

Public Document Pack

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PLEASE NOTE: Members of the public wishing to speak to a planning application are requested to contact the Committee Administrator before the meeting starts.

MID DEVON DISTRICT COUNCIL

PLANNING COMMITTEE

A MEETING of the PLANNING COMMITTEE will be held in the Phoenix Chamber, Phoenix House on Wednesday, 6 April 2016 at 2.15 pm

The next ordinary meeting of the Committee will take place on Wednesday, 20 April 2016 at 2.15 pm in the Phoenix Chamber, Phoenix House, Tiverton

STEPHEN WALFORD

Chief Executive
29 March 2016

Councillors: Mrs H Bainbridge, K Busch, Mrs C Collis, Mrs F J Colthorpe, J M Downes, S G Flaws, P J Heal, D J Knowles, F W Letch, B A Moore, R F Radford, J D Squire and R L Stanley

A G E N D A

MEMBES ARE REMINDED OF THE NEED TO MAKE DECLARATIONS OF INTEREST PRIOR TO ANY DISCUSSION WHICH MAY TAKE PLACE

- 1 **APOLOGIES AND SUBSTITUTE MEMBERS**
To receive any apologies for absence and notices of appointment of substitute.
- 2 **PUBLIC QUESTION TIME**
To receive any questions relating to items on the Agenda from members of the public and replies thereto.

Note: A maximum of 30 minutes is allowed for this item.
- 3 **MINUTES OF THE PREVIOUS MEETING** (*Pages 5 - 20*)
To receive the minutes of the previous meeting (attached).
- 4 **CHAIRMAN'S ANNOUNCEMENTS**
To receive any announcements the Chairman may wish to make.
- 5 **ENFORCEMENT LIST** (*Pages 21 - 34*)
To consider the items contained in the Enforcement List.
- 6 **DEFERRALS FROM THE PLANS LIST**

To report any items appearing in the Plans List which have been deferred.

- 7 **THE PLANS LIST** (*Pages 35 - 94*)
To consider the planning applications contained in the list.
- 8 **THE DELEGATED LIST** (*Pages 95 - 114*)
To be noted.
- 9 **MAJOR APPLICATIONS WITH NO DECISION** (*Pages 115 - 116*)
List attached for consideration of major applications and potential site visits.
- 10 **APPEAL DECISIONS** (*Pages 117 - 118*)
To receive for information a list of recent appeal decisions.
- 11 **APPLICATION 15/01034/MFUL - ERECTION OF A 500kW ANAEROBIC DIGESTER AND ASSOCIATED WORKS WITH 4 SILAGE CLAMPS. REVISED SCHEME TO INCLUDE THE CHANGE OF ORIENTATION OF THE LAYOUT AND INSTALLATION OF 2 DRIERS AT LAND AT NGR 299621 112764 (RED LINHAY), CROWN HILL, HALBERTON** (*Pages 119 - 172*)
To receive an implications report from the Head of Planning and Regeneration following discussions at a previous meeting where Members were minded to refuse the application.

The Human Rights Act 1998 came into force on 2nd October 2000. It requires all public authorities to act in a way which is compatible with the European Convention on Human Rights. The reports within this agenda have been prepared in light of the Council's obligations under the Act with regard to decisions to be informed by the principles of fair balance and non-discrimination.

Anyone wishing to film part or all of the proceedings may do so unless the press and public are excluded for that part of the meeting or there is good reason not to do so, as directed by the Chairman. Any filming must be done as unobtrusively as possible from a single fixed position without the use of any additional lighting; focusing only on those actively participating in the meeting and having regard also to the wishes of any member of the public present who may not wish to be filmed. As a matter of courtesy, anyone wishing to film proceedings is asked to advise the Chairman or the Member Services Officer in attendance so that all those present may be made aware that is happening.

Members of the public may also use other forms of social media to report on proceedings at this meeting.

Members of the public are welcome to attend the meeting and listen to discussion. Lift access to the first floor of the building is available from the main ground floor entrance. Toilet facilities, with wheelchair access, are also available. There is time set aside at the beginning of the meeting to allow the public to ask questions.

An induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, or

If you would like a copy of the Agenda in another format (for example in large print) please contact Sally Gabriel on:

Tel: 01884 234229

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E-Mail: sgabriel@middevon.gov.uk

Public Wi-Fi is available in all meeting rooms.

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 9 March 2016 at 2.15 pm

Present Councillors

Mrs H Bainbridge, K Busch, Mrs C Collis,
Mrs F J Colthorpe, J M Downes, S G Flaws,
P J Heal, D J Knowles, F W Letch,
B A Moore, R F Radford, J D Squire and
R L Stanley

Apologies Councillor(s)

Also Present Councillor(s)

Present Officers:

Stephen Walford (Chief Executive), Jenny Clifford (Head of Planning and Regeneration), Simon Trafford (Area Planning Officer), Lucy Hodgson (Area Planning Officer), Daniel Rance (Principal Planning Officer), Amy Tregellas (Head of Communities and Governance and Monitoring Officer) and Sally Gabriel (Member Services Manager)

122 **APOLOGIES AND SUBSTITUTE MEMBERS**

There were no apologies.

123 **PUBLIC QUESTION TIME**

Mr Sanderson referring to Item 11 (Tollgate Farm) on the agenda raised concern about the explosion of AD plants in the area. Is the Committee aware that as well as the outstanding 3 poultry units at Tollgate and Gibbet Moor there is permission granted for poultry units at Menchine and Edgeworthy, which are all in close proximity and will have a cumulative effect as well as an increase in HGV movement together with traffic movement at Menchine, which will have an immediate impact on local residents.

Miss Coffin referring to Item 11 (Tollgate Farm) on the agenda asked whether Councillors were aware of the many disease and health hazards to both humans and other livestock associated with chicken manure (especially industrial factory farmed chickens). We ask if the Council has considered the full cumulative effect of this and all the recent chicken farm applications already granted or under review as well as

the already existing chicken farms within a geographical radius. Has full and thorough consideration been given to the potential consequential effect on the local and wider environment, tourism and other farmers livelihoods as well as direct and associated potential loss of existing employment. Surely it is a question of balance, where is the gain in creating a few jobs at the expense of many more?

We therefore ask that should you decide in favour of this application you condition that a proper waste management plan be determined and adhered to, this should include:

- A specified alternative AD site to take the waste in the event of any non-operational periods at Menchine farm and in view of any potential commercial changes to either business.
- We also ask for an undertaking from the applicant (whom we understand to be a global multinational company with their own environmental policy) that the waste from the industrial chicken houses will not be stored as compost on any unlicensed agricultural land that does not hold the required compost licence.
- Contingency plan in the event of any notifiable animal disease outbreak and the consequential movement restrictions which includes the waste?

Mr Steele representing Dr Bell and referring to item 14 on the agenda (TIVERTON Eastern Urban Extension - junction of new highway junction to A361) stated:I refer to item 14 on your agenda concerning Mrs Clifford's note to the Committee about resident's revision to the design and construction of the new left-in, left out junction with the A361.

We question Mrs Clifford's claim in the conclusion of her note that our revisions to the scheme are undeliverable. We also question a number of the statements in her note to you.

The aim of our presentation to be given by Mr Dennis Cook today is to challenge Mrs Clifford's conclusion and to ask you, once again, to support existing and future residents' right to have their health and well-being protected in the most practical and effective way for the next 100+ years over and above modest financial considerations.

The LILO is the more significant section of the whole cloverleaf junction that will adversely affect the lives of generations of the residents who will be exposed to the traffic-related pollutions arising from its use.

Devon County Council Highways Department and Mid Devon District Council Planning Department have sought to put a price of £3 million and a little time on the health and well-being of these generations of local residents. This has to be an unacceptable reason for denying residents a more acceptable and effective junction layout and construction for securing a healthier environment for generations to come rather than the one they currently face.

We know you have the will to support us, please help us to the way to see our scheme delivered.

We ask you please, through this meeting, to provide your support for continuing to secure our health over cash solution for now and the future.

The minutes of the meeting held on 10 February 2016 were approved as a correct record and signed by the Chairman.

125 **CHAIRMAN'S ANNOUNCEMENTS (00-11-00)**

The Chairman reminded Members that the next meeting of the Committee would take place on Wednesday 6 April.

126 **DEFERRALS FROM THE PLANS LIST (00-12-02)**

There were no deferrals from the Plans List.

127 **THE PLANS LIST (00-12-08)**

The Committee considered the applications in the plans list *.

Note: *List previously circulated; copy attached to the signed Minutes.

(a) Applications dealt with without debate.

In accordance with its agreed procedure the Committee identified those applications contained in the Plans List which could be dealt with without debate.

RESOLVED that the following application be determined or otherwise dealt with in accordance with the various recommendations contained in the list namely:

(i) No 2 on the Plans *List (15/01993/TPO – Application to carry out works to 2 Oak trees protected by Tree Preservation Order 02/00005/TPO – footpath rear of 3 & 4 Aspen Way, Willand)* be approved as recommended by the Head of Planning and Regeneration

(Proposed by the Chairman)

(b) No 1 on the Plans *List (15//01871/FULL – Erection of a two storey extension – 1 Aspen Way, Tiverton.*

The Area Planning Officer outlined the contents of the report by way of presentation highlighting the proposed elevations of the proposed extension, the distance between the proposed extension and the neighbouring properties and her concerns regarding the design imbalance with other properties in the area and overbearing issues for the neighbouring properties. Members viewed photographs of the street scene which identified the design of roofs in the locality.

Consideration was given to:

- The number of hipped roofs in the area.
- The previous application which had been deemed too high and therefore the revised scheme had introduced a hipped roof.
- The impact on the neighbouring properties.

RESOLVED that:

- a) the application be approved on the following grounds: that of an acceptable impact on adjacent properties and in keeping with the character of the area; and
- b) delegated authority be given to the Head of Planning and Regeneration to provide a set of conditions for the decision notice.

(Proposed by Cllr R L Stanley and seconded by Cllr D J Knowles)

Notes:

- (i) Cllrs Mrs H Bainbridge, K I Busch, Mrs C Collis, Mrs F J Colthorpe, J M Downes, S G Flaws, P J Heal, D J Knowles, F W Letch, J S Squire and R L Stanley made declarations in accordance with the Protocol of Good Practice for Councillors in dealing with Planning matters as they had all received additional information from the agent;
- (ii) Cllr D J Knowles declared a personal interest as he had had contact with the agent;
- (iii) Mr Bryant (Agent) spoke;
- (iv) Cllr D J Knowles spoke as Ward Member;
- (v) Cllrs Mrs H Bainbridge and Mrs F J Colthorpe requested that their vote against the decision be recorded.

128 THE DELEGATED LIST (00-32-40)

The Committee **NOTED** the decisions contained in the Delegated List *.

Note: *List previously circulated; copy attached to Minutes.

129 MAJOR APPLICATIONS WITH NO DECISION (00-33-08)

The Committee had before it, and **NOTED**, a list * of major applications with no decision.

It was **AGREED** that application 16/00015/MFUL Multi-Storey Car Park, Phoenix Lane, Tiverton be determined by the Committee and that a site visit take place.

Note: *List previously circulated; copy attached to the Minutes

130 APPEAL DECISIONS (00-34-27)

The Committee had before it and **NOTED** a list of appeal decisions * providing information on the outcome of recent planning appeals.

Note: *List previously circulated; copy attached to signed Minutes.

131 APPLICATION 15/01622/FULL - ERECTION OF AN AGRICULTURAL WORKS DWELLING AND AN AGRICULTURAL LIVESTOCK BUILDING AT LAND AT NGR 316711 110152 (TEN OAKS FARM) CLAYHIDON (00-35-14)

The Committee had before it an * implications report of the Head of Planning and Regeneration following discussions at the previous meeting where Members were minded to refuse the application. Members were informed that an appeal for non-determination had been lodged with the Inspectorate and therefore they were requested to indicate the decision they would have made on the application if they had the ability to determine the application.

The Principal Planning officer outlined the contents of the report highlighting the proposals and explaining possible reasons for refusal and whether they could be substantiated.

Consideration was given to:

- The lack of information provided by the applicant.
- Local residents objections.
- Whether the size of the holding was sufficient to sustain the level of agricultural activity.
- Financial information in support of the application.

RESOLVED that had the Local Planning Authority had the power to determine the application, it would have approved planning permission.

(Proposed by the Chairman)

(Vote 7 for: 6 against)

Notes-:

- (i) Cllr R L Stanley declared a personal interest as he had had conversations with the objectors;
- (ii) A proposal to refuse the application was not supported;
- (iii) Cllrs Mrs C Collis, P J Heal, R F Radford and R L Stanley requested that their vote against the decision be recorded;
- (iv) *Implications report previously circulated, copy attached to minutes.

132 APPLICATION 15/01808/MFUL ERECTION OF 3 REPLACEMENT POULTRY BUILDINGS (8071SQ.M) FOLLOWING DEMOLITION OF EXISTING AND PROVISION OF ASSOCIATED INFRASTRUCTURE INCLUDING FEED BINS AND HARDSTANDING AT LAND AND BUILDINGS AT NGR 285916 112907, TOLLGATE FARM NOMANSLAND ((00-58-59)

The Committee had before it a report * of the Head of Planning and Regeneration regarding the above application. The Area Planning Officer outlined the contents of the report stating that the proposal sought to replace the existing 4 poultry units with 3 units which would bring the total of 7 buildings on site following a previous

permission. She explained the number of chicken proposed to be housed on the site and that the site would be managed in line with an Environment Agency environmental permit. Members viewed the existing and proposed plans, the site location plan along with proposed elevations and photographs from various aspects of the site.

She addressed the question posed in public question time regarding the existing and proposed poultry units in the area, the applications had either been before committee or would do so in the near future. With regard to the spreading of waste, there was no control via the environmental permit but there was other legislation that would deal with the issue, each application had to be dealt with on its merits and that a waste management plan could be conditioned.

Consideration was given to:

- The impact of the proposal on the amenity of local residents specifically at clean out time
- The viability of the proposal
- Specific legislation which covered the spreading of waste
- The impact of the proposal on the local road network and the Highway Authority's opinion
- Proposed additional conditions regarding waste management and additional landscaping
- The number of poultry units in the area and the amount of waste to be disposed of
- The need for local residents to be protected
- The cumulative effect of all the poultry units on the local road network
- The hours of operation
- The capacity of vehicles entering and exiting the site.

RESOLVED that planning permission be granted subject to conditions as recommended by the Head of Planning and Regeneration with the following additional conditions as follows:

1. Prior to the commencement of development a waste management plan to include details of measures to manage the disposal of waste produced on the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be operated in accordance with the agreed waste management plan and records shall be kept of where waste is disposed of together with the quantity of waste so disposed and shall be made available to the Local Planning Authority upon request.

Reason: To safeguard the amenities of the neighbouring occupiers in accordance with Policy DM2 LP3 Development Management Policies.

2. The ventilation systems on the buildings hereby approved shall continue to operate throughout the clean out period. In addition, measures to ensure that the doors on the north east ends of the proposed buildings shall be kept closed whilst the buildings are in use and throughout the clean out period shall be submitted to and approved in writing by the Local Planning Authority. Such approved measures shall be implemented before first use of the new buildings granted and so retained.

Reason: To safeguard the amenities of the neighbouring occupiers in accordance with Policy DM2 LP3 Development Management Policies.

3. Prior to the commencement of development, a planting and planting management plan for the north east boundary of the site shall be submitted to and approved in writing by the Local Planning Authority. Such plan shall include details of any additional planting together with management measures for planting along the north east boundary of the site. Any additional planting specified in the approved plan shall be carried out in the first planting season following the commencement of the development and be retained. Any trees or plants which within a period of five years from the first use 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. Planting and management of planting shall be carried out in accordance with the approved plan.

Reason: To safeguard the amenities of the neighbouring occupiers in accordance with Policy DM2 LP3 Development Management Policies.

4. Other than the catching and removal of birds, no works shall take place on the site between the hours of 22:00 and 07:00.

Reason: To safeguard the amenities of the neighbouring occupiers in accordance with Policy DM2 LP3 Development Management Policies.

5. Vehicles used to remove waste from the site shall be restricted to a maximum capacity of 16 tonnes. Records of the vehicles used to remove waste from the site to include number; date, tonnage (capacity) and destination shall be kept and made available to the Local Planning Authority upon request.

Reason: To safeguard the amenities of the local area in accordance with Policy DM2 LP3 Development Management Policies.

(Proposed by Cllr Mrs H Bainbridge and seconded by Cllr P J Heal)

Notes:

- i) Cllr R F Radford declared a Disclosable Pecuniary Interest in the application as he grew chicken for the applicant and therefore left the meeting during the discussion thereon;
- ii) Cllrs Mrs F J Colthorpe declared a personal interest as the farm manager was known to her, she also knew a number of objectors to the application;
- iii) Cllrs B A Moore and R L Stanley declared personal interests as the objectors were known to them;
- iv) Mr Whilding (Agent) spoke;
- v) Mrs Harmer spoke on behalf of the objectors;

- vi) Cllr Mrs Smyth spoke on behalf of Cruwys Morchard Parish Council;
- (vii) The following late information was reported: Part 1.0 Proposed development, page 85 - Report states that when the existing buildings ceased being used in December 2015 that litter waste was being transported to the Anaerobic Digester at Menchine Farm by tractor and trailer. The litter waste was actually being spread on nearby farm land.
The Environmental Report submitted with the application states that litter waste from the replacement buildings will be transported to an Anaerobic Digester. Having discussed this further with the Agent, the litter waste will either be spread on nearby farm land as was the situation when the buildings were last in use, or transported to an AD via 26 tonne, 6 wheeled rigid lorries.
The proposed replacement buildings are still considered to result in a 'neutral' change regarding vehicle movements.
- (viii) Remove the word 'swales' from condition 4.
- (ix) *Report previously circulated, copy attached to minutes.

133 APPLICATION 15/01996/MFUL - ERECTION OF PARLOUR, CUBICLE AND COVERED FEED BUILDING (1876 SQ.M) AT LAND AT NGR 269824 104236 (SW OF LOWER NEWTON FARM) ZEAL MONACHORUM (2-02-58)

The Committee had before it a report * of the Head of Planning and Regeneration regarding the above application. The Area Planning Officer outlined the contents of the report highlighting by way of presentation the site location plan, the proposed accommodation for animals and waste, the dung spreading plan, proposed floor space and elevations, google photographs identifying the location of the neighbouring properties adjacent to some of the original buildings and photographs from various aspects of the site. He also highlighted the proposed highway improvements identifying the dedicated access for construction on the site. He stated that he felt that the proposal was in line with Policy DM22 of the Local Plan Part 3 (Development Management Policies).

Consideration was given to:

- Whether the cows would be housed all year round
- The use of some of the existing buildings
- The reinstatement of a dairy holding on Newton Farm
- Concerns of the objectors with regard to the increased size of the business on the holding, access issues and the impact of the proposal on the local road network
- Farming in the countryside
- The proposed traffic management plan.

RESOLVED that planning permission be granted subject to conditions as recommended by the Head of Planning and Regeneration.

(Proposed by Cllr J D Squire and seconded by Cllr Mrs H Bainbridge)

Notes:

- i) Cllr Mrs F J Colthorpe declared a personal interest as some of the objectors were known to her;
- ii) Cllr P J Heal declared a personal interest as his son managed a dairy farm in the local area;
- iii) Mr Lawson (applicant) spoke;
- iv) Mr Boughton spoke on behalf of the objectors;
- v) Cllr J M Downes requested that his abstention from voting be recorded;
- (vi) The following late information was reported: 7th March 2016 - Revised Design and Access Statement (received 29th February 2016) Only change from that previously submitted: reference made to use of Profile 6 fibre cement sheets in anthracite grey. This change is as previously requested by the Local Planning Authority (see below)

8th March - The following email has been received from the applicant's agents on 8/03, following notification by the Case officer that the agent had incorrectly completed certificate A and not certificate B when submitting the application. Certificate A is applicable to applicants who own the land that constitutes the application – in this case the applicant has an option to purchase at this point in time. Certificate B is applicable to applicants who don't have an interest in the application site, and Certificate B establishes for the benefit of the local planning authority that the applicant has notified the owner that the application scheme has been submitted for consideration.

“ I can confirm that the Land Owner has been aware of the Lawson's intentions to submit the two applications when they first met back in February 2015 and he was furnished with a set of the original plans, showing the current size and location of the buildings, prior to the current applications (15/01994/FULL & 15/01996/MFUL) being submitted on the 17-12-2015.

I hope that this clears up the question raised yesterday and doesn't effect the recommendation for approval due to a technical oversight that has been missed by everyone until the 11th hour 12 weeks after submission.

There has never been any intention to submit the applications without the knowledge of the land owner and we would like to stress this point should it be raised by the objectors during the committee meeting”.

9th March 2016 – Information received from the applicant.

17th February 2015

The applicants first met the landowners at Lower Newton Farm, having been told that the farm was to be sold. We discussed with David the field beside the existing buildings and the possibility of erecting a large building there, the size of the building and the position was pointed out to him.

6th March 2015

The applicants and (farm consultant to H.Lawson and Partners) visited the farm again. After walking around the farm, further lengthy discussion was had with

the landowners. An offer was made to buy the farm, subject to planning consent being granted. The landowner brought up about the water main that goes through the field in question and pointed out the position of the water main to us. Further lengthy discussion about the size and reposition (to avoid the water main) of the proposed new building was had.

21st May 2015

The Local Planning Authority case officer attended the site for a pre-app visit. The applicants and the landowner were in attendance. The size and position of the building was marked out.

Late September 2015

After meeting with 6 neighbours on 19/6/2015 and realising their opposition to the 1st planning application, it was withdrawn.

16th October 2015

The applicants met with his construction consultant to discuss the suitability of the 2 sites suggested in Savills report. Discussed with the landowner the suitability of these sites for the building and he suggested looking at a third site. On measuring the landowners suggested site, it was ruled out owing to the visual impact on the residents at Leigh Cross.

3rd November 2015

The applicants and the Local Planning Authority Case Officer c met on the proposed site of the second planning application, for a pre app visit. Following that the landowners were visited by the applicants and informed that they would put in an application on the second site and gave them a copy of the proposed layout in the field. Further discussions were held regarding our purchase of lower Newton farm. They were informed that this would happen as soon as the planning application was successful.

12th November 2015

E mail received from the landowner saying he would like a deposit for the farm by the beginning of February 2016.

17th November 2015

The applicant spoke to the landowner to ascertain that he would definitely sell them the farm if a 2nd planning application were successful. This was to make sure it was worth while putting this in. The landowner confirmed that he would sell us his farm.

Subsequently the 2nd planning application was submitted.

Most of the agreement between the landowner and the applicant has been done verbally and on trust.

With regards to Condition 7 of the recommendation the reason for Condition 7 should be:

Reason: To minimise the impact of the development on the general amenities of the area in accordance with policy DM2 of Local Plan Part 3.

(vii) *Report previously circulated, copy attached to minutes;

134 **APPLICATION 15/01994/FULL - ERECTION OF A COVERED SLURRY STORE (760 SQ.M) AT LAND AT NGR 269824 104236) LOWER NEWTON FARM, ZEAL MONACHORUM (2-02-58)**

The Committee had before it a report * of the Head of Planning and Regeneration regarding the above application. The Area Planning Officer outlined the contents of the report highlighting by way of presentation the site location plan, the proposed accommodation for animals and waste, the dung spreading plan, proposed floor space and elevations, google photographs identifying the location of the neighbouring properties adjacent to some of the original buildings and photographs from various aspects of the site. He also highlighted the proposed highway improvements identifying the dedicated access for construction on the site. He stated that he felt that the proposal was in line with Policy DM22 of the Local Plan Part 3 (Development Management Policies).

Consideration was given to:

- Whether the cows would be housed all year round
- The use of some of the existing buildings
- The reinstatement of a dairy holding on Newton Farm
- Concerns of the objectors with regard to the increased size of the business on the holding, access issues and the impact of the proposal on the local road network
- Farming in the countryside
- The proposed traffic management plan.

RESOLVED that planning permission be granted subject to conditions as recommended by the Head of Planning and Regeneration.

(Proposed by Cllr H Bainbridge and seconded by Cllr P J Heal)

Notes:

- i) Cllr Mrs F J Colthorpe declared a personal interest as some of the objectors were known to her;
- ii) Cllr P J Heal declared a personal interest as his son managed a dairy farm in the local area;
- iii) Mr Lawson (applicant) spoke;
- iv) Mr Boughton spoke on behalf of the objectors;
- v) Cllr J M Downes requested that his abstention from voting be recorded;
- (vi) The following late information was reported: 7th March 2016

1. Email from agent (dated 1st March 2016)

Confirming that 50-60 no. dairy replacement heifers will be housed in the existing buildings along with 15 no. beef cattle. These numbers are in addition to

the dairy herd. (132 no.) and are considered capable of being reared on the acreage that makes up Lower Newton Farm. The information is considered not to affect the officer assessment or recommendation.

2. Revised Design and Access Statement (received 29th February 2016)

Only change from that previously submitted: confirmation of use of Profile 6 fibre cement sheets in anthracite grey (instead of previous 'natural grey'). This change has been previously requested by the Local Planning Authority and will help ensure that the visual impact of the scheme is made more acceptable within the landscape.

3. Revised Farm Waste Management Plan for new dairy building (received 29th February 2016)

Only change from that previously submitted provides additional clarification (section 4) that all organic manure will be spread using equipment that has a low spreading (i.e. below 4m from the ground dry matter dung only side or rear discharge spreader). The scheme will be subject to other (e.g. DEFRA/Environment Agency) statutory requirements and the additional information indicates that the applicant will follow 'best practice' advice and guidance.

4. The applicant has submitted on 29th February 2016 indicative drawings to show proposed access arrangements to the site from the south. Other indicative drawings show the intention to allow bordering field hedges to be allowed to grow up to 3.5m in height and also to thicken over time to provide additional screening. These matters are subject to respective conditions but seem to indicate that the development can be reasonably accessed and landscaped to lessen impacts.

5. A further plan has been submitted on 7th March 2016 to show the land available for spreading slurry and dung. This indicates sufficient land available to meet with farm waste management issues.

8th March 2016 - The following email has been received from the applicant's agents on 8/03, following notification by the Case officer that the agent had incorrectly completed certificate A and not certificate B when submitting the application. Certificate A is applicable to applicants who own the land that constitutes the application – in this case the applicant has an option to purchase at this point in time. Certificate B is applicable to applicants who don't have an interest in the application site, and Certificate B establishes for the benefit of the local planning authority that the applicant has notified the owner that the application scheme has been submitted for consideration.

" I can confirm that the Land Owner has been aware of the Lawson's intentions to submit the two applications when they first met back in February 2015 and he was furnished with a set of the original plans, showing the current size and location of the buildings, prior to the current applications (15/01994/FULL & 15/01996/MFUL) being submitted on the 17-12-2015.

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6th March 2015

The applicants and (farm consultant to H.Lawson and Partners) visited the farm again. After walking around the farm, further lengthy discussion was had with the landowners. An offer was made to buy the farm, subject to planning consent being granted. The landowner brought up about the water main that goes through the field in question and pointed out the position of the water main to us. Further lengthy discussion about the size and reposition (to avoid the water main) of the proposed new building was had.

21st May 2015

The Local Planning Authority case officer attended the site for a pre-app visit. The applicant and the landowner were in attendance. The size and position of the building was marked out.

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Subsequently the 2nd planning application was submitted.

Most of the agreement between the applicant and the landowner has been done verbally and on trust.

(vii) *Report previously circulated, copy attached to minutes;

135 **TIVERTON EASTERN URBAN EXTENSION: CONSTRUCTION OF NEW HIGHWAY JUNCTION TO A361. (2-53-31)**

The Committee had before it and **NOTED** a report * of the Head of Planning and Regeneration reporting back on investigations over whether revisions to the approved highway junction design for the new A361 junction as requested by local residents could be delivered and the implications of the revised scheme. She outlined the contents of the report highlighting the background information with regard to the strategic highway improvement required to serve the Tiverton Eastern Urban Extension. She presented the approved plans, specifically the Left in Left out junction on the southern side of the A361. She identified the concerns of local residents and the design proposal that they had put forward to the Highway Authority, the correspondence that had taken place and the fact that the landowner in question would not make the land available which was required if the residents proposals were to be deliverable. She explained the potential funding implications for any amendments to the scheme

Consideration was given to:

- The impact of the junction on local residents
- The concerns of the residents
- The views of the local Ward Members
- The unavailability of land required for the residents proposals
- The LEP funding and proposed match funding

Notes:

- i) Cllrs Mrs H Bainbridge, S G Flaws, D J Knowles and R L Stanley declared personal interests as a number of the objectors were known to them;
- ii) Mr Cook spoke on behalf of the local residents;
- iii) The Chairman read a letter from Cllrs N V Davey and C R Slade (Ward Members);
- iv) Cllr D J Knowles spoke as a Ward Member;
- v) Cllr D J Knowles requested that his objection to the report be noted;
- vi) *Report previously circulated, copy attached to minutes;

136 **REVIEW OF PLANNING COMMITTEE PROCEDURES (3-33-39)**

The Committee had before it a report * of the Head of Planning and Regeneration reviewing Planning Committee procedures in light of issues that had arisen and following visits to other Local Planning Authorities undertaken in 2012/13. She outlined the contents of the report and the process of the review. Any amendments to the procedures within the Constitution would have to be recommended to the Standards Committee.

RESOLVED that the item be deferred to a special meeting of the Committee so that thorough consideration of the report could take place.

(Proposed by Cllr Mrs H Bainbridge and seconded by Cllr K I Busch)

Note: *Report previously circulated, copy attached to minutes;

Update Sheet

(The meeting ended at 6.10 pm)

CHAIRMAN

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PLANNING COMMITTEE AGENDA – 6th April 2016

Enforcement List

<u>Item No.</u>	Description
1.	ENF/15/00075/BRE – Failure to comply with Condition 1 and Condition 4 on Appeal decision in relation to Planning Application 10/00160/FULL at Wiltown Mobile Home, Clayhidon, Cullompton
2.	ENF/16/0006/UCU – Unauthorised material change of use of land from agriculture to a mixed use of agriculture and use for the siting of a caravan for human habitation at Green Acres, Coldridge, Crediton
3.	ENF/00075/UNLD – Failing to properly maintain land at Corner Close. Wall has collapsed and is now adversely affecting the amenity of the area at Corner Close, Morchard Bishop, Crediton EX17 6PG

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Case No. ENF/15/00075/BRE

Grid Ref: 317280 116564

Address:

Wiltown Mobile Home, Clayhidon, Cullompton, Devon

Alleged Breach:

Failure to comply with Condition 1 and Condition 4 on Appeal decision in relation to Planning Application 10/00160/FULL.

Recommendations:

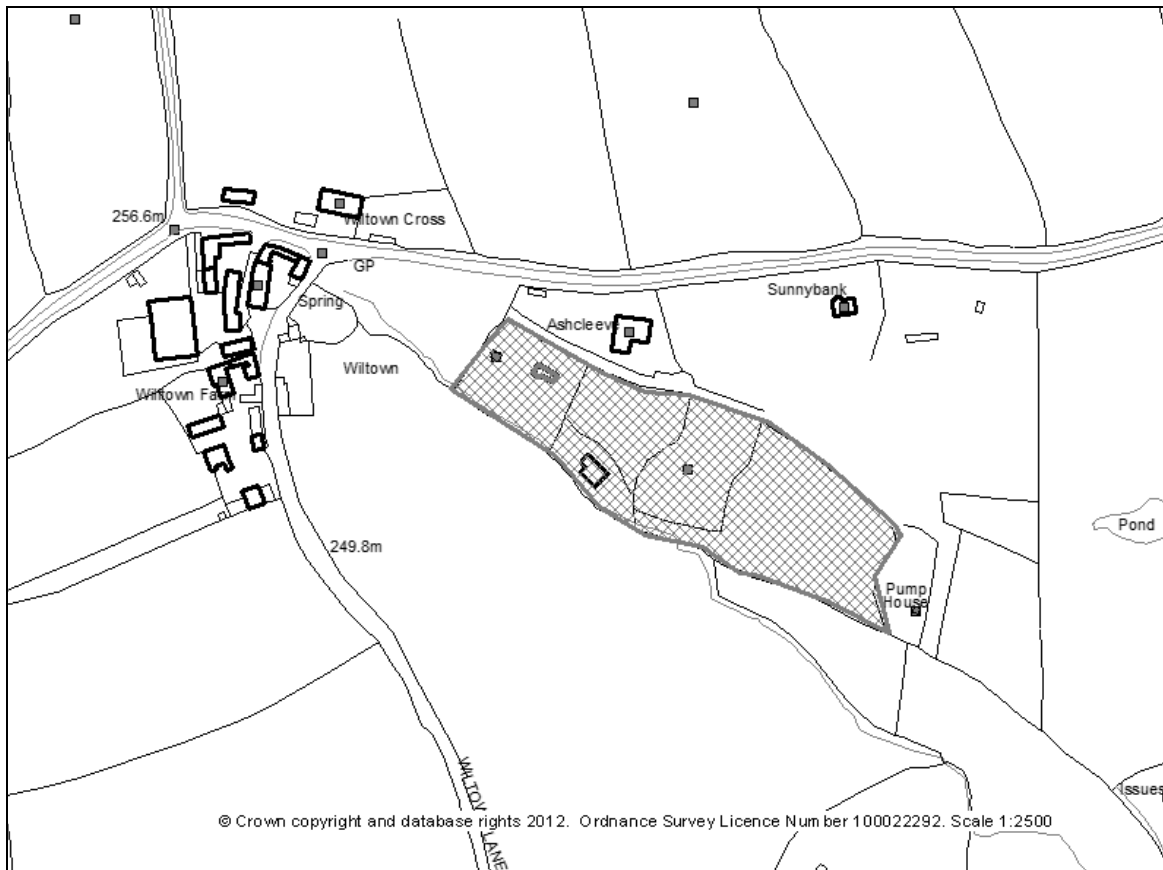
That the Legal Services Manager be authorised to take any appropriate legal action including the service of a Notice or Notices, seeking compliance with a residency condition imposed at appeal following the refusal to grant planning permission by the Local Planning Authority in respect of planning reference 10/00160/FULL. In addition, in the event of a failure to comply with any Notice issued, authority to prosecute, take direct action and/or authority to seek a court injunction.

