to what shed is to be used for.
2. Too close to residential properties.
3. Smell and health and safety.
4. Concern for the welfare of chickens.
5. There is an issue with vermin/rat infestation, dealt with by poison and dead rats being thrown into Growen Lane.
6. Disease control precautions are not being complied with and the shed has not been cleaned out properly after the breeding season ends.
7. There are other more suitable sites available.
8. The site is an eyesore.
9. The shed is not needed alongside the other chicken houses on site.
10. The use for chicken rearing seems incompatible with the equestrian use.
11. There is significant noise from cockerels, particularly in the early morning and in summer months.
12. The noise pollution means that windows cannot be opened at night; this is a problem in summer.
13. Growen Lane is in poor condition and the shed will increase the level of traffic on the lane.
14. The proposed fly monitoring and control measures will constitute a health risk due to the proximity of the shed to nearby residential properties.
15. There are no drains and foul water has no place for safe discharge; this contaminates the drinking water of the residential property nearby.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

- 1. Use and Design**
- 2. Location and impact on residential properties**
- 3. Drainage and environmental impact**
- 4. Other Issues**

1. Use and Design

The shed is sited on agricultural land and is also outside of the Cullompton settlement limit as set out in the Mid Devon Local Plan Part 3 (Development Management Policies) Policies Map. Policy COR18 of the Mid Devon Core Strategy (Local Plan Part 1) permits agricultural and other appropriate rural uses including agricultural buildings. The legal definition of agriculture is set out in Section 336 of the Town and Country Planning Act (1990) and includes the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of the land. The shed is used for the breeding of and keeping of poultry, which falls within the agricultural definition and therefore the overall principle for an agricultural building is supported by Policy COR18.

The Local Planning Authority must take into account that there is already a permitted agricultural use of the site, and this does not restrict the type of agricultural practice within the definition as set out in Section 336 of the Town and Country Planning Act (1990). The applicant intends to use 3 green moveable structures for breeding, although this does not require planning permission (see further below). An objector has argued there are other more suitable sites available for the housing of poultry, however the Local Planning Authority must determine the application put before it. The proposal is assessed under all relevant local and national policies.

Policy DM22 of the Mid Devon Local Plan Part 3 (Development Management Policies) states that agricultural development will be permitted where it meets four tests. These are:

- a) The development is reasonably necessary to support farming activity on that farm or in the immediate agricultural community.
- b) The development is sensitively located to limit any adverse effects on the living conditions of local residents and is well designed, respecting the character and appearance of the area; and
- c) The development will not have an unacceptable adverse impact on the environment.
- d) The development will not have an unacceptable traffic impact on the local road network.

In relation to point a) of the policy, two objection letters have questioned how reasonably necessary the shed is for an agricultural use, given that there are already agricultural sheds on site and part of the land has changed from an agricultural to an equestrian use (10/00069/FULL). The equestrian land is an area of approximately 1500 square metres north of the buildings, and this forms only a small part of the field which remains largely as agricultural land. The poultry site is situated in the south east corner of the agricultural field and the retention of the application shed is stated to be necessary due to wider changes to the business, with cockerels and breeding proposed to be carried out in the adjacent sheds on the site (including the moveable structures), and the application shed to be used for egg laying.

At present the 3 moveable structures are not understood to be in use, as all poultry is currently kept in the application shed. A wooden shed adjacent to the road is being used for general agricultural storage. In light of there being disused structures, the Authority has questioned the need for the retention of the application shed. The agent has highlighted that the proposed change to the business (consisting of a separation of cockerels/breeders from layers) will require the use of the other poultry units within the site and a separation between breeding and laying chickens. Furthermore the agent has emphasised that the land has been used for poultry farming for a period in excess of 10 years where other structures have been required. In light of the proposed changes to the practice, the Authority does not have evidence to dispute the agricultural need, and the proposal is therefore considered to comply with point a) of Policy DM22.

The first passage of point b) of Policy DM22 requires an agricultural proposal to be sensitively located to limit any adverse effects on local residents. This is discussed under Section 2 below. The second passage of point b) requires the proposed development to be well designed, respecting the character and appearance of the area. The building is agricultural in its appearance, built with a wooden frame with an external wooden clad and a simple corrugated roof. It is not widely visible from Growen Lane as it is screened from view by the adjacent storage shed. The building is considered to be appropriate for its intended use, with openings installed for ventilation, and an overall size that is reflective of the business. This is sufficient to comply with the second part of point b).

Policy DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies) specifically refers to high quality design and sets out principles relating to the context, siting, layout, scale, massing and materials of a proposal. The design and materials are deemed to be appropriate for the agricultural use and the screening of the building is considered to reduce the overall visual impact from the lane. Objections argue that the wider site is an eyesore; however the Authority can only consider the detail relevant to this application, namely the shed. Given its screened position, it is concluded that the shed does not cause significant harm to character or visual appearance of the area and overall the shed is deemed to be sufficient to meet the tests of Policy DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.

Part c) of Policy DM22 is discussed in Section 3 of this report.

Part d) of Policy DM22 relates to the impact of traffic from a proposal. An objection states Growen Lane is in poor condition and the shed will increase the level of traffic on the lane. The lane is narrow and rutted in places and visibility from it onto Tiverton Road does not meet with the minimum requirements for an area with a 30mph speed limit due to the presence of Trumps Barn to the west of the junction. There is no evidence to demonstrate that since the erection of the shed three years ago, vehicle movements have significantly increased, and traffic movements are not expected to be increased, given that the shed is existing and the poultry business has been operating in excess of 10 years. Devon County Highways Department has not submitted any detailed comments in relation to this application but has referred to standing advice. The provision of the shed results in low additional vehicle movements along the lane and access is not considered to be of a sufficiently poor standard in relation to the proposal to substantiate a reason for refusal. On this basis the proposal is considered to comply with part d) of Policy DM22. The National Planning Policy Framework refers to refusal of development only where residual cumulative impacts of development are severe. This does not apply in this instance.

2. Location and Impact on residential properties

The location of the shed in close proximity to residential properties has been a main point of objection to this application. Concerns relate to noise from cockerels in the shed, smell, flies, and water contamination. Water contamination is assessed under Section 3.

Under point b) in Policy DM22, a proposal must be sensitively located to limit any adverse effects on the living conditions of local residents. The Local Planning Authority recognises that the shed is situated a minimum distance of 30 metres away from two residential properties and that there are other dwellings on Tiverton Road to the south. The Authority has consulted Mid Devon District Council's Environmental Health for comments on the impact on the living conditions of residential properties.

Objectors have stated there is significant noise from cockerels, particularly in the early mornings and in summer months, when it is usual for residents to sleep with windows open. Environmental Health highlighted concerns relating to noise and drainage associated with the shed, recommending the refusal of the application on these grounds.

In light of additional letters of objection and discussions with the agent, Environmental Health advised that their recommendation of refusal on noise grounds would be removed if cockerels were to be removed from the shed. Further to this response, the agent has stated that the poultry business will be changed so that cockerels will no longer be housed in the shed, and moved to other lawful structures on the site.

