

PLANNING COMMITTEE AGENDA - 16th July 2014

Applications of a non-delegated nature

- | <u>Item No.</u> | Description |
|-----------------|---|
| 1. | 14/00382/FULL - Change of use from C3 (Dwellinghouse) to C2 (Residential institution), D1 (Day centre) and B1 (Business) at 6 Park Road, Tiverton, Devon. RECOMMENDATION Refuse permission. |
| 2. | 14/00575/MFUL - Erection of an Anaerobic Digestion Facility (Revised Scheme) at Land at NGR 283096 113579, (Menchine Farm), Nomansland. RECOMMENDATION Grant permission subject to conditions. |
| 3. | 14/00632/FULL - Installation of a 4KW ground mounted photovoltaic system to be installed west of property at Land at NGR 287134 112109 (West of Parish Hall), Cruwys Morchard, Pennymoor. RECOMMENDATION Grant permission subject to conditions. |

Application No. 14/00382/FULL

Plans List No. 1

Grid Ref: 295626 : 113122

Applicant: Miss S Mercy

Location: 6 Park Road Tiverton
Devon

Proposal: Change of use from
C3 (Dwellinghouse) to
C2 (Residential
institution), D1 (Day
centre) and B1
(Business)

Date Valid: 3rd April 2014



Application No. 14/00382/FULL

RECOMMENDATION

Refuse permission.

PROPOSED DEVELOPMENT

Change of use from C3 (Dwellinghouse) to C2 (Residential institution), D1 (Day centre) and B1 (Business).

APPLICANT'S SUPPORTING INFORMATION

None

PLANNING HISTORY

81/00593/OUT Outline for the erection of bungalow and garage - REFUSED - May 1981

00/00482/CAT Notification of intention to fell six Conifers, thin/coppice group of four Sycamores and reduce height of a Yew tree, all in the Conservation Area - PERMIT

01/01703/CAT Notification of intention to reduce crowning of Yew tree within Conservation Area - No Objection

09/00259/CAT Notification of intention to reduce 1 Yew tree within a conservation area - No Objection

11/01551/CAT Notification of intention to fell 1 Sycamore and 4 Fir trees within a Conservation Area - No Objection

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR2 - Local Distinctiveness

COR9 - Access

Mid Devon Local Plan Part 3 (Development Management Policies)

DM2 - High quality design

DM8 - Parking

DM27 - Development affecting heritage assets

CONSULTATIONS

HIGHWAY AUTHORITY - 29th April 2014

The Highway Authority has visited the site which is located on Park street the C74a classified highway and the observed speeds were at the speed limit of 30mph.

The proposed development is likely to give rise to an increase in traffic from the existing gateway which is substandard in terms of visibility. These visibilities from a point 2.4m back along the centre line of the drive are only providing for approximately 10m in either direction. Current standards under Manual for streets would require visibility splays measuring 2.4m back along the centre line of the access with no obstruction greater than 600mm above the road surface for a distance of 45m in either direction.

Therefore the highway Authority would recommend refusal of the application.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, RECOMMENDS THAT PERMISSION BE REFUSED FOR THE FOLLOWING REASONS:-

HIGHWAYS REASONS FOR REFUSAL

1. The increased use of the access onto the Public Highway, resulting from the proposed development would, by reason of the limited visibility from and of vehicles using the access, be likely to result in additional dangers to all users of the road contrary to paragraph 32 of the National Planning Policy Framework.

TIVERTON TOWN COUNCIL - 2nd May 2014 - Support

REPRESENTATIONS

2 letters of objection have been received and 1 letter of representation.

The objections are summarised as follows:

- A vehicular access to the property is currently being created through 2 Park Street to allow for more parking;
- Impact on quiet residential area;
- Concerns about additional traffic that would be generated

The letter of representation raises concern about stability of boundary wall with 24 Park Terrace (to the west) if extensions are proposed.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main considerations in the assessment of this application are:

- 1) Highways and Access**
- 2) Impact on amenity of neighbouring residential properties**
- 3) Impact on the appearance of the property**

Highways and access

The application site, 6 Park Road, is within walking distance of Tiverton town centre. It is accessed via a private driveway from Park Road, immediately North of 4a Park Road and immediately South of St Georges House Nursing Home. There is a detached double garage adjacent to the dwelling at the application site, between the eastern end of the dwelling and the western garden boundary of 4a Park Road.

The driveway access to the property is wider at the point at which it adjoins Park Road and then narrows significantly only a few metres back from edge of the road. While the driveway itself is quite wide at the point at which it adjoins the highway, visibility is severely limited/blocked by a fairly high wall to both the north and south. The result is that when leaving the site in a vehicle it is necessary to pull forward across the footpath and just into the road in order to gain visibility in both directions. While there are other points of access onto Park Road that also do not have particularly generous visibility, the intensification of use of the existing access and driveway is considered to unnecessarily increase the danger to users of the highway. The supporting statement indicates that up to 4 clients may be at the property at any one time for either day care or 24/7 respite care. In addition to this the premises would also be used as the offices for the company "Easy Living" which employs at least 30 staff. This could result in an unspecified additional number of people visiting the property during the day. These additional traffic movements could not be accommodated on site safely and could not be easily prevented by condition. As a result of this potential impact on the safety of the highway network Devon County Council have recommended refusal of the application. Devon County Council have stated that at 2.4m back from the centre line of the driveway there would only be visibility for approximately 10m in either direction. Current standards under Manual for streets would require visibility splays measuring 2.4m back along the centre line of the access with no obstruction greater than 600mm above the road surface for a distance of 45m in either direction. The applicant is unable to provide this visibility and therefore the application has been recommended for refusal.

The application form and supporting statement suggests that there are 6 parking spaces at the property.

Having visited the property in a vehicle, your officer considers that it would only be possible to park and manoeuvre two standard sized cars in front of the garage enabling them to exit in a forward gear. The driveway width is severely constrained by raised borders on either side and a limited amount of manoeuvring space between the garage and the dwelling. Although there is garage at the property, for the assessment of planning applications, and in accordance with policy DM8 Local Plan Part 3 (Development Management Policies), garages are not counted as contributing toward parking provision. If more than two vehicles were attracted to the application site, which is quite feasible with four clients and up to 30 domiciliary staff who could visit the office, it is likely that the additional vehicles would have to reverse onto Park Road. Park Road is a through road and fairly heavily trafficked. Visibility is very poor when exiting in a forward gear and would be significantly worse when reversing. This would result in an unsafe development that would result in additional danger for all users of the highway and footpath which is contrary to policy DM2 Local Plan Part 3 (Development Management Policies) and the NPPF. It is for these reasons that the application has been recommended for refusal.