Site Description:

Wiltown Mobile Home, Clayhidon, Cullompton, Devon

The land at Wiltown Corner, Clayhidon consists of an area of 1.2 ha of agricultural land on a sloping site. It is approached by a single track lane off Wiltown Corner, opposite Wiltown Farm.

Site Plan:



Site History:

09/00749/FULL	Retention of an agricultural workers caravan	REFUSE
10/00160/FULL	Retention of change of use of land to allow siting of an agricultural workers caravan (Revised Scheme) (APPEAL ALLOWED - 20TH MAY 2011	REFUSE
15/01891/FULL	Variation of condition 1 of Planning Permission 10/00160/FULL to allow occupation of the caravan by Mrs G Board	REFUSE

Development Plan Policies:

National Planning Policy Framework

Mid Devon Core Strategy (Local Plan 1)

COR 18 - Countryside

Mid Devon Local Plan Part 3 (Development Management Policies)

DM31 - Enforcement

Reasons/Material Considerations:

The Local Planning Authority first became aware of a breach of planning at Wiltown Corner in March 2005, when it was found that a residential caravan had been placed on site without planning permission and was being occupied by an Adrian Board and a Gail Joseph (now Board). An Enforcement investigation was carried out which resulted in the service of an Enforcement Notice in March 2006. Due to the personal circumstances concerning Mr Board's health, a lengthy compliance period was imposed on the Notice, allowing a period in excess of two years for compliance by 22nd May 2008.

Mr and Mrs Board failed to comply with the Notice and under the threat of prosecution for failing to comply with the Notice, they stated their intention to make a planning application to remain on site.

An application was subsequently submitted under reference 10/00166/FULL and was ultimately refused planning permission. An appeal was lodged and on 20th May 2011 and following an appeal hearing, a Planning Inspector allowed the appeal with conditions.

The first condition, on the schedule of conditions, reads:-

When the premises cease to be occupied by Mr A Board the use hereby permitted shall cease, and all materials and equipment brought on to the premises in connection with the use, including the caravan, associated hardstandings and on site foul drainage disposal facilities, shall be removed, and the site restored to a condition appropriate to its location in the open countryside, in accordance with a timetable to be agreed in writing by the Local Planning Authority.

Mr and Mrs Board resided on the land in compliance with the condition until approximately two years ago when Mr Adrian Board died.

Since that time, Mrs Board has remained on site in the caravan.

In July 2015, a further Enforcement investigation was commenced and Mrs Board was seen and informed of the need to comply with the terms of the condition. at that time, Mrs Board explained that Mr Board had requested prior to his death that he be buried on the site. This had taken place and Mrs Board was now very reluctant to leave the land.

It was explained that the only way she could remain, would be to get a new planning permission allowing her to remain on site.

A planning application was subsequently made to vary the condition made by the Inspector, but has now been refused permission.

Your officers are of the opinion that, under the circumstances, a Breach of Condition Enforcement Notice should be issued, as opposed to a standard Breach of Condition Notice. The reason for this being that there is a right of appeal against the full Enforcement Notice, where there is no such right with a Breach of Condition Notice.

Human Rights and Equality Issues:

Any formal enforcement action could be considered to affect the land/property owner/occupier's human rights under the provisions of Article 8 and Article 1 of the First Protocol of the Human Rights Act 1998. The human rights of Mrs Board must be borne in mind, but it is believed that, having moved onto the land without planning permission more than ten years ago and then achieving a limited planning permission which effectively ended when Mr Board died. Mrs Board has been aware for the past two years that she has remained on site in breach of planning control.

Options for action or remedy:

The list of options available is as follows:

Take no action:

To take no action would not be the appropriate response to this breach. The Local planning Authority has already issued an Enforcement Notice in the past regarding the use of the land and this was only superseded by an appeal decision allowing a restricted occupation for one named person.

Issue a Breach of Condition Notice - This is not considered appropriate as the circumstances of this case are quite complex and should there be a failure to comply, the matter can only go before a Magistrates' Court.

Issue a Breach of Condition Enforcement Notice - This is the course of action recommended by your officers. This would allow Mrs Board to appeal and a Planning Inspector can decide on the merits of the case.

Reasons for Decision:

The breach of planning control has taken place within the last ten years as a breach of condition. In reaching his decision, the Inspector gave great weight to the personal circumstances of Mr Board and imposed the occupancy condition to prevent the caravan becoming a permanent feature. In doing so, he acknowledged the conflict with policy COR 18 of the Core Strategy 2007, but stated the personal circumstance outweighed any conflict with the policy. The site lies within the Blackdown Hills AONB and it is important that the land is restored to a more suitable state, once the caravan and associated equipment is removed.

Steps Required:

1. Remove the caravan from the land.
2. Remove and materials and equipment brought onto the land in connection the the use of the land, including any hardstandings and on site foul drainage disposal facilities.
3. Any areas of bare earth revealed by the removal of any materials or equipment should be raked and sown with a grass seed mix.

Period for Compliance:

Six months from the date the Notice comes into effect.

Case No. ENF/16/00064/UCU

Grid Ref: 268919 106903

Address:

Green Acres, Coldridge, Crediton, Devon

Alleged Breach:

Unauthorised material change of use of land from agriculture to a mixed use of agriculture and use for the siting of a caravan for human habitation

Recommendations:

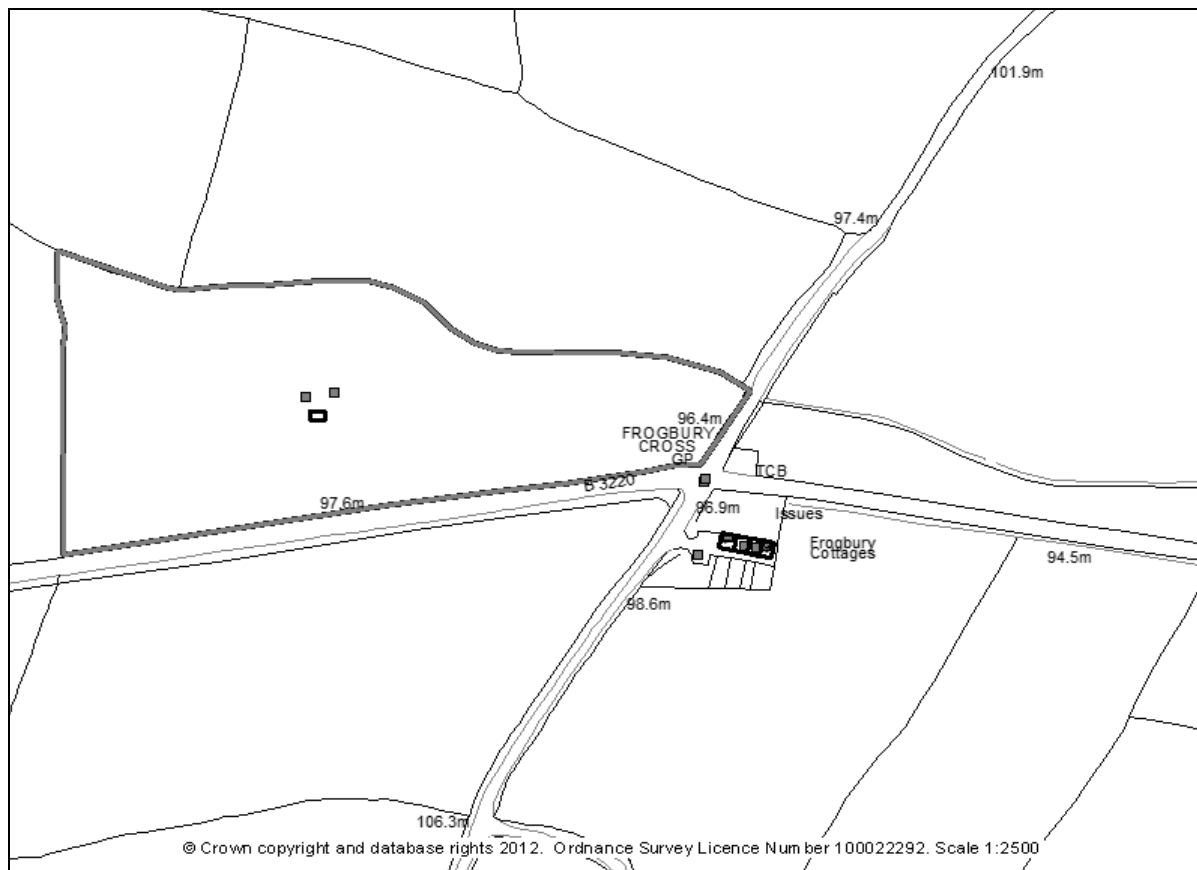
That the Legal Services Manager is authorised to take any appropriate enforcement action including the service of a Notice or Notices seeking the cessation of the use of the land for human habitation, the removal of any caravans and any associated containers used in connection with the human habitation of the land and the restoration of the land to agricultural use. In addition, in the event of any failure to comply with any Notice served, authority to prosecute, take direct action and/or authority to seek a court injunction.

Site Description:

Green Acres, Coldridge, Crediton, Devon

Green Acres consists of a parcel of land measuring some 2.5 ha, which is part of a larger holding, with a majority of the land located further west.

Site Plan:



Site History:

98/01667/FULL Erection of a single storey extension to rear PERMIT
16/00190/OUT Outline planning for the development of a 3 bedroom dwelling (New build)

Development Plan Policies:

National Planning Policy Framework

Mid Devon Core Strategy (Local Plan 1)

COR18 - Countryside

Mid Devon Local Plan Part 3 (Development Management Policies)

DM2 - High quality design

DM3 - Sustainable design

DM31 - Planning Enforcement

Reasons/Material Considerations:

In 2014, the owner of a parcel of land at Frogbury Cross, Coldridge, known as Green Acres, submitted an agricultural prior notification in connection with the erection of an agricultural shed on the land.

Shortly afterwards, it was reported that a mobile home had been placed on the site. When first spoken to, the owner was advised that it was permitted development to have the caravan on the land for the purpose of carrying out the development of the shed, but that it would have to be removed again, once the shed was complete.

Since that time there has been little or no progress with the shed. For many months no work was carried out at all, but it was pointed out that the ground had been exceptionally wet and it was virtually impossible to work on the ground, which is naturally wet and shows signs of this with reeds growing in the area where the shed is to be sited.

Your officers have visited the site and spoken to the owner on a number of occasions and warned him that progress would have to improve or he would risk the possibility of formal action being taken to remove the caravan on the grounds that it was being used primarily for human habitation and not for the purpose of building the shed.

The latest site visit took place on Friday 12th February 2016. At this time, the post holes had been dug and concreted and two small sections of the frame of the shed had been erected. This is all there is to show for nearly two years work. It is your officers opinion that the caravan cannot now be said to be on site under Part 5 of the General Permitted Development Order 2015 and is being used almost exclusively for simple residential occupation.

On the land near the caravan is a lorry container that pre-dates the caravan. The owner was advised that it would need planning permission, but to date no application has been made to retain it. By its location and apparent domestic use, it is considered to be associated with the siting of the caravan and your officers are also recommending that the container is removed along with the caravan.

Although the site owner has recently submitted an outline planning application to seek permission to build a new 3 bedroom house on the site, the applicant has not submitted a satisfactory case which demonstrates that a new house on the site, as a replacement for the caravan, would be in accordance with the relevant planning policy. On this basis the application is to be refused planning permission.

Human Rights and Equality Issues:

Any formal enforcement action can be said to impact on the land/property owner/occupiers' human rights under the provision of Article 8 and Article 1 of the First protocol to the Human Rights Act 1998. In this case, the owner/occupier of the land has taken advantage of provisions contained in the Town and Country Planning (General Permitted Development) Order to place a caravan on the land, initially for the purpose of carrying out work on an agricultural building, but only making very limited progress to a point where the primary use of the caravan is now for human habitation. The Local planning Authority believes it pursuing a legitimate in seeking compliance with the provisions of the Town and Country Planning Act (as amended) so as to prevent demonstrable harm to the interests of acknowledged importance and to protect the environment.

Options for action or remedy:

The list of options available is as follows:

Take no action:

To take no action would not be the appropriate course of action in this case. It is your officers' view that the caravan is now unauthorised and as such will become immune from enforcement if allowed to remain.

Invite an application to regularise the situation - This again would not be an appropriate course of action. Planning policy is set to strictly control development in the open countryside, except in limited circumstances. In this case the owner/occupier has not shown that there is an essential need for him to live on the land.

Issue an Enforcement Notice seeking the removal of the caravan and the lorry container, used in association with the caravan - This is the recommended course of action. There is a need to control this type of sporadic development in the countryside.

Reasons for Decision:

The change of use of the land has occurred within the last ten years. Any claims to justify the siting of a caravan for the purpose of carrying out development have now been exhausted by the lack of any real progress on site.

The development is contrary to policies DM2; DM3 and; DM31 of the Mid Devon Local Plan Part 3 and policy COR18 of the Mid Devon Core Strategy.

Steps Required:

1. Cease the use of the land for human habitation.
2. Remove any caravans from the land.
3. Remove the lorry container, used in connection with the caravan from the land.

Period for Compliance:

1. Six months from the date the Notice comes into effect.

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Case No. ENF/16/00075/UNLD

Grid Ref: 276952 107675

Address:

Corner Close, Morchard Bishop, CREDITON, EX17 6PG

Alleged Breach:

Failing to properly maintain land at Corner Close. Wall has collapsed and is now adversely affecting the amenity of the area.

Recommendations:

That the Legal Services Manager be authorised to take any appropriate legal action including the service of a Notice or Notices, seeking the repair of the boundary wall at Corner Close. In addition, in the event of a failure to comply with any Notice served, authorisation for prosecution, direct action and/or authority to seek a court injunction.

Site Description:

Corner Close, Morchard Bishop, CREDITON, EX17 6PG

Corner Close is a development of 9 dwellings within the Morchard Bishop Conservation Area. The southern and western boundaries of the site are formed of a stone wall which runs adjacent to Footpath 50.

Site Plan:



Site History:

05/02347/FULL Erection of 9 dwellings and continuation of new vehicular and pedestrian access (Revised Scheme) PERMITTED

Development Plan Policies:

National Planning Policy Framework

Reasons/Material Considerations:

The development at Corner Close, Morchard Bishop was approved following an application in 2005 and was completed by R & M Peters of Crediton. It consists of 9 separate dwellings with some communal land on the site and the boundary wall that surrounds the western side of the development.

At the beginning of 2015, it was brought to the attention of the Local planning Authority that a short section of the boundary wall had collapsed into the site. The wall bounds footpath 50 in Morchard Bishop and is used regularly by residents.

Initial enquiries suggested that the wall was the responsibility of the Management Committee, details of which were submitted as a requirement of a condition on the original approval (05/02347/FULL). This information was obtained from Mr Michael Peters, one of the original developers. However, it turned out that no formal Management Committee was ever formed and Mr Peters was acting on its behalf until such time as one was set up. There was a suggestion that funding might prove quite difficult because of the lack of a formal Management Committee and Mr Peters himself sought legal advice regarding the ownership of the wall.

The seeking of legal advice delayed matters for several months and when the matter was again raised with Mr Peters in January 2016, he stated his intention to write to all the owners in Corner Close in an attempt to raise funds for the repair of the wall.

An enquiry in March 2016 revealed that no letter was sent.

It is your officers' opinion that, in light of the fact that there is no formal Management Committee, responsibility for the communal aspects of the development must fall back to the developer and that the state of the wall does adversely affect the visual amenity of the area.

The service of a Section 215 Notice requiring that the wall be repaired to match the undamaged wall on either side of the breach in the wall, would resolve this issue.

Human Rights and Equality Issues:

The taking of any formal enforcement action can be said to impact on the land/property owner/occupiers human rights under the provisions of Article 8 and Article 1 of the First Protocol of the Human Rights Act 1998. In this case, the alleged contravener is a company and the Local Planning Authority believes it is pursuing a legitimate aim in seeking compliance with the provisions of the Town and Country Planning Act 1990 (as amended), so as to prevent demonstrable harm to the interests of acknowledged importance and to protect the environment.

Options for action or remedy:

The list of options available is as follows:

Take no action:

To take no action would not be appropriate in this case. Your officers have worked hard to persuade the developer to take action to resolve this issue, but there has been a reluctance to do so. In addition, the lack of a functioning Management Committee increases the pressure to ensure that some action is taken.

Serve a Section 215 Notice seeking the repair of the wall to match the undamaged wall on either side of the breach - This would be your officers' preferred choice of action. Efforts to resolve the matter amicably have failed.

Reasons for Decision:

The development at Corner Close is relatively new, but lies within the Morchard Bishop Conservation Area. The boundary wall to the Corner Close development has partially collapsed along a short length of wall, adjacent to Footpath 50 which runs along the south and western boundaries of Corner Close. There is an obvious impact on the visual amenity in this area and that would justify the service of a Section 215 Notice seeking the repair of the wall.

Steps Required:

1. Rebuild the breach in the wall, using stone which has remained on site, matching in height and width with the undamaged wall on either side of the breach.

Period for Compliance:

1. Two months from the date the Notice comes into effect.

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PLANNING COMMITTEE AGENDA - 6th April 2016

Applications of a non-delegated nature

- | <u>Item No.</u> | <u>Description</u> |
|-----------------|---|
| 1. | <p>15/01604/MFUL - Erection of 5 poultry units (5040 sq. m) and biomass boiler unit; formation of attenuation pond, access track, and hardstanding; landscaping; and associated infrastructure at Land at NGR 288027 116786 (Gibbett Moor Farm), Templeton, Devon.</p> <p>RECOMMENDATION
Grant permission subject to conditions.</p> |
| 2. | <p>15/01822/MFUL - Erection of 45 Extracare apartments and provision of associated communal facilities, car parking and landscaping, renovation of Alexandra Lodge following demolition of former stable block and extensions at Alexandra Lodge, 5 Old Road, Tiverton.</p> <p>RECOMMENDATION
Refuse permission</p> |
| 3. | <p>15/01824/LBC - Listed Building Consent for the erection of 45 Extracare apartments and provision of associated communal facilities, car parking and landscaping, renovation of Alexandra Lodge following demolition of former stable block and extensions at Alexandra Lodge, 5 Old Road, Tiverton.</p> <p>RECOMMENDATION
Refuse Listed Building Consent.</p> |
| 4. | <p>15/02004/FULL - Conversion of redundant building to dwelling at Holes Cottage, Bary Close, Cheriton Fitzpaine.</p> <p>RECOMMENDATION
Grant permission subject to conditions.</p> |
| 5. | <p>16/00030/HOUSE - Conversion of garage to reception room, erection of first floor extension above and erection of detached garage at 6 Blenheim Court, Willand, Cullompton.</p> <p>RECOMMENDATION
Grant permission subject to conditions.</p> |

Application No. 15/01604/MFUL

Plans List No. 1

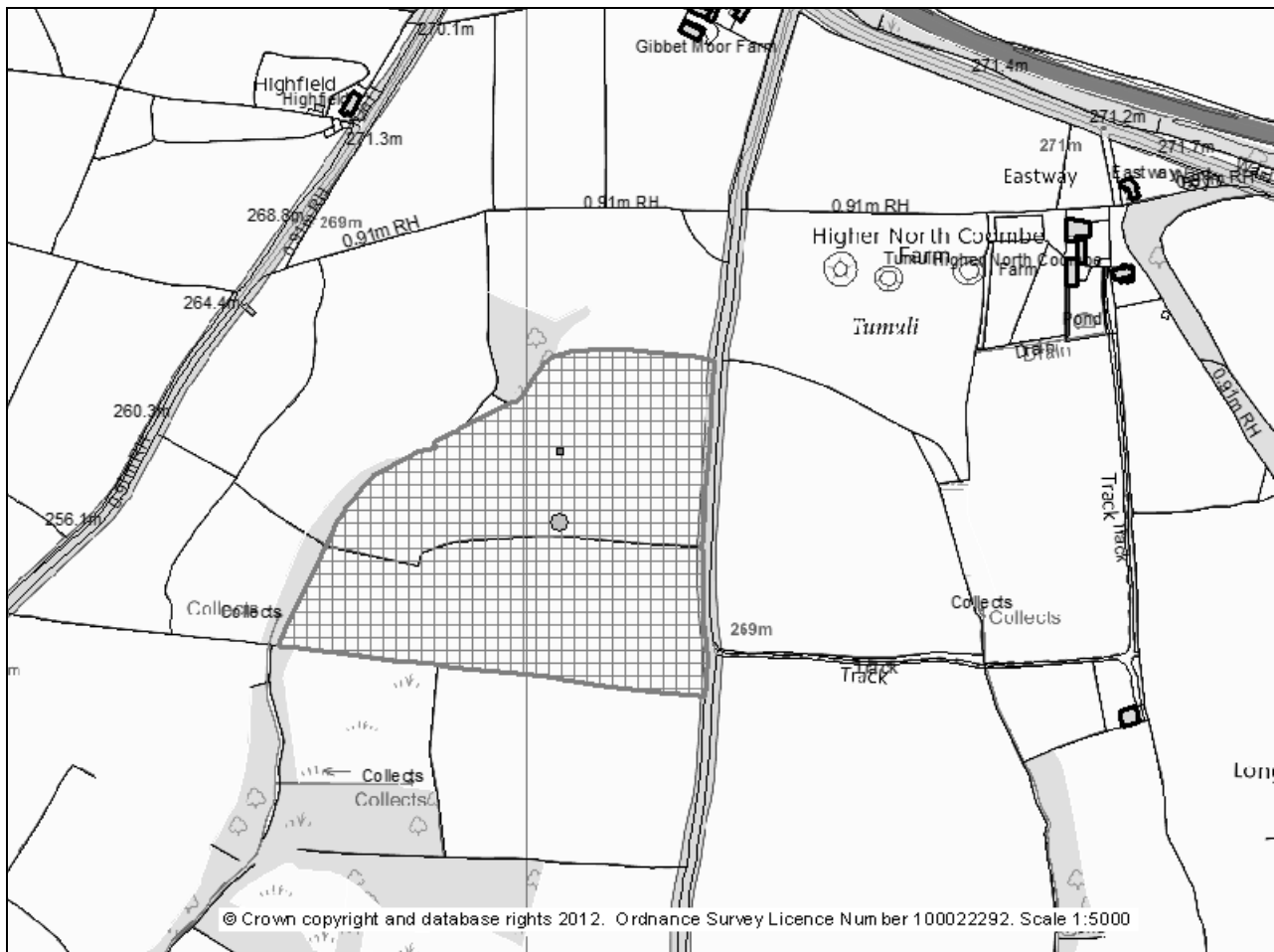
Grid Ref: 288027 : 116787

Applicant: Greener For Life

Location: Land at NGR 288027 116786
(Gibbet Moor Farm) Templeton
Devon

Proposal: Erection of 5 poultry units (5040
sq. m) and biomass boiler unit;
formation of attenuation pond,
access track, and hardstanding;
landscaping; and associated
infrastructure

Date Valid: 5th November 2015



Application No. 15/01604/MFUL

RECOMMENDATION

Grant permission subject to conditions.

PROPOSED DEVELOPMENT

The application seeks planning permission for the erection of 5 poultry units (5040 sq. m), a biomass boiler unit, formation of attenuation pond, an access track, hardstanding, landscaping and associated infrastructure on land to the south of Gibbett Moor farm, Templeton (NGR 288027 116786). The proposed development is on undeveloped agricultural land covering approximately 7 hectares in area, and is approximately 250metres south of the existing farmstead (Gibbett Moor). The site is 3.5km east of the village of Rackenford, 3.5km north of Templeton, 6.3Km north of Nomansland (approximately 15 minute drive time) and 350metres to the south of the A361. The site is accessed via a single track unclassified road to the east. Gibbett Moor Farm includes an existing dairy unit, as well as associated agricultural facilities.

The application site consists of two fields separated by approximately 240metres of hedgerow and 80metres of fence. The site slopes gently from east to west, and is surrounded by well-established hedgerow including a small amount of native woodland to the west. The nearest development to the site is an agricultural livestock building, 20metres to the south east of the site. The nearest residential dwellings which are not associated with the application are 300metres to the west and 320metres to north east of the site. The site is 110 metres from a scheduled ancient monument, described by Historic England as Three Bowl Barrows.

The description of development is as follows:

- Each of the five poultry rearing sheds shall measure 80 metres in length by 12.6 metre width. This gives a floor area of 1008 square metres per building. The buildings have a proposed eaves height of 2.9 metres and a maximum ridge height of 4.2 metres. The sheds are to be constructed using a steel frame system with a timber roof structure to support a pitched roof. Walls will be insulated panels and will extend to 1 metre above ground level, incorporating polycarbonate sections with an open section above. Double opening doors are proposed in each gable end and underground tanks are proposed to hold dirty water which is collected from the clean out of each shed. Each shed will sit on a concrete base with an apron beyond the building dimensions
- A Biomass plant room designed with a mono pitch roof with dimensions of 11.4 metres by 3.8 metres with a maximum height of 3.9 metres.
- Two feed silos are proposed at the end of each shed. They will have a footprint of 3.5 metres by 3.5 metres with a height of just less than 7 metres.
- A small site office building is proposed with a gable roof. The dimensions of which are 6 metres by 3 metres and just under 3 metres in height.
- An attenuation pond is proposed beyond the southernmost poultry shed close the south west boundary. This shall measure 7 metres in width and 20 metres in length.

A total of 60,000 birds are to be housed across the five sheds which will operate on a 56 day cycle, with seven to ten days between cycles reserved for the cleaning of the sheds. This equates to no more than six cycles per year. The proposed poultry sheds will operate on an alternative cycle to the proposed and existing sheds at Menchine and Edgeworthy Farms and will generate waste equivalent to 120 tonnes per cycle, or 820 tonnes each year.

The proposal will result in the generation of additional vehicle trips using the public highway. For each cycle (of up to 66 days) the total number of vehicular trips that can be expected to arrive and depart from the site per cycle is set out below:

- At the beginning of each cycle, there would be two deliveries to the site for the delivery of chicks from the hatchery in Kentisbere. These deliveries would be undertaken over two days, generating one trip to the site per day or two vehicular movements per day (4 vehicular movements per cycle).
- Up to ten articulated vehicles delivering feed to the site throughout each cycle. This will generate a maximum of two vehicular trips to site each week (20 vehicular movements per cycle).

- It is expected there would be nine loads required to transport birds to the processing plant at the end of each cycle, generating nine trips. This is to be undertaken overnight, however, it should be noted that the farmer has no control over these collection times because they are set by the processing plant's requirements (18 vehicular movements per cycle).
- At the end of the cycle, cleaners would visit the site to clear, wash and disinfect the sheds. Over a period of two days they will use a 12 metre rigid HGV to transport their equipment onto site, resulting in a maximum of two trips (4 vehicular movements per cycle).
- A tanker will transfer waste water from the holding tanks after clean out resulting in an additional two vehicular movements (2 per cycle).
- Vets and maintenance teams are expected to visit the sheds with three trips (6 movements per cycle). In addition, a site manager will also generate an additional but small number of movements.
- There will be three deliveries of bedding per year and 12 deliveries of wood chip to run the boiler heating system (30 movements per annum).
- In each cycle there will be nine deliveries of poultry litter from Gibbett Moor Farm to the Menchine Farm AD plant to be used as feedstock. This equates to 54 deliveries annually. Note: The TPA Technical Note received on the 8th January 2015 confirms these trips will already be on the network because they relate to an existing process for another site. As such they are not considered to be additional, new trips to and from the site (see additional comment below).

The cumulative total of vehicle movements associated with the proposed development would be up to 70 vehicle movements per cycle or 420 movements per annum, and the majority of these movements will be accommodated via the A361, with the exception of the transfer of waste from the site.

Movement of waste: Poultry litter from the proposed poultry sheds will be transported to the AD plant at Menchine Farm via Nomansland. The estimated tonnage of waste produced per cycle per shed is 24 tonnes per shed. As such this equates to 120 tonnes per cycle. The load carrying capabilities of the trailers which will be designated for the transportation of waste from Gibbett Moor Farm to Menchine Farm are tractors and trailers with the capacity to hold 14 tonnes per load. Therefore, at the end of each cycle there would be up to nine vehicular trips (18 movements) associated with the movement of waste between Gibbett Moor Farm and Menchine Farm. This equates to 108 movements per year.

The application has been submitted by Pegasus Group on behalf of the Greener for Life group (GFL).

APPLICANT'S SUPPORTING INFORMATION

Statement of Community Engagement
 Drainage Information
 Erratum Notice
 Wildlife Checklist
 Addendum to Historic setting assessment
 Design and Access Statement
 Environmental Statement - Non Technical Summary
 Heritage Desk Based Assessment
 Planning Statement
 Environmental Statement Vol 1
 Environmental Statement Vol 2
 Environmental Statement Vol 3
 EA screening report Land at NGR 285047 114124 (Edgeworthy Farm) Nomansland Devon
 Transport Technical Note
 Ammonia Assessment
 Archaeological Trench Evaluation
 TPA Transport Technical Note: December 2015

PLANNING HISTORY

15/00867/SCR Environmental Impact Assessment Screening Opinion for the erection of 5 poultry sheds - CLOSED

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
DM2 - High quality design
DM3 - Sustainable design
DM4 - Waste management in major development
DM5 - Renewable and low carbon energy
DM6 - Transport and air quality
DM7 - Pollution
DM8 - Parking
DM22 - Agricultural development
DM30 - Other protected sites

CONSULTATIONS

HIGHWAY AUTHORITY - 12th January 2016 (the comments as set out below are the final comments provided by DCC – Highways, updating earlier comments submitted on 10th December 2015 which are set out below for the sakes of completeness)

The Highway Authority are in receipt of the technical note dated 9th December 2015 received by the Highway Authority on the 8th January 2016.

The applicant has agreed to the passing bay on the C308 in item 4.4 and details of this and the junction improvement of the S1614 with Bulworthy Knap will need to be submitted and approved in writing by the Local Planning Authority prior to commencement on site. The applicant in their route description have identified " the route forks to the southwest onto the S2302 before turning west onto the B3137" for the avoidance of doubt the route from Bulworthy Knap south towards the B3137 is the S2302 and where vehicles turn right to the southwest before joining the B3137 is, according to Highway records, the C308. The Highway Authority has previously shown the location of the passing bays and the junction improvements on a plan and this is resubmitted for clarity. The Highway Authority has also sought the improvement to an existing agricultural gateway in the control of the applicant and such improvements should also form part of the details submitted such an improvement is considered necessary to provide suitable passing opportunity along the S1614.

The applicant has made representation over the additional contributions (£10,000) as originally requested to improve the network, and the Highway Authority has considered the applicants arguments and accept the applicants position and will withdraw the contribution requirement.

The applicant has taken on board the Highway Authority advice for the return route of the vehicles to the chicken farm and while this represents best endeavours this should be included as part of their traffic management plan.

Therefore subject to the approval of the two passing place details and junction improvements, and the submission of a traffic management plan which the Local Planning Authority may wish to securer by legal means the Highway Authority will raise no objections and the conditions previously requested should be imposed – set out below.

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

1. The site accesses and visibility splays shall be constructed, laid out and maintained for that purpose in accordance with the a drawing which should be submitted to , and agreed in writing by the Local Planning Authority prior to commencement on site where the visibility splays provide intervisibility between any points on the X and Y axes at a height of 1.00 metres above the adjacent carriageway level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be 2.40 metres and the visibility distances along the nearer edge of the carriageway of the public highway (identified as Y) shall be 25.00 metres in both directions.

REASON: To provide a satisfactory access to the site and to provide adequate visibility from and of emerging vehicles.

2. The site access road shall be hardened, surfaced, drained and maintained thereafter to the satisfaction of the Local Planning Authority for a distance of not less than 6.00 metres back from its junction with the public highway.

REASON: To prevent mud and other debris being carried onto the public highway

3. In accordance with details that shall previously have been submitted to, and approved by, the Local Planning Authority, provision shall be made within the site for the disposal of surface water so that none drains on to any County Highway

REASON: In the interest of public safety and to prevent damage to the highway

4. Off-Site Highway Works No development shall take place on site until the off-site highway works for the improved accesses, provision of passing bay(s), Junction improvements has been submitted to and approved in writing by the Local Planning Authority and have been constructed and made available for use.