The Authority has questioned how this will be feasible for the continuation of the business, as cockerels must be kept with the chickens for fertilisation on a continual basis. The agent has advised that the business will be separated into two parts, with only layers to be housed in the application shed (unfertilised egg production) and cockerels and chickens to be housed in other lawful structures. This is sufficient to remove the Environmental Health objection on noise grounds but may cause future problems with noise from other structures. Any future nuisance from noise will be subject to control under Environmental Health legislation should it constitute a statutory nuisance, and the noise from cockerels will not be associated with the application shed. The application is therefore not considered to adversely harm the living conditions of neighbouring residents through noise nuisance and a mechanism exists under other legislation to control noise elsewhere on the site. In planning terms, there is nothing to prevent cockerels from being kept elsewhere on the site.

Policy DM7 of the Mid Devon Local Plan Part 3 (Development Management Policies) is also a key policy in the determination of the application. This states that applications for development that risks negatively impacting on the quality of the environment through noise, odour, light, air, water, land and other forms of pollution must be accompanied by a pollution impact assessment and mitigation scheme where necessary.

Objectors have highlighted concerns with regard to smell and flies from the site. The agent has submitted with the application, a Management Plan for fly control in accordance with Policy DM7, setting out monitoring, management and treatment measures of control. The fly management plan sets out measures to manage manure inside the shed, and it is recommended that a condition is imposed to require compliance with the management plan.

Environmental Health has not commented on a direct relationship between odour and the shed, but raised a concern regarding odour arising from the wider agricultural practice. A planning officer site visit in February 2014 confirmed some odour from the shed, although this was only noticeable from the immediate vicinity of the structure itself. However, it is acknowledged that odour is likely to be more prominent in warmer summer months.

The Authority is mindful of the other structures on the site that are capable of housing poultry without planning consent. It is therefore considered to be most suitable to regularise the housing of poultry in the shed with a condition regarding its management, to protect the amenity and living conditions of surrounding residential properties. On balance of the issues raised and subsequent response from Environmental Health, the retention of the agricultural shed, with conditional consent is considered to be most suitable for continued use of the site in accordance with Part b) of Policy DM22 of the Mid Devon Local Plan Part 3 (Development Management Policies). Management of smell and flies is also subject to Environmental Health legislation and is guided by DEFRA code of recommendations for the welfare of livestock.

Nearby residents have highlighted a concern regarding health risk caused by the proposed fly monitoring and control measures. Measures in the Management Plan include the use of insecticides, continual monitoring, and management of manure, all of which are proposed inside the shed. This will be subject to enforcement through Environmental Health legislation.

3. Drainage and environmental impact

Objectors to the proposal have highlighted a possible impact on the living conditions of residents and the surroundings through water contamination. An objector has stated there are no drains, and foul water has no place for safe discharge, with a potential to contaminate the private drinking water supply of a residential property nearby. Environmental Health has also stated that without adequate means of drainage being in place they would consider a recommendation of refusal of the application.

The agent has subsequently outlined a proposal for the installation of a concrete water catchment tank to collect dirty water and separate from any clean water run-off. The Authority requires further information regarding the type of water catchment tank and having discussed this with Environmental Health it is considered that the requirement for a suitable drainage plan can be conditioned upon the grant of planning permission. The condition requires the applicant to submit a detailed drainage plan to be complied with no later than 2 months of the decision notice and addresses the concerns raised.

Objectors have raised concerns regarding the management of the site and its impact on the local setting. An objector has mentioned that disease control precautions are not being complied with and the shed has not been cleaned out properly at the end of the breeding season. This is stated to have caused issues with flies and rat infestation. The Authority has consulted Environmental Health with regard to this matter who has advised that any problems across the wider site are subject to separate control through Environmental Health legislation. The wider environmental impact of the shed is considered to be low, given the screened position within an existing agricultural unit and large section of agricultural land to the west.

4. Other Issues

Consideration is given to the date of this report and likely date of determination. The shed is stated to have been on the land for a period in excess of 3 years. No formal date has been given, and therefore the Local Planning Authority cannot determine when the building shall become immune from any enforcement action. No formal enforcement action has been taken pending the outcome of this application to regularise the situation.

CONDITIONS

1. The date of commencement of this development shall be taken as the 13th February 2014 when the application was registered by the Local Planning Authority.
2. The development hereby permitted shall be carried out in accordance with the approved site location plans listed in the schedule on the decision notice.
3. Within 2 months of the grant of planning permission, a Waste Management Plan shall be submitted to and approved in writing by the Local Planning Authority. It shall set out means of waste water management and drainage to be used. The management plan must include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The development shall be carried out in accordance with the approved Waste Management Plan at all times.
4. The development hereby permitted shall be carried out in accordance with the submitted Fly Control Management Plan received by the Local Planning Authority on the 24th February 2014.

REASONS FOR CONDITIONS

1. In order to establish a legal commencement date for the development to enable the development to be monitored by the Local Planning Authority, and in accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of proper planning.
3. To ensure that risks from water contamination are minimised, in accordance with Policies DM7 and DM22 of the Mid Devon Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.
4. To manage and control flies associated with the agricultural use in the interests of protecting the living conditions of neighbouring residents in accordance with Policies DM7 and DM22 of the Mid Devon Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

On balance, the proposed shed to be retained for the purpose of agriculture, is deemed to be reasonably necessary, and in light of changes to the use of the building and conditions being imposed, it is not considered to constitute a significant detrimental impact upon the amenity of the occupiers of another dwelling, or the visual amenity of the surrounding countryside and adequate measures for the disposal of foul drainage can be provided.

The retention of the shed on an already established agricultural unit is deemed to be in accordance with Policies COR2 and COR18 of the Mid Devon Core Strategy (Local Plan Part 1), Policies DM2, DM7 and DM22 of the Mid Devon Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework. Approval is therefore recommended.

Grid Ref: 277367 : 93020

Applicant: Mr N Creasy

Location: The Mulberry Cheriton
Bishop Exeter

Proposal: Change of use from
public house to B1(a)
office use

Date Valid: 24th February 2014



Application No. 14/00285/FULL

RECOMMENDATION

Grant permission subject to conditions.

PROPOSED DEVELOPMENT

The application has been submitted by the Devon Federation of Young Farmers Club. The applicants do not own the site but hope to complete the purchase following the outcome of this planning application, if their application is supported.

The application is to change the use of the former Mulberry public house to B1(a) office space. The plans as submitted show that the gross floor space in the building is approximately 420 square metres over 2 storeys. At present the facilities that comprise the public house are at ground floor (snug room, pool room, kitchen, lounge and dining area) with self-contained residential accommodation on the upper floor.

The proposed layout includes an open plan office area, meeting room, two toilet areas and a kitchen space on the ground floor with 6 small self-contained office suites on the first floor each with en-suite toilet and shower facilities.

The applicant has confirmed (telecom 9/4) that they wish to relocate their administrative HQ to the building from the current base in Exeter. It is also intended that the Voluntary Youth Services for Devon (VYSD) will also occupy the building - they are currently co-located with the applicant at the existing premises in Exeter. The applicant would also seek to allow organisations who provide services to the rural community such as Bicton College to occupy some of the office space and/or use the meeting room on an ad-hoc basis.

APPLICANT'S SUPPORTING INFORMATION

- Site Location Plan.
- Existing Floor Plans and Proposed Floor Plans
- Letter from Agent (dated 19th March 2014) setting out proposals
- Information in relation to the marketing of the premises

Copies of emails From GVA to applicant (joint marketing agents) dated 19th March - setting out what they had done in terms of marketing the premises for sale, and 25th March 2014 - setting out their justification for the asking price for the property of £495,000.