Impact on amenity of neighbouring residential properties

The existing property at 6 Park Road benefits from having a substantial garden to the south. The site is relatively level and is surrounded by residential development. The property to the north is St Georges Nursing Home and are 4 and 4a Park Road (the rear gardens of which share a boundary with the garden of the application site). To the south there is one property, 2 Park Street which is a considerable distance from the property at 6 Park Road but which shares a garden boundary. There are further residential properties in Bartows Causeway that are to the west of the application site. The rear gardens of 8 of these properties abut the garden of the application site although only one of them is relatively close to the property at 6 Park Road. The Bartows Causeway properties are at a lower level than the application site. Two objections have been received relating to the intensification and change of use of the building and the impact this could have on the amenity of neighbouring residents.

Policy DM2 Local Plan Part 3 (Development Management Policies) requires that development does not result in an unacceptably adverse effect on the privacy and amenity of the proposed or neighbouring properties. The application states that there would not be more than four clients and two members of staff at the property at one time. Neither the office use nor the respite care/day centre functions are likely to be noisy if operated at the level proposed, although the arrival and departure of vehicles and people would generate some noise. However the use would not have an unacceptably adverse effect on the occupiers of neighbouring properties. In this regard the proposed change of use is considered to be in accordance with policy DM2.

Impact on the appearance of the property

The proposed change of use would not have any detrimental impacts on the external appearance of the property. It is a single storey white rendered property that has four bedrooms, 2 lounges, kitchen (with utility and store), 1 bathroom with two additional toilets. There is also a detached, double white rendered garage. The proposed change of use would not change either the external appearance or the internal layout of the property. Policy COR2 Mid Devon Core Strategy (LP1) and policy DM2 Local Plan Part 3 (Development Management Policies) require development to be well designed to be visually attractive and to prevent any harm to local distinctiveness and where a heritage asset would be affected, to preserve and prevent harm to the heritage asset. This application site is in Tiverton Conservation Area, however as there would be no alterations to the appearance of the property as a result of the change of use the proposal meets the requirements of these policies.

Conclusion

While the proposed change of use would have no impact on the appearance of the property and there is no principle objection to the provision of small respite centres within the community, the proposed uses of 6 Park Road are likely to attract more vehicles to the property. The existing visibility from the access when exiting onto Park Road is insufficient and the increased use would result in additional danger to all users of the highway. This is contrary to policy DM2 Local Plan Part 3 (Development Management Policies) and paragraph 32 of the National Planning Policy Framework. The application has therefore been recommended for refusal.

REASON FOR REFUSAL

1. The increased use of the access onto the Public Highway, resulting from the proposed development would, by reason of the limited visibility from and of vehicles using the access, be likely to result in additional dangers to all users of the road contrary to Policy DM2 of the Local Plan Part 3 (Development Management Policies) and paragraph 32 of the National Planning Policy Framework.

Application No. 14/00575/MFUL

Plans List No. 2

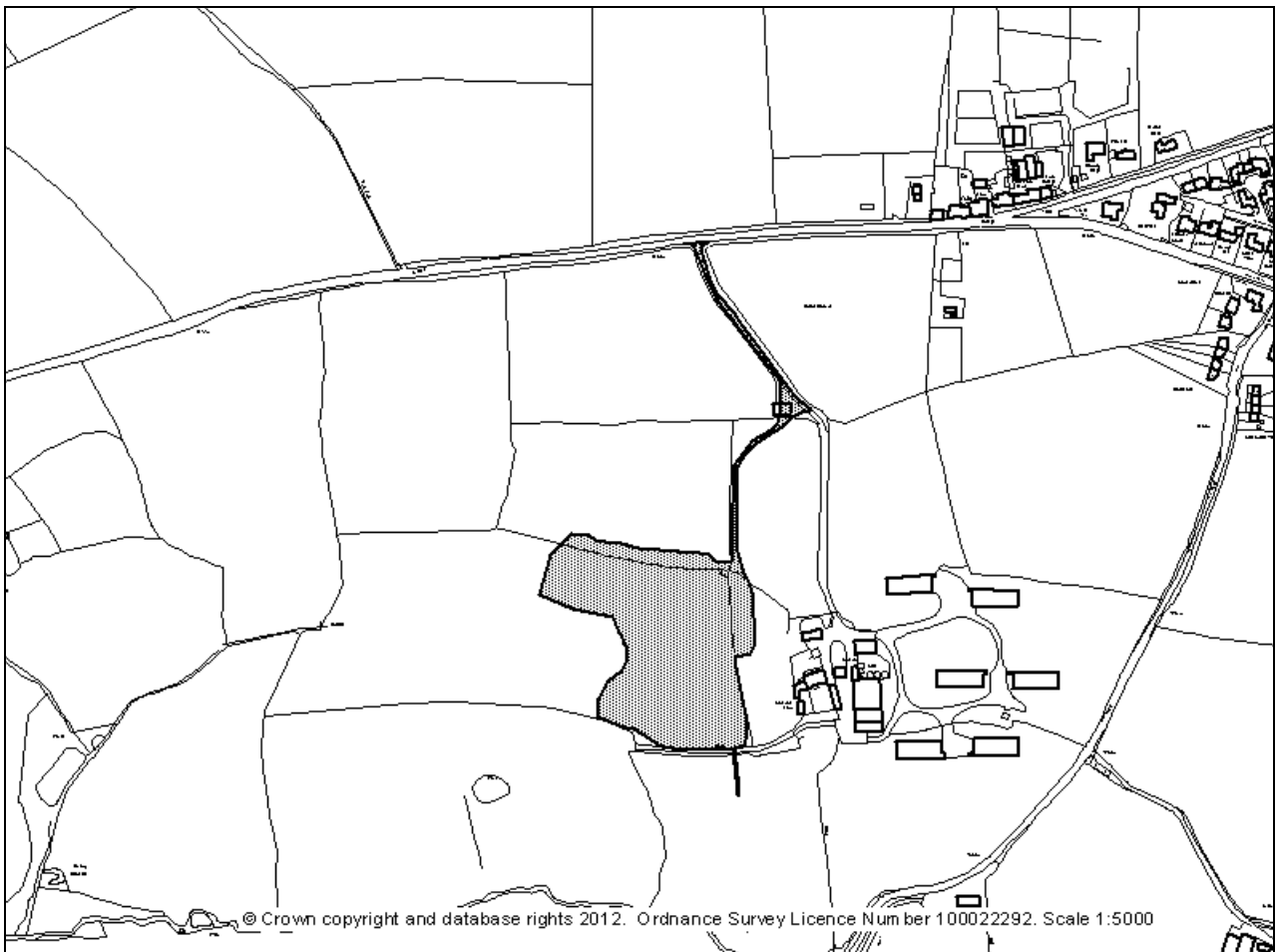
Grid Ref: 283096 : 113579

Applicant: Mr Stuart Cole

Location: Land at NGR 283096
113579 (Menchine
Farm) Nomansland

Proposal: Erection of an
Anaerobic Digestion
Facility (Revised
Scheme)

Date Valid: 28th April 2014



Application No. 14/00575/MFUL

RECOMMENDATION

Grant permission subject to conditions.