REASON: To minimise the impact of the development on the highway network in accordance with policy 32.

5. Prior to commencement of any part of the site the Planning Authority shall have received and approved a Traffic Management Plan (TMP) including:

- (a) the timetable of the works;
- (b) daily hours of construction;
- (c) any road closure;
- (d) hours during which delivery and construction traffic will travel to and from the site;
- (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
- (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
- (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
- (h) hours during which no construction traffic will be present at the site;
- (i) the means of enclosure of the site during construction works; and
- (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
- (k) details of wheel washing facilities and obligations
- (l) The proposed route of all construction traffic exceeding 7.5 tonnes.
- (m) Details of the amount and location of construction worker parking.
- (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;
- (o) details of operational routes

10th December 2015

Observations:

The Highway Authority (HA) has visited the site and in particular the route to be taken for the waste material to serve the AD plant at Menchine. The Highway Authority has considered this route along roads which are substandard in terms of width and visibilities and would recommend a number of mitigation measures that are considered necessary to accommodate the increased traffic which would exacerbate existing issues along the route.

The access into the field will need to be brought up to a suitable layout and construction. The HA would wish to see the access constructed as a minimum of 3.0m in width set back from the carriageway edge and with radii suitable to accommodate the swept path of the articulated lorries accessing the site, this would nominally be 10m. Visibility splays of 2.4m by 25m in either direction with no obstruction greater than 1.0m should be provided at the junction with the rural lane S1614. The Highway Authority disagree with the applicant over the forward visibility of rural lane and the available visibility at Bulworthy Knap and would wish to see an additional passing opportunity between the access and the existing passing bay and junction improvements. The location of this passing can be accommodated by an improvement to the existing agricultural gateway by setting back the gates to 4.5 and splaying the access at 45 degrees. this will provide passing opportunities for smaller vehicles and improve the substandard visibilities of the farm gate. The junction of Bulworthy Knap can achieve the visibilities shown on the plan but will require the removal of several small saplings carriageway side of the ditch and this work will need to be undertaken before construction begins. In addition to which the northwestern radii should be improved to cater for the swept path of articulated lorries and other construction and operational vehicles so that vehicles do not cross to the opposite carriageway. this will require an improvement to the radii and necessitating protection of the ditch and culvert; details of which should be approved in writing by the Local planning Authority.

The route between Bulworthy Knap and Nomansland has the benefit of passing bays but onsite evidence shows that there is still issues of conflict, verge and edge of carriageway damage. The traffic generated by the site in terms of tractor and trailer while limited to 9 loads per cycle will exacerbate the current situation and the HA would seek a contribution to the improvement of the existing bays a nominal sum of £10,000.00 towards this cost is requested.

At the junction of the S2302 and C308 the routing of the vehicles is to turn right along the C308. The C308 is narrow with limited passing relying solely on Private access drives. The HA would seek the provision of a passing bay along the route on verge in the control of the HA this will necessitate curveting of the ditch and inclusion of headwalls and possibly additional drainage requirements. The Local planning Authority should seek to approve the design, construction details, and its implementation prior to the use of the Chicken farm first being brought into use.

The current route plan has empty vehicles returning via the same route, the HA has concerns with a return movement along the C308 in particular the substandard nature of the junction visibility with the S2302. The HA would recommend that the return route should take vehicles to the junction of the C308 with the B3137 adjacent to the Mount Pleasant Inn which would afford greater visibility.

The Highway Authority will forward sketch plans to indicate the works separately to this response.

While the proposal is acceptable to the highway Authority subject to the conditions set out above it is for the Local Planning Authority to consider the amenity, Fear and intimidation of the additional movements along the roads which are residential in nature. In addition the Local Planning Authority may wish to secure the off site highway works and contributions via an appropriate legal agreement.

ENVIRONMENTAL HEALTH - 23rd November 2015

Contaminated Land - no objection to this proposal

Air Quality - no objection to this proposal

Environmental Permitting - Environment Agency A1 Permit required

Drainage - no objections to these proposals

Noise & other nuisances – (11/03/2016) There should not be an increase in the transportation of chicken litter and in essence there should be a reduction in the amount of transport movements per year resulting from the expansion of Menchine farm and having to import less chicken litter from other sites. Taking this

information into consideration I have no further objections to each of the three planning applications and I would recommend approval of all three.

Housing Standards - N/a

Food Hygiene - N/A`

Private Water Supplies - Not Applicable

Health and Safety - no objections to this proposal

HISTORIC ENVIRONMENT SERVICE – the comments as set out below are the final comments provided by HSC, updating earlier comments submitted)

17th March 2016

The archaeological evaluation of the above site has been completed and no archaeological features other than an undated pit or posthole was revealed. A copy of the report has been received by this office from the applicant's agent and I understand that the archaeological contractor - Cotswold Archaeology - is in the process of preparing an OASIS entry and will be uploading a copy of the report.

In the light of this new information and the absence of any archaeological or artefactual evidence for significant heritage assets being present on the site I would like to withdraw the Historic Environment Team previous objection and request for additional information.

HISTORIC ENGLAND - 11th March 2016 - Thank you for your letter of 19 November 2015 notifying us of the application for planning permission relating to the above site. We do not wish to comment in detail, but offer the following general observations.

Historic England Advice

We can confirm that Historic England consider any impact on designated heritage assets to be 'less than substantial' and that, as recommended previously, it will be for the LPA to determine the case with reference to the planning balance as recommended in NPPF .134.

Our only additional comment relates to the layout of the development and the benefits of ensuring that the sheds closest to the minor road are far enough downslope away from the hedge to ensure that they are not visible over the hedge.

Recommendation

We would urge you to address the above issues, and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice. It is not necessary for us to be consulted again. However, if you would like further advice, please contact us to explain your request.

LEAD LOCAL FLOOD AUTHORITY - 8th March 2016 - Although I have provided an e-mail response to the Consultant Drainage Engineer in respect of the surface water drainage aspects of the above planning application, I have not provided one formally to the Planning Case Officer.

Further to my previous correspondence (FRM/2015/230) dated 26th November 2015, the applicant has provided additional information by e-mail, for which I am grateful. This addresses all of my concerns and I am satisfied that the downslope intercepting swale which is now proposed is satisfactory in terms of its location and design.

I would request that if the Planning Case Officer is minded to grant planning permission in this instance, a pre-commencement condition should be imposed to secure the final detailed design of the surface water drainage management plan. The condition could be worded as follows:

The development hereby permitted shall not be commenced until a detailed surface water drainage management plan has been submitted to, and approved in writing by, the Local Planning Authority. This detailed surface water drainage management plan will be in accordance with the principles set out in the additional information provided by the Consultant Drainage Engineer for this application in an e-mail dated 1st December 2015.

For continuity purposes, I would advise that the aforementioned email is submitted to the Planning Case Officer in order for it to be formally registered as part of this planning application.

NATURAL ENGLAND - 24th February 2016

Designated sites - no objection

Internationally and nationally designated sites

The proposed development is within 4km of the Culm Grasslands Special Area of Conservation (SAC) - a European designated site afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations') and Hare's Down, Knowstone and Rackenford Moors Site of Special Scientific Interest (SSSI) - notified at a national level and a component site of the Culm Grasslands SAC.

These sites are special because of their grassland and heathland habitats and their butterflies. Further information can be found at www.magic.gov.uk Natural England's Impact Risk Zones identified these sites as being sensitive to impacts from aerial pollutants, such as ammonia, due to the scale, nature and location of the development proposal.

The Culm Grasslands SAC

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have.

The consultation documents provided by your authority do not include information to demonstrate that the requirements of Regulations 61 and 62 of the Habitats Regulations have been considered by your authority, i.e. the consultation does not include a Habitats Regulations Assessment.

In advising your authority on the requirements relating to Habitats Regulations Assessment, and to assist you in screening for the likelihood of significant effects, based on the information provided, Natural England offers the following advice: the proposal is not necessary for the management of the European site that the proposal is unlikely to have a significant effect on any European site, and can therefore be screened out from any requirement for further assessment.

When recording your HRA we recommend you refer to the following information to justify your conclusions regarding the likelihood of significant effects:

The Environment Agency pre application screening May 2015

The Conservation Objectives for the Culm Grasslands SAC

<http://publications.naturalengland.org.uk/publication/5051046850199552?category=5374002071601152>

which explain how the site should be restored and/or maintained

Hare's Down, Knowstone and Rackenford Moors SSSI

Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the Hare's Down, Knowstone and Rackenford Moors SSSI has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(1) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.

Local Sites

We recommend that the Environment Agency is consulted for permitting advice in parallel with the planning application to ensure that there are no permitting concerns that are relevant to the design of the proposal or the determination of the planning decision.

Additional matters

In accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England expects to be consulted on any additional matters, as determined by Mid Devon District Council, that may arise as a result of, or are related to, the present proposal. This includes alterations to the application that could affect its impact on the natural environment. Natural England retains its statutory discretion to modify its present advice or opinion in view of any and all such additional matters or any additional information related to this consultation that may come to our attention.

ENVIRONMENT AGENCY - 25th November 2015

No objection to the proposal subject to the following comments.

The poultry units having an appropriate IPPC Environmental Permit. The wash water from the cleaning of the poultry units will be classified as contaminated waste water and will need to be disposed of at a South West Water Treatment plant or via a site with an appropriately Environmental Permit.

Waste wash water cannot legally be disposed of via at an On Farm Anaerobic Digester (AD) plant as set out within the application documents. On farm AD plants have specific waste acceptance criteria and waste wash water would be considered a non permitted waste.

The biomass boiler would need to be fed with virgin / non waste materials. The use of any waste materials would require the biomass boiler to be appropriately regulated by either the Environment Agency or Local Authority depending upon the biomass boilers overall net thermal output.

The proposed attenuation pond would need to be appropriately sized to manage the expected volume of surface water from the site buildings and the free range chicken areas so as to minimise any environmental impact from the proposed development. Appropriate determinate levels will need to be agreed and complied with regards the discharge from the pond.

The application mentions the poultry litter being processed by an onsite AD plant. This planning application does not reference any AD plant as part of its stated proposals. Any AD plant at this site would need to be appropriately permitted by the Environment Agency.

The application mentions digestate being dried as a fertilizer in fibre or pelleted form but doesn't mention how or where this digestate will be sourced. In addition this proposed activity is currently not legally permissible. Should the regulatory regime change the activity would require an appropriate Environmental Permit.

Can the applicant please provide details with regards the disposal of the chicken litter stating where this material will be disposed at together with confirmation the proposed receiving site has sufficient capacity to accept the material and stay within the conditions of its Environmental Permit.

DEVON & CORNWALL POLICE AUTHORITY - 6th November 2015

I cannot think of any crime and disorder issues with this application, however I have forwarded it to the Road Safety Accident Reduction Officer in case he has any issues.

NORTH DEVON DISTRICT COUNCIL - 2nd March 2016

Having reviewed the additional information and consultee responses North Devon Council has no additional comments to make but would wish for appropriate noise, odour and traffic management conditions to be included in any approval to minimise the impact on the surrounding locality and neighbours.

RACKENFORD & CREACOMBE PARISH COUNCIL - 10th March 2016 –

I write to update the previous letter of objection on behalf of this Parish Council to the above application, which is for a site, which is within a few metres of the boundary of this parish and a little over 3 km from Rackenford village.

Cumulative impact. Since we responded in January and since the responses by the Environmental Agency a new very large poultry farm (36,000 birds in 4 sheds) has been completed at Higher Thorne, which is less than 1 km to the west of Rackenford village. The application in its Environmental Impact statement did not of course take account of this, nor of the two existing large poultry enterprises at Beech Farm, 1km to the south of Gibbet Moor, nor Little Rackenford 3km to the north west at Bulworthy Knap. If this development is allowed there would thus be four large enterprises circling the village and all within some 5 sq km. This

council did not object to Higher Thorne, but a fourth development is expected to result in unacceptable cumulative impact in terms of the environment and transport.

Transport. Local concerns are primarily to do with transport, as has been the case for various previous applications for development at Gibbet Moor. The Highways consultation reply still concentrates on the impact on the A361 and the B3137; it does not take into account the nature of the network of very narrow lanes running between the C784 and the B3137, which is wholly unsuitable for HGVs and large tractors with trailers. The applicants propose a route via the C 308/S2302 on which they would provide one passing place at Nomansland; this hardly begins to address the problem. The suggestion that a maximum effect of 20HGV a day on the busiest days would have a minor effect on this route is clearly wholly inaccurate. However in the event that permission is granted we would want to see an enforceable condition of this traffic plan as at least the lesser evil to the alternative via Templeton Bridge.

TEMPLETON PARISH COUNCIL - 1st December 2015

As this application is from the same Consultants Pegasus it appears to have been cut and pasted from other previous documents.

This application is inextricably linked to Edgeworthy Farm, Nomansland / Menchine Farm / Tollgate Farm, Nomansland all of which service 2Sisters and Greener For Life Anaerobic Digester operations and should be considered as part of an accumulative development. Recommended refusal (Local Plan DM5, DM7, DM23 Core Strategy 2, 5 and 18).

This erroneous document does nothing to alleviate the concerns raised by individual objectors and agencies alike so we submit a selection of glaring errors and missing information as raised at our Parish Council meeting on 18/11/15 and as below:-

Refers to the milk transfer operations already at the site (Not present)

- a) Refers to AD present on site (Not present)
- b) Refers to existing poultry sheds (None present)
- c) Refers to alterations made to the junction accessing/existing the A361 (NDLR) at Stoneland Cross. (Never been done).
- d) There is no recognition of the accumulative disease risk to the wildlife from so many intensively farmed chicken in the immediate vicinity Witheridge Moor, part of the Culm Grass corridor linking with the SSSI sites identified. Witheridge Moor has skylarks, snipe, cuckoo and curlew to name a few.
- e) Two different access points described for the chicken house site neither of them complete and one proposed off the unnamed extremely narrow single track road leading to Templeton Bridge at Temple Bottom (posted as Unsuitable for HGV).
- f) No application for the alteration to present field gate entrance for this preferred proposed access. Nor mention of the ancient bank and road hedgerow that will have to be removed either side of the small field gates (present access) nor the decimation of the dividing boundary ancient bank and hedgerow dividing the proposed site.
- g) No mention of the high water and the four river tributaries (to include the source of the River Dart) rising on and in close proximity of Gibbet Moor land. Quite a few of the surrounding and lower properties have only well or borehole water supplies.
- h) No mention of the two free range chicken farms already in situation within just over 1 kilometer and no reference to the four other chicken farms in the contiguous parish of Rackenford.
- i) No application for suitable changes to the entrance junction of the unnamed road for safe HGV access and exit.
- j) The preferred access (via the unnamed road) is on a blind bend on the B3227 which runs parallel to the A361 (NDLR) and has no speed restriction other than the standard 60 mph. All the servicing heavy traffic for the site is stated as utilising th3 A361 (NDLR) exiting Stoneland Cross which will entail crossing the flow of oncoming traffic on the blind bend on the B3227 to access the site.
- k) There are no enforcement measures available to MDDC to ensure any stated routes between associated sites.
- i) Chicken manure to be disposed of two different ways after the cyclic cleaning out according to this application.
- a) By tractor and trailer twice a week to Menchine Farm AD (5.7 km distance from site). Where will it be stored awaiting export from site and where it will be stored upon import to Menchine AD? The

shorter journey length infers this will be via anyone of three sub-standard inter-linking single track rural lanes via Templeton Bridge - Horestone Cross and Horestone Lane or via Bulworthy Cross and Five Crosses ALL ENTERING NOMANSLAND HAMLET TO ACCESS THE MENCHINE AD and all assessing dangerous junctions onto the B3137 as previously stated.

- b) Sealed container (environmental statement Non Technical 3.6 and Design & Access 2.17). The principal route stated in Table 7 via the A361 and B3137 we presume?
- c) No mention of the woodchip for the Biomass plant. This may be prepared locally but our area is already experiencing huge timber lorries coming in via A361 (NDLR) and utilising the sub-standard single track roads leading to the B3137 and Menchine AD.

As none of the above have been satisfactorily mitigated in the associated documents submitted, indeed many have not even been acknowledged and there is no clarity of intent or due diligence in respect of the accumulated affects as set out; we feel this Application should be refused. In view of the potential financial burden of increased Enforcement on various agencies and road maintenance on Highways representing an unacceptable burden on taxpayers; we feel this Application is incomplete/unsafe and comprises a serious threat to the local and wider Environment/water quality/ tourism/local jobs and small businesses/other farmers livelihood, an increased danger and intimidation to other road users which will be a considerable threat to the well-being of the affected residents in numerous parishes, as well as the many visitors to this much loved glorious part of Devon.

STOODLEIGH PARISH COUNCIL - 1st December 2015

I am writing to advise you that this application was considered at a meeting of the Stoodleigh Parish Council held earlier this evening. Although the application site is situated within the parish of Templeton, Gibbet Moor Farm itself is, of course, within the parish of Stoodleigh.

The Parish Council wish formally to object to this application, firstly, on the grounds of the impact of the additional traffic that this application, if approved, would have on the surrounding road network.

Secondly, on the grounds that the junction with the A361 is unsuitable and dangerous for HGV's turning from either direction particularly as previously required revisions to that junction have not been carried out. Thirdly, that the documentation submitted with this application appears to be defective in many respects.

CRUWYS MORCHARD PARISH COUNCIL - 16th November 2015

At the parish council meeting on 12th November 2015 it was recommended to refuse approval for the above planning application for the following reasons:

1. The cumulative impact of this together with other current and proposed development in neighbouring farms.
2. The impact on the B3137 and surrounding road network especially as there is a lack of information regarding transport movements.
3. This application does not support Mid Devon COR policies 5 and 18 or development policies DM7 and DM22.

REPRESENTATIONS

33 Objections were received on the 14/03/2016, they are summarised below:

- 1 The road network is unsuitable for the volume of traffic, including the size of the lorries the application will rely on.
2. Due to the narrow nature of the country lanes the increase in traffic may create dangers to road users.
3. The lane adjoining the site is signed "not suitable for HGV's", showing it to be an unsuitable road.
4. Two vehicles cannot pass down the lane and therefore it is unsuitable for lorries
5. Nomansland has existing transport problems that will be exacerbated by this proposal.
6. The cumulative impact of the traffic produced by this application, including the existing/proposed applications relating to waste at Menchine Farm, will result in unacceptable impacts on the community of Nomansland

7. The local authority will not be able to enforce any route plan to the site
8. The applicant has not included traffic requirements for the chicken bedding or the biomass boiler.
9. The number of vehicular movements have been underestimated
10. The country lanes are already damaged due to large vehicles using them. This will exacerbate the problem.
11. No reference is made to the vehicle tonnage within the ES.
12. Transport for farm workers is not accounted for in the ES.
13. It is unclear from the ES what the proposed transport route will be.
14. The chicken breeding cycle is uncertain within the submitted information
15. The data within the application is conflicting and misleading, meaning the environmental and highways impacts cannot be fully assessed.
16. The ES ignores cumulative impacts of the application, and existing (and proposed) chicken sheds.
17. The information given in the ES, PS and various email strands create an application which is unreliable
18. The planning statement excludes relevant planning history
19. The application notes there are existing poultry sheds and an existing AD plant at the site. This is inaccurate.
20. Smell of the chicken houses will be detrimental to the neighbouring properties quality of life.
21. The site has been identified as environmentally sensitive due to its potential impacts on various protected sites (i.e. SSSIs).
22. The noise produced by the operation of the chicken houses will harm the neighbours amenity
23. The chicken sheds will cause dust and pollution to the surrounding area.
24. The water runoff from the site may pollute the surrounding river tributaries
25. The application results in a loss of hedgerow causing a loss to local habitats and wildlife.
26. The loss of hedgerow would leave a scar on the country lane.
27. How would the local planning authority prevent the keeping of unhappy chickens?
28. The size of the unit means the welfare of the birds will be poor
29. There is no information regarding the disposal of dead birds
30. The application does not state where manure will be taken that cannot be processed by the Metchine AD plant. This should also be accompanied by a manure management/spreading plan.
31. The proposal will cause harm to the culm grassland and Rackenford SSSI.
32. The application does not state where the waste water be transported.
33. This application will result in a loss of tourism to the area
34. This is the industrialisation of farming and will damage smaller farmers.
35. The proposal will create unacceptable visual impacts on the surrounding area.
36. No information is given as to the biomass boiler, and how it will be fuelled.
37. No quantities are given on the chicken waste produced at the site
38. The development is distanced from its source of chickens and the processing plant.
39. As the proposal is from a large investor there will be no local benefits from the proposal.
40. No pre-app consultation was undertaken with Rackenford
41. The site is of ecological importance due to the species composition.
42. The spreading out of the chicken cycles will create impacts over a longer period of time, rather than having all the transport movements confined to one day.
43. Greener for life do not build what they gain approval for.
44. The submission does not demonstrate how bio-security hazards will be managed
45. Due to the size of the development it is considered to be commercial and not agricultural.
46. Vermin will be attracted to the site
47. The ammonia assessment does not allow a full consultation of the impacts and risks associated with development
48. The process of pollutants being filtered within the sustainable drainage system does not remove the risk that pollutants may reach the county wildlife site
49. The applicants has not done an adequate heritage statement
50. Underground tanks do not appear on the site location plan
51. Winston Reed & GFL are likely to building a different scheme and not keep with conditions, resulting in problems for the council's enforcement team

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

- 1. Relevant Policies**
- 2. Policy in context**
- 3. Design**
- 4. Impact on amenity of local residents (traffic, noise, odour)**
- 5. Highways**
- 6. Landscape and Visual Impact**
- 7. Environmental Impact**
- 8. Waste water and Surface Water Drainage**
- 9. Impacts on heritage assets**
- 10. The Planning Balance**

1. Relevant Policies

The key policy used to determine the application is policy DM22 (Agricultural development) of the Local Plan Part 3 (Development Management Policies). This states that agricultural development will be permitted 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; 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.

Relevant assessment of the policy is given throughout this report.

Policy DM20 (Rural employment development) is also relevant. This states that in countryside locations, planning permission will be granted for new build employment development or expansion of existing businesses, provided that the development is of an appropriate use and scale for its location. Proposals must demonstrate that:

- a) The development would not lead to an unacceptable impact on the local road network;
- b) There would not be an unacceptable adverse impact to the character and appearance of the countryside; and
- c) There are insufficient suitable sites or premises in the immediate area to meet the needs of the proposal.

The assessment of this policy is made under Sections 2, 3, 4, 5 and 6 of the report.

Policy DM27 (Development affecting heritage assets) states that heritage assets are irreplaceable resources, and aims to protect and mitigate against harm which development may cause. DM27 states that the council will:

- a) Apply a presumption in favour of preservation in situ in respect of the most important heritage assets
- b) Require development proposals likely to affect heritage assets and their settings, including new buildings, alterations, extensions, changes of use and demolitions, to consider their significance, character, setting and local distinctiveness, and the opportunities to enhance them.
- c) Only approve proposals that would be likely to substantially harm heritage assets and their settings if substantial public benefit outweighs that harm or the requirements of requirements of paragraph 133 of the National Planning Policy Framework are met.
- d) Where a development proposal would lead to less than substantial harm, that harm will be weighed against any public benefit, including securing optimum viable use.
- e) Require developers to make a proportionate but systematic assessment of the impact on setting as set down in the guidance from English Heritage: "The Setting of Heritage Assets".

The assessment of this policy is made under Section 9 of this report.

Policy DM30 (Other protected sites) considers the impact the development proposal is likely to have on important sites including Sites of Special Scientific Interest (SSSI) Ancient Woodland and Special Areas of Conservation. These impacts may be individual impacts or cumulative impacts. There are no sites in Mid Devon that are designated at European level for wildlife protection or special conservation, however the proposed development is within 7km of the Culm Grasslands Special Area of Conservation (SAC) and Hare's Down, Knowstone and Rackenford Moors SSSI. There are two County Wildlife Sites (CWS) within 250metres of the site. Policy DM30 states that planning permission will only be granted where:

- a) The benefits of and need for the development clearly outweigh the direct and indirect impact of the protected site and the ecosystem it provides;
- b) The development could not be located in an alternative, less harmful location
- c) Appropriate mitigation measures have been put in place.

The relevant assessment is set out under Section 7 of this report.

Policy COR2 of the Core Strategy 2007 requires development proposals to sustain the distinctive quality, character and diversity of Mid Devon's environmental assets through high quality design and preservation of the distinctive qualities of the natural landscape. Design is also measured under policy DM2 of the Local Plan Part 3 (Development Management Policies).

Policy COR4 (Meeting Employment Needs) seeks measures to diversify the agricultural and rural economy in ways which protect countryside character. The policy recognises that employment development should be distributed across towns, villages and the countryside to support a strong and sustainable rural economy.

Policy COR5 (Climate Change) seeks measures to minimise the impact of development on climate change in order to contribute towards national and regional targets for the reduction of greenhouse gas emissions. Such measures should include the development of renewable energy capacity where there is an acceptable local impact including visual, and on nearby residents and wildlife.

Policy COR9 (Access) of the Core Strategy 2007 seeks to manage travel demand from development and reduce air pollution whilst enhancing road safety. Significant development must be accompanied by Transport plans.

Policy COR18 (Countryside) of the Core Strategy 2007 seeks to control development outside of settlement limits in order to protect the character, appearance and biodiversity of the countryside while promoting sustainable diversification of the rural economy but is permissive of agricultural buildings in principle.

2. Policy in context

The National Planning Policy Framework (NPPF) affirms three dimensions to the principle of sustainable development: economic, social and environmental. Part 3 of the Framework seeks to support a prosperous rural economy through the expansion and diversification of all types of rural business. The NPPF applies a presumption in favour of rural development subject to compliance with local planning policies.

The proposed development is said to be reasonably necessary to address a growing demand for free range chicken in a fast growing UK market. It is argued that the development proposal satisfies this need by seeking to develop a sustainable food chain and forms part of a wider strategic partnership between GFL and 2 Sisters in Willand. The application draws on research by the British Poultry Council, which states on average, each job in the poultry meat industry contributes £41,000 in gross value added to the UK GDP.

An economic gain is secured through income diversification to the farming enterprise and the development is argued to safeguard the existing employment at the farm and generate one additional full time employment position. In addition the development will generate additional contractual employment during cleanout times. It will also support further employment within the associated industries within the poultry industry including the processing plant, hatchery, suppliers, contractors and skilled labourers.

Environmental gains will be secured through carbon reduction and local biodiversity enhancements including extensive planting around the buildings in order to secure a suitable range for the poultry. The proposed boiler unit providing the heating for the poultry sheds would also be heated by biomass, providing carbon displacements in comparison to traditional poultry sheds boilers. The poultry litter will be processed off-site at the existing Menchine AD plant and this satisfies a principle for close proximity with regards to the management of waste. The dried digestate would be usable as a fertilizer in fibre or pelleted forms subject to a license being granted.

On this basis the proposed development is considered to comply with part a) of DM22 and the generation of employment on the site would receive policy support under DM20 of the Local Plan Part 3 (Development Management Policies) and COR4 of the Core Strategy (2007).

The Authority has received a letter of objection questioning why the sheds need to be located at Gibbett Moor Farm and why they could not be situated closer to the processing plant in Willand. The LPA considers that it would be unreasonable to require the applicant to justify the siting of these sheds on land away from the main holding, particularly where it is demonstrated that transport, visual and environmental impacts are found to be acceptable. The supporting and environmental statement argues that the field is ideally suited because it is close to the main Gibbett Moor Site, has limited environmental impact, and is well screened from wider views. On this basis the application scheme is considered to comply with part c) of policy DM20.

3. Design

The development spans across two agricultural fields, resulting in the removal of two sections of hedgerow internally within the field layout to facilitate the proposed buildings and structures. Further sections of hedge removal are required to facilitate an improved access into the unit, and a passing bay on country road down from the A361. The design of the structures is considered characteristic of poultry buildings, and is appropriate for the intended use of poultry rearing. The ridge heights of the proposed buildings are modest, and as a result minimises the visual impact of them. A condition is recommended to control the removal of the hedgerow to soften the impact of the new structure of buildings and assist their integration within their immediate setting.

The development also includes a sustainable drainage scheme which has been subject to consultation with Devon County Council. This applies further support under policy DM2. The provision of an onsite biomass heating system in a small housing unit within the site does not result in harm to the rural character of the area and would comply with policies COR2 and COR5 of the Core Strategy 2007, and DM2 and DM5 of the Local Plan Part 3 (Development Management Policies).

Overall, the design of the proposal is considered to be appropriate for the proposed use, without having a detrimental impact on the local environment at Gibbet Moor. The development of the site is considered to comply with COR2 and COR18 of the Core Strategy 2007, DM2 and DM22 of the Local Plan Part 3 (Development Management Policies).

4. Impact on amenity of local residents (traffic, noise, odour)

The main issues for consideration are the noise associated with vehicle movements and the construction/operation of the site, and potential nuisance from odour associated with the poultry units and water storage tanks, and the potential impacts arising from traffic movements between Gibbett Moor and Menchine farm, in particular for residents of Nomansland. As set out earlier in this report it is recognised that traffic, noise and odour are major areas of concern for local residents, and the comments provided by the Local Authority Environmental Health (EH) Team have guided the conclusions reached on this part of the scheme assessment.

The closest residential property is 300 metres away, which is considered to be a sufficient separation distance not to cause noise concerns in terms of site operations. In addition considering the distance of the site from the other Broiler Units recently considered by Mid Devon District Council (namely Tollgate, Menchine and Edgeworthy), it is not considered that there would be any cumulative impacts relating to the onsite operation in terms of noise and odour for the immediate neighbouring dwellings.

The applicant has submitted details regarding the cumulative impacts of the development in terms of the transfer of waste away from the site, as set out in the technical note submitted in addition to the applicant's environmental statement. The statement below is a summary of the conclusions reached by the applicant.

"The cumulative residual impact of the proposals on the local highway network is considered to be of negligible to minor significance as measures will be in place to reduce the impact of the proposals. This includes ensuring that none of the sheds operate on the same cycle and the transferral of chickens to the processing plant during an overnight period to reduce the impact on the local highway network. As all the sheds supply the same processing plant the cycle times are unlikely to change."

The Environmental Health officer has confirmed that in considering the impact of the development in terms of road traffic emissions and the odour impacts associated with transporting chicken waste no significant concerns are raised as effectively these transport movements will be replacing existing transport movements already on the highway.

Given the concerns expressed by the local residents of Nomansland relating to large vehicles travelling through the village, the applicant was asked to produce an assessment of the likely effects to pedestrian amenity, including fear and intimidation. An assessment into perceived fear and intimidation was included within the transport technical note, which clarifies that whilst as result of associated transport movements there may an impact on pedestrian amenity (perceived fear and intimidation) as a result of the development, but the magnitude in terms of numbers of trips is still considered to be relatively low (see section 5 below).

As set out above reflecting on the scope and operation of the development it is considered that the proposal would result in a low magnitude of harm to the amenity of local residents, in particular residents away from the site. The actual site operations would be subject to monitoring as part of the environmental permit for possible issues arising from noise and odour. On this basis, and subject to the highway mitigation as discussed below, it is considered that the proposal has sought to redress issues regarding the impacts on the general amenities of the area, as required by policies DM2, DM6, DM7 and DM22 of the Local Plan Part 3 (Development Management Policies).

5.Highways

It is clear that the proposed development will generate additional trips on the highway network. As set out earlier in this report, the level and impact of these additional vehicle movements is a major concern of a number of local residents who have submitted representations. In particular, the concerns relate to the increase in movements of movements travelling between the application site and Menchine Farm in terms of transporting the chicken litter.

Advice in paragraph 32 of the National Planning Policy Framework states that all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:

The opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
Safe and suitable access to the site can be achieved for all people; and
Improvements can be undertaken within the transport network that cost effectively limits the significant impacts of the development;
Development should only be prevented or refused on transport grounds where;
The residual cumulative impacts of development are severe.

The Local Planning Authority have consulted Devon County Council Highways team (HA). The response from the HA is set out within their representation (shown above), and the following measures to mitigate the proposal are proposed:

1. Improved access into the site in terms of increased visibility at the junction with the highway,
2. An additional passing bay between the site, and the junction at Bulworthy Knap,
3. Improvements to the junction of Bulworthy Knap, in terms of increases visibility and radii, protection of the ditch, and culvert.

4. A passing bay on the C308 within Nomansland, including the culverting of a ditch and inclusion of headwalls.
5. A traffic management plan, including the proposed route of all construction traffic exceeding 7.5tonnes. This will be conditioned to ensure an appropriate routing of vehicles is maintained to and from the site at Menchine Farm.

A financial contribution was initially requested by the HA towards improvements to the local highways network, however, this request was subsequently withdrawn on the basis that it is unnecessary, unreasonable and does not meet the legal tests for an s106 agreement, as set out in regulation 122 and 123 of the Community and Infrastructure Levy Regulations 2010.