19th March:

I can confirm the property has been extensively marketed since February 2013. This has been undertaken in a number of ways:

- Adverts were placed in the Estates Gazette, Publican's Morning Advertiser (a widely read weekly trade press journal), Western Morning News and Exeter Echo.
- The property was mailshotted to local and regional developers, pub operators/owners including regional brewers and commercial property agents.
- A sale board was placed on the property
- It was listed on our website.

We also engaged Stags Estate agents, a well-known and experienced firm of Property Agents with a strong presence in the South West to assist us. This was to ensure we maximised the local/regional exposure for the property.

The property has clearly been marketed actively and extensively by both GVA and Stags. I trust this provides the necessary review of the marketing undertaken on the property.

25th March:

GVA were appointed by Receivers to sell the Five Bells, Clyst Hydon in October 2012. This was an attractive village pub that was located in a very isolated village some 7 miles from Junction 28 of the M5. The property had a thatched roof and was in need of significant refurbishment. Despite these factors, we received considerable interest in the property which sold for £350,000. The purchaser has spent in excess of £200,000 completing a refurbishment. It will need an on-going maintenance program due to its age and roof structure.

Taking this into account, we marketed the Mulberry on the basis that it offered a similar level of accommodation in terms of size, enjoyed a village location but more importantly, is far more accessible from Exeter and the surrounding villages and did not need any significant investment in order to start trading it. It also had letting accommodation. In our opinion, it was infinitely more valuable as a result.

Therefore, we provided our client with a range of values when we commenced marketing the Mulberry, and obviously, we sort to achieve the best price, taking into account the above comparable sale.

Copy of letter from Stags to applicant dated 20th March 2014 confirming the following points:

Stags were instructed jointly with GVA at a Guide price of £495,000 on 15th July 2013.

The property has been made available to our applicants on our mailing list. During that period the property has been matched to 142 different people on our mailing list and via the Stags Website, over 500 people have requested details.

The property is also made available on property portals such as zoopla and rightmove, and during that time the property has been browsed 24,891 times on rightmove and clicked through 903 times.

The property has also had a 'for sale' board posted and we consider the property has been fully marketed for over 7 months.

Email from agent dated 4th April providing information regards the marketing of the site in terms of any other offers received for the site whilst it was for sale, as follows:

Two other offers were received, one from a vets practice at a figure of £325,000 and one from a developer at £380,000. Both of these potential transactions fell through but no reasoning is provided.

PLANNING HISTORY

None.

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR1 - Sustainable Communities

COR2 - Local Distinctiveness

COR9 - Access

COR17 - Villages

Mid Devon Local Plan Part 3 (Development Management Policies)

DM1 - Presumption in favour of sustainable development

DM25 - Community facilities

CONSULTATIONS

HIGHWAY AUTHORITY - 6th March 2014 - Standing advice applies please see Devon County Council document <http://www.devon.gov.uk/highways-standingadvice.pdf>

ENVIRONMENT AGENCY – 14th April 2014 - Operational development less than 1ha. Within flood zone 1. No consultation required see surface water management good practice advice - see standard comment.

CHERITON BISHOP PARISH COUNCIL - 12th March 2014

The Parish Council supports the application but would like to see a condition restricting it to use by the YFC as a registered charity. The Parish Council are not convinced that other options for the site have been fully explored regarding marketing and hope that Officers will ensure that all viable options have been explored before the building is lost to community use forever.

15th April 2014

The Parish Council would like to emphasise their support for the application as stated in our previous response.

REPRESENTATIONS

In total 32 representations have been received from local stakeholders with 19 letters submitted raising objections to the proposals and 13 expressing support. A summary of the comments is set out below:

1. General support for a new use on the site, in particular by the Young Farmers Group
2. It has not been proven that the site is not economically viable to continue as pub.
3. The facilities at the Old Thatch are very different to that which were provided in the Mulberry
4. The village will need more than 1 pub if more housing is built in Cheriton.

In addition a petition with over 250 signatures on it has been presented objecting to the proposed change of use of the premises.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The site is located at the heart of the village of Cheriton Bishop and the building sits in a generous sized plot with ample space for car parking. The site has not operated as a pub for at least 18 months, and over that time the premises have been emptied of furniture and other equipment. There is another public house in Cheriton Bishop, the Old Thatch Inn, which is currently operational.

The application does not propose for any external changes to the building, and therefore the main issues relating to the determination are:

1. **Policy matters.**
2. **Will the proposal damage the provision of services to the community.**
3. **Is the scope of the office floor space of an appropriate scale.**
4. **Other issues/the planning balance.**

1. Policy matters

The main policies relevant to the determination of this application are set out above. For the purposes of determining the application, the Development Plan comprises of the Mid Devon Core Strategy (Local Plan Part 1), the Mid Devon Allocations and Infrastructure Development Plan Document (Local Plan Part 2) and the Mid Devon Local Plan Part 3 (Development Management Policies).

Policy COR17 promotes Cheriton Bishop as a village where new small scale employment development could be supported. Policy COR1 sets out a wide range of policy considerations that should be considered in order to achieve sustainable communities, including criteria b and c:

- b. Providing access to education, training and jobs and supporting the creation of new enterprises to bring economic prosperity and self-sufficiency for the district and its settlements,
- c. Enhancing the self-sufficiency and vitality of communities, providing neighbourhoods and settlements with a vibrant mix of flexible and compatible uses, services and community facilities.

Policy DM25 is concerned with the development of new, and protection of existing community facilities, of particular relevance is the second part of the policy test which establishes that:

Proposals involving the loss of community facilities such as local shops, public houses, allotments, cultural and recreational facilities and other important local services will not be permitted where this would damage the settlements ability to meet its day to day needs or result in the total loss of such services to the community. Only in circumstances where the facility is proven to be no longer economically viable, including for alternative community uses, will applications for an alternative use be considered acceptable.

The extent to which the application accords with these policy requirements is considered below:

2. Will the proposal damage the provision of services to the community

National Policy seeks to guard against the unnecessary loss of community facility land and buildings, and Policy DM25 of the Mid Devon Local Plan Part 3 (Development Management Policies) establishes this objective at the local policy level. Although the former pub is no longer trading and has not been for 18 months, this does not automatically mean that there would be policy support under Policy DM25 for another use at the site. The policy sets out a stepped approach in order to complete the assessment against the requirements of Policy DM25.

As stated above there is another Public House in Cheriton Bishop, and although a number of local residents have objected to the application scheme on the grounds that the Old Thatch Inn trades more as a restaurant, in theory if the application scheme is approved there will still be a Public House in the village. Although it is acknowledged that at present it provides a different environment for customers compared to the Mulberry as it last traded.

In circumstances where a community facility is proved no longer economically viable, there could be policy support under Policy DM25 to permit an alternative use. In order to arrive at a decision on this aspect Mid Devon Local Plan Part 3 (Development Management Policies) sets out that detailed evidence relating to trading accounts, valuation consideration and the marketing of the business or property at reasonable price for a minimum period of 12 months.

Given that the applicant is not the site owner, they have not been directly responsible for marketing the business and/or the site. In relation to this aspect a number of local stakeholders refer to the fact that the marketing undertaken by GVA and Stags for the site since it been closed is not realistic and the asking price of £495,000 is the same as the asking price back in 2010 when it was for sale as going concern and was being marketed by Christie and Co.