PROPOSED DEVELOPMENT

This application is for the construction of an AD plant with ancillary equipment, on site infrastructure and associated works for the purposes of generating renewable energy. The application has been submitted pursuant to a similar scheme which has the benefit of planning permission, which was granted at Appeal. A copy of the appeal decision letter dated 26 July 2013 is attached to this report.

The amendments to the approved scheme are set out below:

1. The intake building will be revised in terms of its overall massing, operating as a split level floor arrangement. This results in a net increase of an additional 126.47 square metres of floor space in the building. This building takes in the feedstock to power the system and with a workshop, control room, and plant room located internally.
2. The inclusion of an additional combined heat and power unit (a total of 2 units) for heat exchange which are set in shipping containers with dimensions as follows (12 metres x 3 metres and standing 2.7 - 2.9 metres in height. These are to be located directly in front of the building to the south.
3. An amendment to the digestion tank so that it is partially sunk into the ground with a gravel footpath around. The external diameter of this tank remains at 27.0 metres and the cubic content at 3000 metres cubed. This facility sits immediately adjacent to the intake building to the east.
4. The inclusion of two drying machines (20.33 metres x 13.84 metres) standing to 5.69 metres above ground level. These are proposed directly in front of the digestion tank to the south.
5. Replacement of a digestate bag (set within an earth bank and 39.0 metres by 39 metres) to be replaced with an earth bank lagoon, designed with a capacity of 8,5000 cubic metres to include a cover sheet. This facility is shown in the same position as where the bag was to be located but covering a much larger surface area. Although on both the plans and the supporting documentation this facility is referred to as a slurry Lagoon, it is proposed as a holding bank for the liquid digestate that is produced from the process before it is transported off site and/or used on site as a liquid fertiliser.

Other aspects of the application proposals that remain as per the approved scheme include: a new service road leading to a parking & turning (including a weighbridge) and on a silage / maize clamp. Additional tree planting is proposed along the northern, southern, western boundaries of the site with a pocket of new planting on the eastern boundary.

It is stated that the installed capacity of 500 Kw will remain unchanged and the electricity will be supplied to the national grid and the residual latent heat produced through the process will be utilised to heat the existing poultry rearing units on the site by virtue of the CHP unit and new piping runs between the existing sheds and the development area.

The proportions of feedstock in terms of crop and poultry litter will remain as previously stated at 9545 tonnes annually (split down as 6545 tonnes of grass/maize silage and 3000 tonnes poultry litter). The distributor farms that will provide this feedstock and receive the digestate remain unchanged and are located within a 6 mile radius of the site

The Dryers will be used to dry out the fibrous material that arises from the process which will then be used to provide animal bedding on the applicants holding and on the other feeder and recipient farms as referred above.

APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement.

Site plan, block plan, elevation and scheme layout plans labelled as MF/AD: 1A, 2A, 3A, 4A, 5A, 6A.

Emails from the applicant's agent as follows confirming various matters as follows regards the purpose of the lagoon (storage of liquid digestate not slurry, confirmation of the increase in capacity for the storage arrangements, purpose of the second CHP unit which is to enable the system to operate continuously and not to seek to increase the output of the AD system)

19/05: For clarity, the lagoon will be for the liquor which is a result of the AD plant, it is not for the storage of slurry waste directly from animals, in essence it will be a 'liquor lagoon'.

The proposed lagoon will have a capacity of 8,500m³ and the approved digestate bag had a capacity of 5,000m³. The increase will provide allowance for a natural bunding for the digester tank, the resulting liquor and additional rainfall on the lagoon surface.

19/05: The 0.75m below the finished level of the top of the bunding perimeter is the freeboard requirement of the EA for the type of lagoon proposed. The proposed capacity of the lagoon is for the volumetric capacity of the lagoon below the 0.75m freeboard level (the total fluid capacity below the freeboard level i.e. actual storage space required).

23/05: The additional CHP unit is for backup purposes only. The process as proposed is limited to the quantities as per the approved application, this will remain unaltered and there is no proposal to amend or vary these quantities of feedstock or output from the facility.

09/06: The second CHP unit will be utilised when the primary CHP unit is undergoing regular maintenance. As previously stated, this is not to increase the capacity of the AD plant. By the information provided by the objector, the CHP unit would be expected to provide a minimum availability of 90%, this would allow a period of 36.5 days where the CHP unit could not be functioning, as stated the second CHP unit is for facilitating the AD plant to be continuous in its running and thus making it as efficient as possible.

The bunding will be appropriately constructed to satisfactorily house any leakage, is suitably designed and appropriately annotated on the submitted plans and will be agreed with the EA prior to the operational commencement of the AD plant.

Any inference that the second CHP unit is for an increase in the output of the AD plant cannot be quantified and subsequently is not a material consideration in the determination of the current planning application.

PLANNING HISTORY

05/00685/FULL Erection of 4 no. free range poultry units - WITHDRAWN - 09.05.06

05/01090/FULL Erection of 4 no. poultry units 12.2m x 36.6m x 4.5m, access, hardstanding and feed silos (Revised location) - PERMIT - 28.07.05

08/00426/FULL Erection of new poultry unit, 2 feed silos, and new stoned track from existing drive - PERMIT- 01.05.08

08/00717/FULL Erection of poultry unit, 2 feed silos and extended stoned hardstanding - PERMIT - 02.06.09

12/00921/FULL Erection of poultry unit and 2 associated feed silos - PERMIT - 09.10.12

10/00956/DCC County Matter application for erection of anaerobic digestion plant, ancillary equipment and associated works - REFUSAL OF PLANNING PERMISSION 15TH DECEMBER 2010 and subsequent appeal dismissed - 13.08.10

12/01659/MFUL Erection of an Anaerobic Digestion Facility (APPEAL FOR NON DETERMINATION) - ALLOWED 26.07.13. As stated above a copy of the decision letter is attached to the report and members will note the 11 conditions which control the construction and operational phases of the scheme. For members information the applicant is in the process of building out the facility.

The following paragraphs of the decision letter set out below are considered pertinent to the consideration of this current application which seeks alterations to the overall scheme of development as outlined above.

Para 5: I consider that there are two main issues in this case, firstly the effect of the proposed development on the character and appearance of the area, and secondly, the effect of traffic generated by the proposal on the local road network, with particular regard to highway safety, noise and vibration.

Para 8: This proposal would provide an anaerobic digestion facility which would operate under a continuous mesophilic process, taking in some 3,000 tonnes of poultry litter and 6,545 tonnes of maize/grass silage, with an output of up to 500kW. With a relatively low proportion of waste feedstock, the scheme is considered as a renewable energy proposal. It is clear to me that there could be variation in feedstock, both in the proportion of waste to silage, but also in the balance of maize and grass. This may effect yields and have a limited effect on transportation. However, were the scheme to change significantly, particularly were it to increase the proportion of waste feedstock, this would have implications for both planning and permitting controls.

Para 9: Such a scheme is not before me, and on the evidence presented I am satisfied that it would operate within the parameters set out, both in terms of feedstock and the transportation implications to and from the site.