As stated above the Technical Note on transport issues considers how the application scheme will affect the amenity of pedestrians and residents of Nomansland and the cumulative traffic impacts of the development. The report concludes that the cumulative traffic impact will be negligible in terms of total traffic and minor in terms of HGV traffic and that the impact on Pedestrian Amenity (including Fear and Intimidation) will be negligible. The ES supports this by noting the limited transport movements will replace existing vehicular movements through Nomansland. In summary it is recognised that the development of three separate sites close to Nomansland gives rise to local concern over transport impacts, however it is considered that it has been demonstrated, with the mitigation included, that the highway impacts arising as a result of the construction and operation of the application scheme would be acceptable and the impact would be less than severe in the context of Paragraph 32 of the NPPF.

The hard surfacing indicated for the parking and turning of vehicles, including HGVs using the site, is considered to comply with policy DM8 of the Local Plan Part 3 (Development Management Policies).

Subject to the approval and provision of two passing places, junction improvements, and the submission and conditioning of a traffic management plan, The proposal is considered to be in accordance with policies COR9 of the Core Strategy 2007, policies DM8 and DM22 of the Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework (notably Paragraph 32).

6. Landscape and Visual Impact

The development site comprises of two agricultural fields used for grazing. The development site lies outside of any statutory or non-statutory/local landscape designations and comprises grade 3 common grazing land. It is considered to be of generally low value agricultural land. The site is within the farmed lowland and moorland of the Culm grassland character type.

The Environmental Statement (ES) describes the field as gently sloping from north-east to south-west. The eastern boundary is formed by native hedgerow approximately 3.5 - 4metres tall, alongside an unclassified road. The southern boundary is formed by a further native hedgerow of a similar size, which includes ash, beech, and oak trees up to 13 metres in height. The north-west and western boundary is formed by a belt of native woodland up to 16.5metres in height, including oak, beech hazel, ash and blackthorn. The northern boundary is formed of low quality native hedgerow, including oak and beech hedgerow trees. The two fields are separated by a hedgerow comprising of beech, hazel and willow, including hedgerow trees up to 10 metres in height, including oak, willow, beech and ash. This hedgerow is described as poor quality.

The ES considers the impact on the landscape character from the construction phase as well as in operation. The report identifies that the landscape is of a medium sensitivity to development. The surrounding area is predominantly managed agricultural landscaped, with isolated farmsteads and residential dwellings, including Gibbet Moor Farm 250metres to the north, Higher North Coombe 300metres to the north east, and existing agricultural buildings 35metres to the south east. Rackenford and Templeton are approximately 3.5kms to the west and south of the site respectively. There is not considered to be a cumulative impact on the landscape character resulting from existing developments surrounding the location. The ES states that the construction stage will have a high impact on the application sites landscape character, with a low impact to the landscape character of the area surrounding the application site due the existing and retained hedgerow screening. Once established and during the operational phase, the impact on the application site will lessen which is supported by proposed tree planting surrounding the sheds (refer to condition 13). The report recommends mitigation to prevent damage to the existing trees and hedgerows,

including the planting of extensive tree and shrub planting around the site to minimise impacts. Overall, it is considered that once the proposal is established within the site with the new planting as proposed, it is unlikely to cause an unacceptable impact on the local landscape character/landscape features, which is supported by the existing boundary vegetation, woodland blocks, and tree belts surrounding the site.

The public rights of way surrounding the site include, Stoodleigh bridleway 9 which passes through Rifton Gate approximately 1KM to the north east of the site. Tiverton footpath 1 is approximately 1.5km to the south east of the site and Rackenford footpath 1 approximately 1.25km north-west of the application site. Tiverton footpath 2 and Rackenford footpath 2 are both situated south east. Overall, views from these locations are restricted.

The case officer has visited the site and identified that views to the north, east and north-west are restricted due to sufficient hedgerow screening and the surrounding topography. The surrounding area gently slopes south west, giving some opportunity for long to medium range views of the application site from the south-west and south. It may be possible to see parts of the field from sections of the B3137 to the south, however, these are significantly distanced and are considered to be unnoticeable. The ES notes the application site has limited inter-visibility between the application site and the surrounding site, due to strong field boundary vegetation and frequent woodland blocks and tree belts.

Following a review of the submitted evidence and on-site assessment, it is considered the poultry sheds and other development are unlikely to be prominent from the wider landscape, which is supported by their modest height and the reasonable screening provided. The development is not considered to cause significant visual harm, both individually and cumulatively with other development, and would not result in unacceptable harm to the character and appearance of the rural setting. This view is supported by appeal decision APP/Y1138/A/09/2108494, Land at Gibbet Moor (120metres to the north east of the site) for the erection of a timber treatment/storage plant, where the inspector noted 'despite its elevated position and the long distance views which are characteristic of nearby land, the appeal site is relatively well hidden'. In summary the application scheme is considered to be in accordance with policies COR2 of the Core Strategy 2007, DM2, and DM22 of the Local Plan Part 3 (Development Management Policies) in this respect.

7. Environmental Impact

A screening request was submitted to the Local Planning Authority on 3rd June 2015, and a screening opinion was issued on 23rd June 2015. This determined the development would fall under Schedule 2 of the Environmental Impact Assessment Regulations 2015, because the proposed development would amount to an installation intensively rearing 60,000 broilers. The main environmental impacts likely to arise from the proposed development were identified to be from airborne emissions and from the production of waste in the form of poultry manure and dirty water.

The proposed development is within 4km of the Culm Grasslands Special Area of Conservation (SAC) and Hare's Down, Knowstone and Rackenford Moors SSSI. The proposal adjoins a County Wildlife Site (CWS) to the south (Horestone N), and is within 250metres of a second CWS (Landfoot Copse) also situated to the south. A small stream runs to the west of the application site, flowing through both CWS's. Horestone (N) contains species rich culm grassland, including Molinia mire with sedge-rich flushes. Landfoot Copse also contains species rich culm grassland, including rush pasture, semi improved acidic grassland & broadleaved woodland. An area of wildlife interest (named Gibbet Moor Farm) adjoins the site to the north. This contains species-poor culm grassland, including Molinia mire with willow scrub.

The applicant has submitted an ecology survey, produced by Clarkson & Woods (dated October 2015), which supports the applicants environmental statement. These documents note that the construction stage of the development may produce indirect impacts on the surrounding sites and habitats, however recommend a Construction Environmental Management Plan should be prepared prior to site works commencing which will adequately protect the surrounding habitats. During the operational stage, the site has the potential to create run off. If this reaches the watercourse to the west of the site, it has potential to impact on both CWS's, especially as culm grasslands are particularly sensitive to increased nitrogen. The ecology survey notes the proposed attenuation pond will be capable of removing pollutants from waste water before it is discharged through the protected habitats, which is supported by information submitted by the applicants consulting engineer, Mr Onions. The documents also note the operation of the site will be

carefully processed under an Environment Agency Work Permit, which will control any impacts on the CWS's, including from air pollution, however, the local authority consider this should be considered within this application.

When assessing impacts upon the natural environment and habitats, Natural England guidance states that where the effects of development cannot be excluded, an appropriate assessment is required to reach a conclusion as to whether an adverse effect on the integrity of the site can be ruled out. A request was made on the 07/12/2016, requiring the applicant to submit further details regarding the air quality and ammonia impacts of the development on designated sites. In response to this, the applicant forwarded an environment agency pre-application report detailing the ammonia and nitrogen depositions, however, this summarises "detailed modelling" is required of the proposal as the site is within 250metres of a nature conservation site. Detailed ammonia modelling was submitted by the applicant in February 2016, produced by Waterman Infrastructure & Environment Ltd. In summary, the modelling results suggest that there would be no significant adverse effects from the proposed Development at either the Gibbert Moor Farm LWS or the Horestone (N) LWS.

Mid Devon District Council is the competent authority under the Habitats Regulations 2010, to determine the potential impacts arising from development proposals on the environment including protected sites. The Authority must determine whether the development would be likely to have significant effects.

Natural England has raised no objection to the proposal. The Local Planning Authority considers that sufficient information has been provided to demonstrate the proposal will not significantly harm the surrounding CWS's and sites of wildlife interest. The site is a sufficient distance from any designated site, and subject to condition the development and operation of the site is unlikely to significantly impact on local wildlife and fauna. On this basis it is considered the proposal is in accordance with policy DM30 and criterion (c) of policy DM22 of the Local Plan Part 3 (Development Management Policies).

8. Waste Water and Surface Water Drainage

A number of objectors have questioned the arrangements for managing surface run off and potential impact on polluting nearby streams and wet ditches. The Environment Agency and Devon County Council Lead Flood Authority have both been consulted prior to the determination of the application.

It is confirmed that the waste water generated from the cleaning of the sheds will be stored in underground tanks and will therefore not present an issue with dirty water polluting watercourses. Surface water is proposed to be managed through the attenuation pond at the southern end of the site. Objection has been received regarding the underground tank details not being included on the plans. As the tanks are to be sited underground they are unlikely to significantly alter the character and appearance of the surrounding area or the site. A condition is recommended requesting details of the underground tanks to be submitted prior to their installation.

Rainwater harvesting is not proposed due to issues of biosecurity. Instead the run off from the roofs of each shed will be piped to discharge into the attenuation pond which is outside of the chicken roaming area. From the pond the water is conveyed by a swale to the watercourse. The Devon County Council Lead Flood Authority Officer has confirmed that drainage details are acceptable, but has requested that a planning condition should be imposed which requires a final detailed drainage scheme to be submitted to the Local Planning Authority before any work is undertaken.

The provision of surface water drainage system and the waste water catchment tanks is considered to amount to good design under policy COR2 and DM2, and will mitigate risk of pollution into the watercourse, in accordance with DM7 of the Local Plan Part 3 (Development Management Policies).

9. Development affecting heritage assets

Devon County Council's Historic Environment Service and Historic England had previously commented on the application, and raised objections as the application failed to provide adequate detail and assessment to the setting of a nearby Three Bowl Barrow (scheduled ancient monument) and archaeology. The applicant subsequently agreed to an extension of time to allow for archaeological investigations and discussions with

Historic England. Following additional works to support the application, the Historic Environment Service and Historic England lifted their objections. It should be noted Historic England requested the development was cited as low in the site as possible to avoid views of the shed from the Three Bowl Barrows. The sheds are considered to be a reasonable distance down the site to avoid any significant views of the sheds.

An additional consultation period allowing contributors to comment on these revisions was made. Additional objections received in this consultation period note that the submitted details are still not adequate to consider the heritage impact, in particular the consideration on the setting of nearby listed buildings and the scheduled monument. After reviewing the information submitted in this case, it is considered an adequate assessment of the developments impacts on heritage assets can be made.

During the planning officers site visit it was determined that the proposal is reasonably well screened and an adequate distance from any heritage asset to cause direct impacts, or any impacts to setting. Considering objections have been lifted from the Historic Environment Service and Historic England, it is considered the proposal is in accordance with policies COR2 of the Core Strategy 2007 or DM2 and DM27 of the Local Plan Part 3 (Development Management Policies).

10. Planning Balance and Conclusions

The key issue in terms of the assessment of this application is the impact of the development in terms of the proposed transportation arrangement, in particular transferring the waste of the site, and impacts on the general amenities of the area.

As stated above each cycle of growing chicken will generate nine deliveries of poultry litter from Gibbett Moor Farm to the Menchine Farm AD, equating to 54 deliveries annually (108 movements on the highway). The issue is whether these trips cause significant harm to amenity of local residents, in particular within Nomansland. The Highway Authority have been consulted and consider that appropriate mitigation for the scheme is proposed in the form of passing bays and junction improvements. It is considered that the proposed vehicle movements created by the scheme are not severe enough to warrant a refusal of the application.

In addition to transport impacts, local residents also raised concerns regarding the character and appearance of the surrounding area and the amenity of neighbours in terms of smell and noise nuisance. The concerns of local residents have been taken into account, and it is considered that although the development will have some limited impact to the character and appearance of the area and the immediate neighbouring amenity, the scope of harm that would arise is not significant enough to justify a refusal of the application.

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 be commenced until details of the surface water drainage system based on the surface water being piped to a swale and then discharged as shown on the approved development area plan, have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter the approved drainage scheme shall be fully implemented before any part of the development is occupied, and be so retained.
4. The site accesses and visibility splays shall be constructed, laid out and maintained for that purpose in accordance with the a drawing which should be submitted to , and agreed in writing by the Local Planning Authority prior to commencement on site. The development shall be completed and retained in accordance with the approved details.

5. The site access road shall be hardened, surfaced, drained and maintained thereafter to the satisfaction of the Local Planning Authority for a distance of not less than 6.00 metres back from its junction with the public highway.
6. In accordance with details that shall previously have been submitted to, and approved by, the Local Planning Authority, provision shall be made within the site for the disposal of surface water so that none drains on to any County Highway.
7. No development shall take place until details of the following works to the highway have been submitted to and been approved in writing by the Local Planning Authority:
 - o Details of the proposed passing bay on the C308
 - o Details of the junction improvement of the S1614 with Bulworthy Knap
 - o Details of the new access's and passing bay, along the S1614

The development hereby permitted shall not be occupied until these works have been completed in accordance with the approved details.

8. Prior to commencement of any part of the site the Planning Authority shall have received and approved a Traffic Management Plan (TMP) including:
 - (a) the timetable of the works;
 - (b) daily hours of construction;
 - (c) any road closure;
 - (d) hours during which delivery and construction traffic will travel to and from the site;
 - (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
 - (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
 - (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
 - (h) hours during which no construction traffic will be present at the site;
 - (i) the means of enclosure of the site during construction works; and
 - (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
 - (k) details of wheel washing facilities and obligations
 - (l) the proposed route of all construction traffic exceeding 7.5 tonnes.
 - (m) details of the amount and location of construction worker parking.
 - (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;
 - (o) details of operational routes

The development shall be carried out in accordance with the approved Traffic Management Plan at all times during the construction phases of the development. Once the operational phase of the development begins, the approved details and operational routes shall be permanently adhered to, unless road closures, serious road traffic accidents, or severe weather conditions make the operational routes unpassable.

9. A management plan, setting out the long term management responsibilities and maintenance schedules for the Sustainable Urban Drainage Systems (SUDS) including pipes, swales, detention areas, and associated flow control devices, shall be submitted to, and approved in writing by, the Local Planning Authority prior to any of the buildings first coming into use. The SUDS approved shall thereafter be managed in accordance with the agreed details.

10. No development shall be commenced until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved Management Plan at all times during the construction phase of the development.
11. The development shall be carried out in accordance with the recommendations set out within the submitted ecology survey, Produced by Clarkson & Woods, dated October 2015.
12. Prior to their installation, details of the underground water storage tanks shall be submitted to and approved in writing by the Local Planning Authority. Once installed the tanks shall be so retained.
13. No development shall begin until there has been submitted to and approved in writing by the Local Planning Authority, a landscaping scheme which includes details of all existing hedgerows, hedgerow removal, new planting, seeding, turfing or earth reprofiling. The details approved in the landscaping scheme 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. Once provided, the landscaping scheme shall be so retained.

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 appropriate measures are taken to manage surface water in accordance with policies DM2, DM7 and DM22 of the Local Plan Part 3.
4. To provide a satisfactory access to the site and to provide adequate visibility from and of emerging vehicles.
5. To prevent mud and other debris being carried onto the public highway.
6. In the interest of public safety and to prevent damage to the highway.
7. To ensure that all road works associated with the proposed development are to a standard approved by the Local Planning Authority and are completed before operation, in accordance with policies COR9 of the Core Strategy 2007, DM6 and DM22 of the Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.
8. To ensure that all road works associated with the proposed development are to a standard approved by the Local Planning Authority and are completed before operation, in accordance with policies COR9 of the Core Strategy 2007, DM6 and DM22 of the Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.
9. To ensure appropriate management of surface water in accordance with policies DM2, DM7 and DM22 of the Local Plan Part 3.
10. To ensure the development will not result in unacceptable harm to the amenities of the area, trees hedges, watercourses or wildlife in accordance with DM4, DM7 and DM22 of the Local Plan Part 3 (Development Management Policies).

11. To ensure any nature conservation interests are preserved in accordance with policy DM11 of the Local Plan Part 3 (Development Management Policies).
12. To ensure appropriate management of waste water in accordance with policies DM2, DM7 and DM22 of the Local Plan Part 3.
13. To ensure that the existing hedgerow screening is retained, and any proposed screening limits the impacts of the scheme on the character and amenity of the area in accordance with policies DM2 and DM22 of Local Plan Part 3: (Development Management Policies).

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The proposals are for the erection of a chicken shed unit to accommodate 60,000 free range broilers on a site at Gibbet Moor Farm. Given the nature of the proposed use the application scheme is considered supportable in policy terms as a matter of principal. The application provides sufficient information to determine the environmental impact upon the local setting and the locality within the Culm Special Area of Conservation, and nearby designated areas. It is concluded that whilst the development will result in some minor visual impact, the scope of impact is not considered to be to the detriment of the wider landscape character, because there are only short and medium range views across this part of the countryside without the disturbance of prominent views from public vantage points, bridleways and the public highway. Subject to delivering improvements to the highway network locally to the site, and within Nomansland in order to assist manage the transfer of waste from the application site to Menchine Farm, it is not considered that the proposed development would generate significant levels of traffic on the highway or result in significant detrimental impacts to the character and appearance of the area and the immediate neighbouring amenity to justify a refusal of the application.

On balance it is therefore considered that the application scheme sufficiently complies with Policies COR2, COR2, COR5, COR9, COR18 of and COR18 of the Mid Devon Core Strategy (Local Plan Part 1) and Policies DM1, DM2, and DM22 of the Local Plan Part 3: (Development Management Policies) and government policy as contained in the National Planning Policy Framework.

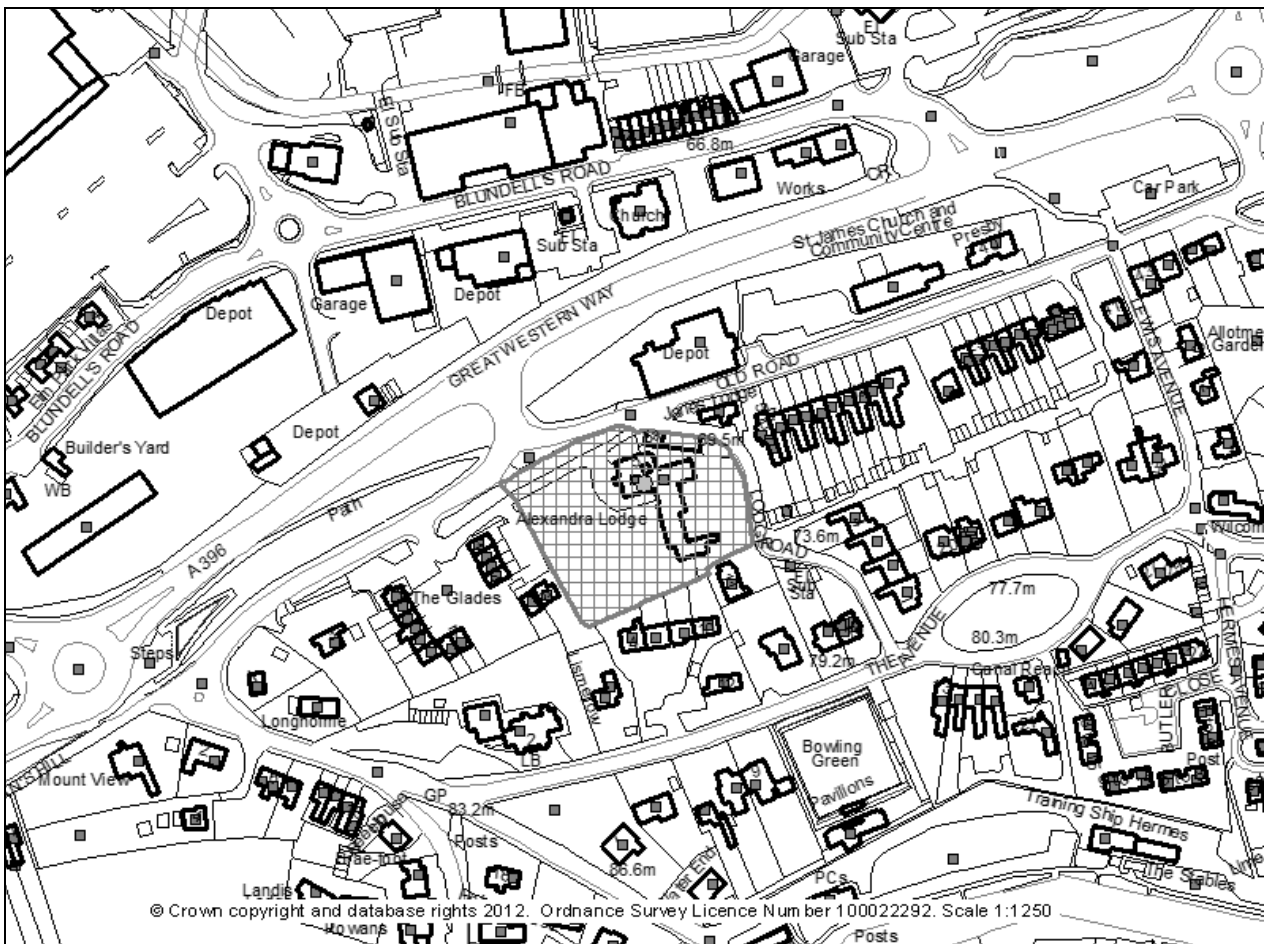
Grid Ref: 296189 : 112569

Applicant: The Abbeyfield Society

Location: Alexandra Lodge 5 Old Road
Tiverton Devon

Proposal: Erection of 45 Extracare
apartments and provision of
associated communal facilities,
car parking and landscaping,
renovation of Alexandra Lodge
following demolition of former
stable block and extensions

Date Valid: 10th December 2015



Application No. 15/01822/MFUL

RECOMMENDATION

Refuse Permission

PROPOSED DEVELOPMENT

Erection of 45 extracare apartments and provision of associated communal facilities, car parking and landscaping, renovation of Alexandra Lodge following demolition of former stable block and extensions.

The application site is on the edge of Tiverton town centre and contains a Grade II listed building, Alexandra Lodge. The pre-existing two storey extensions to the building, dating from when it was a care home, are proposed to be demolished and replaced with 45 extracare apartments and associated facilities. The proposed buildings include two and three storey development.

The application consists of the following:

35 x 1 bedroom extracare apartments

10 x 2 bedroom extracare apartments

18 x car parking spaces

4 x cycle spaces

1 x emergency vehicle drop off point

Mobility Scooter store

Communal facilities including: Restaurant/cafe, hair salon, laundry, garden lounge, domestic and commercial recycling/refuse areas, activity/hobby room, residents lounge

Landscaped gardens

Residents and visitor vehicular access from Canal Hill via The Glades

Service vehicular access from Lodge Road

Pedestrian access from Old Road

APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement

Planning Statement (including Pre-application supporting statement and Design Review Panel review)

Statement of community involvement

Drainage Strategy

Historic Building Evaluation

Transport Statement

Travel Plan

Sustainability and LZC Energy Statement

Ecological Appraisal

Tree survey and arboricultural Impact

Ground conditions desk study

PLANNING HISTORY

81/00864/FULL DEEMED CONSENT for the erection of an extension to social centre and provision of additional car park - DEMCON09/01012/TPO Application to carry out works to 1 Yew tree and 1 Beech tree protected by Tree Preservation Order 96/00008/TPO - DELETE

10/00355/TPO Application to carry out works to 1 Yew and 1 Beech tree protected by Tree Preservation Order 96/00008/TPO

PART GRANTED/PART REFUSED - SPLIT

15/00334/MFUL Renovation and extension to provide 45 Extracare apartments and community facilities for use by residents and the wider community to include demolition of previous extensions, existing outbuildings and boundary walling - WDN

15/00335/LBC Listed Building Consent for renovation and extension to provide 45 Extracare apartments and community facilities for use by residents and the wider community to include demolition of previous extensions, existing outbuildings and boundary walling - WDN

15/01824/LBC Listed Building Consent for the erection of 45 Extracare apartments and provision of associated communal facilities, car parking and landscaping, renovation of Alexandra Lodge following demolition of former stable block and extensions - PCO

95/01593/FULL Change of use from elderly persons home to day care centre for physically disabled, people with learn- difficulties & the elderly, community laundry services, ancillary office accomm & car parking - PERMIT

96/01552/OTHER Erection of boundary wall (incorporating wrought iron gateway) and close boarded fence - REC

97/00596/FULL Erection of boundary wall (incorporating wrought iron gateway) and vertical boarded timber fence - PERMIT

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR1 - Sustainable Communities
COR2 - Local Distinctiveness
COR3 - Meeting Housing Needs
COR7 - Previously Developed Land
COR9 - Access
COR11 - Flooding
COR12 - Development Focus
COR13 - Tiverton

Mid Devon Local Plan Part 3 (Development Management Policies)

DM2 - High quality design
DM8 - Parking
DM27 - Development affecting heritage assets

CONSULTATIONS

HIGHWAY AUTHORITY - 5th January 2016

The Local Planning Authority will be aware of the observations and comments of the Highway Authority at the previous application before its withdrawal from the process. The Highway Authority required further information on the applications transport statement and in particular the identified sites and parking provision as well as a travel plan to encourage shared car usage etc. The applicant has included updated information and a framework travel plan. The travel plans is advised to be secured through a legal agreement. The Highway Authority accept the findings of the applicant in terms of TRIC's data in terms of traffic generations. The applicant has indicated that C2 of the Local plan parking standard is the closest to the application usage and the highway Authority agree that the provision of 1 space per unit for a extra care facilities is likely to be an over provision.

The applicant has submitted supporting information from its various other sites and includes survey of the daily movements at one similar site for 56 units all of which the Highway Authority has no reason to discount and this has demonstrated that the level of parking is acceptable for their specific use. The Highway Authority would therefore raise no objection the application subject to the Travel plan being secured through a legal agreement and that the parking and access set out in drawing 4103-P2-0110 are conditional of any consent.

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

1. Spaces within the communal car parking facilities provided as part of the development shall be retained as such, and should not be allocated to individual unit. They should be maintained free of obstructions such as chains or bollards, so as to enable their use by all occupiers of the estate and their visitors.

REASON: To ensure that adequate off street parking facilities are available for all traffic attracted to the site

TIVERTON TOWN COUNCIL - 22nd December 2015

Unable to support this application as it is felt that whilst some improvements have been made since previous application the building is still too high and out of keeping with the area. Concerns remain in relation to loss of neighbours' privacy. Road safety in the area also remains a concern, with difficult access for people with mobility issues to the town centre.

NATURAL ENGLAND - 6th January 2016

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Natural England has previously commented on this proposal and made comments to the authority in our letter dated 16th April 2015.

The advice provided in our previous response applies equally to this application although we made no objection to the original proposal (15/00334/MFUL).

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

Protected Species

If the proposed works could, at any stage, have an impact on protected species, then you should refer to our Standing Advice which contains details of survey and mitigation requirements.

ENVIRONMENTAL HEALTH - 21st December 2015

Contaminated Land -The proposed development will involve the demolition of existing premises or structures, which may contain hazardous liquid or solid materials (including asbestos). Therefore, the following condition is recommended if permission is granted.

Demolition should be carried out in such a manner as to minimise the potential for airborne nuisance, additional land contamination and/or the creation of additional contamination pathways either on the site or at adjacent properties/other sensitive receptors.

Prior to demolition commencing, a works plan and risk assessment shall be submitted for approval to the Local Planning Authority for consultation with Environmental Health Services. This plan and assessment should identify and risk-assess any potential hazardous material in above or below ground structures that will be removed or disturbed during demolition and measures to deal with these safely. All potentially hazardous materials should be assessed.

Reason: In the interests of public health and protection of the environment.

Air Quality - I have no objection to this proposal

Environmental Permitting N/A

Drainage - I have no objection to this proposal

Noise & other nuisances - I recommend approval with conditions:

No work shall be carried out on the site on any Sunday, Christmas Day or Bank Holiday or other than between the hours of 0730 and 1900 hours on Monday to Fridays and 0730 and 1300 on Saturdays.

Reason: To ensure that the proposed development does not prejudice the amenities of neighbouring properties.

Housing Standards I have no objection to this proposal

Licensing - No Comments

Food Hygiene - I have no objection to this proposal.

Informative: If food is going to be provided registration will be required and please send detailed kitchen etc. plans to Environmental health for advice prior to installation.

Private Water Supplies - No comment

Health and Safety I have no objections to this proposal but would refer the applicant to HSE's website for guidance on layout and design e.g. window restrictors, changes in height etc. Please contact the Environmental health department if you wish to receive further advice.

DEVON & CORNWALL POLICE AUTHORITY - 21st December 2015

I have had a brief conversation with the agent that confirms 100% perimeter security and gating.

The premises will be manned 24 hours by care staff.

Structure and security standards will comply with Document Q

The Police have no further comments or concerns.

HISTORIC ENGLAND - 21st December 2015 - On the basis of information provided, we do not consider that it is necessary for this application to be notified to Historic England under the relevant statutory provisions, details of which are enclosed.

If you consider that this application does fall within one of the relevant categories, or if there are other reasons for seeking the advice of Historic England, we would be grateful if you could explain your request.

REPRESENTATIONS

12 letters of representation have been received, 8 objecting to the proposal (plus 71 signature petition) and 4 supporting the proposal.

The letters of representation are summarised below:

Objection (including petition):

1. not in keeping with surrounding area;
2. does not harmonise with the architecture of the grade II listed building;
3. loss of privacy for surrounding homes
4. lack of vehicle parking provision
5. two storeys with accommodation in roof as a maximum;
6. proposal should be rendered not brick;
7. distance between development and existing dwellings unacceptable;
8. lack of screening on boundaries;
9. impact on bat habitat;
10. loss of light to dwellings and gardens;
11. loss of trees from the site;
12. pedestrian route into town for elderly residents is unsafe;
13. additional use of The Glades access is unacceptable;
14. development in compatible with 18th Century building;
15. overdevelopment of the site;
16. the development is based on economics and not on the suitability of the site for 45 apartments;

Support:

1. lack of suitable accommodation for elderly people when leaving hospital;
2. provides a safe home environment that prevents blocking of hospital beds;
3. increasingly ageing population and a demand for supported living accommodation;
4. further supported living accommodation required in addition to the 50 beds provided in this scheme;
5. improvements and repairs and reuse of Listed Building

MATERIAL CONSIDERATIONS AND OBSERVATIONS

Site description

The application site is located on the edge of Tiverton town centre. It is positioned at the bottom of Canal Hill and adjacent to the Canal Hill, Old Road and Lodge Road junction. The site is elevated above the carriageway level of the adjacent roads. Due to the position and size of existing trees on the northern boundary of the site, there are currently only clear views of the northern gable end of Alexandra Lodge on approach from the north. There are prominent views from the north of the former stable building, the north elevation of which forms the boundary with Lodge Road. There are limited views of the wider site from public vantage points due to the existing trees on the northern boundary. These trees are protected by a group tree preservation order.

The ground level of the site rises toward the south and, as a result of this and the height of the proposed development adjacent to the southern boundary of the site, will be visible from public vantage points to the north and east, as well as from private views from nearby residential properties to the south and west.

The application site currently consists of the grade II listed building, Alexandra Lodge, as well as a former stable building, and one and two storey extensions to the south and east side of Alexandra Lodge. There are substantial gardens to the west of the site which include a number of trees protected by Tree Protection Orders.

The proposed development requires the demolition of the existing single and two storey extensions as well as the former stable building. The existing access points are proposed to be retained with residents and visitors accessing the site via the vehicular access from Canal Hill and pedestrian access from Old Road. The secondary vehicular access from Lodge Road would be retained for access by service vehicles/deliveries. The third vehicular access also from Lodge Road would be for maintenance use only.

Alexandra Lodge has been largely vacant since 2012 and is now in need of repair in order bring it back into use. The former stable building is not in a good state of repair and is proposed to be demolished. The existing extensions to Alexandra Lodge do not provide scope to accommodate the proposed extracare apartments.

The main material considerations in respect of this proposal are:

- 1) **Need for extracare housing**
 - 2) **Planning history and pre-application process**
 - 3) **Design and impact on character of area**
 - 4) **Works to the listed building, Alexandra Lodge**
 - 5) **Design and impact on nearby residential properties**
 - 6) **Highways, Parking and accessibility to services and facilities**
 - 7) **Other**
-
- 1) **Need for extracare housing**

The application would deliver 45 extracare apartments and associated facilities on an edge of town centre site. The concept of extracare housing is to provide independent living for people with care needs in self-contained apartments in a secure and supportive environment. There is an on-site manager and in-house care as well as accommodation suitable for residents that are active and those that require individual care.

The services and facilities within Tiverton town centre would be within walking distance of the site although potentially not feasible for all residents. The 45 apartments would be created through conversion of the listed building, Alexandra Lodge and in purpose built buildings attached to the south and east of Alexandra Lodge.

Letters of support have been received from the local Member of Parliament as well as from the local NHS Trust, Devon County Council, and local General Practitioner Surgeries. The supporting letters identify a need for extracare housing (supported living) in the Tiverton area.

Policy COR1 (MDCS) requires development to meet sustainability objectives, brings positive benefits, supports the diverse needs of communities and provides vibrant, healthy and inclusive places where existing and future residents want to live (and work). The provision of these 45 extracare apartments would help to meet the housing needs of the community, providing a form of accommodation which allows older people to live independently but to organise on site care as and when it becomes necessary. The application is therefore in accordance with the requirements of this policy. Policy COR1 is supported by Policy COR3 (MDCS) which seeks to provide 340 dwellings in Mid Devon per annualised year. The application would make a meaningful contribution toward the annual provision of dwellings for Mid Devon.