The evidence base that the applicant has been able to submit on this matter has been limited and is set out above in the section of this report that sets out the information that the applicant has submitted to support this application. Your officers have concerns in terms of this aspect of the assessment as the rationale for the current sale price is not considered particularly robust and/or justified to any great degree, and as stated by one of the joint agents (Stags), the premises have been fully marketed for over 7 months.

In conclusion on this aspect of the policy assessment your officers do not consider that sufficient evidence has been submitted to demonstrate compliance with the requirements of Policy DM25.

3. Is the scope of the office floor space of an appropriate scale

The office space will be provided in the existing building which will be converted to form the new layout as set out above with no external alterations proposed. The internal layout is considered reasonable and although a formal layout of the external space has not been submitted site curtilage is significant in size, and therefore it is considered that there would be ample provision for car parking with the associated turning and space if the site was converted into offices as proposed. The site is accessible by public transport and with good access from the A30 and on country roads up to Crediton.

Overall if the proposed change of use was allowed it may improve the self-sufficiency and economic sustainability of Cheriton Bishop as a village community.

4. Other issues/the planning balance

When considering development proposals the Council will take a positive approach in favour of sustainable development. It will work proactively to find solutions which allow proposals to be approved wherever possible, and to secure development that improves the economic, social and environmental condition in the area.

In this case the applicant is seeking to relocate from existing premises in Exeter along with a voluntary organisation that promotes Youth Services in Devon. The applicant has confirmed strong links with other rural based training and education organisations that it wishes to accommodate at the application site on ad-hoc basis. Therefore, overall it is considered there are clear social and economic benefits associated with the applicants occupying the premises. The applicant has agreed to a condition that would restrict the occupation of the premises primarily for their benefit (Devon Federation of Young Farmers Club) with an allowance to allow other community/rural based organisation to also occupy. It is the intention of the applicant that it be on the basis of an approximate split, and thus ensure that the social and economic benefits associated with this particular tenant mix as proposed is secured.

Therefore, although your officers cannot confirm that a satisfactory case has been made to comply with the requirements of Policy DM25, it is on considered that on balance the application should be approved subject to the following conditions as set out given the social and economic benefits that the application proposals will deliver.

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The use of the premises hereby permitted as office floor space (Use Class B1 A) shall ensure for the benefit only of the Devon Federation of Young Farmers and other rural charity and education based organisations. The office floor space hereby permitted shall be restricted to persons associated with the Devon Federation of Young Farmers and other rural and charity and education based organisations.

REASONS FOR CONDITIONS

1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The information submitted as part of the application scheme has not demonstrated compliance with Policy DM25 of the Mid Devon Local Plan Part 3 (Development Management Policies), and the Local Planning Authority has attached more weight in the decision making process to special circumstances associated with the applicant and their proposed tenant mix for the building. However, the Local Planning Authority wishes to have the opportunity of exercising control over any subsequent use in the event of the applicant ceasing the use hereby permitted.

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The application scheme seeks planning permission to change the use of the Mulberry Public House to office floor space (Use Class B1 A). Although insufficient information has been submitted to demonstrate compliance with the requirements of Policy DM25 of the Mid Devon Local Plan Part 3 (Development Management Policies) in terms of satisfactorily demonstrating that the use of the site as a public house is no longer economically viable, the circumstances relating to the applicant and the social and economic benefits that will arise are considered on balance sufficient to justify granting a personal planning permission. On this basis it is considered that the proposals comply with Policies COR1, COR9 and COR17 of the Mid Devon Core Strategy (Local Plan Part 1), Policy DM1 of the Mid Devon Local Plan Part 3 (Development Management Policies) and advice in the National Planning Policy Framework.

Application No. 14/00359/FULL

Plans List No. 4

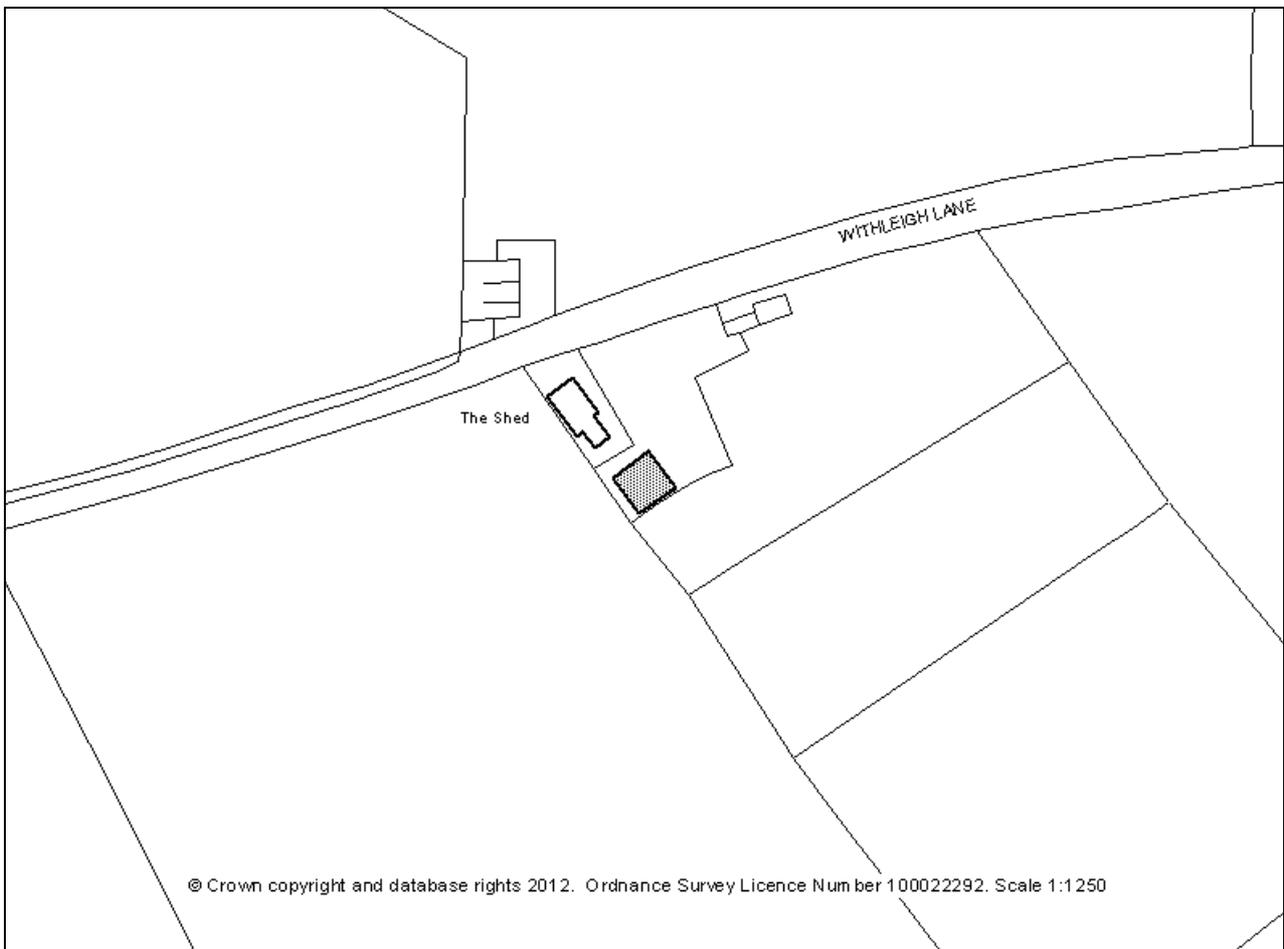
Grid Ref: 291301 : 112585

Applicant: Mr Arthurs

Location: Land at NGR 291225
112623 Withleigh
Lane Withleigh

Proposal: Retention of an
agricultural storage
building

Date Valid: 11th March 2014



Application No. 14/00359/FULL

RECOMMENDATION

Grant permission subject to conditions.