Para 13: The proposal would introduce new structures into the fields to the west of the farm. This proposal differs significantly from the previous appeal. Drawing on evidence, including the Devon County Landscape Officer's proof of evidence to the previous appeal and the submitted wire frame images, it is clear that the previous scheme was of greater bulk, height and spread across the valley slope. While I accept that the large silage clamp and digestate bag contribute to a relatively large footprint in the scheme before me, the two buildings of significant height are the intake building and the digestate tank, both of which are located lower on the slope and closer to the farm than previously. I also consider that these structures are of a more appropriate agricultural scale and form.

Para 15: I consider that the structures proposed here would not be out of character with the agricultural nature of the surrounding area. However, although there are some large farms and individual buildings visible in the surrounding landscape, the combination of the poultry units and the proposed AD plant would result in an uncharacteristically large farming unit. There would be some harm to the landscape character.

Para 17: From this viewpoint (footpath no 12), a relatively open vista of the farm operation is achieved from quite high on the slope and along the northern edge of the hedgerow, down the path, until it drops low enough in the valley to achieve screening from trees. Much of the path is concreted, and the evidence that it is well used has not been challenged by the appellant. However, much of the lower lying structures would have a limited presence to these views, as they would appear as low level linear features, and would be seen behind existing hedgerows or against a backdrop of hedgerows. Providing the earth retaining banks for the silage clamp and digestate bags are well landscaped, I do not consider that these would have a particularly harmful effect.

Para 21: Overall, I consider that there would be some harm to the character and appearance of the area. Although this would be limited as set out above, it would nonetheless not be fully in accord with Policies COR2 and COR18 of the Mid Devon District Council Core Strategy (the Core Strategy). These seek to sustain the distinctive quality and character of Mid Devon's environmental assets and allow for appropriately scaled farm diversification. I consider that these policies are in general conformity with the aims and objectives of the Framework in this regard.

Para 22: The appellant submitted a transport statement in which the location of feedstock and future locations for digestate spreading were considered. While I accept that these locations may be subject to change, I note that letters of intent have been submitted by farmers associated with this activity. In simple terms this assessment concluded that there would be an average requirement of up to 10 movements per day utilising tractor and trailer units. This, it was suggested, needed to be offset against the existing movements of the silage and poultry litter for other purposes, which would be replaced by the AD proposal.

Para 28: I have sympathy for the existing conditions experienced by some local residents. This is an agricultural area, and the gradual decrease in mixed farming operations is likely to have increased the amount of on road traffic of farm wastes and produce. Nonetheless, my assessment must consider whether the additional movements represented by this scheme would be sufficient to lead to material harm. In this case, I consider that it would not do so.

Para 29. Subject to securing junction improvements to improve visibilities at the main farm access, I am satisfied that the proposal would not result in material harm to the highway safety of users in the surrounding area, nor would it lead to a material increase in traffic such as to result in harm from increased noise or vibration. In comparison to the previous scheme, this would be a local centre for AD, drawing feedstock from a small area which would limit traffic movements. The proposal would therefore comply with objectives of Core Strategy Policy COR9, which amongst other things seeks development that properly assesses the transport impacts and manages transport demands. This is consistent with the Framework that seeks to promote sustainable transport which achieves safe and suitable access for all.

39. Policy DM/5 seeks to balance the benefits of renewable energy developments against their impacts, and indicates that they be permitted where they do not have significant adverse impacts on the character, amenity and visual quality of the area. In this case, I have found some limited impact to the landscape and visual quality of the area. I have noted that a landscaping scheme would not address this entirely in the short term, but in the longer term would establish native woodland of value which would be characteristic of the area.

40. There are significant benefits that would arise from this locally centralised AD unit, which include the management of poultry litter, offsetting the use of artificial fertilizers and production of renewable energy of value both on-farm and as a contribution to overall renewable energy generation. These reflect the objectives of the Framework in relation to renewable energy and supporting rural economic growth and the development and diversification of agriculture. On balance, I consider these benefits outweigh the limited harm to the character and appearance of the area, in accordance with the Framework and with emerging Policy DM/5.

ENVIRONMENTAL IMPACT ASSESSMENT ISSUES

The development scheme as proposed and approved under this application reference was screened under the EIA regulations and the local planning authority concluded that although the site area exceeded 0.5 hectare, under the terms of schedule 3 an EIA under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations was not required.

Having reviewed the screening opinion with regards to this revised application scheme the local planning authority remain of the same view.

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR1 - Sustainable Communities
COR2 - Local Distinctiveness
COR5 - Climate Change
COR9 - Access
COR18 - Countryside

Mid Devon Local Plan Part 3 (Development Management Policies)

DM1 - Presumption in favour of sustainable development
DM5 - Renewable and low carbon energy
DM6 - Transport and air quality
DM7 - Pollution

CONSULTATIONS

MORCHARD BISHOP PARISH COUNCIL - 14th May 2014

The only concern was an increase in traffic passing through the village going to and from the digestion facility.

CRUWYS MORCHARD PARISH COUNCIL - 10th June 2014 - The Parish Council recommends refusal of this application for the following reasons:

The previous application had initially been refused due to its large size and the applicant won his appeal with a smaller facility. This revised application has now increase the previously agree plans. The applicant states that there will not be an increase in output despite the increase in the facility size, so why is it being increased? The application states the hours of use of the facility are not known, this is unacceptable and could have a potential large impact on traffic movements in the area if the hours of use are considerable. The application sites a slurry lagoon which is 3 times bigger than the previously proposed digester bag which could bring noise issues. Despite the application not yet being agreed work has already started on its erection. There is to be very large fans with a potential unacceptable noise problem together with noise from the heater units. Menchine Farm has been mentioned in 2 official advertisements about these type of facilities which state the finished size as 1 megabyte which is much larger than stated in the application.

NORTH DEVON DISTRICT COUNCIL - 29th May 2014 - It is considered that the proposed alterations would not have any significant impact on North Devon above the existing approved scheme subject to suitable conditions as previously imposed and in accordance with the Environment Agencies guidelines on the storage and disposal of Slurry.

HIGHWAY AUTHORITY - 26th June 2014

The Highway Authority consider that their comments previously submitted are still relevant to the current proposal and the conditions for the original application should be imposed on this one.

WITHERIDGE PARISH COUNCIL - 10th June 2014

- 1) Councillors queried the need for a slurry lagoon given Menchine has no cattle; the question was raised was the intention to import slurry leading to further impact on the road infrastructure.
- 2) Councillors queried the need for a second 500MW plant when the existing planning consent was for generating capacity of 500MW. There was concern with 1000MW generating capacity on site this could lead to import of feedstock levels over and above that stated in the original proposal; this would increase traffic movement associated with the application.