The site is considered to be previously used and as such the principle of development is in accordance with policy COR7 Mid Devon Core Strategy (MDCS) which seeks the early development of previously used or underused land in settlements.

2) Pre-application discussions and planning application history

The applicants have engaged with the Local Planning Authority through pre-application discussions and a previous scheme for the development of this site was withdrawn in 2015. Prior to the submission and withdrawal of an application in 2015 the applicants had taken an earlier version of the proposal to the Design Review Panel. The Design Review Panel identified aspects of the proposal that they considered could be improved. Following the withdrawal of this earlier scheme the pre-application discussions resumed. This process has provided opportunities for the design of the proposal to be amended to reflect officer (and some local resident) concerns. The current application therefore follows fairly extensive pre-application discussions. The design of the submitted proposal is not considered to reflect all of the pre-application discussions and although positive changes have been negotiated to the scheme, both during the pre-application phase and during the consideration of this application, it has been concluded that the development would cause substantial harm to the setting of the listed building, Alexandra Lodge.

Policy DM27 requires that proposals that would cause substantial harm to a heritage asset and its setting should be refused unless substantial public benefit outweighs the harm or the requirements of paragraph 133 of the NPPF are met. In this instance, while there would be a public benefit with regard to the provision of extracare/supported living accommodation in Tiverton, this is not considered to outweigh the harm to the setting of Alexandra Lodge. The application is considered to be contrary to policy DM27 Local Plan Part 3 (Development Management Policies).

3) Design and impact on the setting of Alexandra Lodge and surrounding area

Alexandra Lodge is a 3 storey grade II listed building. It is a late 18th century building that has been altered over the years. The building was used as part of a care home since the 1970s and ceased being used as such in 2012. The external appearance is off white render with a hipped slate roof behind a parapet.

Of the proposed 45 extracare apartments, 3 would be provided within Alexandra Lodge. The remaining 42 would be provided within the new buildings to be attached to the southern and eastern sides of Alexandra Lodge.

The design of the development can be broken down into sections. To the north east of the site the former stable building is to be demolished and replaced with a new building on a similar footprint and of a similar size and proportion to the existing building. This proposed building would contain a flat roof dormer on the north (Old Road facing) elevation that would enable the roof space of the building to be used to provide accommodation, with the communal restaurant/cafe on the ground floor. The external appearance would be

rendered walls and a slate roof with zinc standing seam wall cladding on the dormer window. The north west gable end would be mainly glass. This building would be physically attached to Alexandra Lodge with a glazed and slate roof link. The linking area would form the main entrance/lobby to access the apartments. This element of the proposal, due to its lower height, smaller size and scale than Alexandra Lodge would sit fairly comfortably alongside the listed building and within the street scene of Old Road/Canal Hill/Lodge Road junction.

To the east of Alexandra Lodge there is a large section of the development that provides many of the communal facilities as well as apartments. The development at this point is three storeys high and is attached to and higher than the listed building. While the appearance of the eastern elevation, looking onto Lodge Road is not in itself considered to be detrimental to the street scene of Lodge Road, and the red brick facade would generally reflect elements of the character of the street scene at this point, due to the height of the development it would not be possible to appreciate that the site contains a listed building. When this east/south eastern section of the development is viewed from the west (on approach to the site via the main vehicular access), its height, mass and bulk would have an uncomfortable relationship with the listed building. Although set back from the frontage of the listed building, the overall scale and bulk of the proposal is considerably greater than that of Alexandra Lodge and the external design would appear 'heavy' and at odds with the front facade of the listed building. Alexandra Lodge would appear 'swamped' by development. This is considered to result in substantial harm to the setting of the listed building contrary to policy DM27 and the NPPF.

The third section of the development extends along the southern boundary of the site. Unlike the eastern/south eastern area of the site, the southern side of the site has not previously contained structures. There are a number of trees close to the boundary and a fairly significant change in land levels. The proposed development includes a south western wing that would extend along a majority of the southern part of the site. This section creates a 'U' shaped development. The design changes from west to east. The western end is two storey, flat roof with a deep footprint and face brick appearance. This is attached to a three storey section with a shallower footprint and a face brick plinth, rendered walls at ground and first floor, and zinc standing seam cladding at second floor level (on the north facing elevation) resulting in a more contemporary appearance than the face brick sections and elevations. The different design approaches, external appearances and fenestration patterns to the 2 and 3 storey elements of this southern section prevents the design from appearing coherent and results in a development that is visually unattractive and does not integrate well with the surrounding buildings, contrary to policies DM2 and DM14 Local Plan Part 3 (Development Management Policies). The southern elevation of this section of the proposal has a more traditional appearance with rendered and brick sections and a domestic scale and pattern of fenestration.

Due to the increase in land levels toward the southern side of the site, the two storey, flat roofed western end would be a similar height to Alexandra Lodge. The three storey section would be considerably taller than Alexandra Lodge. This southern section of the development would significantly encroach on the existing gardens of Alexandra Lodge. On approach to the site from the main access to the west, there is currently space around the building which is required to maintain its status and character. The space provides a sense of 'amenity' and allows an appreciation of the architectural merits of the building. This setting of the building is considered to be important to the value of the building overall.

The proposed development would substantially fill in the land on three sides of the listed building both in terms of physical construction and views. The visual approach to the listed building would be significantly altered and be dominated by the proposed development and would prevent an appreciation of the building in its grounds. As the setting is very important to the listed building and the setting will be encroached upon and severely damaged by the scale, mass, bulk and appearance of the proposed development, the value/significance of the listed building would be substantially harmed. This substantial harm to a heritage asset is unacceptable and contrary to policy DM27.

Policy DM27 states that proposals that would be likely to substantially harm heritage assets and their settings should only be approved if substantial public benefit outweighs the harm or the requirements of paragraph 133 of the NPPF are met.

As detailed above, there is considered to be a need for extracare/supported living accommodation in Tiverton and the surrounding area and it is identified that the proposal would create approximately 20 jobs. The principle of providing such accommodation on this site is supported. However, the design and impact of such a development must also be acceptable. Unfortunately, in this instance, although elements of the design have been amended following officer (and residents) comments/suggestions it has not been possible to reduce the bulk, scale and overall mass of the development to a degree that prevents the proposed development from causing substantial harm to the setting of the listed building which is an irreplaceable resource. While it is understood that in order for the development to be financially viable a certain number of apartments would need to be provided, the current application for 45 apartments would result in unacceptable harm to the setting of the listed building. On balance it is not considered that the harm caused to the setting of the listed building would be outweighed by the public benefit of providing the proposed level of accommodation and additional jobs on this site. While the principle of providing supported living accommodation on the site is accepted, the current proposal is not considered to comply with relevant planning policies. The proposal is contrary to policy DM27.

The NPPF paragraph 133 states that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply: the nature of the heritage asset prevents all reasonable uses of the site; and no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and the harm or loss is outweighed by the benefit of bringing the site back into use. It could not be said that any of the 4 criteria set out in paragraph 133 apply to Alexandra Lodge. As it has been concluded that the development would result in substantial harm to the listed building which is not outweighed by the public benefit of the proposal, it is concluded that the development is contrary to paragraph 133 of the NPPF. This forms the reason for refusal of this application.

4) Works to the listed building

Although the proposed development is considered to cause substantial harm to the setting of the listed building, the physical works proposed to the listed building are considered to be acceptable and would not in themselves cause substantial harm to the listed building. A detailed schedule of works to the listed building has been submitted, the content of which is acceptable. The works to the listed building are considered to be in accordance with policy DM27 Local Plan Part 3 (Development Management Policies).

5) Impact on nearby residents

The application site has residential development to the south, east and west.

To the south, the nearest off site property is 11 Lodge Road. It is a single storey dwelling at right angles to the proposed southern section of development. The garage on the northern end of the dwelling is very close to the boundary with the application site, however, there are no windows on the north gable end of his property. While there would be no window to window overlooking between this property and the proposed development and there are a number of trees on the southern boundary of the site that would filter views toward 11 Lodge Road, there would be an element of overlooking to the rear garden of this property.

Also to the south there is a terrace of 4 dwellings 4,6,8,10 The Avenue, the rear elevations of which look toward the development site. The minimum distance between these dwellings and the south elevation of the development is 21m. At this point the development is two storeys high. The closest point of the development where 3 storey accommodation is provided is 26m. As a rule of thumb a separation of distance of 20m plus is considered to be acceptable in order to prevent window to window overlooking. While there may be some increase in overlooking to the rear gardens of these dwellings a result of the development, the separation distance and the existing tree coverage on the southern boundary would help to filter views towards these off site dwellings and filter views of the development from the dwellings. Although the proposed development along the southern boundary of the site is 3 storeys (in part) it is not considered that it would have an unacceptable impact on the outlook from these dwellings and would not result in over shadowing of these off site properties.

To the west of site lies a residential development called The Glades. There is approximately 18m between the gable end of the nearest dwelling and the west elevation of the two storey element of the development. Although there are a number of windows on the west elevation of the development, there are no facing windows on the dwellings in The Glades. Views between The Glades and the development on the west boundary of the site are filtered by existing trees.

The proposed development, in making use of the space toward the east of the site and therefore behind the listed building, brings the development significantly closer to the dwellings in Lodge Road/Old Road than the existing buildings. However a re-design of this eastern elevation during consideration of the application, reducing the height of the existing stone boundary wall and by stepping the development back from the boundary by 10m allows a separation distance of 21m to be achieved between windows on the east elevation of the development and the west facing elevation of 5-7 Lodge Road. The reduction to the height of the stone boundary wall, stepping the development away from the east boundary for a majority of the east elevation and re-designing the south east corner block to provide accommodation in the roof space has improved the east elevation design and assists in reducing the impact on the street scene of Lodge Road. While a pinch point remains in Lodge Road opposite a block of garages (associated with Old Road properties), alterations to the design have reduced the impact on Lodge Road. While the development would significantly change the appearance of the street scene in Lodge Road, it is not considered that this impact would relate to an overbearing impact on the residential amenities of the occupiers of nearby residential properties.

While this same elevation of the development may provide some opportunity for views toward Janes Lodge (adjacent to the north east corner of the site), these are oblique views. There are few windows on the southern elevation of Janes Lodge and therefore any overlooking and the impact of any overlooking would be limited. The dormer windows that form part of the replacement stable block building face north east and those toward the east side of the building have potential to allow views toward Janes Lodge. However, any overlooking would be to the side garden and would be oblique views. It is not considered that the dormer windows would have an unacceptable impact on the occupiers of Janes Lodge.

Overall it is considered that the development, in terms of effects on the privacy and amenity of the neighbouring properties is considered to be acceptable and in accordance with policy DM2 (e) (in part) and DM14 (b) (in part).

6) Highways, access and parking

The primary vehicular access to the development would be from Canal Hill via The Glades. The 18 car parking spaces (and emergency vehicle access) to serve the development would be accessed from this primary access. This access and the level of car parking have been agreed with the Highways Authority and although the level of parking is not specifically supported by Policy DM8 LP3 it has been justified through the transport statement and travel planning information submitted with the application.

The primary pedestrian access to the development would be from Old Road close to the junction with Lodge Road and Canal Hill. The pedestrian access would be formed by utilising an existing vehicular access in the same location. Some concern has been raised regarding the ability of pedestrians to cross Canal Hill close to the application site due to the speed of traffic approaching from Great Western Way (to the north) or downhill on Canal Hill and the lack of central refuge/official crossing point. However, the Highways Authority has not objected to the proposed pedestrian access. While it is not considered to be ideal to encourage the crossing of Canal Hill at this junction with Old Road, without objection from the Highways Authority it would be difficult to justify a refusal on this basis.

A secondary vehicular access from Lodge Road is to be retained. This would provide an access for deliveries/service vehicles. A third vehicular access on the south east boundary of the site would also be retained to be used only by maintenance vehicles.

It is considered that the location on the edge of the town centre will assist in reducing the need to travel to the site by car and does encourage some access on foot and by cycle. However, the potential difficulty in crossing Canal Hill close to the site (at the low and more easily accessible part of the road) could detract

from pedestrian accessibility of the site for less able residents/visitors. The level of car parking is acceptable and there is buggy storage within the development as well as storage for 4 cycles. The level of accessibility is considered to be broadly in accordance with policy COR11 Mid Devon Core Strategy and the level of parking justified and broadly in accordance with policy DM8 Local Plan Part 3.

7) Other

An ecology report was submitted with the application which concluded that the former stable building was being used as a non-breeding summer roost for long eared bats. The demolition of the building will result in a disturbance to bat species and destruction of a roost. A European Protected Species Licence would be required from Natural England before the building could be demolished. The EPSL would need to include measures to ensure the works are timed to reduce any impact on bats and to ensure bats are not harmed. The mitigation would need to include further survey works, species identification, appropriate timings of works, bat buildings or internal roof space roost provision. Subject to ensuring that appropriate mitigation was provided it is considered that the development would be in accordance policy DM2(c) Local Plan Part 3.

The site is in flood zone 1 so is not at risk of flooding. The foul drainage is proposed to be connected to the public sewerage system. It is intended that surface water will be discharged via a Sustainable Urban Drainage System of infiltration to the ground through permeable paving and a soakaway. This is in accordance with policy COR11 Mid Devon Core Strategy and policy DM2 (f) Local Plan Part 3 (Development Management Policies).

An arboricultural report was submitted with the application. It identifies that there are 26 trees on the site and 2 groups of trees. The proposed development would retain 16 of the trees and 1 group. The 10 trees to be removed are classified as being in such a condition that any existing value would be lost within 10 years and should be removed for reasons of sound arboricultural management. The five trees on site that are protected by a Tree Preservation Order will be retained. The tree coverage retained on the site would maintain the tree coverage aspects of the character and appearance of the area including the site screening currently provided by trees on the periphery of the site.

Summary

The application seeks planning permission for the demolition of a former stable building and existing extensions to Alexandra Lodge and the erection of 45 extracare apartments and provision of communal facilities, car parking, landscaping and renovation of Alexandra Lodge. The development would provide much needed extracare/supported living accommodation the provision of which would be of benefit to the public and enable residents to retain independence while receiving care in their own homes. However, the development due to its design, size, scale, bulk and mass would erode the setting of Alexandra Lodge to such a degree that it would cause substantial harm to the listed building and would not create a visually attractive place that is integrated with its surroundings. It is not considered that the substantial harm caused to the setting of the listed building, which is an irreplaceable resource, would be outweighed by the public benefit associated with the provision of this accommodation, in this instance. The development is therefore considered to be contrary to policies DM2 and DM27 Local Plan Part 3 (Development management Policies). Additionally, due to the appearance, size, scale, bulk, mass and mix of materials of the southern section of the proposal, the development would not represent high quality design or create a visually attractive contrary to policy COR2 Mid Devon Core Strategy (LP1) and policy DM2 Local Plan Part 3 (Development Management Policies). The application has therefore been recommended for refusal.

REASONS FOR REFUSAL

1. Due to its appearance, size, scale, bulk and mass the proposed development would cause substantial harm to the setting of Alexandra Lodge which is a grade II listed building. In the opinion of the Local Planning Authority the public benefit provided by the development would not outweigh the substantial harm that would be caused contrary to policy COR2 Mid Devon Core Strategy (LP1) and policy DM27 Local Plan Part 3 (Development Management Policies).

2. Due to the appearance, size, scale, bulk, mass and mix of materials of the southern section of the proposal, the development would not represent high quality design or create a visually attractive place that is well integrated with the surrounding buildings contrary to policy COR2 Mid Devon Core Strategy (LP1) and policy DM2 Local Plan Part 3 (Development Management Policies).

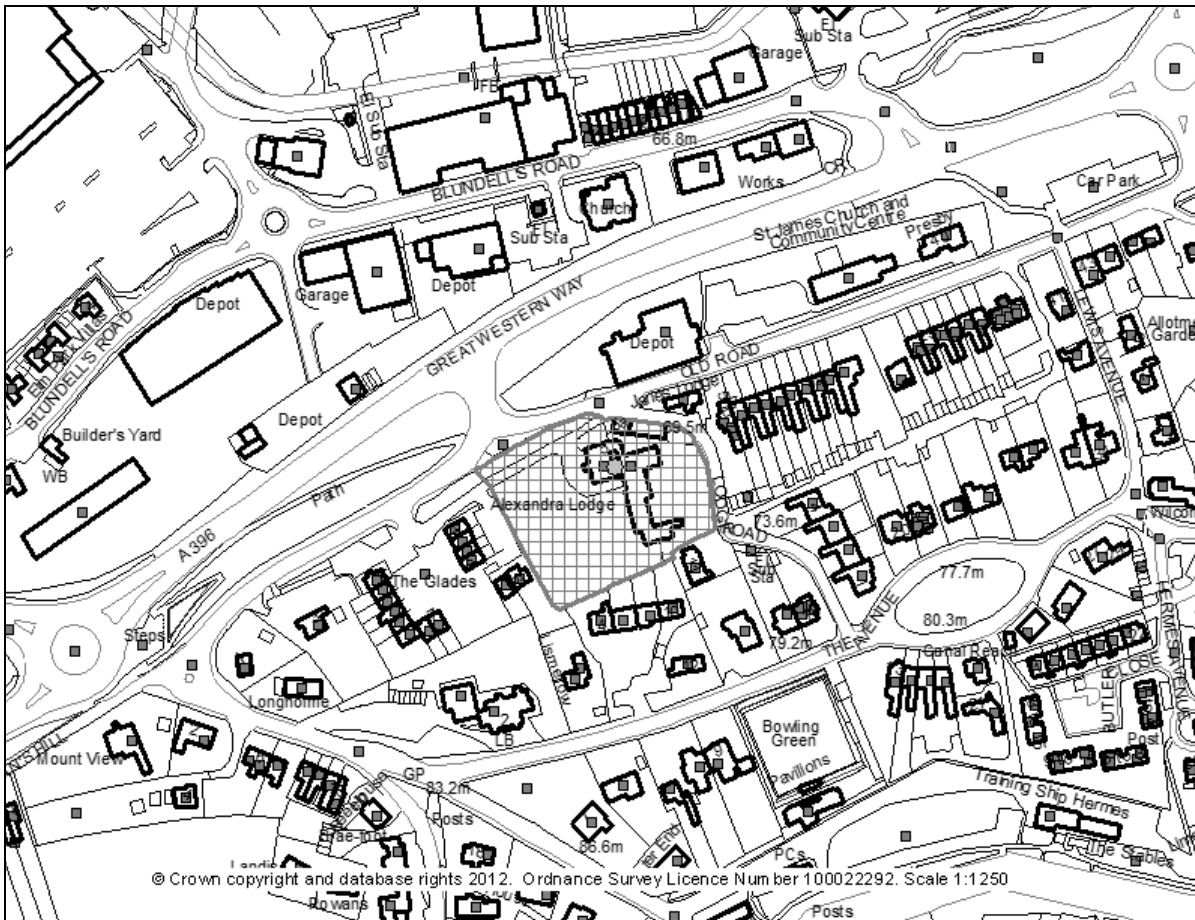
Grid Ref: 296189 : 112569

Applicant: The Abbeyfield Society

Location: Alexandra Lodge 5 Old Road
Tiverton Devon

Proposal: Listed Building Consent for the erection of 45 Extracare apartments and provision of associated communal facilities, car parking and landscaping, renovation of Alexandra Lodge following demolition of former stable block and extensions

Date Valid: 10th December 2015



Application No. 15/01824/LBC

RECOMMENDATION

Refuse Listed Building Consent.

PROPOSED DEVELOPMENT

Erection of 45 extracare apartments and provision of associated communal facilities, car parking and landscaping, renovation of Alexandra Lodge following demolition of former stable block and extensions.

The application site is on the edge of Tiverton town centre and contains a Grade II listed building, Alexandra Lodge. The pre-existing two storey extensions to the building, dating from when it was a care home, are proposed to be demolished and replaced with 45 extracare apartments and associated facilities. The proposed buildings include two and three storey development.

The application consists of the following:

Internal and external works to the listed building

35 x 1 bedroom extracare apartments

10 x 2 bedroom extracare apartments

18 x car parking spaces

4 x cycle spaces

1 x emergency vehicle drop off point

Mobility Scooter store

Communal facilities including: Restaurant/cafe, hair salon, laundry, garden lounge, domestic and commercial recycling/refuse areas, activity/hobby room, residents lounge

Landscaped gardens

Residents and visitor vehicular access from Canal Hill via The Glades

Service vehicular access from Lodge Road

Pedestrian access from Old Road

APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement

Planning Statement (including Pre-application supporting statement and Design Review Panel review)

Statement of community involvement

Drainage Strategy

Historic Building Evaluation

Transport Statement

Travel Plan

Sustainability and LZC Energy Statement

Ecological Appraisal

Tree survey and arboricultural Impact

Ground conditions desk study

PLANNING HISTORY

81/00864/FULL DEEMED CONSENT for the erection of an extension to social centre and provision of additional car park - DEMCON

95/01593/FULL Change of use from elderly persons home to day care centre for physically disabled, people with learn- difficulties & the elderly, community laundry services, ancillary office accomm & car parking - PERMIT

96/01552/OTHER Erection of boundary wall (incorporating wrought iron gateway) and close boarded fence - REC

97/00596/FULL Erection of boundary wall (incorporating wrought iron gateway) and vertical boarded timber fence - PERMIT

09/01012/TPO Application to carry out works to 1 Yew tree and 1 Beech tree protected by Tree Preservation Order 96/00008/TPO - DELETE

10/00355/TPO Application to carry out works to 1 Yew and 1 Beech tree protected by Tree Preservation Order 96/00008/TPO

PART GRANTED/PART REFUSED - SPLIT

15/00334/MFUL Renovation and extension to provide 45 Extracare apartments and community facilities for use by residents and the wider community to include demolition of previous extensions, existing outbuildings and boundary walling - WDN

15/00335/LBC Listed Building Consent for renovation and extension to provide 45 Extracare apartments and community facilities for use by residents and the wider community to include demolition of previous extensions, existing outbuildings and boundary walling - WDN

15/01824/LBC Listed Building Consent for the erection of 45 Extracare apartments and provision of associated communal facilities, car parking and landscaping, renovation of Alexandra Lodge following demolition of former stable block and extensions - PCO

DEVELOPMENT PLAN POLICIES

Mid Devon Local Plan Part 3 (Development Management Policies)

DM27 - Development affecting heritage assets

CONSULTATIONS

CENTRAL AREA CONSERVATION OFFICER - 16th March 2016

This is a listed building, grade II with large gardens, stables and mid 20th century extensions.

Proposal

Listed building consent for the erection of 45 Extracare apartments and provision of associated communal facilities, car parking and landscaping, renovation of Alexandra Lodge following demolition of former stable block and extensions.

Impact on the listed building and/or conservation area

You have asked me to expand and clarify my previous comments about 'substantial harm' to the setting of this listed building.

The NPPF asks us to put great weight on the conservation of heritage assets due to the fact that they are irreplaceable resources. It further states that development should be refused if it will lead to substantial harm or the total loss of significance of the asset, unless that harm is necessary to achieve substantial public benefits that outweigh that loss.

As previously commented, the works to the listed building itself are acceptable and do not create substantial harm. However, in my opinion the development that will occur around the building to create the Extracare facility will be substantially harmful to the setting of the listed building - and the setting forms a large part of the significance of the listed building (in this I disagree with the submitted heritage report). (Historic England advice on setting is provided in The Setting of Heritage Assets, Historic Environment Good Practice Advice in Planning: 3 (2015)).

A building such as this one is set within larger grounds and has a primary elevation - an approach to which creates a main, important view of the house. Beyond those grounds, gradual encroachment of housing etc. has changed the larger setting from one that was much more rural to a more urban feel. However, the gardens and immediate land associated with Alexandra Lodge have been fixed since at least 1889. The house, in my opinion, is of a status and character that requires land around it to give it space, context and a sense of 'amenity' as well as an appreciation of the architectural merits of the building itself - the setting is therefore important to the value of the building overall.

The proposed development will substantially fill three sides of the land around the house in terms of physical construction and views - dominating the approach to the house visually and damaging the appreciation of the house in its grounds. Because the setting is important to the house and that setting will be encroached upon and severely damaged, there is a knock-on impact on the value/significance of the house itself - it is substantially harmed.

Summary

There is no doubt that the development is of a scale, mass, volume and appearance that will massively alter the appreciation of the listed building, views to it, its setting and context. For this reason I find that the harm is substantial and has an extremely negative impact on the significance of the building.

HISTORIC ENVIRONMENT SERVICE - 16th December 2015

The proposed development will involve the demolition of the historic stables to the north of Alexandra Lodge, this building has been highlighted as being contemporary with the lodge itself.

I would therefore advise in the first instance that the MDDC Conservation Officer was consulted with regard to any comments she will have on the loss of these historic buildings.

Please note that the following comments are made without prejudice to any comments made by the Conservation Officer.

Should consent be granted by your Authority for this development that includes the demolition of the stable buildings a detailed record should be made of these heritage assets prior to any construction works commencing.

For this reason and in accordance with paragraph 141 of the National Planning Policy Framework (2012) and the supporting text in paragraph 5.3 of the Mid Devon Local Plan Part 3: Development Management Policy DM27 (2013), I would advise that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95 and English Heritage guidance as set out in 'Understanding Historic Buildings: Policy and Guidance for Local Planning Authorities - 2008', whereby:

"No works to which this consent relates shall commence until an appropriate programme of historic building recording and analysis has been secured and implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority."

The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the District Planning Authority.

Reason: 'To ensure, in accordance with paragraph 141 of the National Planning Policy Framework (2012) and the supporting text in paragraph 5.3 of the Mid Devon Local Plan Part 3: Development Management Policy DM27 (2013), that an appropriate record is made of the historic building fabric that may be affected by the development'

The results of the historic building recording and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report.

HISTORIC ENGLAND - 21st December 2015

On the basis of the information provided, we do not consider that it is necessary for this application to be notified to Historic England under the relevant statutory provisions, details of which are enclosed.

If you consider that this application does fall within one of the relevant categories, or if there are other reasons for seeking the advice of Historic England, we would be grateful if you could explain your request. Please do not hesitate to telephone me if you would like to discuss this application or the notification procedures in general.

We will retain the application for four weeks from the date of this letter. Thereafter we will dispose of the papers if we do not hear from you.

TIVERTON TOWN COUNCIL - 22nd December 2015

Unable to support this application as it is felt that whilst some improvements have been made since previous application the building is still too high and out of keeping with the area. Concerns remain in relation to loss of neighbours' privacy. Road safety in the area also remains a concern, with difficult access for people with mobility issues to the town centre.

CENTRAL AREA CONSERVATION OFFICER - 19th January 2016

Site

This is a listed building, grade II with large gardens, stables and mid 20th century extensions.

Proposal

Listed building consent for the erection of 45 Extracare apartments and provision of associated communal facilities, car parking and landscaping, renovation of Alexandra Lodge following demolition of former stable block and extensions.

Impact on the listed building and/or conservation area

This scheme has been the subject of repeated pre-application discussions with the planning department and also an earlier iteration was considered by the design review panel which was unable to support the scheme.

Alexandra Lodge is a late 18th century house, listed grade II with a good quality interior. It has a contemporary stable block to the north-east and also a late 20th century extension range to the east. The extensions are not of value and their removal is encouraged as, although single storey, they are poorly design and detract from the main building. The stables are unused and although in need of repairs, are in fair condition.

The proposal falls into two categories - the works to the listed building itself (including stable demolition) and the extension to create the Extracare facility.

Works to listed building

The proposed alterations and use of space are considered to be acceptable. They make best use of the rooms and layouts and whilst some adaptation is required, these changes are clearly thought through and reversible without the loss of significant historic fabric. The loss of the stables is unfortunate but it stemmed from discussions on how to fit this facility on the site. Our suggestion was that, if it helped minimise the impact of the scheme, created better use of space and led to an acceptable level of harm overall, that the loss of the stables would be acceptable.

The extension to create the Extracare facility.

The requirement for the scheme to be of a certain size for it to be viable and appropriate has put enormous pressure on the site. Despite many attempts to minimise impact and improve the design it is my conclusion that the proposal is simply too big for the site - the heights, mass, volume, design and materials dominate the listed building to a totally unacceptable degree. The listed building is dwarfed by the new structures and becomes a minor part of the site, lost in a confusing combination of roof lines, materials and designs that do nothing to compliment the historic building or reference its special character.

The Historic Building Evaluation and assessment concludes that the impact of the proposal on the setting of the listed building is moderate-major and that the setting forms a "minor part of the overall significance of the building and therefore this impact on the setting will not result in a consequential impact on the significance of the building as a heritage asset". It goes on to say that the development causes 'less than substantial harm'. Whilst the evaluation has referenced and used the correct guidance to make this assessment, I disagree with its conclusions. In my professional opinion the impact on setting is major and represents substantial harm as per the NPPF para 133.

The desire to achieve Extracare provision in Tiverton is admirable and justified, but this site is not the right one given its size, the presence of the listed building and the impact that it has on the locality.

Summary

I strongly recommend that the application is refused as it represents substantial harm to the listed building's setting and therefore, significance.

REPRESENTATIONS

12 letters of representation have been received, 8 objecting to the proposal (plus 71 signature petition) and 4 supporting the proposal.

The letters of representation are summarised below:

Objection (including petition):

1. not in keeping with surrounding area;
2. does not harmonise with the architecture of the grade II listed building;
3. loss of privacy for surrounding homes
4. lack of vehicle parking provision
5. two storeys with accommodation in roof as a maximum;
6. proposal should be rendered not brick;
7. distance between development and existing dwellings unacceptable;
8. lack of screening on boundaries;
9. impact on bat habitat;
10. loss of light to dwellings and gardens;
11. loss of trees from the site;
12. pedestrian route into town for elderly residents is unsafe;
13. additional use of The Glades access is unacceptable;
14. development in compatible with 18th Century building;
15. overdevelopment of the site;
16. the development is based on economics and not on the suitability of the site for 45 apartments;

Support:

1. lack of suitable accommodation for elderly people when leaving hospital;
2. provides a safe home environment that prevents blocking of hospital beds;
3. increasingly ageing population and a demand for supported living accommodation;
4. further supported living accommodation required in addition to the 50 beds provided in this scheme;
5. Improvements, repairs and reuse of the listed building

MATERIAL CONSIDERATIONS AND OBSERVATIONS

Site description

The application site is located on the edge of Tiverton town centre. It is positioned at the bottom of Canal Hill and adjacent to the Canal Hill, Old Road and Lodge Road junction. The site is elevated above the carriageway level of the adjacent roads. Due to the position and size of existing trees on the northern boundary of the site, there are currently only clear views of the northern gable end of Alexandra Lodge on approach from the north. There are prominent views from the north of the former stable building, the north elevation of which forms the boundary with Lodge Road. There are limited views of the wider site from public vantage points due to the existing trees on the northern boundary. These trees are protected by a group tree preservation order.

The ground level of the site rises toward the south and, as a result of this and the height of the proposed development adjacent to the southern boundary of the site, will be visible from public vantage points to the north and east, as well as from private views from nearby residential properties to the south and west.

The application site currently consists of the grade II listed building, Alexandra Lodge, as well as a former stable building, and one and two storey extensions to the south and east side of Alexandra Lodge. There are substantial gardens to the west of the site which include a number of trees protected by Tree Protection Orders.

The proposed development requires the demolition of the existing single and two storey extensions as well as the former stable building. The existing access points are proposed to be retained with residents and visitors accessing the site via the vehicular access from Canal Hill and pedestrian access from Old Road. The secondary vehicular access from Lodge Road would be retained for access by service

vehicles/deliveries. The third vehicular access also from Lodge Road would be for maintenance use only.

Alexandra Lodge has been largely vacant since 2012 and is now in need of repair in order bring it back into use. The former stable building is not in a good state of repair and is proposed to be demolished. The existing extensions to Alexandra Lodge do not provide scope to accommodate the proposed extracare apartments.

The main material considerations in respect of this proposal are:

- 1) Pre application discussions and planning application history**
- 2) Design and impact on Alexandra Lodge and surrounding area**
- 3) Works to the listed building, Alexandra Lodge**

1) Pre-application discussions and planning application history

The applicants have engaged with the Local Planning Authority through pre-application discussions and a previous scheme for the development of this site was withdrawn in 2015. Prior to the submission and withdrawal of an application in 2015 the applicants had taken an earlier version of the proposal to the Design Review Panel. The Design Review Panel identified aspects of the proposal that they considered could be improved. Following the withdrawal of this earlier scheme the pre-application discussions resumed. This process has provided opportunities for the design of the proposal to be amended to reflect officer (and some local resident) concerns. The current application therefore follows fairly extensive pre-application discussions. The design of the submitted proposal is not considered to reflect all of the pre-application discussions and although positive changes have been negotiated to the scheme, both during the pre-application phase and during the consideration of this application, it has been concluded that the development would cause substantial harm to the setting of the listed building, Alexandra Lodge.