CLLR GERALD LUXTON HAS REQUESTED THAT THIS APPLICATION BE DETERMINED BY THE PLANNING COMMITTEE FOR THE FOLLOWING REASON:

To consider whether the building is designed and justified for agriculture on the holding.

PROPOSED DEVELOPMENT

The proposed development is for the retention of a building on agricultural land measuring approximately 9 metres x 9 metres and 5.5 metres to ridge height. Materials are green box profile cladding over low concrete block walls and a box profile cladding roof. There are two large metal doors at the eastern end of the building. The building is accessed via a narrow unmade lane and sits adjacent to another building used for hobby car repairs.

APPLICANT'S SUPPORTING INFORMATION

Planning, Design and Access Statement

PLANNING HISTORY

The application building was built without the benefit of planning permission and is therefore unauthorised. It is understood that the building replaced an existing building on the site which was destroyed in a storm. An enforcement notice for the building's removal was issued on 1 December 2009 and an appeal against the enforcement notice on grounds (a) and (g) was subsequently dismissed (copy appeal decision attached).

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR18 - Countryside

Mid Devon Local Plan Part 3 (Development Management Policies)

DM2 - High quality design

DM22 - Agricultural development

CONSULTATIONS

HIGHWAY AUTHORITY - 19th March 2014 - Standing advice applies please see Devon County Council document <http://www.devon.gov.uk/highways-standingadvice.pdf>

TIVERTON TOWN COUNCIL - 8th April 2014 - Opposes this as it was previously turned down by the Planning Inspector.

REPRESENTATIONS

None

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

1. Justification for building

The appeal was made on the basis that the building was required in respect of a mixed use of the building and the surrounding land for various uses including storage of vehicles and machinery, builder's yard materials and in respect of the keeping of a pony. At the time of the appeal, the applicant owned one field adjacent to the building. Since then, he has acquired a further block of land and now has a total of 7 acres

(2.8 HA) of agricultural land which he intends to run as a smallholding.

In his decision, the Inspector stated that the building was inappropriate in that it is outside and not adjacent to any village or town, has very poor vehicular access, detracts from the area's rural character and does not serve an agricultural purpose. As such the building would be contrary to policy.

Policy COR18 of the Mid Devon Core Strategy (Local Plan Part 1) permits agricultural buildings outside of defined settlements and policy DM22 of the Local Plan Part 3 (Development Management Policies) permits agricultural development where:

- a) the development is reasonably necessary to support farming activity on that farm or in the immediate agricultural community;
- b) the development is sensitively located to limit any adverse effects on the living conditions of local residents and is well-designed, respecting the character and appearance of the area;
- c) the development will not have an unacceptable adverse impact on the environment; and
- d) the development will not have an unacceptable traffic impact on the local road network.'

Your officers consider that a building the size of the appeal building could be justified to serve the expanded 7 acre holding, being relatively small in terms of modern agricultural buildings and its use for agriculture could be conditioned. There are no neighbouring residents likely to be affected by the building's use for agricultural purposes and it is not considered to have an unacceptable adverse impact on the environment or on the local road network. The issue of its design and visual impact is considered below.

2. Design and impact on the character and appearance of the countryside

The building is a standard steel framed building clad with profile sheeting over low concrete block walls. Agricultural buildings of a similar design are increasing being erected for agricultural purposes. In his decision, the appeal Inspector noted that elements of the building such as the large metal doors were not typical of agricultural buildings. However, that does not mean that it is not suitable for agricultural use. The Inspector was more concerned that the building was not erected for agricultural purposes. He commented that 'any similarity it might have to agricultural structures is not a good reason for permitting it'.

The building is visible within the landscape and is partially visible from the lane. The lane is not made up and appears to be only very lightly trafficked. The building is not highly visible from public vantage points within the landscape and where it may be visible, its overall appearance is that of an agricultural building. Its size, location and design (save perhaps for the large metal doors) is similar to other buildings approved on agricultural holdings in the District. However, in order to screen the building further within the landscape, it is recommended that a condition be imposed requiring the applicant to plant a tree screen along the south eastern side of the building to minimise the impact on the landscape, in accordance with Policies DM2 and DM22 of the Local Plan Part 3 (Development Management Policies).

Your officers consider that provided the building is controlled for agricultural use only, its retention would meet relevant planning policy and that on balance, with the additional screening would not have an unacceptable impact on the character and appearance of the area.

3. Planning gain

As mentioned above, the application is one of two applications submitted by the applicant, the other being to change the use of a small area of agricultural land to the north of the application building and adjacent to a building which has an established use for motor vehicle repairs. Part of the applicant's land is currently used to store vehicles and other materials and, although mostly screened within the landscape, the land is untidy. This use has continued for a considerable time and your enforcement officer considers the storage use is now more than likely immune from enforcement. The applicant proposes to remove the vehicles, non-agricultural machinery and materials from the land and return the land to agriculture. The vehicles and other machinery and materials would be stored in the area adjacent to the existing garage building, which would be screened by a new hedge. As a result, the two uses (agriculture and hobby vehicle repairs and storage) would be separated, and the uses could be conditioned and controlled in the future.

Your officers consider that granting the two applications, with conditions, would result in a planning gain by restricting the non-agricultural use of the land to a smaller, screened, area, and returning untidy land to agricultural use.

If the applications are refused, it is likely that the agricultural land would continue to be used for non-agricultural purposes and remain untidy. The applicant would also be able to appeal the decision in order to retain the application building for agricultural uses on the expanded holding.

CONDITIONS

1. The date of commencement of this development shall be taken as 11th March 2014, the date the application was registered by the Local Planning Authority.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. The building hereby permitted shall be used for agricultural purposes only on the holding to which it relates and shall not be used for any other purposes, including any non-agricultural storage or for maintenance or repairs to any non-agricultural vehicles or machinery.
4. Within 3 months of the date of this decision notice, all non-agricultural buildings, structures, vehicles, plant, machinery and materials stored on the land hatched blue on drawing number PL/S.LP./01 shall be removed permanently from that land and the land returned to agricultural use.
5. Within 9 months of the date of this decision notice, a tree screen shall be planted along the south eastern side of the building, in accordance with details that shall have been previously approved in writing by the Local Planning Authority. Following its provision, such approved tree screen shall be permanently retained and any trees or plants which die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

REASONS FOR CONDITIONS

1. In order to establish a legal commencement date for the development to enable the development to be monitored by the Local Planning Authority.
2. For the avoidance of doubt and in the interests of proper planning.
3. The building is in a location where non-agricultural uses would be inappropriate due to the poor access and unacceptable impact on the rural character of the area, in accordance with Policy COR18 of the Mid Devon Core Strategy (Local Plan Part 1).
4. To protect the character and appearance of the countryside in accordance with Policy DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).
5. To protect the rural character and appearance of the area in accordance with Policies DM2 and DM22 of the Mid Devon Local Plan Part 3 (Development Management Policies).