TEMPLETON PARISH COUNCIL - 25th June 2014

Templeton Parish Council unanimously ask MDDC not to support this Revised Application for the same reasons the original Application was refused and upheld at Appeal; as well as below:-

- 1) Potential Cumulative Impact (DM5) with Edgworthy and potentially Crosssparks.
- 2) Lack of sufficient land ownership and security of Tenure could encroach on supply of free market supply of seasonal let land available to traditional livestock/family farms which would increase cost of local food production.
- 3) Potential Traffic increase to service extra capacity capabilities of AD. Same local roads will be carrying traffic servicing both Edgworthy and Menchine ADs.
- 4) In answer to above we sight an earlier statement from Greener for Life that they have no shortage of food/croppage they can bring in to feed the AD from Feed Merchants all over the south west. This will reflect an increase in larger and heavier traffic than the tractors and trailers portrayed in the traffic Assessment figures.
- 5) Already described as an Industrial AD on a farm as opposed to an on-farm AD - would be able to utilise alternative 'waste' could it be milk waste/human sewage sludge.

The Inspectorate for the second Appeal did recognise the objectors concerns regarding traffic danger/nuisance, etc. and put in place some conditions to try and prevent the potential uncontrolled growth in traffic volumes. Although we trust you will not approve this Application - it is our request that at the very minimum the Conditions put in place by Inspectorate be active on this Application -

as well as, with regard to Health and Safety, that the existing open liquid digestate/slurry Lagoon at Menchine is made totally secure - should you be so minded to Approve .

ENVIRONMENT AGENCY - 8th May 2014

While we have no objections, in principle to the proposal the following comments apply.

Flood Risk.

The applicant has advised that the site is over 1ha, but the built development appears to be considerable smaller, therefore we advise the Council that the best practice guidance for management of surface water should be applied.

Pollution Control.

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

ENVIRONMENTAL HEALTH - 20th May 2014 –

Contaminated Land - No objections

Air Quality - No objections

Drainage - No objections

Noise & other nuisances - No objections

Housing Standards - N/A

Licensing - N/A

Food Hygiene - N/A

Private Water Supplies - N/A

Health and Safety - No fundamental objection on these grounds

THELBRIDGE PARISH COUNCIL - 21 May 2014 - Thelbridge Parish Council raise no objections to this proposal

REPRESENTATIONS

21 letters have been received from local stakeholders, expressing concern about the planning application suggesting that it should be refused. A summary of the comments that are relevant to the assessment of the current planning application are set out below:

1. Concern about the nature of the increase in size of the facilities proposed i.e. the Intake Building and the digestate storage facility.
2. Concerns as to whether the highway works referred to in condition 2 have been completed.
3. Cumulative transport and traffic impact between the proposals at Cross Parks and Edgeworthy Farm Plants
4. The proposals refer to a slurry lagoon is this correct.
5. The increase in size in the feedstock building and other and the changes suggest that the feedstock quantum will increase which means increased transport movements on the network.
6. Concern about the increased capacity of the lagoon.
7. Concern that additional CHP unit and increase in size of intake building is to facilitate an increase in output which would increase the no trips arriving at, and departing, from the site
8. Concern about the noise from the proposed dryers and the additional CHP unit.
9. The visual impact of the scheme is considered more harmful than the scheme approved at appeal, and is considered to be industrial in nature.
10. Concerns about the size of the storage tank and the potential leakage.
11. The grid line connection marked on plan 02A is not clear in terms of where on the site it starts and where it finishes outside of the site.
12. A question has been raised about a potential future link into an underground digestate pipe that is proposed as part of the current planning application on the Cross Park site, also in the Nomansland area.
13. Concerns about the transport implications of importing slurry onto the site before it becomes

- operational - stated by the applicant as being necessary
14. A general concern regards the impact of the scheme on traffic levels on the local highway network.
 15. Concern about variations to the balance of feedstock which may increase the vehicular trips to the site

MATERIAL CONSIDERATIONS AND OBSERVATIONS

For this revised application scheme the overall site comprises an area of approximately 1.95 hectares off the B3137 immediately west of Nomansland Cross. The main development area straddles four field boundaries with the main field area sloping southwards and measuring 160 metres (from top to bottom), and with a new spur link off the existing farm track. The site is in the open Countryside and sits approximately 260 metres from the B3137. The application site forms part of the holding at Menchine Farm which is a poultry farm with 7 rearing sheds and associated feed silos. The AD Plant would be located in the field directly adjacent to the existing buildings on the site, including the applicants own farmhouse.

The site area is slightly larger than the scheme that has the benefit of planning approval largely due to the change to liquid storage arrangements from a sunken digestate bag to a digestate lagoon

The planning history for this site is set out above and the key differences between this application and the approved application have been set out. The main determining factors in this application are set out below:

1. Policy and Principal of the proposed development
2. Landscape Character and Visual impact Assessment Issues
3. Transport and Highway Safety Issues
4. Other matters
5. Planning Balance

1. Principal and Policy issues

Policy DM5 of Mid Devon Local Plan Part 3 (Development Management Policies) is the key policy consideration for this application, as set out below:

The benefits of renewable and low carbon energy development will be weighed against its impact. 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. 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. Development must consider:

- 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).

Local stakeholders have suggested that the reason for the proposed variation to the scope of infrastructure proposed in this revised application as set out above is because the applicant is seeking to increase the output. The applicant has confirmed that this is not the case and they are seeking planning permission for an AD plant with an installed capacity of 500 Mw as per the approved scheme and utilising the same level of feedstock and proportions of energy crop and chicken litter and therefore generating the same number of estimated trips associated with transporting the necessary feedstock to the site and liquid digestate away from it. Conditions are recommended to establish this as part of the terms of the planning permission should members resolve to approve it

In summary the thrust of the policy framework provides support for the proposals if it is not considered that the scheme of development would cause harm to the landscape qualities and visual amenities of this part of the open countryside, and it would not present a hazard to other users of the highway given the increase in traffic that would arise

Given the inspectors conclusions on these matters as outlined in the relevant planning history in completing these two aspects of the assessment the focus should be determine if the variations to the scheme of development would result in a level of harm that result in the negative outcome when completing the planning balance given that in granting permission at the appeal process it was acknowledged that the development scheme would have some limited negative impact, in particular to the visual amenities and landscape character of the area.

2. Landscape / Visual impact issues

The overall design of the main development area remains principally as per the approved scheme of development, in terms of the position of the key facilities and buildings. It is slightly larger in surface area to accommodate the inclusion of the digestate lagoon (instead of digestate bag), and additional landscaping provision.

The maximum height of the standing structures on the site remain broadly the same as the approved scheme, with the ridge height of the intake building actually 43mm lower on the revised plans than indicated on the approved application drawings. The additional floorspace for the intake building is created by squaring off the floor plate of the intake building, effectively filling in the south east corner.

The containers which will house the CHP plant and the structures for the drying machinery are significantly lower than either the intake structure and/or the height of the digester tank. The revised plans clearly identify the scope of the changes to the proposed structures on site, and the scope of the differences between the approved scheme and this application. Given the nature of the changes to the development scheme as proposed the applicant has not submitted any further landscape and visual impact assessment information to support this current application. Having reviewed the scope of the changes to the buildings, structures, and installations on site, and completed an off (from footpath No 12) and on site assessment this is considered a commensurate and reasonable approach to enable the assessment of this application.