Policy DM27 requires that proposals that would cause substantial harm to a heritage asset and its setting should be refused unless substantial public benefit outweighs the harm or the requirements of paragraph 133 of the NPPF are met. In this instance, while there would be a public benefit with regard to the provision of extracare/supported living accommodation in Tiverton, this is not considered to outweigh the harm to the setting of Alexandra Lodge. The application is considered to be contrary to policy DM27 Local Plan Part 3 (Development Management Policies).

2) Design and impact on the setting of Alexandra Lodge and surrounding area

Alexandra Lodge is a 3 storey grade II listed building. It is a late 18th century building that has been altered over the years. The building was used as part of a care home since the 1970s and ceased being used as such in 2012. The external appearance is off white render with a hipped slate roof behind a parapet.

Of the proposed 45 extracare apartments, 3 would be provided within Alexandra Lodge. The remaining 42 would be provided within the new buildings to be attached to the southern and eastern sides of Alexandra Lodge.

The design of the development can be broken down into sections. To the north east of the site the former stable building is to be demolished and replaced with a new building on a similar footprint and of a similar size and proportion to the existing building. This proposed building would contain a flat roof dormer on the north (Old Road facing) elevation that would enable the roof space of the building to be used to provide accommodation, with the communal restaurant/cafe on the ground floor. The external appearance would be rendered walls and a slate roof with zinc standing seam wall cladding on the dormer window. The north west gable end would be mainly glass. This building would be physically attached to Alexandra Lodge with a glazed and slate roof link. The linking area would form the main entrance/lobby to access the apartments. This element of the proposal, due to its lower height, smaller size and scale than Alexandra Lodge would sit fairly comfortably alongside the listed building and within the street scene of Old Road/Canal Hill/Lodge Road junction.

To the east of Alexandra Lodge there is a large section of the development that provides many of the communal facilities as well as apartments. The development at this point is three storeys high and is attached to and higher than the listed building. While the appearance of the eastern elevation, looking onto Lodge Road is not in itself considered to be detrimental to the street scene of Lodge Road, and the red brick facade would generally reflect elements of the character of the street scene at this point, due to the height of the development it would not be possible to appreciate that the site contains a listed building. When this east/south eastern section of the development is viewed from the west (on approach to the site via the main vehicular access), its height, mass and bulk would have an uncomfortable relationship with the listed building. Although set back from the frontage of the listed building, the overall scale and bulk of the proposal is considerably greater than that of Alexandra Lodge and the external design would appear 'heavy' and at odds with the front facade of the listed building. Alexandra Lodge would appear 'swamped' by development. This is considered to result in substantial harm to the setting of the listed building contrary to policy DM27 and the NPPF.

The third section of the development extends along the southern boundary of the site. Unlike the eastern/south eastern area of the site, the southern side of the site has not previously contained structures. There are a number of trees close to the boundary and a fairly significant change in land levels. The proposed development includes a south western wing that would extend along a majority of the southern part of the site. This section creates a 'U' shaped development. The design changes from west to east. The western end is two storey, flat roof with a deep footprint and face brick appearance. This is attached to a three storey section with a shallower footprint and a face brick plinth, rendered walls at ground and first floor, and zinc standing seam cladding at second floor level (on the north facing elevation) resulting in a more contemporary appearance than the face brick sections and elevations. The different design approaches, external appearances and fenestration patterns to the 2 and 3 storey elements of this southern section prevents the design from appearing coherent and results in a development that is visually unattractive and does not integrate well with the surrounding buildings, contrary to policies DM2 and DM14 Local Plan Part 3 (Development Management Policies). The southern elevation of this section of the proposal has a more traditional appearance with rendered and brick sections and a domestic scale and pattern of fenestration.

Due to the increase in land levels toward the southern side of the site, the two storey, flat roofed western end would be a similar height to Alexandra Lodge. The three storey section would be considerably taller than Alexandra Lodge. This southern section of the development would significantly encroach on the existing gardens of Alexandra Lodge. On approach to the site from the main access to the west, there is currently space around the building which is required to maintain its status and character. The space provides a sense of 'amenity' and allows an appreciation of the architectural merits of the building. This setting of the building is considered to be important to the value of the building overall.

The proposed development would substantially fill in the land on three sides of the listed building both in terms of physical construction and views. The visual approach to the listed building would be significantly altered and be dominated by the proposed development and would prevent an appreciation of the building in its grounds. As the setting is very important to the listed building and the setting will be encroached upon and severely damaged by the scale, mass, bulk and appearance of the proposed development, the value/significance of the listed building would be substantially harmed. This substantial harm to a heritage asset is unacceptable and contrary to policy DM27.

Policy DM27 states that proposals that would be likely to substantially harm heritage assets and their settings should only be approved if substantial public benefit outweighs the harm or the requirements of paragraph 133 of the NPPF are met.

As detailed above, there is considered to be a need for extracare/supported living accommodation in Tiverton and the surrounding area and it is identified that the proposal would create approximately 20 jobs. The principle of providing such accommodation on this site is supported. However, the design and impact of such a development must also be acceptable. Unfortunately, in this instance, although elements of the design have been amended following officer (and residents) comments/suggestions it has not been possible to reduce the bulk, scale and overall mass of the development to a degree that prevents the proposed development from causing substantial harm to the setting of the listed building which is an irreplaceable resource. While it is understood that in order for the development to be financially viable a certain number of

apartments would need to be provided, the current application for 45 apartments would result in unacceptable harm to the setting of the listed building. On balance it is not considered that the harm caused to the setting of the listed building would be outweighed by the public benefit of providing the proposed level of accommodation and additional jobs on this site. While the principle of providing supported living accommodation on the site is accepted, the current proposal is not considered to comply with relevant planning policies. The proposal is contrary to policy DM27.

The NPPF paragraph 133 states that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply: the nature of the heritage asset prevents all reasonable uses of the site; and no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and the harm or loss is outweighed by the benefit of bringing the site back into use. It could not be said that any of the 4 criteria set out in paragraph 133 apply to Alexandra Lodge. As it has been concluded that the development would result in substantial harm to the listed building which is not outweighed by the public benefit of the proposal, it is concluded that the development is contrary to paragraph 133 of the NPPF. This forms the reason for refusal of this application.

3) Works to the listed building

Although the proposed development is considered to cause substantial harm to the setting of the listed building, the physical works proposed to the listed building are considered to be acceptable and would not in themselves cause substantial harm to the listed building. A detailed schedule of works to the listed building has been submitted, the content of which is acceptable. The specific works to the interior and exterior of the listed building are considered to be in accordance with policy DM27 Local Plan Part 3 (Development Management Policies).

Summary

The application seeks listed building consent for the demolition of a former stable building and existing extensions to Alexandra Lodge and the erection of 45 extracare apartments and provision of communal facilities, car parking, landscaping and renovation of Alexandra Lodge. The development would provide much needed extracare/supported living accommodation the provision of which would be of benefit to the public and enable residents to retain independence while receiving care in their own homes. However, the development due to its design, size, scale, bulk and mass would erode the setting of Alexandra Lodge to such a degree that it would cause substantial harm to the listed building and would not create a visually attractive place that is integrated with its surroundings. It is not considered that the substantial harm caused to the setting of the listed building, which is an irreplaceable resource, would be outweighed by the public benefit associated with the provision of this accommodation, in this instance. The development is therefore considered to be contrary to policy DM27 Local Plan Part 3 (Development management Policies) and has therefore been recommended for refusal.

REASON FOR REFUSAL

1. Due to its appearance, size, scale, bulk and mass the proposed development would cause substantial harm to Alexandra Lodge which is a grade II listed building. In the opinion of the Local Planning Authority the public benefit provided by the development would not outweigh the substantial harm that would be caused contrary to policy DM27 Local Plan Part 3 (Development Management Policies).

Grid Ref: 287013 : 106280

Applicant: Mrs Angela Lewis

Location: Holes Cottage Bary
Close Cheriton
Fitzpaine Crediton

Proposal: Conversion of
redundant building to
dwelling

Date Valid: 4th January 2016



Application No. 15/02004/FULL

RECOMMENDATION

Grant permission subject to conditions.

MRS P COLTHORPE HAS REQUESTED THAT THIS APPLICATION BE DETERMINED BY THE PLANNING COMMITTEE FOR THE FOLLOWING REASON:

To consider the loss of privacy and overlooking to the neighbouring property.

PROPOSED DEVELOPMENT

Conversion of redundant building to dwelling at Holes Cottage, Bary Close, Cheriton Fitzpaine. The site is a redundant barn located to the south west of Holes Cottage. The barn lies at the edge of the garden area associated with Holes Cottage. The building itself sits just within the conservation area of Cheriton Fitzpaine. To the north of the site there are 12 modern bungalows situated in a cul-de-sac arrangement. The building as it presents to the highway, is attached to Barnhaven which has previously been converted from the same barn. To the front the building appears two storey, at the rear as it extends back into the garden area it has a single storey mono-pitch appearance. The building is constructed of a combination of stone, cob, brick and concrete block, the two storey part at the front is largely rendered. The building has been altered, particularly in terms of the roof structure to the rear part of the building which is likely to have previously been a pitched roof structure.

The proposal is to convert the building to provide a dwelling, and alter the roofscape. At ground floor level there will be a kitchen, living room, two bedrooms and a bathroom and at first floor level a further bedroom with ensuite (within the front part). The building will be rendered externally above a stone plinth, the roof will be of natural slate with hardwood timber windows and door.

APPLICANT'S SUPPORTING INFORMATION

Structural Report produced by Paul Smith Consulting (July 2015)
Preliminary Bat and Protected Species Assessment Report by Brookside Ecology (June 2015)
Technical Report: Bat emergence and Re-entry Surveys (October 2015)

PLANNING HISTORY

None relevant

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR2 - Local Distinctiveness
COR17 - Villages

Mid Devon Allocations and Infrastructure Development Plan (Local Plan 2)

AL/IN/3 - Public Open Space

Mid Devon Local Plan Part 3 (Development Management Policies)

DM1 - Presumption in favour of sustainable development
DM2 - High quality design
DM8 - Parking
DM14 - Design of housing
DM27 - Development affecting heritage assets

CONSULTATIONS

WEST AREA CONSERVATION OFFICER - 8th February 2016

I have no heritage related concerns about this application. I did give the agent advice some time ago when we were considering alteration of the conservation area boundary and he raised the issue of the conversion of this barn at the time - I said then that I did not have any concerns but that structural, parking etc. issues would have to be looked at.

HIGHWAY AUTHORITY - 3rd March 2016

I can confirm that we are happy to accept the parking layby and 2 spaces 90 degrees to the kerb.

The Layby should be built with the distance back from edge of kerb 2.4m at the southern end and splayed at 45 degrees back to the carriageway at the Northern end this should be reduced to 2.0m so as to provide some separation from the cob building to the retaining wall. This will provide three spaces which should measure 5m, 6m, and 5m, the additional length is required in the middle section for manoeuvring.

The applicant will need to apply for a licence from the Highway Authority to carry out the works adjacent to the highway and for the drop kerb facility. The drainage from the layby should be away from the carriageway as should the other parking spaces, details of the retaining structure should also be submitted for approval.

The licence and the approval of the retaining structure should be sought prior to commencement of the proposal.

CHERITON FITZPAINE PARISH COUNCIL - 26th January 2016 - A neighbour attended the recent meeting of Cheriton Fitzpaine PC to explain her objections to the recently submitted plan affecting her property.

The closeness of the proposed development impinges severely on her lifestyle and privacy, encroaching as they do on her limited personal space. In addition,

The available parking spaces, which are in very short supply will be badly compromised and she will be unable to park her car outside her own house.

Parish Councillors agreed that the proposal was not in the best interests of the neighbour and wished to register a complaint on the above grounds.

NATURAL ENGLAND - 12th January 2016 - No comments.

ENVIRONMENTAL HEALTH - 19th January 2016 - Contaminated Land - No objections

Air Quality - No objections

Environmental Permitting - N/A

Drainage - No objections

Licensing - No Comments

Food Hygiene - N/A

Noise & other nuisances - recommend approval with conditions:

No work shall be carried out on the site on any Sunday, Christmas Day or Bank Holiday or other than between the hours of 0730 and 1900 hours on Monday to Fridays and 0730 and 1300 on Saturdays.

Reason: To ensure that the proposed development does not prejudice the amenities of neighbouring properties.

Housing Standards: The 'Housing Health and Safety Rating System' is guidance used by landlords and property related professionals when assessing homes for hazards that cause a risk to the health and safety of the occupants.

Inadequate lighting can lead to depression and psychological effects caused by lack of natural light. The three Velux windows in the bedroom are small in size and do not give adequate lighting to the bedroom.

Means of escape in case of fire - the stairs come down into the kitchen, which is a risk room for fire. A protected stairway or an egress window in the bedroom should be provided. This would be covered by Building Regulations and the applicant would be advised to discuss the proposal with Building Control Officer.

Unless these have been resolved I would recommend refusal of the application.

Private Water Supplies - INFORMATIVE NOTE:

No record is held as being a private supply. However, if a private water supply is to be used together with any other associated property, the supply would become a small private supply, unless a commercial element is involved when it would become a commercial supply. In either circumstance would be subject to the Private Water Supply Regulations 2009. As such a private water risk assessment and sampling regime will need to be undertaken by this Authority prior to any residential or commercial use. Please contact Public Health at Mid Devon District Council to discuss on completion of the proposal.

Health and Safety - no objections to this proposal. Informative: If there is a foreseeable risk of asbestos being present in the existing structure e.g. in concrete blocks, A Refurbishment and Demolition Survey following HSG264 available at hse.gov.uk/pUbns/priced/hsg264 should be carried out before work commences to identify precautions and legal requirements enforced by Health and Safety Executive.

REPRESENTATIONS

Two letters of representation have been received and are summarised below:

1. The development will result in a loss of privacy and light to the back garden area of the neighbouring property, Barnhaven.
2. The plans demonstrate 2 parking spaces for the new dwelling but not for the existing property.
3. The agent states that the development will prevent the dereliction of the barn however the structural report confirms they are in good condition.
4. The application incorrectly refers to Wreylands as the listed building, the listed building is Wreylands Cottage.
5. The distance between the redundant barn and Wreylands Cottage is 17.5m not 20m as stated
6. Access to the south elevation of the development will cease when it is redeveloped.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main determining factors in this application are:

- 1. Policy**
- 2. Design Issues**
- 3. Impact on amenity of neighbouring dwellings**
- 4. Transportation and Parking Issues**
- 5. Ecology Issues**
- 6. Other matters**

1. Policy

The policies relevant to the determination of this application are set out above. The site is situated within the settlement boundary of Cheriton Fitzpaine, which is a village identified by COR17 as having a level of local services and facilities that enable minor development proposals, including small scale residential development, to be supported in principle. The building is of substantial construction and it is considered that the building provides a positive contribution to the character of the area. On this basis the conversion of the building to provide a dwelling is considered to be supportable in principle.

2. Design

The report prepared by Paul Smith consulting on behalf of the applicant confirms that the barn is in a good condition and from a structural aspect there are no significant works that are required to allow the

conversion of the barn. The main change in terms of the appearance of the barn is to replace the roof structure of the mono pitch part to a dual pitched slate roof.

The planning statement submitted to support the application suggests that the whole building previously had a pitched roof structure. The findings of the structural report support this, stating that the level of the pockets formed by the original floor joists and the height of the new mono pitched roof would suggest that the walls of this barn have been reduced in height in the past. Therefore it is considered that the alterations proposed to the roof are in keeping with the original character of the building. The scheme has been designed to incorporate the existing window and door openings. Some new openings are proposed however the size and placement of these are considered to be in keeping with the character and appearance of the barn. The material palette, including the natural slate roof and hardwood windows and doors, is considered to respect the traditional character of the building and would not harm the visual amenity of the conservation area. The floor space provided within the dwelling amounts to 118sqm which is compliant with the National Space Standards introduced in 2015. Overall the proposed works are considered to retain the character and appearance of the original building and it is considered that the application scheme will sit comfortably within the street scene and provide a reasonable level of amenity to future occupiers of the dwelling. The works proposed within the application scheme are not considered to harm the visual amenity of the conservation area and is in accordance with the requirements of policy DM27.

3. Impact on amenity of neighbouring properties

The building extends back into the garden area of Holes Cottage. To the south the building adjoins Barnhaven. Concern has been raised regarding the impact on the amenity of that property, particularly in terms of the loss of privacy to their external amenity space.

Barnhaven has a small courtyard to the rear, which is separated from the larger yard area by a 2m high (approximate) wire fence. To the front of the property (road side) there is an additional small garden area. Given the orientation of the buildings in relation to Barnhaven, it is not considered that the proposal, including the raising of the roof structure, would result in a significant loss of light to the main rooms and/or the amenity space associated with the property.

The window within the south elevation (kitchen area) would directly overlook the small amount of amenity space that Barnhaven enjoys. However this is an existing opening and following amendments to the plans as originally submitted, the revised plans demonstrate that it will be refitted with obscured glass. A condition is also recommended that the new window is designed so that it is a non-opening window, which the applicant has agreed to.

The courtyard area of Barnhaven is already overlooked by windows within the rear elevation of properties to the south and therefore the Local Planning Authority does not consider that the conversion of the building would result in a material change to the enjoyment of the garden area of that property. The property will have some windows that look directly towards the garden area of the existing property, Holes Cottage. However these are only at ground floor level and subject to appropriate boundary treatments to split the garden area it is considered that there would be an acceptable relationship between the properties and sufficient amenity spaces for each property.

Overall, on the basis that the windows within the south elevation are obscure glazed and non-opening it is considered that the residential use of the building would not cause unacceptable harm, to the amenity of the occupiers of the neighbouring properties.

4. Transportation and Parking Issues

The area in front of the barn currently provides the parking area for Holes Cottage. To the side of the building there is an existing pedestrian access into the garden area of Holes Cottage which is the main entrance route to the property. The block plan demonstrates that two parking spaces to the front will be retained for the proposed dwelling. Two further spaces will be provided in a layby arrangement in front of the existing property, Holes Cottage, to serve that dwelling. The existing pedestrian access will be retained and shared by both properties. The Highway Authority have confirmed that they are satisfied with the proposed parking arrangements with access directly off the highway. No details have been provided as to the surfacing and drainage of the parking area and these details will be required by condition in order to ensure that the finish would not harm the character of the area or result in surface run off onto the highway.

5. Ecology Issues

The applicants have submitted a Preliminary Bat and Protected Species Assessment which was conducted by Brookside Ecology (June 2015). The survey concluded that the site had high bat roosting potential for a number of different species and a bat of Pipistrellus variety was found roosting within the ridge area of one of the barns. Evidence of nesting birds was also found. Accordingly further survey works, emergence/pre-entry, were recommended to determine how significant the habitat is and accordingly identify appropriate mitigation measures. Following this additional survey work a technical report (dated October 2015) has also been submitted with the application. The additional survey work found no evidence of emergence or re-entry. There was some evidence of nesting birds being present in the building. The technical report sets out a number of recommendations to enable the biodiversity interests at the site to be conserved for both birds and bats, including a bat loft arrangement. Subject to the development being carried out in accordance with the recommended mitigation measures, it is considered that the proposal would conserve the biodiversity interests at the site in accordance with guidance set out in the National Planning Policy Framework.

6. Other Issues

The building is not in a flood risk zone. The foul drainage resulting from the proposed dwelling will be discharge to the mains sewer, surface water will be managed via the existing soakaway. A contribution towards the provision of new/maintenance of existing open space off site is required to comply with the requirements of Policy AL/IN/3 of the Allocations and Infrastructure Development Plan (Local Plan Part 2), and Supplementary Planning Document: The provision and Funding of Open Space Through Development (May 2008). The applicant has made the necessary contribution via a unilateral undertaking (s106) received on 25th January 2016.

There are no other reasons to mitigate against the grant of planning permission and therefore the application is recommended for approval.

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. The windows proposed within the south elevation, as shown on drawing SK08 shall be installed with obscured glazing and shall be designed so that they are non-opening and shall be retained as such in perpetuity unless otherwise agreed in writing by the Local Planning Authority.
4. No development shall begin until working details of the new external doors, door frames and windows, including sections, mouldings and profiles, finishes and glazing have been submitted to, and approved in writing by, the Local Planning Authority. Installation of the doors, doorframes and windows shall be in accordance with these approved details, and be so retained.
5. Prior to first occupation of the proposed dwelling hereby approved, details of the boundary treatment including the height, materials and finish, shall be submitted to and approved in writing by the Local Planning Authority. Installation of the boundary treatments shall be in accordance with the approved details and retained thereafter.
6. Prior to first occupation of the dwelling hereby approved, the parking spaces as shown on the block/site plan (received by the Local Planning Authority on 14th March 2016) shall be made available for use. These works shall be carried out in accordance with details of the drainage and surfacing materials that shall have previously been submitted to and approved in writing by the Local Planning Authority.
7. The roof covering of the development hereby approved shall be of natural slate a sample of which shall be submitted to, and be approved in writing by the Local Planning Authority prior to its use on the building. Such approved slate shall be so used and retained.

8. No work shall be carried out on the site on any Sunday, Christmas Day or Bank Holiday or other than between the hours of 0800 and 1800 hours on Monday to Fridays and 0800 and 1300 on Saturdays.
9. The conclusions and mitigation measures set out in the Brookside Ecology protected species survey (technical report: Bat emergence and re-entry surveys - dated October 2015) received on 21st December 2015 by the local planning authority shall be complied with in full during construction of the development hereby approved.

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 development does not result in an unacceptable adverse impact to the amenity of the neighbouring property in accordance with policy DM2 of the Local Plan part 3.
4. To ensure the use of materials and detailing appropriate to the development, in order to safeguard the character and appearance of the building and the conservation area in accordance with: Mid Devon Core Strategy (Local Plan part 1) COR2, and Local Plan Part 3 (Development Management Policies) DM2, DM11 and DM27.
5. To ensure the proposed boundary treatments would not harm the character and appearance of the conservation area in accordance with policy DM27 of Local Plan part 3.
6. To ensure that appropriate parking provision is provided in accordance with policy DM8 to prevent an adverse impact to the local highway network and to ensure the development would respect the character and appearance of the conservation area in accordance with policy DM27.
7. To ensure the use of materials appropriate to the development in order to safeguard the character and appearance of the building in accordance with policy COR2 of the Mid Devon Core Strategy (Local Plan part 1) and DM2 and DM11 of the Local Plan part 3.
8. To ensure that the proposed development does not prejudice the amenities of neighbouring properties.
9. To ensure the protection of any ecological interests at the site.

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The principle of the conversion of the building, within the settlement boundary of Cheriton Fitzpane, to a dwelling is considered to be supportable in policy terms. The overall design of the scheme, including the material palette, is considered to be acceptable and would respect the traditional character and appearance of the building. The conversion of the barn will provide a reasonably tight relationship with the neighbouring properties, however it is considered that the conversion would not result in a significant adverse impact to the amenity of occupiers of the neighbouring dwellings. The design of the scheme is considered to respect the original character of the building and would provide an acceptable level of amenity for occupiers of the proposed dwelling. The proposed parking arrangement is compliant with the requirements of policy DM8. The applicant has made the appropriate contributions in accordance with policy AL/IN/3. There are no flood risk or drainage issues resulting from the scheme. Overall the proposal is considered to be in accordance with the following policies COR2 and COR17 of the Mid Devon Core Strategy (Local Plan part 1), AL/IN/3 of the Local Plan part 2 (Allocations and Infrastructure Development Plan Document), DM1, DM2, DM8, DM14 and DM27 of the Local Plan part 3 (Development Management Policies) and government advice in the National Planning Policy Framework.

Grid Ref: 303982 : 111022

Applicant: Mr S J Kenshole

Location: 6 Blenheim Court Willand
Cullompton Devon

Proposal: Conversion of garage to
reception room, erection of
first floor extension above
and erection of detached
garage

Date Valid: 11th January 2016



Application No. 16/00030/HOUSE

RECOMMENDATION

Grant permission subject to conditions.

MEMBERS ARE ASKED TO NOTE THAT THIS IS A HOUSEHOLDER APPLICATION

COUNCILLOR RICHARD CHESTERTON HAS REQUESTED THAT THIS APPLICATION BE DETERMINED BY THE PLANNING COMMITTEE FOR THE FOLLOWING REASON:

To consider whether the application constitutes overdevelopment of the site.

PROPOSED DEVELOPMENT

Proposed is conversion of the existing garage to a reception room, erection of a first floor extension above and the erection of a detached garage at 6 Blenheim Court, Willand.

The proposed extension will have a ridge height of 6.95 metres, an eaves height of 4.9 metres, a length of 6.95 metres and a width of 5.9 metres. The extension will have concrete roof tiles, white UPVC rainwater goods, white eaves fascia boards, a white UPVC pedestrian door on the south west elevation, a rooflight on the south east elevation, two narrow windows on the north east elevation, and six windows and a single rooflight on the north west elevation. The walling will be yellow masonry brick work with red masonry brickwork quoin details, all to match the existing house. The conversion of the garage will provide a reception room, study and WC/cloak room at ground floor level. The extension will provide a fifth bedroom with an en-suite at first floor level, this will be accessed from a second staircase from the reception room as it is not possible to access the new room from the existing central staircase and hallway without rearranging the existing rooms at first floor level.

The proposed garage will have a ridge height of 4.45, an eaves height of 2.3 metres, a length of 6.6 metres, and a width of 5.1 metres. The garage will have concrete roof tiles, white UPVC rainwater goods, white eaves fascia boards, a white UPVC pedestrian door on the north east elevation and a white steel garage door on the north west elevation. The walling will be yellow masonry brick work with red masonry brickwork quoin details, all to match the existing house.

APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement
Site location plan, various plans and elevation plans.

PLANNING HISTORY

94/02018/FULL Reserved matters for the construction of 65 No. dwellings and associated works - PERMIT
96/00582/FULL Revisions to estate layout to provide 9 No. two bedroomed semi-detached and terraced houses with garages in place of 5 detached houses previously approved on same area (former plots 39-43) - WD
98/00075/TPO Consent to fell Oak Tree protected under Tree Preservation Order No. 4/59/97/TP8. - REFUSE
99/02201/CAT Consent to remove overhanging branches and carry out 25% crown thin on Oak tree protected under Tree Preservation Order No. 4/59/97/TP8 - REFUSE
99/02760/TPO Consent to remove two overhanging branches from Oak tree protected under Tree Preservation Order No. 4/59/97/TP8 - PERMIT
06/00200/FULL Change of use of garage to living accommodation and erection of detached garage - REFUSE
06/01017/FULL Conversion of garage to living accommodation and erection of detached garage - PERMIT
10/00933/FULL Erection of a conservatory - PERMIT

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR2 - Local Distinctiveness

COR17 - Villages

Mid Devon Local Plan Part 3 (Development Management Policies)

DM2 - High quality design

DM13 - Residential extensions and ancillary development

CONSULTATIONS

WILLAND PARISH COUNCIL - 14th March 2016

In response to your letter of 7 March 2016 Willand Parish Council has again reviewed this application for the third time.

To avoid confusion please take this letter as the Willand response to the whole application.

Willand Parish Council recommends refusal of this application as submitted, even having taken into account the submission of all of the revised plans. The reasons are:

1. There are concerns that the alterations to, and extension of, the garage do not comply with the provisions and intentions of Policy DM2 and DM13.
2. It is further considered that the proposed new garage and parking fails to comply with elements of Policy DM8 and Principle 5 of Supplementary Planning Document 'Parking in Mid Devon' adopted June 2013.

In relation to reason 1 the following points are asked to be considered:

a) The Site Location Plan omits the outline of the existing conservatory thereby creating the impression that there is more curtilage to the property than actually exists;

b) The proposed Front (South West) extension elevation will become a solid mass of brickwork with just a small domestic door on the ground floor which will not respect the character, scale, setting and design of the existing property or nearby houses.

The latest elevation drawing shows a picture of a revised ridge height yet there is a note which reads "Ridge height to extension to match existing." This note appears on all elevations.

c) The creation of new windows on both floors of the existing garage and the extension above on the North West side elevation have the potential to have an adverse impact on the occupants of number 5 as it will give a sightline at the front of their property which does not currently exist;

d) It is further felt that the proposal does not show a clear understanding of the characteristics of the site nor would it be visually attractive and well integrated with surrounding buildings.

If the proposals were permitted there is the potential for this extension to become a separate dwelling and therefore it is asked that consideration be given to making conditions in the following terms which has been put in place in similar circumstances recently:-

(i) The connecting door between the extension hereby approved and the existing utility shall remain and thereafter shall be retained.

(i) The extension hereby approved shall be occupied for purposes ancillary to the primary occupation of the property known as 6, Blenheim Court, Willand EX15 2TE and shall not be let, sold or otherwise occupied as a separate unit of accommodation.

In relation to reason 2 the following points are asked to be considered:

a) The proposed detached garage is very close to the boundary of the adjoining property and will be imposing as a mass in that close proximity;

b) The size of the garage does not comply with policy as a 'double garage' in that it is not wide enough although the length has been increased to comply. We are advised that officers are treating it as a 'single' garage with additional storage;

c) The proposals reduce the potential for parking on site whilst at the same time increasing the potential for additional occupancy and therefore more vehicles.

d) The Parish Council is concerned that there is no indication as to the surface treatment of the proposed parking area whereas Principle 2 of the SPD clearly shows that it should be 'permeable'. This is considered important in the light of the potential loss of permeable surface to provide for the garage. Principle 5 of the SPD at paragraph 22 states that there should be a 6m drive in front of a garage. The space in front of the garage does not meet this criterion See measurements on latest revised Block Plan.

Willand Parish Council have been advised via a Ward Member that Devon County Council Highways have measured the site and consider the parking arrangements compliant yet there is no report on file to substantiate this and it is not compliant to MDCC policy.

The mass of the existing building and conservatory, added to by the extension, garage and further hard standing is considered to be disproportionate use of the site compared with adjoining properties. It will be overpowering. It will not be compatible with the other fronts of properties of the street scene.

HIGHWAY AUTHORITY - 7th March 2016 - I would agree with your assumptions. There is sufficient space to park alongside the garden area and provide two spaces and the garage would not be able to object to this proposal.

13th January 2016
standing advice applies
<http://www.devon.gov.uk/highways-standingadvice.pdf>

REPRESENTATIONS

Four objections have been received in relation to this application, they are summarised as follows:

1. The first floor extension has a window that looks to the rear of the garden, this window will have a line of sight into a first floor bedroom and ground floor living room at 6 Pearmain Close, it will affect privacy and quality of life of the occupiers.
2. The current structure blocks light from entering my property, the development would further reduce daylight. Will cause extra expense due to having to turn the lighting on. Light may be cut by as much as one third
3. Overdevelopment of the sight.
4. Many vehicles use and park on the site at present, including those associated with the applicants business, and the storage of a motor home.
5. Proximity of the proposed garage to the boundary of 18 and 19 Blenheim drive would spoil enjoyment of garden. Lack of access for maintenance. Noise impacts of movements and care cleaning.
6. Gable end window will look directly in the first floor bedrooms of 18 and 19 Blenheim drive, and over the garden area, not allowing any privacy.
7. Other properties have extended by going above the garage but retaining the use of the garage, not building in front of the existing building line. Extensions not in keeping with other extended properties in the area.
8. Already a large property with a conservatory to rear.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

- 1. Design of the extension and garage**
- 2. Whether the proposal results in overdevelopment of the site**
- 3. Impact on the privacy and amenity of neighbouring properties**
- 4. Loss of parking**
- 5. Planning History**

1. Design of the extension and garage

The proposed extension and garage are of materials that match the existing dwelling. The ridge height of the extension is lower than the ridge height of the main dwelling so as to appear subservient, and it is not considered that the proposal in terms of its scale and design dominates the existing property. In addition, the hipped roof of the garage reduces its overall massing allowing it to have a more subservient appearance.

It is noted that within the immediate locality there are a mix of properties with attached and detached garages that have differing positions in relation to the dwellinghouses, as well as a nearby garage with a first floor extension above. The properties are all relatively large in size and of varying designs, it is not considered that the proposed development would be out of character within the area, nor would it result in an unacceptable detrimental impact upon the streetscene.

Overall, it is considered that the proposed development would respect the character, scale, setting and design of the existing property in accordance with the requirements of Policy DM2 and DM13 of the Local Plan Part 3.

2. Whether the proposal results in overdevelopment of the site

The proposal results in the creation of a five bedroom dwelling with a generous living space. The dwelling has previously had a relatively large conservatory provided to the rear. However, as the proposal is for the conversion of the garage and a first floor extension above, this in itself does not result in any increase to the footprint of the dwelling. Although the proposal incorporates the erection of a new garage, this is on the existing driveway area, and sufficient parking will remain, this is discussed in later detail below. Overall the scheme will result in some loss of parking area and a loss of a very small area of the existing front garden. It is not considered there is an unacceptable loss of amenity space, as the space lost has limited amenity value due to its nature and location which lacks privacy; the rear garden area will not be reduced in size.

3. Impact on the privacy and amenity of neighbouring properties

The proposed extension and the erection of the detached garage are considered to have an impact on the neighbouring properties; however, this impact is not considered to be unacceptably adverse. The extension will be sited to the north west of 6 Pearmain Close, and due to the sun rising in the east and setting in the west the overshadowing on this property will be limited, with likely increased overshadowing being late in the afternoon. In addition it is raised that the first floor window in bedroom 5 will overlook the bedroom window of 6 Pearmain Close, due to the obscure angle between the windows limiting the viewing opportunities this is considered to be acceptable.