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The proposal is considered to be acceptable in that the building can be justified for agriculture on the holding to which it relates and is considered to be reasonably suitable for an agricultural use. Subject to conditions, the proposal is not considered to be unacceptable in terms of its effects on the character and appearance of the countryside, on the highway network or on neighbouring residents. The proposal is considered to comply with the relevant Policies: COR18 of the Mid Devon Core Strategy (Local Plan Part 1) and DM2 and DM22 of the Mid Devon Local Plan Part 3 (Development Management Policies).

Application No. 14/00362/FULL

Plans List No. 5

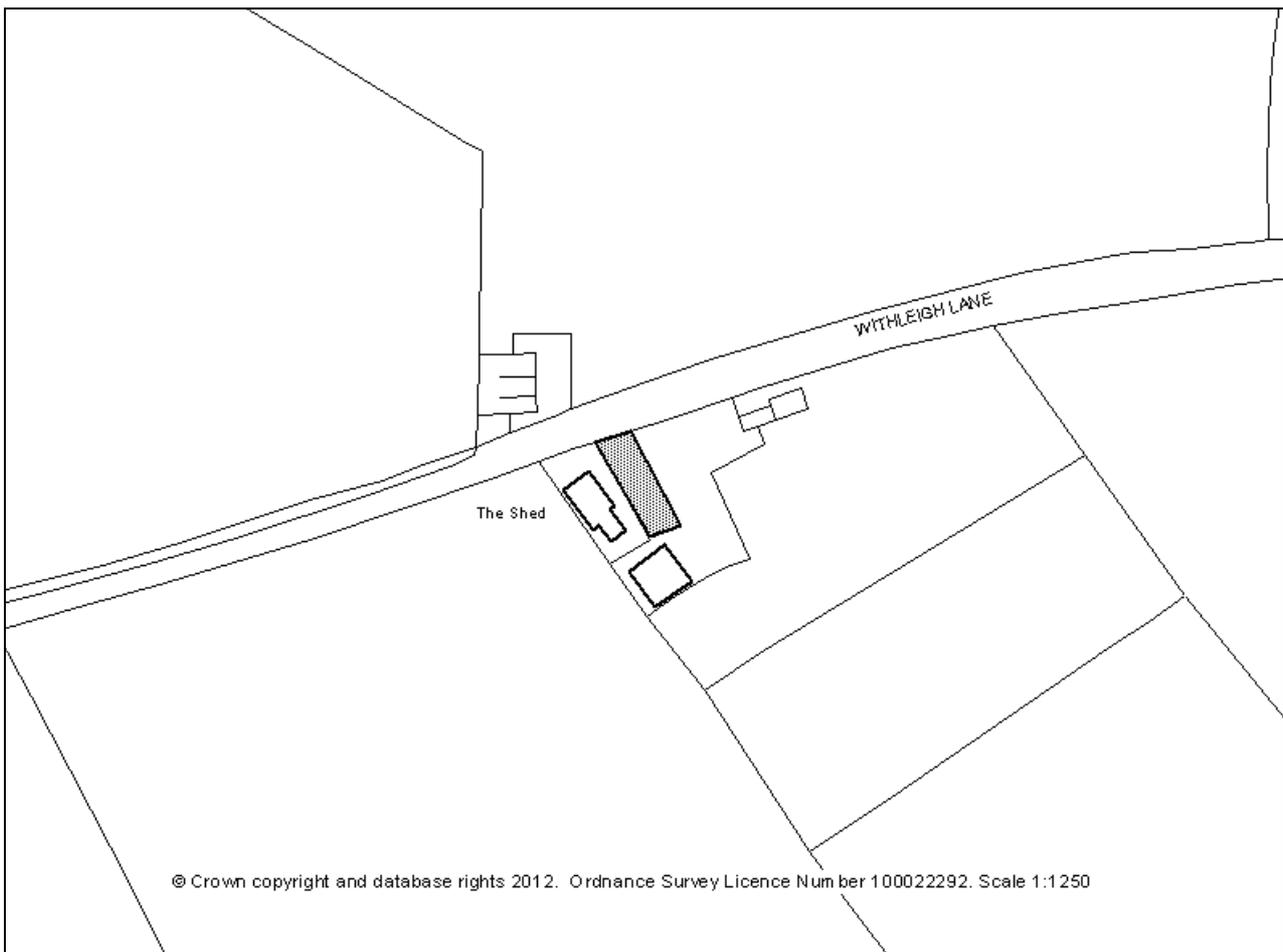
Grid Ref: 291211 : 112639

Applicant: Mr Arthurs

Location: Land and Buildings at
NGR 291211 112639
(North West of
Westfield) Withleigh
Lane Withleigh

Proposal: Change of use of land
from agricultural to the
storage of motor
vehicles

Date Valid: 14th March 2014



Application No. 14/00362/FULL

RECOMMENDATION

Grant permission subject to conditions.

CLLR GERALD LUXTON HAS REQUESTED THAT THIS APPLICATION BE DETERMINED BY THE PLANNING COMMITTEE FOR THE FOLLOWING REASON:

To consider whether the expansion of the motor vehicles repairs use is appropriate in the countryside.

PROPOSED DEVELOPMENT

The proposed development is for the change of use of an area of agricultural land adjacent to an existing vehicle repairs workshop to a use for the storage of motor vehicles used in connection with the applicant's motor vehicle repair hobby. The area of land measures approximately 154 square metres. It is intended to screen the land by planting a new hedge.

APPLICANT'S SUPPORTING INFORMATION

Planning, Design and Access Statement

PLANNING HISTORY

See Planning Committee report for application reference 14/00359/FULL for a history of the adjacent site which is also relevant to this application.

The land is adjacent to a building with an established use for motor vehicle repairs.

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR18 - Countryside

Mid Devon Local Plan Part 3 (Development Management Policies)

DM2 - High quality design

DM22 - Agricultural development

CONSULTATIONS

HIGHWAY AUTHORITY - 19th March 2014 - Standing advice applies please see Devon County Council document <http://www.devon.gov.uk/highways-standingadvice.pdf>

TIVERTON TOWN COUNCIL - 8th April 2014 - This would be out of character in the open countryside.

ENVIRONMENTAL HEALTH - 1st April 2014

Contaminated Land - N/A

Air Quality - N/A

Drainage - N/A

Noise & other nuisances - No objections

Housing Standards - N/A

Licensing - N/A

Food Hygiene - N/A

Private Water Supplies - No objections

Health and Safety - No objections

REPRESENTATIONS

None

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

1. Justification for the change of use and planning gain

The application is one of two applications submitted by the applicant, the other being to retain an existing unauthorised building for agricultural use under planning application reference 14/00359/FULL.

Part of the applicant's land is currently used to store vehicles and other materials associated with his hobby of vehicle repairs and, although mostly screened within the landscape, the land is untidy. The hobby use is small scale and results in a small number of vehicles being stored on the land at any one time. This use has continued for a considerable time and your enforcement officer considers the storage use is now more than likely immune from enforcement. If this application is granted, the applicant proposes to remove the vehicles, non-agricultural machinery and materials from the neighbouring land and return the land to agriculture. The vehicles and other machinery and materials would be stored in the area adjacent to the existing garage building the subject of this application, and which would be screened by a new hedge. The scale of the hobby use is such that the use of the adjoining field for vehicle storage could cease completely and be contained within the authorised area resulting from this change of use, if permitted. As a result, the two uses (agriculture and hobby vehicle repairs and storage) would be separated, and the uses could be conditioned and controlled in the future.