As stated above in resolving to grant planning permission the Inspector concluded that the scope of works would cause some harm to the character and visual appearance of the area. However taking into account the nature of the proposals within the rural context (a farm setting) and the scope of the additional tree planting (landscape mitigation) the harm was not sufficient to justify a refusal of planning permission. It is not considered that the revised details cause any further harm to the landscape and/or visual amenities of the area over and above the approved scheme of development for the site.

3. Highway safety and Transport Issues

Local stakeholders continue to express concern about the increased number of trips on the local network that will arise in terms of transporting feedstock to the site from the feeder farms and liquid digestate (a by product of the process) back to the same farms from the site. The precise number of additional movements on the network was debated at length at the planning appeal hearing and although the assumptions made by the appellants transport consultants were questioned, the Inspector was satisfied that the additional traffic movements (an average of 10 per day) would not be sufficient to lead to material harm to other users of the surrounding network.

Although local residents have suggested that the nature of the proposed alterations to the scheme of works that are proposed in this application is in order to increase the power output which they consider in turn would lead to an increase traffic movements to and from the site, in terms of importing additional feedstock and exporting additional liquid digestate above the levels that were pursuant to the approved scheme based on an output of 500Kw. The applicant's agent has confirmed this is not the case. This is as set out at section 2 of the supporting D&A statement and in the email communications. On this basis, and with the conditions as recommended, it is not considered that the revised application details will cause material harm to the capacity and safety of the local highway network.

The access arrangements from the B3137 leading into the site are the same as the approved scheme. The improvements to the visibility splays to the site and the junction arrangements with the B3137 have not been completed in full and therefore as a precautionary measure their provision will remain a conditional requirement.

Local residents have raised the issue about the cumulative impact in terms of trip numbers on the local highway that would arise from the proposed operations at the application site and also Cross Parks Farm and Edgeworthy Farm. In response to this issue, the proposals at the application site will result in an increase in traffic flows on the local network. However, the proposed operations at the other two sites as referred to have been assessed and it is reported that the proposed operations will not result in a net increase in traffic on the network overall.

Local residents have made reference to an underground digestate pipe that is promoted in association with the development at the other two sites referred. The applicant has advised that although the pipe runs close to Menchine Farm it is not incorporated into the network. However, if it was it would reduce the need to export liquid digestate via the local network.

Although the applicant has stated that prior to operating the AD system he will need to import slurry onto the site (this helps the digesting process apparently), the additional traffic associated with this, according to the applicant, amounts to approximately 2 or 3 tractor loads. Your officers do not consider that this tips the balance and causes material harm to the capacity and safety of the local highway network.

4. Other Issues and Planning Balance

The appeal decision notice sets out the other issues considered by the Inspector as part of the appeal process. Issues relating to archaeological and ecological impact were assessed when the appeal scheme was considered by the Planning Committee at their meeting on the 22nd May.

Given the site location, the nearest residential property is the applicants own family house. West Cottage which is due east of the farm holding with a separation distance of 500 metres, and the residential properties on the B3137 due north of the site are in excess of 400 metres due north. In terms of the assessment of the planning application proposal it is not considered that a refusal of the application would be justified in terms of impacting on the amenity of local residents, as the persons most likely to be affected by noise and/or odour would be applicant and his family.

Policy DM/5 seeks to balance the benefits of renewable energy developments against their impacts, and indicates that they will be permitted where they do not have significant adverse impacts on the character, amenity and visual quality of the area. With the approved scheme of development for the site it was concluded that it would have some limited impact to the landscape and visual quality of the area, and although mitigation in the form of native tree planting would address the long term impact it would not mitigate the visual impact in the short term. The development footprint is slightly larger the site coverage in terms of buildings and structures has only changed slightly and the arrangements for the storage of digestate are revised to include an increase a capacity for storage on site. However the application scheme in terms of predicted energy output, and therefore vehicular movements remain largely the same as with the scheme that was approved.

The benefits that arise from the revised application scheme remain as per the approved scheme including the management of poultry litter, offsetting the use of artificial fertilizers and the production of renewable energy of value both on-farm and as a contribution to overall renewable energy generation. These reflect the objectives of the NPPF in relation to renewable energy and supporting rural economic growth and the development and diversification of agriculture.

As with the approved scheme, it is on balance considered these benefits outweigh the limited harm to the character, visual amenities and appearance of the area that will be caused. On this basis it is considered the proposals are in accordance Policy DM5.

CONDITIONS

1. The development hereby permitted shall begin no later than three years from the date of this decision.
2. Within 3 months of the date of this decision notice the following alterations shall be completed in accordance with the plan MF/AD/06 and as set out below. Once provided, the visibility splays and access improvements shall thereafter be retained and maintained at all times:
 - i) Visibility splays of 2.4 metres, measured back from the nearside carriageway edge on the centreline of the site access junction with the B3137 to points 160 metres and 120 metres to the west and east respectively have been laid out. These visibility splays shall be to the nearside carriageway edge with all land and vegetation enclosed within the splays reduced to a height not exceeding 600mm above the adjacent carriageway level;
 - ii) The site access junction with the B3137 has been widened and improved to include bellmouth radii, hard surfacing and drainage.
3. No part of the development hereby approved shall be brought into its intended use until the access driveway from the B3137 to the vehicle unloading area, and commercial vehicle turning area, has been provided and maintained in accordance with details that have been submitted to and approved in writing by the local planning authority. The access shall thereafter be maintained and retained for that purpose at all times.
4. The development hereby approved shall be completed in accordance with the Construction Method Statement approved pursuant to planning application reference 12/01659/MFUL.
5. The approved scheme of landscaping, including; all planting, seeding or turfing comprised in the approved details of landscaping pursuant to planning application reference 12/01659/MFUL shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. In addition the identified measures for the protection of the existing trees on site during the construction process shall be retained on site until the development has been completed.
6. The development shall be carried out in accordance with building materials, including colour and finish, in accordance with the approved details pursuant to planning application reference 12/01659/MFUL.
7. The operator of the development hereby approved shall keep records to include the number of vehicles which enter or leave the site associated with the operation hereby approved. These records shall include the size, type and load details, as well as the vehicles point of origin or destination. These records shall be made available to the local planning authority on request.
8. 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.
9. There shall be no outdoor storage of any waste materials, and all deliveries of waste material shall be made directly to the intake building.
10. The development hereby permitted is for the erection of an Anaerobic Digestion (500 Kw installed capacity and shall be carried out in accordance with the following approved plans: MF/AD/01A, MF/AD/02A, MF/AD/03A, MF/AD/04A, MF/AD/05A, MF/AD/06A.