The gable end window of the extension has been removed to eliminate any overlooking impact of the proposed development on the gardens and rear windows of numbers 18 and 19.

The objections also raise concern about the proposed garage and the proximity to the boundary. The design of the garage with a hipped roof limits its massing and mitigates its impact on the gardens of the neighbouring properties. The noise associated with the use of the proposed garage is not considered unacceptable, nor is the noise associated with this existing residential site considered to increase as a result of the proposal.

Overall, it is not considered that there would be any significant adverse impacts on the amenity of occupiers of any neighbouring properties in terms of loss of light or privacy.

4. Loss of parking

The proposed development, specifically the provision of a new garage, will result in the loss of some parking at the front of the property.

The Provision of parking in new development Supplementary Planning Document (SPD) adopted in June 2013 provides guidance on parking and garage standards, and sets out that garages do not count as parking spaces, and that the internal dimensions of garages should be at least 6metres long by 3 metres wide. The SPD further emphasises that parking spaces should be in accordance with Devon County Council's Standing Advice in terms of the size of spaces and manoeuvrability. The proposed garage will be 6 metres by 4.5 metres internally and is intended to be for one vehicle, plus additional storage, this is considered to be in accordance with the internal garage size measurements set out in the SPD.

Policy DM8 of the Local Plan Part 3 sets out that residential dwellings should provide a minimum of 1.7 parking spaces per dwelling. The proposed scheme allows for two parking spaces within the curtilage of the dwellinghouse. One will be alongside the proposed garage, to the north east; the other will be to the north west of the proposed garage adjacent to the front garden area. It is proposed to remove a small section of the existing lawn to facilitate the provision of two parking spaces, it will be required by condition that this will be surfaced with a permeable material and to match the existing driveway surface as closely as possible; this will not result in the removal of the tree in the front garden at present. The Highways Standing Advice requires that parking spaces are a minimum of 2.4 by 4.8 metres. However, where spaces are in front of a garage the Standing Advice sets out that spaces should be 6 metres in length rather than 4.8 metres to allow for the opening of the garage doors, and where there is access to both sides of the car with walling either side but a separate pedestrian access to the dwelling, the width of the space should be 3 metres rather than 2.4 metres.

In these circumstances, one space provided will be between the proposed and the existing garage to be converted; this space will have a width of 4.1 metres and a length of in excess of 4.8 metres and is therefore acceptable in Highways terms. The second space is shown on the block plan as being partly in front of the garage, positioned in this way the space does not have a length of 6metres and would not be in accordance with Standing Advice; however, it is not necessary for this space to be positioned as shown on the block plan and a car could park immediately adjacent to the front lawn, this would be in compliance with Standing Advice. The additional response of the Highway Authority on the 7th of March confirms the acceptability of the parking provision and concludes it would not be possible to object to the proposal on Highways grounds.

5. Planning History

Planning permission was refused in 2006 for a detached garage along with the conversion of the existing garage due to the massing of the proposed garage and its subsequent impacts on the neighbouring properties. Following this, the proposed plans were amended to provide a detached garage with a hipped roof; this application was approved but was not implemented. The principle of the erection of a detached garage with a hipped roof in the proposed location has previously been established.

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 hard landscaping works in the areas shown on the approved plans shall begin until details/samples of the surfacing materials to be used in those areas have been submitted to, and approved in writing by, the Local Planning Authority. Such approved works shall then be carried out before the development hereby permitted is first brought into its permitted use, and shall be so retained.

4. Before the development hereby permitted is first brought into its permitted use, the upper floor window on the north east elevation of the proposed extension shall be non-opening, glazed with translucent glass, and be so retained.

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 use of materials appropriate to the development in order to safeguard the visual amenities of the area and to ensure surface water is managed appropriately in accordance with: Local Plan Part 3 (Development Management Policies) DM2 and DM13.
4. To safeguard the privacy of the occupiers of 6 Pearmain Close in accordance with Mid Devon Core Strategy (Local Plan 1) COR2, Policies DM2 and DM13 of the Local Plan Part 3 (Development Management Policies).

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The proposed garage conversion, extension and erection of a detached garage in terms of scale, design and position is not considered to dominate the host dwelling and is considered to be supportable in policy terms. The proposal is considered to respect the character, scale, setting and design of the existing dwelling. The proposal is not considered to result in over development of the curtilage and it is not considered that there would be any significant adverse impacts on the living conditions of occupants of neighbouring properties. Overall the proposal is considered to comply with the following policies; Mid Devon Core Strategy (Local Plan part 1) COR2 and COR17, Local Plan part 3 (Development Management Policies) DM2 and DM13 and Government advice in the National Planning Policy Framework.

Mrs Jenny Clifford
Head of Planning and Regeneration

DELEGATED APPLICATIONS AS AT - 24 March 2016

REPORT OF HEAD OF PLANNING AND REGENERATION - APPLICATIONS DETERMINED UNDER DELEGATED POWERS

PURPOSE OF REPORT

To inform Members of those applications which have been determined under the officer delegation scheme since your last meeting. These decisions are made in accordance with the Authority's powers contained in the Town and Country Planning Act 1990 and have no financial implications.

RECOMMENDATION

That the report be noted.

DETAILS OF DECISIONS

DATE RECEIVED	DATE DETERMINED/ DECISION	REF NUMBER	APPLICANT PROPOSED DEVELOPMENT	PARISH/AREA
08.06.2015	18.03.2016 Grant permission	15/00904/FULL	Dr A Renouf 4 Prispden House Prispden Drive Replacement of existing window with door onto balcony	Silverton 45
06.08.2015	02.03.2016 Grant permission	15/01288/FULL	Mr Jason Ledward Former Belmont Hospital Belmont Road Removal of Condition 8 to allow changes to external boundary walls fronting Hillcrest and Belmont Road	Tiverton 52

			and Variation of Condition 2 to allow revised drawings for Planning Permission 13/01358/MFUL	
14.08.2015	09.03.2016 Permitted with Conditions to Discharge	15/01332/MOUT	Messrs Chris, Noel & Roger Tancock Land at NGR 303681 111677 (North Of Mid Devon Business Park) Outline application with access for an employment development of up to 5,256m2 of B1, 2,651m2 of B2 and 4,919m2 of B8 units together with internal access roads, parking and associated infrastructure	Halberton 25
25.08.2015	17.03.2016 Grant permission	15/01366/FULL	Mr M Morgan Flats 1 & 2 44 Fore Street Retention of uPVC windows	Cullompton 21
13.10.2015	01.03.2016 Grant permission	15/01631/FULL	Mr Alistair Hall 2 Higher Town Court Rensley Lane Erection of greenhouse, adjoining shed with solar panels on roof, summer room and work to garden walls	Lapford 33
29.10.2015	14.03.2016 Grant permission	15/01742/FULL	Mr George Ford 26 Culm Lea Cullompton Erection of a conservatory	Cullompton 21
03.11.2015	03.03.2016 Permitted with Conditions to Discharge	15/01771/FULL	Ms Susannah Commings Land at NGR 308760 109750 (Blackborough Stables) Conversion of stables to a dwelling and construction of a vehicular access (Revised Scheme)	Kentisbeare 32

05.11.2015	01.03.2016 Grant permission	15/01797/FULL	Mr K Mingo Land and Buildings at NGR 300187 115968 (West of Staplegate Cottages) Uplowman Change of use from riding arena (D2) to parking and washing area for 1 livestock lorry (sui generis)	Uplowman 54
23.11.2015	09.03.2016 Grant permission	15/01878/FULL	Mr David Lamyman Land at NGR 310232 115008 Greenlands Change of use of agricultural land to domestic garden with additional works; erection of timber garage/store with 1st floor level	Culmstock 22
02.12.2015	18.03.2016 Grant permission	15/01907/FULL	Mr Tim Ahern 27 High Street Cullompton Retention of change of use of one room from a shop to an additional bedroom for a house of multiple occupation	Cullompton 21
04.12.2015	23.03.2016 Grant permission	15/01927/FULL	Mr S Petit Car Park St Andrews Road Retention of 1 Automatic Number Plate Recognition Camera on top of a 5m high post	Cullompton 21
07.12.2015	26.02.2016 Permitted with Conditions to Discharge	15/01948/FULL	Mr M Lomas Mill Farm House Cheriton Fitzpaine Erection of extension following demolition of existing conservatory and a chimney	Poughill 40
07.12.2015	26.02.2016 Grant permission	15/01949/LBC	Mr M Lomas Mill Farm House Cheriton Fitzpaine	Poughill 40

			Listed Building Consent for erection of extension following demolition of existing conservatory and a chimney	
08.12.2015	11.03.2016 Grant permission	15/01945/FULL	Mr T C Reynolds Heamoor Lodge Cheriton Bishop Variation of condition 5 of planning permission 06/00464/FULL	Cheriton Bishop 11
09.12.2015	29.02.2016 Grant permission	15/01977/CLU	Rodd Bros (A & E Rodd) 10 Market Street Crediton Certificate of lawfulness for the existing conversion of offices into 2 flats	Crediton Town 18
17.12.2015	04.03.2016 Grant permission	15/01982/FULL	Ms Zara Rogers Land at NGR 289158 103928 Higher East Coombe Change of use of agricultural land to site one Shepherd's hut, kitchen area and WC hut to rent out for 'Glamping'	Stockleigh Pomeroy 47
18.12.2015	01.03.2016 Development Acceptance	15/01986/PNCOU	Mr D Buckingham Land and Building at NGR 300124 125302 (Langs Farm) Shillingford Prior notification for the change of use of an agricultural building to a dwelling under Class Q	Bampton 01
18.12.2015	02.03.2016 Grant permission	15/01999/FULL	Mr H Charteris Unit 15 Blackdown Park Formation of mezzanine floor for use as offices, insertion of additional windows and apertures, and erection of fire escape	Willand 59

18.12.2015	14.03.2016 Grant permission	15/02002/FULL	Mr John Hayman Heathcoat Fabrics West-Exe North Application for permission for demolition of 2 buildings in a Conservation Area	Tiverton 52
22.12.2015	26.02.2016 Grant permission	16/00009/HOUSE	Mr & Mrs S Ward Strawberry Cottage Oakford Erection of extension and replacement garage	Oakford 39
23.12.2015	26.02.2016 Grant permission	15/02005/CLU	Mr R W Dillaway Milk Stand Cottage Holcombe Rogus Certificate of Lawfulness for existing use of barn as residential dwelling and associated use of land as residential garden for a period in excess of 4 years	Holcombe Rogus 29
23.12.2015	14.03.2016 Grant permission	16/00012/HOUSE	Mr P Willcox Potters Shillingford Retention of swimming pool, conservatory, flue pipe, ancillary office extension and related works, and proposed alterations to conservatory roof	Clayhanger 14
24.12.2015	29.02.2016 Grant permission	16/00013/FULL	Mr Matthew Farmer Land and Buildings at NGR 300589 105835 Colebrooke Lane Change of use of agricultural land to residential garden and erection of garage	Cullompton 21
04.01.2016	14.03.2016 Grant permission	16/00014/LBC	Mr P Willcox Potters Shillingford	Clayhanger 14

			Listed Building Consent for installation of swimming pool, erection of conservatory and ancillary office extension, insertion of flue pipe, and alterations to conservatory roof	
04.01.2016	17.03.2016 Grant permission	16/00024/HOUSE	Mr M Mackenzie St Georges House Morebath Erection of two-storey extension following demolition of existing extension, and alterations to roof of outbuildings to form first floor accommodation	Morebath 36
05.01.2016	09.03.2016 Development Acceptance	16/00019/PNCOU	Mr Tom Knight Land and Buildings at NGR 289518 107859(Brindiwell Hill) Cheriton Fitzpaine Prior notification for the change of use of agricultural buildings to a dwelling under Class Q	Cheriton Fitzpaine 12
06.01.2016	29.02.2016 Grant permission	16/00028/HOUSE	Mr & Mrs M & S Rock-Evans Nut Tree Barn Uffculme Erection of a summer house	Uffculme 53
06.01.2016	02.03.2016 Grant permission	16/00035/HOUSE	Mr D Metherell 16 Blenheim Drive Willand Erection of single storey rear extension	Willand 59
06.01.2016	10.03.2016 Grant permission	16/00038/FULL	Mr P Grabham Watton Farm Halberton Erection of a slurry store cover	Halberton 25
06.01.2016	03.03.2016 Grant permission	16/00039/HOUSE	Mrs C Harrison Claremont 65 Fore Street	Cullompton 21

			Erection of new storage shed following demolition of garage and workshop	
06.01.2016	02.03.2016 Grant permission	16/00041/FULL	Mr R Sloman Penguin Fish Bar 44 - 46 Gold Street Erection of canopy/awning	Tiverton 52
06.01.2016	02.03.2016 Grant permission	16/00042/HOUSE	Mr & Mrs Child South Coombe Farm Cheriton Fitzpaine Erection of an extension, alteration of existing door to window and existing window to door following demolition of existing shed and wc	Cheriton Fitzpaine 12
07.01.2016	02.03.2016 Grant permission	16/00043/LBC	Mr R Sloman Penguin Fish Bar 44 - 46 Gold Street Listed Building Consent for erection of canopy/awning	Tiverton 52
07.01.2016	03.03.2016 Grant permission	16/00051/FULL	Mr E Hammond Land at NGR 281731 107216 (Woodbeare Farm) Kennerleigh Erection of a Roundhouse livestock building (718 sq. m)	Kennerleigh 31
08.01.2016	04.03.2016 Grant permission	16/00052/TPO	Mr Cashmore 27 The Glebe Thorverton Application to reduce the height by 6 metres 1 no. Luscombe Oak tree protected by Tree Preservation Order 70/00010/TPO	Thorverton 51
08.01.2016	02.03.2016 Grant permission	16/00056/CLU	Mr Baker Middle Chitterley Silverton Certificate of lawfulness for the	Bickleigh 02

			existing use of a rental property/holiday let in breach of agricultural occupancy condition (e) of planning permission 4/02/82/28 for a period in excess of 10 years	
08.01.2016	07.03.2016 Grant permission	16/00060/FULL	Mr D Disney Land at NGR 304549 114427(Jersey Farm) Westleigh Erection of a livestock building	Sampford Peverell 42
11.01.2016	09.03.2016 Grant permission	16/00063/HOUSE	Mr G Gaskin West View Hockworthy Erection of first floor extension to front and single garage	Hockworthy 28
11.01.2016	16.03.2016 Grant permission	16/00065/LBC	Mrs Tania Andrews 1 Newcourt Road Silverton Listed Building Consent for replacement front door	Silverton 45
11.01.2016	21.03.2016 Permitted with Conditions to Discharge	16/00070/HOUSE	Mr J Widger The Linhay Coleford Erection of extension (Revised scheme)	Colebrooke 17
11.01.2016	21.03.2016 Grant permission	16/00071/LBC	Mr J Widger The Linhay Coleford Listed Building Consent for erection of extension (Revised scheme)	Colebrooke 17
12.01.2016	02.03.2016 Permitted with Conditions to Discharge	16/00072/FULL	Mr C Metcalfe Land at NGR 292417 114762 Opposite Lurley Cottages Change of use of agricultural land to domestic parking area	Tiverton 52

12.01.2016	04.03.2016 Grant permission	16/00074/HOUSE	Mrs Carolynn Gold Postwood Gardens Kentisbeare Erection of an extension	Kentisbeare 32
13.01.2016	10.03.2016 Permitted with Conditions to Discharge	16/00075/FULL	Mrs M Pipe Land and Buildings at NGR 310216 115188 (Stonewalls) Culmstock Conversion of barn to dwelling and the provision of an outbuilding/garage	Culmstock 22
13.01.2016	14.03.2016 Permitted with Conditions to Discharge	16/00080/LBC	Miss Alice Doran 52 St Andrew Street Tiverton Listed Building Consent for internal and external alterations	Tiverton 52
13.01.2016	09.03.2016 Grant permission	16/00090/TPO	Mr A Paul The Glades Old Road Application to carry out works to one Douglas Fir and one Beech tree protected by Tree Preservation Order 96/00008/TPO	Tiverton 52
13.01.2016	02.03.2016 Grant permission	16/00092/CLP	Ms T Bird 5 Coach Road Silverton Certificate of Lawfulness for the proposed formation of an access and provision of hardstanding following removal of a section of bank	Silverton 45
14.01.2016	02.03.2016 Grant permission	16/00082/FULL	Mr R Maynard 23/25 Gold Street Tiverton Replacement of existing rear timber windows with UPVC windows	Tiverton 52
14.01.2016	16.03.2016 Grant permission	16/00085/FULL	Mr Geoff Yeandle Land and Buildings at NGR 286505 104927 (Dovers Linhay) Cheriton	Cheriton Fitzpaine 12

			Fitzpaine Construction of a driveway and installation of bio treatment plant and drainage connections	
14.01.2016	10.03.2016 Grant permission	16/00094/FULL	Mr W Elworthy Land and Buildings at NGR 300628 106008 (Colebrook Court) Colebrooke Lane Rebuilding of existing stone wall and widening of vehicular access to improve visibility	Cullompton 21
14.01.2016	14.03.2016 Grant permission	16/00095/LBC	Mrs R Tidball Flat 4 19 St Peter Street Listed Building Consent for installation of 3 replacement windows and rebuilding of arch above window on East elevation	Tiverton 52
14.01.2016	17.03.2016 Grant permission	16/00096/HOUSE	Mr G Gent Reeve Castle Bow Erection of extension and railings following removal of conservatory and railings	Zeal Monachorum 61
14.01.2016	10.03.2016 Grant permission	16/00098/FULL	Mr A Tidball Garages and Forecourt at NGR 295441 112677 St Peter Street Application to demolish 8 garages/stores and partial demolition of block wall to 1440mm, within a Conservation Area	Tiverton 52
14.01.2016	17.03.2016 Grant permission	16/00099/LBC	Mr G Gent Reeve Castle Bow Listed Building Consent for the	Zeal Monachorum 61

			erection of extension and railings following removal of conservatory and railings	
18.01.2016	23.03.2016 Permitted with Conditions to Discharge	16/00107/FULL	Mr N Yeo, C/O Mr A Holloway 30 Canal Hill Tiverton Erection of a 3 bed dwelling with car port	Tiverton 52
18.01.2016	23.03.2016 Refuse permission	16/00113/FULL	Mr D Venn Scotland Farm Hemyock Removal of condition 8 of planning permission 02/01190/FULL relating to agricultural tie	Hemyock 26
18.01.2016	11.03.2016 Grant permission	16/00114/FULL	Mr J Halton Milestones (Blundell's Preparatory School) Blundells Road Installation of replacement windows 1- 12 on south elevation	Tiverton 52
18.01.2016	16.03.2016 Grant permission	16/00118/FULL	Mr K & Mrs J Fenlon Lambarene Thorverton Erection of dwelling following demolition of bungalow	Silverton 45
19.01.2016	14.03.2016 Application Part Granted/Part Refused	16/00115/TPO	Mrs V Kenshole 6 Blenheim Court Willand Application to reduce crown by 1.5 metres and remove two branches of 1 Oak tree protected by Tree Preservation Order 97/00008/TPO	Willand 59
19.01.2016	15.03.2016 Grant permission	16/00117/FULL	Mr T Ellicott Land at NGR 295591 124546 Moor Farm	Morebath 36

			Erection of an agricultural building for livestock and feedstuff storage (Revised scheme)	
19.01.2016	25.02.2016 Grant permission	16/00122/CLP	Royal Mail Group Royal Mail Sorting Office Hawkins Way Certificate of lawfulness for the proposed replacement of chainlink fence with new pedestrian access gate and extension of pavement to yard	Crediton Town 18
20.01.2016	14.03.2016 Grant permission	16/00123/FULL	Mr J Crang Land and Building at NGR 291513 106233 Merryfield Hayes Erection of a general purpose agricultural building	Cadbury 08
20.01.2016	16.03.2016 Grant permission	16/00125/HOUSE	Mr & Mrs A Osman Post Cottage Clayhanger Erection of single storey rear extension after demolition of existing lean-to extension and raising of small part of main roof	Clayhanger 14
21.01.2016	16.03.2016 Approval of Prior Approval	16/00141/PNCOU	Mr Eric Rodd Mid-Devon Fulfilling Lives 2 Bank Place Chambers Prior Notification for the change of use of office (Use Class B1) to 2 flats (Use Class C3) under Class O	Crediton Town 18
22.01.2016	17.03.2016 Grant permission	16/00130/FULL	Mr S Taylor 1 Cedar Court Lowman Way Change of use of ground floor office (Use Class B1a) to showroom (Use	Tiverton 52

			Class A1)	
22.01.2016	26.02.2016 Development Acceptance	16/00132/PNHH	Mr Shane Kiff 21 Webbers Way Tiverton Prior Notification for the erection of a householder extension extending 4.4m to the rear, to a maximum height of 3m, and to a maximum eaves height of 3m	Tiverton 52
22.01.2016	17.03.2016 Grant permission	16/00133/FULL	Mr & Mrs C Ward Old School House Blackborough Erection of single storey side extension following removal of conservatory	Kentisbeare 32
22.01.2016	22.03.2016 Grant permission	16/00135/FULL	Mr & Mrs Down Land and Building at NGR 303018 106493 Upton Erection of a building to be used in association with existing D2 use for weddings	Cullompton 21
22.01.2016	22.03.2016 Permitted with Conditions to Discharge	16/00143/FULL	Mr M Parrett Land and Buildings at NGR 306869 110523 (Southill Barton) Conversion of an agricultural barn to dwelling and change of use of minor agricultural barns to outbuildings to be used in connection with the dwelling	Uffculme 53
25.01.2016	02.03.2016 Withdrawn	16/00138/FULL	Mr T Berks Annexe 32 Bouchier Close Removal of condition 3 of planning permission 08/00325/FULL to allow the annexe to be used for letting	Bampton 01

			purposes	
25.01.2016	17.03.2016 Grant permission	16/00139/HOUSE	Mr R B Purrington 6 Clarke Close Uffculme Erection of conservatory	Uffculme 53
25.01.2016	24.03.2016 Permitted with Conditions to Discharge	16/00144/FULL	Mr Eric Rodd Mid-Devon Fulfilling Lives 1 Bank Place Chambers Change of Use of former Day Care Centre into 2 flats	Crediton Town 18
25.01.2016	23.03.2016 Refuse permission	16/00146/CLU	Mr Norris Land and Buildings at NGR 308449 109615 (Halsbeer Farm) Blackborough Certificate of Lawfulness for existing use of a structure as residential dwelling for a period in excess of 10 years	Kentisbeare 32
25.01.2016	23.03.2016 Grant permission	16/00149/LBC	Mr & Mrs Moody Batelease Farm Wembworthy Listed Building Consent for the erection of two storey extension and erection of garden studio	Brushford 05
25.01.2016	09.03.2016 No Objection	16/00154/CAT	Mr P Fairclough Mellow Thatch Church Street Notification of intention to remove a group of multi-stemmed Cyress trees to ground level within the Conservation Area	Morchard Bishop 35
26.01.2016	21.03.2016 Refusal of Prior	16/00151/PNCOU	Mr M Palfrey Land at NGR 279624 97865 (South	Crediton Hamlets 19

	Approval		Hill Farm) Yeoford Prior notification for the change of use of an agricultural building to 2 dwellings under Class Q	
26.01.2016	10.03.2016 Grant permission	16/00162/CLU	Mr T Bentley Land and Building at NGR 276183 100034 (Redhill Thatch) Colebrooke Certificate of Lawfulness for the existing use of access and hardstanding for the parking of vehicles and change of use of land to domestic garden for a period in excess of 10 years	Colebrooke 17
27.01.2016	23.03.2016 Permitted with Conditions to Discharge	16/00148/HOUSE	Mr & Mrs Moody Batelease Farm Wembworthy Erection of two storey extension and erection of garden studio	Brushford 05
27.01.2016	18.03.2016 Grant permission	16/00163/CLP	Mr P Hyde 114 & 115 St Andrews Estate Cullompton Certificate of lawfulness for the proposed conversion of 2 dwellings to form 1 dwelling	Cullompton 21
27.01.2016	22.03.2016 Grant permission	16/00164/HOUSE	Mr & Mrs J Thomas 22 Turnpike Sampford Peverell Erection of first floor extension, conversion of existing garage & sun lounge with alterations to roof	Sampford Peverell 42
27.01.2016	17.03.2016 Grant permission	16/00165/HOUSE	Mr & Mrs A Barritt 15 Hawthorne Road Tiverton Erection of two-storey rear extension and single storey side extension	Tiverton 52

28.01.2016	01.03.2016 Grant permission	16/00168/HOUSE	Mrs C Armstrong 19 St Georges View Cullompton Erection of a two storey extension	Cullompton 21
29.01.2016	14.03.2016 Approval of Prior Approval	16/00158/PNCOU	Mr Greene Land at NGR 305811 116156 (Track Opp. Ebear Farm) Prior notification for the change of use of agricultural building to dwelling under class Q	Burlescombe 06
01.02.2016	09.03.2016 Grant permission	16/00173/HOUSE	Mr Graham Pitts 4 Queens Park Shobrooke Erection of a conservatory	Shobrooke 44
01.02.2016	21.03.2016 Withdrawn	16/00178/FULL	Mr & Mrs D Roughton Lawrence's Hair Salon 3A Exeter Road Change of use of hairdressing salon (Class A1) to studio flat (Class C3)	Silverton 45
01.02.2016	11.03.2016 Grant permission	16/00181/HOUSE	Mrs B Knight 12 Goldfinch Grove Cullompton Erection of extension to replace existing conservatory and creation of window in side elevation	Cullompton 21
01.02.2016	23.03.2016 Grant permission	16/00183/HOUSE	Mr Paul Daley 42 Station Road Hemyock Erection of an extension, porch, installation of 2 dormer windows, and increasing the size of the existing vehicle splay (Revised Scheme)	Hemyock 26
01.02.2016	23.03.2016 Grant permission	16/00185/FULL	Mr R Peck Serstone Farm Down St Mary	Zeal Monachorum 61

			Change of use of residential garden for siting of a Barrel Top Wagon caravan for use as holiday accommodation	
02.02.2016	23.03.2016 Refuse permission	16/00187/LBC	Mrs Susan Searle The Oak Room 2C St Peter Street Listed Building Consent for the removal of 9 side pews	Tiverton 52
02.02.2016	22.03.2016 Grant permission	16/00188/HOUSE	Mr T & Mrs C Carden Waters Edge Mutterstock Erection of single storey extension	Cullompton 21
02.02.2016	18.03.2016 Permitted with Conditions to Discharge	16/00189/HOUSE	Mr & Mrs M Donald Uplowman House Uplowman Installation of a swimming pool in walled garden following removal of existing swimming pool	Uplowman 54
02.02.2016	16.03.2016 Grant permission	16/00191/LBC	Mr John Hayman Heathcoat Fabrics West-Exe North Listed Building Consent for demolition of 2 buildings	Tiverton 52
03.02.2016	29.02.2016 No Objection	16/00195/CAT	Mr Matthews Steps Cottage Pound Hill Notification of intention to reduce 1 Goat Willow by 3 metres and 1 Holly tree by 2 metres within the Conservation Area	Holcombe Rogus 29
04.02.2016	14.03.2016 Permitted with Conditions to Discharge	16/00194/HOUSE	Ms D Trim Copperhaven 3 St George's Well Formation of access and provision of hardstanding for the parking of	Cullompton 21

			vehicles	
05.02.2016	17.03.2016 Grant permission	16/00205/FULL	Mr M Retter Land and Buildings at NGR 305452 109703 (Home Farm) Bradfield Erection of extension to existing agricultural storage shed	Uffculme 53
08.02.2016	29.02.2016 No Objection	16/00206/CAT	Mr C Arnold The Mount Chapel Hill / Notification of intention to reduce a row of Leylandii by 50% within the Conservation Area	Uffculme 53
09.02.2016	15.03.2016 Grant permission	16/00214/CLP	Mr & Mrs R Blatchford 74 Belmont Road Tiverton Certificate of Lawfulness for installation of dormer windows and rooflights to form additional living accommodation in existing loft space	Tiverton 52
09.02.2016	23.03.2016 Grant permission	16/00218/CLU	Mrs Rebecca Nash Hillcrest Stoodleigh Certificate of lawfulness for the existing dwelling built not in accordance with the approved plans of Planning Permissions EN.10371/X and EN.1037/Y/1 for a period in excess of 4 years.	Stoodleigh 48
09.02.2016	23.03.2016 Grant permission	16/00223/HOUSE	Mr M Glover Millway Cottage Tiverton Road Raising roof line and ground floor ceiling to obtain extra height on ground floor and alterations to opening on front elevation	Bampton 01

15.02.2016	17.03.2016 Refuse permission	16/00245/TPO	Mr Marrow 3 Portway Gardens Willand Old Village Application to reduce northern leader by 3m, reduce northern side of tree by 1.5m and crown raise to give 3m clearance above ground of 1 Cedar tree protected by Tree Preservation Order 08/00003/TPO	Willand 59
15.02.2016	22.03.2016 Permitted with Conditions to Discharge	16/00246/HOUSE	Mr R Emerson Dove Cottage Hemyock Road Erection of garden shed/studio	Culmstock 22
15.02.2016	16.03.2016 No Objection	16/00247/CAT	Mr T Howells St Bartholomews Churchyard Cadeleigh Notification of intention to fell 1 Ash, 1 Sycamore, 1 Wych Elm and 5 Birch trees within the Conservation Area	Cadeleigh 09
17.02.2016	23.03.2016 Withdrawn	16/00260/FULL	Mr M Bamforth 21 Dukes Orchard Bradninch Alterations and extension to existing track to allow for residential access	Bradninch 04
18.02.2016	10.03.2016 No Objection	16/00263/CAT	Mrs Seeley The Cider House Holcombe Rogus Notification of intention to carry out works to trees within a Conservation Area	Holcombe Rogus 29
18.02.2016	14.03.2016 Development Acceptance	16/00269/PNAG	Mr D Parish Land and Buildings at NGR 304651 113205 (Mountstephen Farm)	Halberton 25

			Uffculme Prior notification for the erection of an agricultural storage building	
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Background Papers: Contained in application files referred to.

Major Applications with no Decision

Members are asked to note that some major applications will be dealt with under the delegation scheme. Members are also requested to direct any questions about these applications to the relevant case officer. It was resolved at the meeting of Planning Committee on 20th February 2013 that any ground mounted solar PV schemes recommended for approval will be brought to Planning Committee for determination.

Item No.	Weeks	TARGET DATE	REFVAL	PROPOSAL	LOCATION	NAME	Expected Decision Level	
							Delegated	Committee
1	1	09/06/2016	16/00352/MFUL	Construction of a new two storey school on existing school grounds, with associated landscaping works and demolition of existing school buildings	Castle Primary School Barrington Street Tiverton Devon EX16 6QR	Mr Kristian Evely	DEL	
2	6	05/05/2016	16/00015/MFUL	Erection of an 83 bedroom 'Premier Inn' hotel and integral restaurant with associated access and landscaping, including partial demolition of multi-storey car park	Multi Storey Car Park Phoenix Lane Tiverton Devon	Miss Lucy Hodgson	COMM	COMM
3	8	26/04/2016	16/00101/MFUL	Change of use of land from agricultural to children's education adventure trail facility with all associated play structures and parking	Land at NGR 301873 104192 (Land Opposite The Merry Harriers Inn) Bradninch Devon	Miss Lucy Hodgson	DEL	
4	14	10/03/2016	15/01822/MFUL	Erection of 45 Extracare apartments and provision of associated communal facilities, car parking and landscaping, renovation of Alexandra Lodge following demolition of former stable block and extensions	Alexandra Lodge 5 Old Road Tiverton Devon EX16 4HQ	Miss Lucy Hodgson	COMM	COMM
5	19	25/02/2016	15/01604/MFUL	Erection of 5 poultry units (5040 sq. m) and biomass boiler unit; formation of attenuation pond, access track, and hardstanding; landscaping; and associated infrastructure	Land at NGR 288027 116786 (Gibbett Moor Farm) Templeton Devon	Mr Kristian Evely	COMM	COMM
6	35	16/10/2015	15/01034/MFUL	Erection of a 500kW anaerobic digester and associated works with 2 silage clamps. Revised Scheme to include the change of orientation of the layout and installation of 2 driers	Land at NGR 299621 112764 (Red Linhay) Crown Hill Halberton Devon	Mr Daniel Rance	COMM	COMM
7	85	04/11/2014	14/01332/MOUT	Outline for a mixed use development comprising of a primary school and pre-school with ancillary facilities including sports pitch and parking and turning area; erection of up to 25 dwellings with parking and open space	Land at NGR 288080 098230 East of Station Road Newton St Cyres Devon	Mr Simon Trafford	COMM	COMM

<i>Item No.</i>	<i>Weeks</i>	<i>TARGET DATE</i>	<i>REFVAL</i>	<i>PROPOSAL</i>	<i>LOCATION</i>	<i>NAME</i>	<i>Expected Decision Level</i>	
							<i>Delegated</i>	<i>Committee</i>
8	93	24/09/2014	14/00881/MOUT	Outline for a mixed use development comprising up to 700 dwellings, 22,000 square metres of B1/B8 employment land, care home, primary school and neighbourhood centre with associated access including a left in left out junction on the westbound A361 and access and egress onto Blundells Road	Land East of Tiverton, South of A361, and Both North and South of Blundells Road Uplowman Road Tiverton Devon	Mr Simon Trafford	COMM	COMM
9	99	28/07/2014	14/00604/MFUL	Erection of care home and 12 apartments with associated access, parking and landscaping, following demolition of existing hospital buildings (Revised Scheme)	Post Hill Nursing Home 36 Post Hill Tiverton Devon EX16 4ND	Miss Lucy Hodgson	COMM	COMM
10	153	16/07/2013	13/00525/MFUL	Application to replace extant planning permission 09/01870/MFUL (to extend time limit). A mixed development of 13 open market eco-houses and 6 affordable eco-houses; new access and estate road; additional car parking facilities for the Village Hall; closure of the existing Parish Hall Car Park entrance; provision of a children's play area for the Parish Hall; highway improvements to Fanny's Lane; footpath link to Snows and Meadowside Road (Revised Scheme)	Land at NGR 282973 102485 (East of Oxford Terrace) Fanny's Lane Sandford Devon	Mr Simon Trafford	COMM	COMM

LIST OF APPEAL DECISIONS FROM 26 FEBRUARY to 23 MARCH 2016

Application No	Description	Location	Officer Recommendation	Committee or Delegated	Decision	Appeal Type	Inspector Decision
14/01915/FULL	Variation of Condition 10 of Planning Permission 14/00575/MFUL to allow for the erection of an Anaerobic Digestion (1,000Kw installed capacity) Facility	Land at NGR 283096 113579 (Menchine Farm) Nomansland Devon	Refuse permission	Committee Decision		Informal Hearing	Appeal Dismissed

Summary of Inspectors Comments

Planning permission was granted for the AD plant to operate from the site at Menchine Farm back in 2103, when an appeal to the Secretary of State was positively determined on the basis that the plant would operate using some 3,000 tonnes of poultry litter and 6,545 tonnes of maize/grass silage as the feedstock. This was all to be transported from within a 6km radius of Menchine Farm and would allow an output of up to 500kW using a single Combined Heat and Power unit (CHP).