The applicant also operates a vehicle recovery, breakdown and repair service which operates from Tiverton. Although the location is acceptable for a small scale hobby use in connection with the use of the existing building adjacent to the site, it would not be suitable for such a commercial use or for any expansion of this or any similar business and a condition restricting use of the land to hobby use only is recommended should the application be approved.

Your officers consider that granting the two applications, with conditions, would result in a planning gain by restricting the non-agricultural use of the land to a smaller, screened, area, and returning untidy land to agricultural use.

If the applications are refused, it is likely that the agricultural land would continue to be used for non-agricultural purposes and remain untidy.

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. Within 3 months of the date of the decision notice, all non-agricultural buildings, structures, vehicles, plant, machinery and materials stored on the land hatched blue on drawing number PL/S.LP./01 submitted under planning application reference 14/00359/FULL shall be removed permanently from that land and the land returned to agricultural use.
4. The hedge around the southern and eastern sides of the site indicated on drawing number PL/BLOCK PLAN/01 shall be provided within 9 months of the land being brought into its approved use, in accordance with details that shall have been previously approved in writing by the Local Planning Authority. Following its provision, such approved hedge shall be permanently retained and any trees or plants which die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

5. The land edged red drawing number PL/S.L.P./01 shall be used for the purposes of storage in connection with hobby vehicle repairs only in association with the existing use of the adjacent building to the east of the site, and no part of the land shall be used for any business or commercial use, including for the storage or parking of any vehicles in connection with any business or commercial use.

REASONS FOR CONDITIONS

1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of proper planning.
3. To protect the character and appearance of the countryside in accordance with policy DM2 of the Mid Devon Core Strategy (Local Plan Part 1).
4. To protect the rural character and appearance of the area in accordance with policies COR18 of the Mid Devon Core Strategy (Local Plan Part 1) and DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).
5. The land is in a rural location where access to the site is substandard and not suitable for the operation of a business, in accordance with policy DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The proposal is considered to be acceptable in that the change of use of this small area of land would enable the Local Planning Authority to restrict the non-agricultural use to a small, screened area and enable the applicant to return the adjacent land to agriculture. The proposal is considered to comply with the relevant Policies: COR18 of the Mid Devon Core Strategy (Local Plan Part 1) and DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).

Application No. 14/00368/FULL

Plans List No. 6

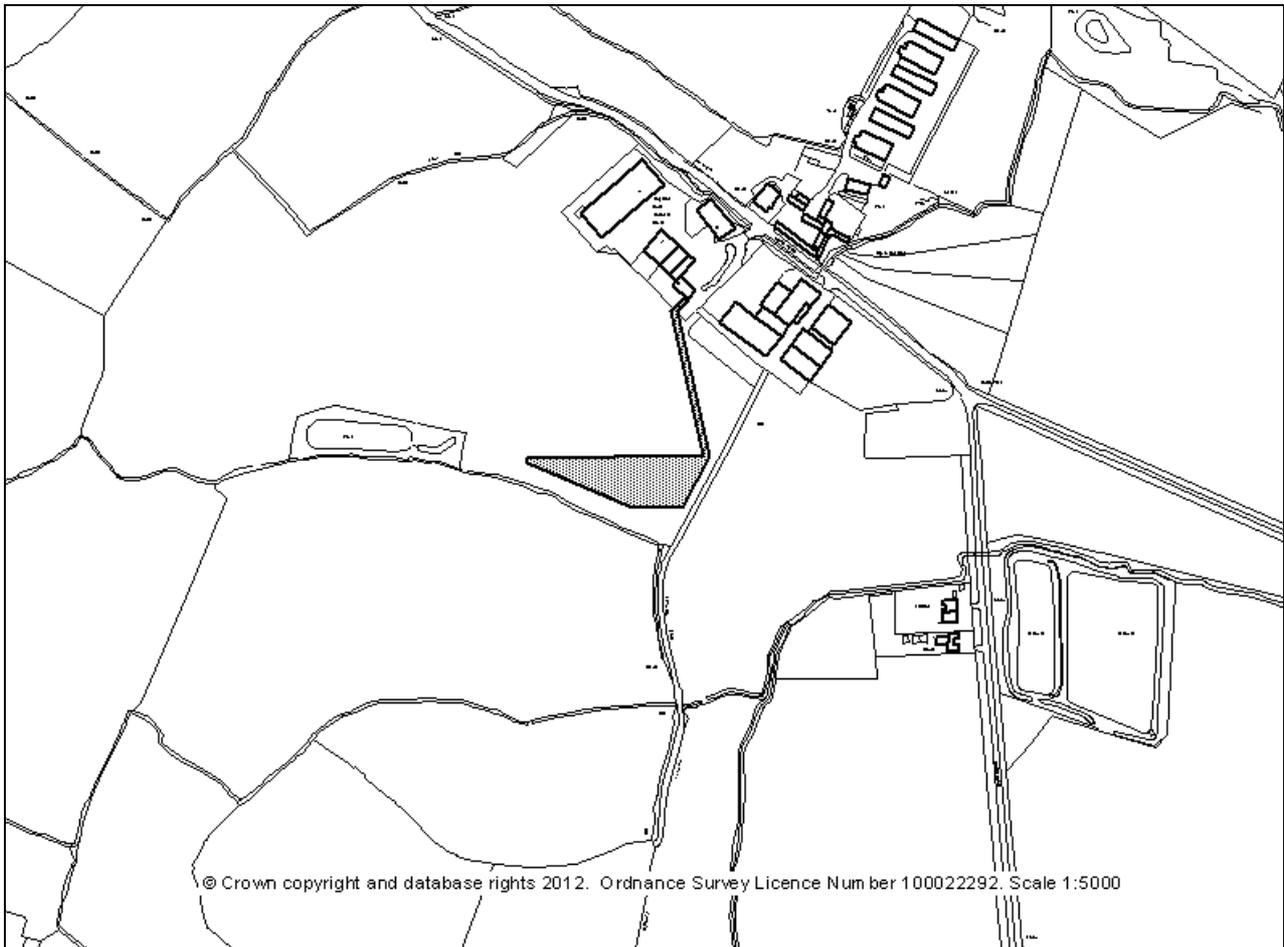
Grid Ref: 304454 : 108728

Applicant: Mr M Frost

Location: Land at NGR 304454
108728 (Behind
Kingsford Rural
Business Centre)
Kentisbeare Devon

Proposal: Installation of ground
mounted PV solar farm
to generate up to
250kW of power (site
area of 0.48 ha)

Date Valid: 17th March 2014



Application No. 14/00368/FULL

RECOMMENDATION

Grant permission subject to conditions.

PROPOSED DEVELOPMENT

This application seeks planning permission for the installation of a ground mounted solar array to generate up to 250kW of power on a site area of 0.48 hectares. The land presently comprises part of an agricultural field to the south of the existing Kingsford Rural Business Centre and the yard of Kingsford Farm. The power generated by the array is proposed to be utilised on the Kingsford Rural Business Centre and it is at one of these buildings that the array is to be connected.

The panels are proposed to be arranged in five rows giving a total of 1,040 panels and a maximum height above ground level of 2.04m. A 1.8m high deer park fence is to surround the array.