REASONS FOR CONDITIONS

1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In the interest of highway safety and to ensure that adequate on-site facilities are available for traffic attracted to the site in accordance with COR9 of Mid Devon Core Strategy (Local Plan Part 1).
3. In the interest of highway safety and to ensure that adequate on-site facilities are available for traffic attracted to the site in accordance with COR9 of Mid Devon Core Strategy (Local Plan Part 1).
4. To ensure adequate facilities are available for the traffic attracted to the site during the construction period.
5. In the interest of the visual amenity of the area in accordance with policy DM2 of the Local Plan Part 3: (Development Management Policies).
6. In the interest of the visual amenity of the area in accordance with policy DM2 of the Local Plan Part 3: (Development Management Policies).
7. To ensure that the approved development operate in accordance with the submitted details.
8. To safeguard the general amenities of the area, and in accordance with the approved details and area in accordance with policy DM2 of the Local Plan Part 3: (Development Management Policies).
9. To safeguard the general amenities of the area (odour), and in accordance with the approved details and area in accordance with policy DM2 of the Local Plan Part 3: (Development Management Policies).
10. To ensure that the approved development operate in accordance with the submitted details.

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The application proposals is for an AD plant that will process chicken litter and energy crop from the application site and surrounding farms to generate power (500 Kw) which will be used to support the activity on the application farm and to produce electricity that is exported to the grid. The scheme proposes amendments to a similar scheme that has the benefit of planning permission. It includes a change to the extent of the development area, a modification to the footprint of the intake building and the storage arrangements for the liquid digestate that is a by product of the process, and the applicant has confirmed that power output and mix of feedstock will remain as per the approved scheme. As a renewable energy project it is therefore acceptable in principle. The effects on the capacity and safety of the local highway network have been considered and it is not considered that the revised application details will cause material harm. Furthermore it is not considered that the revised details cause any further harm to the landscape and/or visual amenities of the area over and above the impact of the approved scheme of development for the site. There are not considered to be any reasons which would substantiate a recommendation for refusal. In summary and on balance, it is considered that the benefits of the development outweigh any harm. Therefore, the proposal is considered to comply with policies: COR2, COR5, COR9 COR11 and COR18 of the Mid Devon Core Strategy (Local Plan Part), DM1, DM2, DM5, DM6 and DM7 of Mid Devon Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.

Application No. 14/00632/FULL

Plans List No. 3

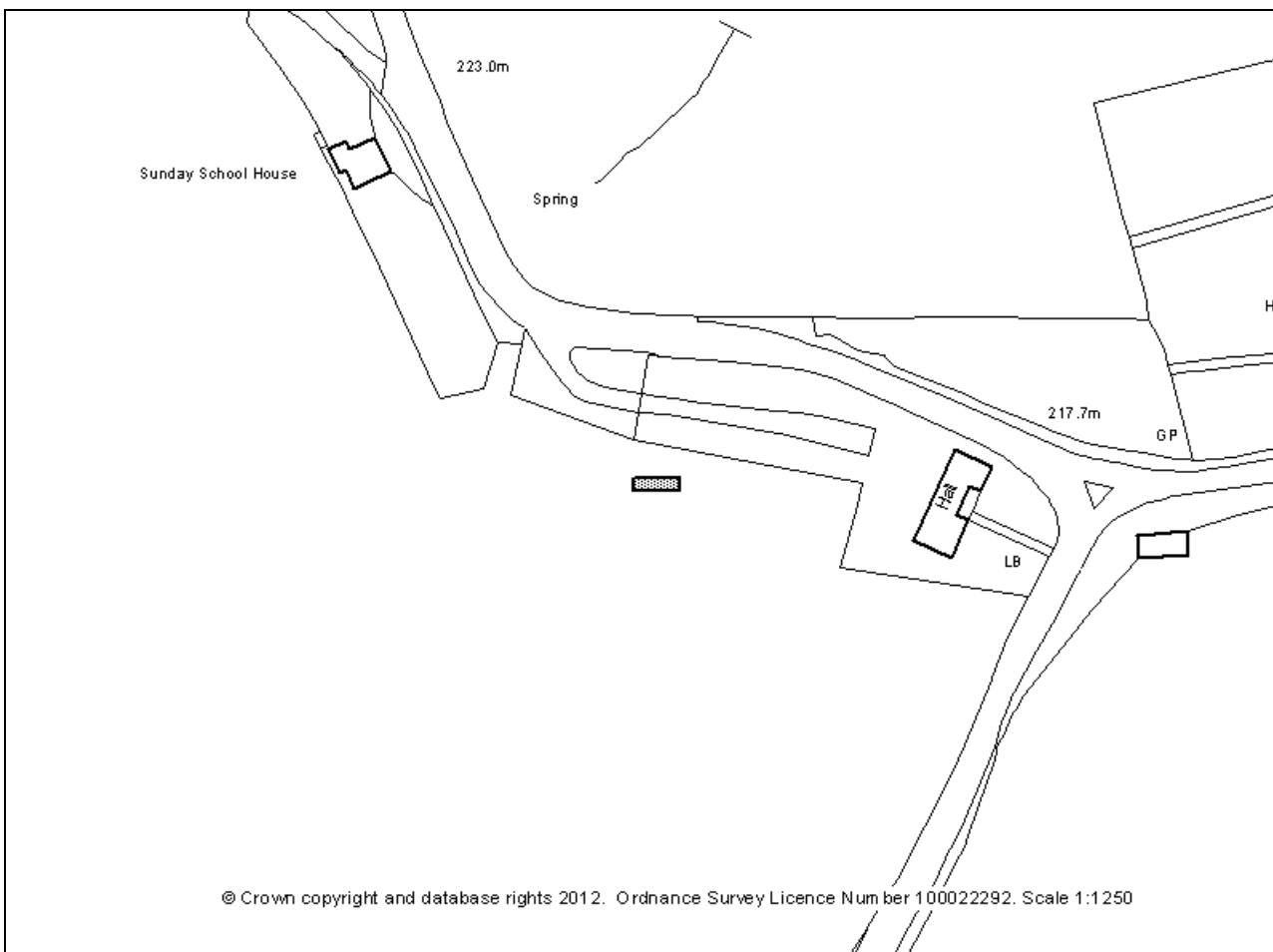
Grid Ref: 287134 : 112109

Applicant: Mr P Steel

Location: Land at NGR 287134
112109 (West of
Parish Hall) Cruwys
Morchard Pennemoor

Proposal: Installation of a 4KW
ground mounted
photovoltaic system to
be installed west of
property

Date Valid: 28th May 2014



Application No. 14/00632/FULL

RECOMMENDATION

Grant permission subject to conditions.

PROPOSED DEVELOPMENT

The application site relates to an agricultural piece of land associated with Cruwys Morchard Parish Hall, on the edge of the parish of Cruwys Morchard. The proposal seeks planning permission for the installation of a ground mounted solar panel array to generate 4kW of power in connection with the use of the Parish Hall. The solar panels have been proposed in a field separated from the Parish Hall by a hedge. As set out in the submitted plans and documentation, the panels will form two lines, 8 panels across; 16 panels in total. The rows will be parallel, one above the other. The length of the panels in total will be 7.6 metres with a 20millimetre gap between the two rows. The panels will have a width of 1.5metres, creating an overall width of 3.1metres. The array will be situated on uprights at a 30 degree angle to give an overall height of 2.25metres.

APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement

PLANNING HISTORY

85/01212/FULL Construction of car park - PERMIT - October 1985

11/01717/FULL Erection of replacement parish hall following demolition of existing and change of use of agricultural land to extend site area - NON MATERIAL AMENDMENT GRANTED 13TH FEBRUARY 2013 - PERMIT - January 2012

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR2 - Local Distinctiveness

COR5 - Climate Change

COR18 - Countryside

Mid Devon Local Plan Part 3 (Development Management Policies)

DM2 - High quality design

DM5 - Renewable and low carbon energy

DM27 - Development affecting heritage assets

National Planning Policy Framework

Part 7 – Requiring good design

Part 10 – Meeting the challenge of climate change, flooding and coastal change

Part 11 – Conserving and enhancing the natural environment

CONSULTATIONS

HIGHWAY AUTHORITY - 10th June 2014 - Standing advice applies please see Devon County Council document <http://www.devon.gov.uk/highways-standingadvice.pdf>

TIVERTON TOWN COUNCIL - 18th June 2014

No objection

Please note the application originally noted it was on behalf of Cruwys Morchard Parish Council. This was a mistake by the agent which resulted in Cruwys Morchard Parish Council being consulted at a later date and the incorrect fee being paid. A consultation response is expected from Cruwys Morchard on or before the 7th of July 2014, allowing members to be updated before Committee, whilst the correct fee has now been paid.

REPRESENTATIONS

None received at the time of writing this report.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

- o Policy
- o Design, scale, location and use
- o Impact upon landscape

1. Design, scale, location and use

The application seeks planning permission to install a total of 16 panels which will be in 2 rows of 8, mounted on aluminium stanchions and racking. The panels will span a total length of 7.6M and the array (including the racking) will have an overall height of 2.25M. The solar panels will be positioned at a 30 degree angle facing South, and backed up against a hedge on the Northern boundary to minimise their visual impact, whilst maximising use of the sun. The height of the panels is considered relatively low, however it was noted the development may be visible from the Parish Hall car park. The proposal uses the site to its advantages, minimalising its visual impact whilst being sited to gain the most efficient use from the panels. This is deemed to be in accordance with policies DM2 and DM5 and the Local Plan Part 3 (Development Management Policies) Part 10 of the National Planning Policy Framework and COR2 and COR5 of the Mid Devon Core Strategy (Local Plan Part 1).

The nearest dwelling is a listed property to the North West of the site, this is significantly screened in the form of beech hedging and the solar panels are unlikely to be visible from the listed building or its curtilage. The application is not deemed to have an impact on a heritage asset (see below) and is therefore in accordance with Policy DM27 of the Local Plan Part 3 (Development Management Policies).

The panels will be sited on an agricultural piece of land most recently used for the production of hay, just outside the Southern boundary of the curtilage of the village hall. The panels are proposed in a location where views are limited from the surrounding area by the vegetation to the North, East and North West. Whilst the site area is generally flat, the land reduces in height to the North and rises gently to the South. There are very limited viewpoints from the Northern side which contains the Parish Hall's access and the highway adjacent to the boundary; the views will be limited to the field gate and the Parish Hall car park. Although there is no screening to the South or West of the proposal, there is considered to be limited public viewpoints overlooking the site. The panels are a community funded scheme to help reduce the carbon footprint of Cruwys Morchard Parish Hall. It is deemed the proposal minimalises its visual impacts from public vantage points, respects the agricultural setting of the area, and is relatively small in scale, therefore, it is considered to comply with policies COR18 and COR5 of the Mid Devon Core Strategy (Local Plan Part 1), DM2, DM5 and DM27 of the Local Plan Part 3 (Development Management Policies), and Part 10 of the National Planning Policy Framework

2. Impact upon Landscape

Due to the relatively low height and small scale of the panels, together with the limited views of them the impact upon the landscape will be minimal. This is aided by the existing screening in the form of the vegetation such as hedge rows which will screen the panels to the North, East, and North West. Overall, the panels will not be widely visible from the surrounding landscape, and given their small scale and positioning, the development does not amount to an unacceptable impact on the local landscape character. Therefore the proposal is in accordance with policies COR2 and COR5 of the Mid Devon Core Strategy (Local Plan Part 1), DM5 of the Local Plan Part 3 (Development Management Policies) and Part 11 of the National Planning Policy Framework.

A Landscape Sensitivity Study has recently been published for the Mid Devon district which acknowledges the application site to be within a landscape character type with a low to moderate sensitivity to solar photovoltaic development under 1 hectare in size (Land type 3A: Upper Farmed and Wooded Valley Slopes). The small scale of this proposal which is far below 1 hectare in size means that when referenced against the Landscape Sensitivity Study, the proposal site is deemed to be of low sensitivity.

3. Impact Upon Heritage Assets

The nearest Heritage Asset to the proposal is, 'The School House', a grade two listed building situated 80M to the North West of the proposal. The grade 1 Listed, 'Holy Cross Church' is situated approximately 160M to the North East of the proposal, which also contains various grade two listed tombs and gravestones. Heritage Assets and their setting are an irreplaceable resource, and therefore it is important to consider any impact on them the development may produce. During the site visit it was noted that the proposal is well screened and would not be visible from any surrounding Heritage Asset. Due to the limited size of the proposal and its limited prominence in the surrounding area, the impact on the surrounding heritage assets, along with their setting, is considered minimal and in accordance with Policy DM27 of the Local Plan Part 3 (Development Management Policies).

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 purposes of electricity generation, the solar photovoltaic panels, and all other associated infrastructure shall be removed from the site within 12 months of the cessation of electricity generation and the land restored to its former state.
4. No development shall begin until there has been submitted to, and approved in writing by the Local Planning Authority, details of the proposed hedge as set out from point A, to point B on the plan accompanying the decision notice. All planting, seeding, turfing or earth reprofiling comprised in the approved details of landscaping shall be carried out within 9 months of the substantial completion of the development, (or phase thereof), and any trees or plants which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

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. In the interests of maintaining the character and appearance of the rural landscape, in accordance with Policy COR18 of the Mid Devon Core Strategy (Local Plan 1), the National Planning Policy Framework and Policy DM5 of the Local Plan Part 3 (Development Management Policies).
4. In the interest of the visual amenity of the area in accordance with policies DM2 and DM5 of the Local Plan Part 3: (Development Management Policies).

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The proposed ground mounted 4kW panels are not considered to harm the privacy or amenity of the occupiers of another dwelling, the future productivity of the agricultural land or the visual amenity of the surrounding countryside or a Heritage Asset. The proposal is therefore deemed to be in accordance with policies COR2, COR5 and COR18 of the Mid Devon Core Strategy (Local Plan part 1), DM2, DM5 and DM27 of the Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.

Jonathan Guscott
Head of Planning and Regeneration