APPLICANT'S SUPPORTING INFORMATION

Planning Statement including Landscape and Visual Impact Assessment
Design and Access Statement

PLANNING HISTORY

13/01649/FULL Installation of ground mounted PV solar farm to generate up to 250kW of power (site area of 0.51ha) - Withdrawn March 2014

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR11 - Flooding
COR18 - Countryside

Mid Devon Local Plan Part 3 (Development Management Policies)

DM2 - High quality design
DM5 - Renewable and low carbon energy

CONSULTATIONS

KENTISBEARE PARISH COUNCIL - 11th April 2014 - No objection

NATIONAL AIR TRAFFIC SERVICE - 21st March 2014 - The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

However, please be aware that this response applies specifically to the above consultation and only reflects the position of NERL (that is responsible for the management of en route air traffic) based on the information supplied at the time of this application. This letter does not provide any indication of the position of any other party, whether they be an airport, airspace user or otherwise. It remains your responsibility to ensure that all the appropriate consultees are properly consulted.

If any changes are proposed to the information supplied to NERL in regard to this application which become the basis of a revised, amended or further application for approval, then as a statutory consultee NERL requires that it be further consulted on any such changes prior to any planning permission or any consent being granted.

BRADNINCH TOWN COUNCIL - 16th April 2014 - No comment.

CULLOMPTON TOWN COUNCIL - 15th April 2014 - Recommend grant permission.

NATURAL ENGLAND - 24th March 2014 - No objection

ENVIRONMENT AGENCY - 19th March 2014 - The applicant has amended the site plan and the development is now in FZ1 and under 1ha, therefore standing advice applies.

HIGHWAY AUTHORITY - 19th March 2014 - No comment.

HALBERTON PARISH COUNCIL - 10th April 2014 - No comment

SOUTH WEST WATER - 15th April 2014 - The applicant/agent is advised to contact South West Water if they are unable to comply with our requirements as detailed below.

A plan showing the approximate location of a public water main in the vicinity. Please note that no development will be permitted within 3.5 metres of the water main. The water main must also be located within a public open space and ground cover should not be substantially altered.

Should the development encroach on the 3.5 metre easement, the water main will need to be diverted at the expense of the applicant. The applicant/agent is advised to contact the Development Planning Team to discuss the matter further.

REPRESENTATIONS

None received

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

- 1. Landscape and visual impact**
- 2. Impact upon neighbouring properties**
- 3. Other matters**

1. Landscape and visual impact

The application site is not within an area subject to any special landscape designations. The Landscape Character Type for the site is 3E 'Lowland Plains'. The site and its surrounding landscape is a generally open, low lying and flat landscape which is typical of this landscape type. To the south and further to the east there are boundary hedgerows and trees which provide some screening of the application site. The Landscape Sensitivity Study produced for Mid Devon identifies the Lowland Plains landscape type as being of medium sensitivity to this scale of solar array.

In this instance, the buildings at the Kingsford Rural Business Centre and Farm largely preclude views of the site from the road to the north; to the east, views from Horn Road are filtered by existing hedgerows and trees. Similarly and from a greater distance, views from the west are primarily only obtainable from gateways due to the density and height of boundary hedgerows. The array is proposed close to an existing dense boundary hedge which prevents views from the south.

There are no public footpaths in the locality which would be detrimentally affected by the development.

Policy COR18 of the Mid Devon Core Strategy (Local Plan Part 1) supports the principle of the provision of renewable energy developments in rural area. The key policy test for the assessment is outlined in Policy DM5 of Local Plan Part 3 (Development Management Policies) as follows:

Proposals for renewable or low carbon energy will be permitted where they do not have a significant adverse impact on the character, amenity, and visual quality of the area, including cumulative impacts of similar developments within the parish or additional parishes.

Where significant impacts are identified through environmental impact assessment, the Council will balance the impact against the wider benefits of delivering renewable and low carbon energy, considering:

- (a) Landscape character and heritage assets.
- (b) Environmental amenity of nearby properties in accordance with Policy DM7.
- (c) Quality and productivity of the best and most versatile agricultural land (grades 1, 2 and 3a).
- (d) Biodiversity (avoiding habitat fragmentation).

Having regard to the relatively restricted public visibility of the proposed array and of its modest scale, it is considered that the proposal would retain the quality of this rural landscape and would not cause harm to the visual appearance of the locality, thereby meeting with policy DM5 in this respect.

2. Impact upon neighbouring properties

At the time of writing, no neighbour representations have been received. The nearest neighbouring properties lie approximately 190m to the south east of the application site; views toward these properties are difficult due to the presence of trees and hedges. One property, approximately 600m to the north west has a clear view toward the application site from its rear elevation and garden. However, at this angle the property would see the rear of the panels and given the intervening distance, which is across largely open fields, it is not considered that the impact upon their amenity would be significant so as to merit refusal.

Aside from residential properties, the application site is to the south of the Kingsford Rural Business Centre and Kingsford Farm, both of which are in the ownership of the applicant and is to the south west of the Wains Transport lorry yard. Having regard to the nature of these uses and that the applicant owns two of the three, their amenity will not be detrimentally affected.

In respect of the impact upon neighbouring properties the proposal meets with the requirements of policy DM5 of Local Plan Part 3 (Development Management Policies).

3. Other matters

The site is classed as grade 3 agricultural land and no further details are available to determine if it is sub-grade 3a or 3b. The overall site area is modest and given that it cannot be determined if the soil quality would class it as 'best and most versatile land' it is not considered that a reason for refusal could be justified on these grounds.

The siting of the solar panels themselves is in Flood Zone 1 and the Environment Agency has not objected to the scheme. It should be noted that the cable linking the array to the Rural Business Centre does pass through Flood Zone 3 but this cable would be placed underground and therefore not impact upon the flow of flood water. A condition is recommended for imposition to ensure this.

Access to the site would be via the existing access to the Rural Business Centre and there is ample provision within the site for the parking of construction traffic. The Highway Authority raises no concerns with the proposal and the access route to the site, which would be via the A373 from Cullompton and onto Horn Road.

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.

3. When no longer required for the generation of electricity the solar PV facility and all associated development shall be removed from the site within 6 months of the cessation of electricity generation.
4. The cabling connecting the solar array to the electricity network shall be placed underground.
5. No lighting shall be installed at the site without the Local Planning Authority first having granted planning permission.

REASONS FOR CONDITIONS

1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of proper planning.
3. To ensure the PV array is removed from the site when no longer required for electricity generation, in the interests of visual amenity and the character of the landscape in accordance with policies DM2 and DM18 of Local Plan Part 3 (Development Management Policies).
4. In the interests of visual amenity and in the interests of flood risk as part of the application site is in an area at risk of flood, in accordance with Local Plan Part 3 (Development Management Policies) policies DM2 and DM5 and Mid Devon Core Strategy (Local Plan Part 1) policy COR11.
5. In the interests of visual amenity having regard to the rural nature of the surrounding landscape, in accordance with Local Plan Part 3 (Development Management Policies) policies DM2 and DM5.

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The erection of a modestly scaled photovoltaic array on a parcel of agricultural land is deemed to be an acceptable addition to the site considering its proximity to existing residential and non-residential buildings, the nature of the surrounding landscape, flood risks and the renewable energy benefits that will arise. As such the development complies with Policy COR18 of the Mid Devon Core Strategy (Local Plan Part 1), Policies DM2 and DM5 of the Mid Devon Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework (NPPF).

Jonathan Guscott
Head of Planning and Regeneration