A subsequent application to remove the operating restriction was applied for in November 2014, and which was appealed by the applicant following after 13 weeks. The effect of this change would have been to increase the traffic movements associated with the operation, and had the application remained under the jurisdiction of the LPA it would have been refused for the following reason:

In the opinion of the Local Planning Authority it is considered that there is insufficient information available to be able to accurately predict, and subsequently control, the likely increase in movements on the highway that would arise, and the nature of the vehicles involved in the transportation process to and from the application site, and how it would affect the environmental amenity of near properties and the local environment (in terms of noise, congestion and general disturbance). On this basis the application proposals are considered to be contrary to policies: DM1, DM2, DM5 and DM7 of Mid Devon Local Plan Part 3 (Development Management Policies).

In determining not to grant planning permission the Inspector reached the following conclusions:

13. The appellant's main argument is that the use of larger load sizes would enable the larger output to be achieved without significant additional traffic movements over and above those considered in the 2013 appeal, notwithstanding that no consideration is given to the local amenity impact of using larger load sizes. Regardless, the appropriate comparison, in my view is with the current operation, the true impact of which will not be evident until the required crop rotations enable the plant feedstock to be sourced from within the 6km radius zone. The 6km zone is also proposed to be used for the larger requirement, and the efficiency requirements required to keep the additional feedstock requirements to the projected 68.67% are no more than theoretical at this stage. Given that the larger load sizes are already in use, the addition feedstock requirement, and resultant digestate spreading, is likely to result in a proportionate increase in traffic movements on the rural lanes throughout the 6km zone. Failure to achieve the projected plant efficiency could result in up to a doubling of traffic by comparison with the current operation. Either scenario has the potential to significantly adversely affect local residential amenity in terms of noise and disturbance.

14. From the evidence before me I am not satisfied that I could reasonably conclude that no such harm would arise. As such, varying the condition as proposed would conflict with policies DM1, DM2, DM5 and DM7 of the Mid-Devon Local Plan Part 3 Development Management Policies (LP). LP Policy DM5 promotes renewable and low carbon energy, and the promotion of renewable energy projects and tackling the effects of climate change are key Government objectives. However, as LP Policy DM5 makes clear, adverse impacts must be satisfactorily addressed. In my view the appeal proposal does not adequately address the potential for harm to local amenity.

PLANNING COMMITTEE
6th April 2016

REPORT OF JENNY CLIFFORD, THE HEAD OF PLANNING AND REGENERATION

15/01034/MFUL - ERECTION OF A 500KW ANAEROBIC DIGESTER AND ASSOCIATED WORKS WITH 2 SILAGE CLAMPS. REVISED SCHEME TO INCLUDE THE CHANGE OF ORIENTATION OF THE LAYOUT AND INSTALLATION OF 2 DRIERS - LAND AT NGR 299621 112764 (RED LINHAY) CROWN HILL HALBERTON

Section 1: Consideration of planning application 15/01034/FULL.

Description of Development:

The proposed development is for a revised scheme 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 was a pasture field which formed 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. Works have already commenced on site and this application is to regularise those works. It follows a previous planning permission for an AD plant in this location under application 13/01605/MFUL.

The proposed site covers an area of 1.23 Hectares including a bund and planting area of 0.3 hectares. It is some 0.32ha larger than the approved scheme 13/01605/MFUL with most of the additional site area being taken up with the additional planting and bund to the site, which will assist with screening and protection of the nearby Grand Western Canal. The report on the application considered at Planning Committee on 13th January 2016 set out a schedule of both the components of the approved scheme and that of the current application together with a summary of the changes. The extent of changes between the approved scheme and that currently under consideration are:

1. The site has increased in size from 0.91 hectares to 1.23 hectares the majority of the area is the increase to the length of the silage units and a larger bunded area. The site now extends further to the South/South-east by 36 metres to the internal base of the bund and 46 metres to the outside edge of the bund and is therefore closer to the Grand Western Canal.
2. The main AD structures have re-aligned to a north south axis from an east west axis.
3. The silage clamps have reduced in number from 4 to 2 but have reduced in size and capacity from 7844 cubic metres to 7200 cubic metres a reduction of 644 cubic metres.

4. Re-location of the digester tank to the site directly to the south of the AD unit which is located in approximately the same point as the previous approval 13/01605/FULL.
5. The digester tank is slightly larger an increase from 3409 cubic metres to 3927 cubic metres an increase of 518 cubic metres.
6. Buffer tank is 1m higher than the approved size.
7. CHP unit is 1.5m longer and 0.4m wider, but of the same height.
8. Additional structures are Control Building, Gas compressor building, Transformer HV and LV, Office Building, 2 x Dryers.
9. Additional Information Submitted Historic Environment site assessment, Landscape response (East Devon), Ground water Vulnerability Plan, additional Noise Assessment Document.

This application seeks to make internal layout changes of the site to part facilitate the movement of vehicles and to be able to incorporate the earth bund, an element which the Environment Agency look to see included.

The site comprises of part of a field located adjacent to Crown Hill a County Highway and at its closest point, the site is approximately 20m to the west of the Grand Western Canal. The land is gently sloping, broadly down from north to south. The field is enclosed by hedgerows to the north, east and west of the site with sporadic trees. The closest residential property to the site is at 'Crown Hill Timber' which is 33m away to the north of the entrance to the site. Other properties within close proximity are Lisieux, Badgers Holt (65 and 80m respectively from the closest edge of the site [tree planting area]). Other properties Beech Cottage, Osterley and Green Gates are screened by the first two properties but are all between 100 and 125m from the nearest point of the site (the planting area around the Bund).

Part of the land is currently still in agriculture with the main core subject to development of the AD Plant.

The site is proposed to be laid out in accordance with the plans submitted under this application.

Existing boundary hedgerows and trees are proposed for retention with new native trees proposed to be planted in the area to the east and south east of the site closest to the Grand Western Canal and a new native hedgerow planted to the north western boundary of the site. It is considered that the inclusion of tree planting to the south west is not required due to the topography of the land.

The area of ground proposed to be covered by the AD Plant and associated infrastructure totals approximately 0.93 hectares of the site area with the remainder of the site being the bund and planting scheme.

REASON FOR REPORT:

At the meeting on 13th January 2016, Members resolved as follows:

RESOLVED that Members were minded to refuse the application and therefore wished to defer the decision to allow for a report to be received setting out:

a) the implications of the proposed reasons for refusal based on concerns regarding landscape and visual impact, the impact on the character and appearance on the Grand Western Canal conservation area, the impact on residential amenity and whether the transport plan was up to date, accurate and could be relied upon.

b) Potential enforcement action.

This report seeks to review potential reasons for refusal as indicated.

Relationship to Corporate Plan:

The emerging corporate Plan sets out four priorities including the economy, community and the environment, upon which this application has a bearing.

Financial Implications:

The applicant may make an application for costs against the Council at appeal. Such costs claims are made by demonstrating that there has been unreasonable behaviour that has led to unnecessary expense. The Council must be in a position to defend and substantiate each of its reason for refusal.

Legal Implications:

Planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise. The starting point for decision making is therefore the policies within the development plan.

Risk Assessment:

If Committee decide to refuse the application for reasons that cannot be sustained at appeal there is a risk of a successful appeal costs claim against the Council for reasons of unreasonable behaviour.

REASONS FOR REFUSAL AND IMPLICATIONS:

During the meeting, Members indicated that they were minded to refuse the application for the following proposed reasons:

1. Landscape and visual impact,
2. Impact upon the character and appearance on the Grand Western Canal Conservation Area.
3. Impact upon residential amenity
4. Whether the transport plan was up to date, accurate and could be relied upon.

Suggested wording for reasons for refusal

Your officers suggest the following wording for the reasons for refusal:

1. In the opinion of the Local Planning Authority, due to the scale and siting of the proposed Anaerobic Digester installation, the development is considered to have a harmful effect on the rural landscape character and visual amenities of the area including when viewed from public vantage points on local roads, public footpaths including the Grand Western Canal and it has not been

demonstrated that this harm could be satisfactorily mitigated. The application is considered to be contrary to policies COR2 and COR5 of the Mid Devon Core Strategy 2007 (Local Plan Part 1), DM2, DM5 and DM22 of the Local Plan 3 Development Management Policies and the National Planning Policy Framework.

2. The proposed development is located in close proximity to the Grand Western Canal Conservation Area. It is the opinion of the Local Planning Authority that if granted it would unacceptably detract from significance of the Conservation Area (a designated heritage asset) in terms of its character and appearance. Accordingly it is considered contrary to policies COR2 and COR5 of the Mid Devon Core Strategy 2007 (Local Plan Part 1), DM2, DM5, DM22 and DM27 of the Local Plan 3 Development Management Policies and the National Planning Policy Framework.
3. In the opinion of the Local Planning Authority, due to the proximity of neighbouring dwellings it is considered that the proposed development will have an unacceptably negative impact on the amenity of the occupiers of these neighbouring properties due to odours and noise associated with the development and running of the plant. The application is considered to be contrary to policies COR2 and COR5 of the Mid Devon Core Strategy 2007 (Local Plan Part 1), DM2, DM5, DM7 and DM22 of the Local Plan 3 Development Management Policies and the National Planning Policy Framework.
- 4a. The submitted transport statement is not considered sufficiently up to date and does not address traffic generation associated with the newly erected livestock building on the farm holding. It is the view of the Local Planning Authority that this will impact on the ability of the Anaerobic Digester installation to be able to adequately function without additional and unacceptable traffic generation to the detriment of local amenities and character, contrary to policies COR2 and COR5 of the Mid Devon Core Strategy 2007 (Local Plan Part 1), policies DM2, DM5 and DM22 of the Local Plan Part 3 Development Management Policies and the National Planning Policy Framework.

OR

- 4b. It is the view of the Local Planning Authority that it has not been satisfactorily demonstrated that the proposed Anaerobic Digester when considered in conjunction with other approved development for livestock buildings, will not result in additional and unacceptable traffic generation to the detriment of local amenities and character, contrary to policies COR2 and COR5 of the Mid Devon Core Strategy 2007 (Local Plan Part 1), policies DM2, DM5 and DM22 of the Local Plan Part 3 Development Management Policies and the National Planning Policy Framework.

Implications: reason for refusal 1.

Your officers identified in their report to Planning Committee on 13th January 2016 that the proposed development would cause some harm to the rural landscape character of the area when viewed from public vantage points such as local roads and public footpaths, and The Grand Western Canal, but that this harm would be limited due to the nature of the topography which provides a degree of containment in short distance views and “loses” views of the development in panoramic longer distance views.

Your officers identified a greater degree of harm to the visual amenities of private residential properties, stated in the submitted Landscape and Visual Impact Assessment to have between minor and moderate adverse effects on residents, reducing over time as views of the development become filtered by mitigation planting.

Your officers weighed this harm to the rural landscape character and visual amenities of the area against the benefits of the scheme and concluded that the balance weighed in favour of the development. In addition an AD plant has already been granted consent on the same site with substantially lower amounts of screening compared with that proposed in this application. Members are advised to consider the effects on landscape character and visual amenities for themselves and consider whether the additional mitigation measures by way of earth bunding and planting are sufficient to mitigate the landscape and visual harm. Furthermore, Members will need to be sure that harm to landscape and visual impact arising from this development will be materially greater than that associated with the approved scheme, to the extent that refusal is warranted in this case, whilst planning permission was granted for the earlier scheme.

Implications: reason for refusal 2.

Your officers identified in their report to Planning Committee on 13th January 2016 that the proposed development could cause some harm to the Grand Western Canal Conservation Area but that this harm would be limited due to the nature of the topography and natural screening which provides a degree of containment in short distance views and views from some more distant points from the Canal.

The Canal by its nature is set down in the landscape with only glimpses of the proposed from various points along the tow path. More prominent views are available on the bridge crossing the canal at Badgers Holt, but this is limited to this part of the canal, and would be only visible when crossing the bridge.

Your Conservation Officer has assessed the impact the proposal will have on the Grand Western Canal Conservation Area. Whilst the complex is quite visible from the conservation area, it is found that it is not more harmful to its setting than that previously given consent. With planting it will create ‘less than substantial harm’.

Since the previous planning approval for the AD plant the farmer has been granted planning consent for two agricultural buildings which in themselves provide an element of screening from certain parts of the Grand Western Canal.

Your officers weighed this possible harm to the Grand Western Canal against the benefits of the scheme and concluded that the balance weighed in favour of the development. In addition an AD plant has already been granted consent on the same site with substantially lower amounts of screening compared with that proposed in this application. Members are advised to consider the effects on the Grand Western Canal Conservation Area for themselves and consider whether the additional mitigation measures by way of earth bunding and planting are sufficient to alleviate the visual harm. Furthermore, Members will need to be sure that harm to the Grand Western Canal Conservation Area arising from this development will be materially greater than that associated with the approved scheme, to the extent that refusal is warranted in this case, whilst planning permission was granted for the earlier scheme.

Implications: reason for refusal 3.

Your officers identified in their report to Planning Committee on 13th January 2016 that the proposed development would cause some harm to local residents with regard to noise and odour. Likely sources of noise were identified as related traffic movements from construction and operational phases, the unloading of materials on site, the running of the combined heat and power unit, the running of the driers and the pumping of digestate to land.

Your officers weighed this harm against the information provided with regard to:

- a) Noise levels associated with the development of the scheme and the subsequent servicing of the proposed AD plant has been scrutinised by the Environmental Health Officer who is, following the additional noise information submitted, content that noise levels at nearby receptors can be maintained at a level of 22dB (LA90 15min).
- b) Odour associated with the development have been considered by your officers and it is considered that as the system is a closed system and the only storage within the silage clamps will be crops and dry digestate from the on-site activity, there will be no increase in odours over and above what would normally be associated with farming activities. It is therefore considered that all aspects of the AD process and management of the operation adequately address concerns relating to odour raised by respondents. In the appeal APP/T4210/A14/2224754 (AD Plant) odour control forms part of the Environment Agency's regulatory responsibility.

Your officers (including advice from Environmental Health) concluded in their report that the majority of the noise would be temporary and infrequent and much of its source is from common agricultural practice, it is not considered to be likely to cause a statutory nuisance or impact upon the amenities of the occupiers of nearby dwellings such as to warrant a reason for refusal.

Odour associated with the AD plant will be dealt with under the control measures via the Environment Agency permitting regime. The appeal Inspector for the Edgeworthy AD plant proposal considered such control measures were adequate to protect

against unacceptable odour emission associated with the development and therefore to meet policy requirements within DM7 and DM22 of the Local Plan Part 3. The Fletcher Bank called in appeal on an AD plant also gives guidance on the approach to odour: whilst considered by the Inspector, he too concluded that the appropriate control was through the Environment Agency's consenting regime and that it was therefore not a material planning consideration unless residual odour would be unacceptable in planning terms.

In this instance Environmental Health's advice is that adequate control measures are in place to address odour. Members are advised that given the separate requirements under the Environmental Health consenting regime, in order for a refusal on odour grounds to hold up, the Local Planning Authority will need to be in a position to clearly demonstrate that the development will lead to unacceptable residual odour having taken into account all the proposed mitigation measures. Furthermore the Council would need to clearly demonstrate in terms of both noise and odour why the current proposal is unacceptable when the earlier scheme under application 13/01605/MFUL was acceptable.

Your officers conclude that whilst the site may have changed in its orientation along with the inclusion of additional buildings associated with the site and off the site, they do not consider these changes to be so harmful and or have a detrimental impact on the noise and odour management associated with this application as to form a reason for refusal. Members are advised to consider the degree of impact likely to be experienced, and weigh this against the benefits of the scheme.

Implications: reason for refusal 4.

The present Transport Statement associated with this application was first undertaken in October 2013 for the initial application 13/01605/MFUL. This application was subsequently approved by the Planning Committee.

The same Transport statement was utilised for this application. It is apparent the same details have been used and plans within the document are clearly associated with the previous application. The plans do not change the detail of the movements associated with the new proposal.

The Transport Statement submitted with the application did not make any reference to the new livestock building which was granted consent under 15/00382/Full. The building had only recently been granted consent at the time of the submission. Although the building takes away a small area of land (889sqm), it is considered that this is not such a material amount of land as to impact on the transport movements of the AD plant. Members were concerned that the livestock buildings had not been taken into account in traffic generation figures and indicated that they were minded to refuse on this basis. Draft reason for refusal 4a addresses these concerns.

However, since Planning Committee's consideration of the application at the meeting of 13th January 2016, the applicant has submitted an addendum to the transport statement within which the effect of the two livestock buildings at Red Linhay is assessed. The addendum report sets out that of the 71 cattle to be kept within the two livestock buildings at Red Linhay, only 31 will require grazing of the adjacent

land. The rest are intensive beef cattle which are housed in the buildings and not grazed at any time of the year. Winter feed and all year feed is imported in from other parts of the farm (historically already happening).

The report sets out that 20 acres of land will be needed for grazing of these 31 cattle over the year, but that this 20 acres can be mitigated against by including a further 26 acres of land at Hartnoll Farm within the area proposed to be cropped as AD feedstock. The 26 acres is located to the west of Manley Lane and to the north of the Grand Western Canal. The 31.1 tractor/trailer loads from this 26ha area of crops can be delivered to the AD site via a farm track instead of using public roads. The report concludes that there will be no impact upon the submitted number of road movements generated to the AD Plant as a result of the introduction of the agricultural livestock buildings.

This 26 acres of land straddles the former railway line. The part to the north lies within an area allocated for development within the Tiverton Eastern Urban Extension, although shown in the adopted masterplan as landscape/green infrastructure. The part of the land to the south of the former railway land is identified in policy as forming part of the green infrastructure area associated with the urban extension. A further masterplanning exercise for this part of the urban extension site (known as Area B) has yet to be completed. Whilst none of the 26 acres is therefore currently identified for development within the adopted masterplan, this has yet to be finally established via a further masterplanning exercise. Therefore in the longer term, the continued availability of this land to crop for the AD plant has not been finally established.

In the event Members feel there is sufficient uncertainty about the future availability of this land parcel at Manley Lane, they will need to then consider if an additional 31.1 tractor and trailer loads bringing feedstock to the AD plant on the roads (from an alternative site) is significant, will cause unacceptable impacts and is defensible as a reason for refusal.

Your officers concluded in their report that there would be no material change to the transport movements associated with this application and that of the previously approved application for the same sized AD Plant. Your officers concluded that whilst the site may have changed in its orientation along with the inclusion of additional buildings associated with the site and off site, they do not consider these changes to be so harmful and or to have such a detrimental impact on the highway network over and above the stated traffic movements for the approved AD plant, such as to justify refusal.

Members are advised to consider the degree of impact likely to be experienced, and weigh this against the benefits of the scheme as for reason for refusal 1. To make a case for refusal on this basis Members will also need to demonstrate the difference in traffic generation and impact between the previously approved scheme and that now being considered. A case would need to be made that any difference was significant and would lead to unacceptable impact. In the event that Members wish to refuse on this basis, draft reason 4b has been prepared.

Conclusions

The proposed re-orientation of the AD Plant and associated buildings will provide the Authority, public and immediate area with a scheme which delivers greater controls through the implementation of more stringent planning conditions, increased planted screening, along with the provision of an earth bund between the site and the Grand Western Canal, to that of the existing approved AD Plant under 13/01605/MFUL which was found acceptable. Members will need to weigh any additional impacts associated with the current application compared with that granted and balance them against the greater controls and mitigation referred to above.

In order to refuse planning permission Members will need to clearly demonstrate, with evidence, that:

1. there are additional impacts resulting from the current scheme over and above that approved;
2. that they are significant and would be unacceptable; and
3. that they outweigh the additional controls and mitigation measures proposed within the current scheme and within draft conditions.

This would need to be demonstrated for each reason for refusal. Expert evidence would be required to substantiate such a position. At this time, preliminary expert views are not available.

Should Members still be minded to refuse the application contrary to officer recommendation, Members may wish to concentrate upon reason 1. Members should consider very carefully refusing the application for the further reasons as set out in draft reasons 2, 3 and 4.

Section 2: Consideration of options for enforcement action.

Members are asked to note that this section of the report is only relevant if planning permission for application 15/01034/MFUL is refused.

It should be noted that the assessment of enforcement options as set out in this report has been informed by Counsel's opinion. Counsel was asked to clarify whether the applicant has a fall-back position in terms of whether they are able to implement the original planning permission for the AD plant on the site and if enforcement action is proposed, the scope of that action available.

Alleged Breach:

Without an appropriate planning permission, an unauthorised development has been undertaken at Red Linhay namely the construction of a 500kW anaerobic digester and associated works with 4 silage clamps.

Recommendation:

That the Legal Services Manager be authorised to take any appropriate legal action including the service of a notice or notices, seeking the removal of the structures from the land and the reinstatement of the land back to its former use as agricultural land together with the issue of a stop notice to prohibit construction works. In the

event of any failure to comply with the notices served the additional authority to prosecute, take direct action and/or seek a court injunction.

Reasons/Material Considerations:

A planning application was submitted in 2013 ref 13/01605/MFUL for the provision of a 500kW anaerobic digester and associated works with 4 silage clamps.

The attention of officers was drawn to this site in April 2015 when pre-commencement conditions had not been discharged fully. Following correspondence, planning application 15/01034/MFUL was submitted. The Planning Officer made his site visit on the 23rd July 2015 where upon it was found that the applicant had already commenced the construction of the site in accordance with the newly submitted application rather than the 2013 approval. At the time of the site visit the officer informed the site manager that the works were unauthorised and that no further works should take place until such time as any approval or not is given. This was followed up with an e-mail to the applicant and agents. Works have therefore taken place contrary to officer advice and at the applicant's risk.

It was made clear to the owner that Planning Permission would be required for the works undertaken to date, and that formal enforcement action would be placed on hold until such time as the planning application 15/01034/MFUL was determined.

Further communication has taken place with the owner and agent concerning amendments to the proposed scheme and the provision of further planting etc. In the event that the current planning application is refused formal enforcement action must be considered. This part of the report sets out options for such action.

Human Rights and Equality Issues:

The taking of any enforcement action could be said to affect the land/property owner/occupiers human rights under the provision of Article 8 and Article 1 of the First protocol to the Human Rights Act 1998.

In this case, the owner has made a free choice to construct the anaerobic digester and ancillary structures firstly not in accordance with the 2013 approval 13/01605/MFUL and prior to the decision on application 15/01034/MFUL. The Local Planning Authority believes it is pursuing a legitimate aim in seeking compliance with the provisions of the Town and Country Planning Act 1990 as amended so as to prevent demonstrable harm to the interests of acknowledged importance and to protect the environment.

Options for action or remedy:

The list of options available is as follows:

Take no action – This would not be appropriate as it could lead to the setting of a precedent allowing the construction of structures without planning consent. To do nothing in the event that the revised scheme is found to be unacceptable would also act to undermine the planning system.

Invite a further application to grant consent to regularise the Development – If application 15/01034/MFUL is refused, it would be inappropriate to invite a further planning application for the retention of the 500kW anaerobic digester and associated works with 4 silage clamps.

Issue Enforcement Notice - This is the recommended course of action in the event of a refusal of application 15/01034/MFUL.

The works required within such a notice are informed by legal advice over the status of the original planning permission on the site and whether it is still capable of being implemented. Assessment of the case and as informed by legal advice has led to the conclusion that as the earlier permission cannot still be implemented, and there is not a fall-back position available to the applicant.

As it is the view of the Local Planning authority that the earlier planning permission cannot be implemented, an enforcement notice is able to seek removal of the structures from the land – This is the recommended course of action.

Reasons for decision:

The unauthorised development has been undertaken within the last four years. The development is contrary to policies COR2 COR5 and COR18 of the Mid Devon Core Strategy (Local Plan Part1), policies DM1, DM2, DM3, DM4, DM5, DM6, DM7, DM22, and DM27 of the Mid Devon Local Plan Part 3 (Development Management Policies) and the taking of such action would be in line with policy DM31 of the same document.

Steps required:

1. **Remove the unauthorised structures from the land as listed below in points a) to p):**
 - a) **Digester Tank 8m Height diameter 25m and dome of height 5.5m with an overall height from excavated site 13.5m**
 - b) **Buffer tank height 4m and diameter 9m**
 - c) **Control cabin 12mx 3m x 2m high**
 - d) **CHP unit building 13.5m x 3m, including any chimney max height 7m**
 - e) **Control Building 14m x 7m x 3m**
 - f) **Gas compressor building 8m x 3.5m x 3m**
 - g) **Transformer HV Switch 2.5m x 2.5m 2.4m high (If installed)**
 - h) **LV Panel structure 12m x 2.5m x 2.5m high**
 - i) **Office 13.5m x 2.5m x 2.5m high**
 - j) **Solids feeder 9m x 4m x 4m high**
 - k) **2 x dryers 43m x 6m 3.5m high**
 - l) **A separator frame and clamp 9m x 7m 5.5m high**
 - m) **Feedstock clamps 2 bays 60m x 15m x 4m partially completed**
 - n) **Hardcore and concrete yard used for the anaerobic digester plant**
 - o) **Bund**
 - p) **Any other item not listed above which has been installed associated with the anaerobic digester plant.**

2. **Reinstate land back to its former use as agricultural land.**
3. **During the course of reinstatement there is to be an archaeological watching brief [details of which to be added to the notice prior to issue following advice from DCC archaeology department].**

Period for compliance:

Six months from the date the notice comes into effect.

Issue a stop notice to prohibit construction works.

A stop notice may only be issued together with an enforcement notice. It prohibits the continuation of the specified activity and is used where the effects of the unauthorised activity (in this case the construction works) are seriously detrimental to the amenities of the area or adjoining occupiers. It does not immediately come into effect.

Compensation is payable if the enforcement notice is quashed (other than by the grant of planning permission), where it is varied or withdrawn or the stop notice is withdrawn.

If an enforcement notice is to be issued and construction works are continuing, the issue of a stop notice is a recommended course of action to control those works and safeguard local amenities.

Issue a temporary stop notice to prohibit construction works.

A temporary stop notice is valid for 28 days only and requires the breach to immediately cease. It does not require that an enforcement notice be served with it. It is intended to allow the Local Planning Authority time to consider whether to serve an enforcement notice.

Compensation may be payable if the activity has planning permission, is permitted development, if it is subsequently found to be lawful or in some circumstances if the temporary stop notice is withdrawn. It is not considered that any of these apply.

It is not recommended in this instance as this report considers enforcement options available if planning permission is refused.

Contact for any more information

Daniel Rance, Principal Planning Officer
01884 234929

Jenny Clifford, Head of Planning and
Regeneration 01884 234346

**Background Papers
File Reference**

Planning Committee 13th January 2016
15/01034/MFUL

Circulation of the Report

Cllrs Richard Chesterton
Members of the Planning Committee

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Application No. 15/01034/MFUL

Plans List No.

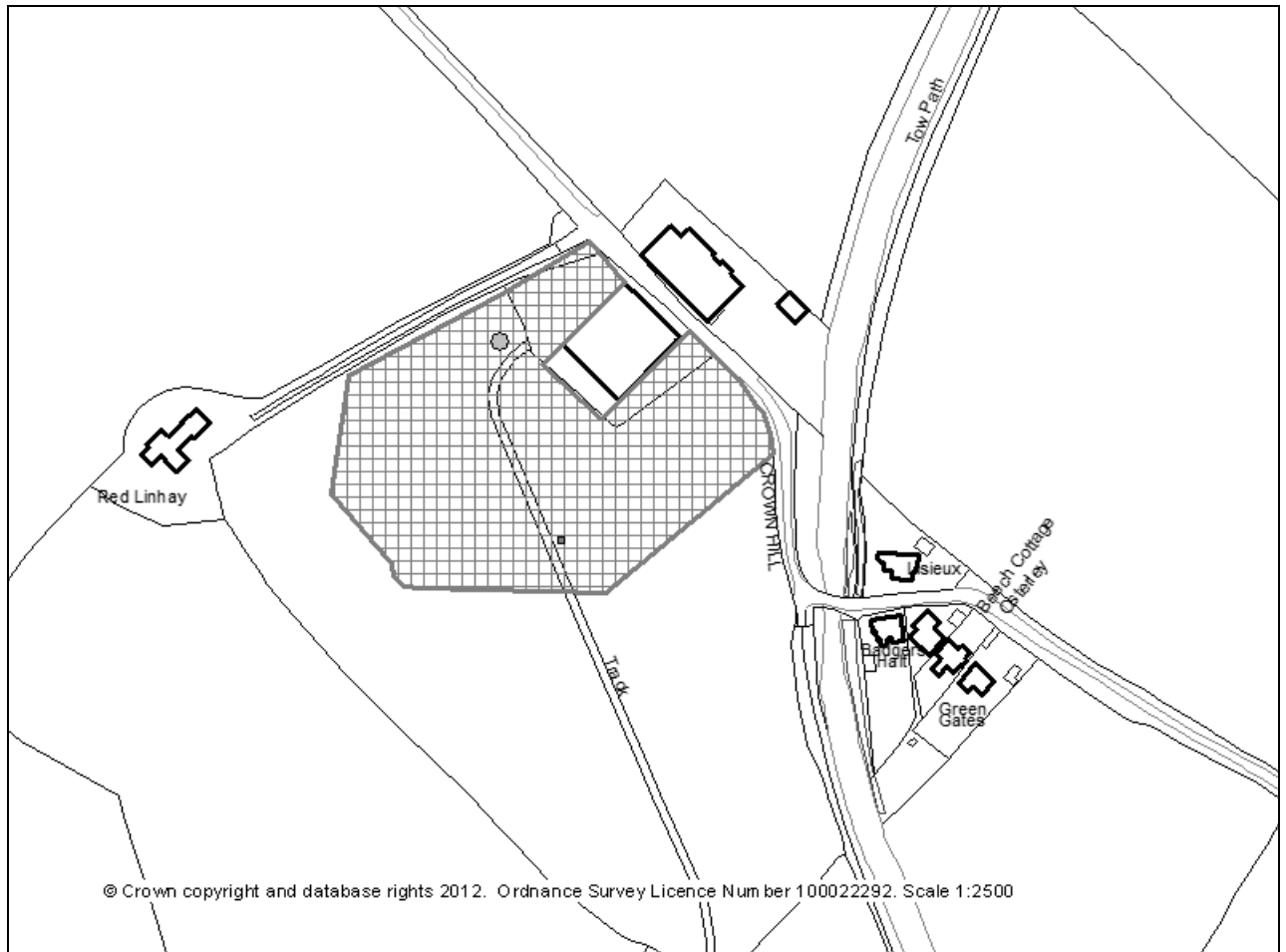
Grid Ref: 299621 : 112764

Applicant: Mr David Manley

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

Proposal: Erection of a 500kW anaerobic digester and associated works with 2 silage clamps. Revised Scheme to include the change of orientation of the layout and installation of 2 driers

Date Valid: 17th July 2015



Application No. 15/01034/MFUL

RECOMMENDATION

Grant permission subject to conditions.

PROPOSED DEVELOPMENT

The proposed development is for a revised scheme 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 was a pasture field which formed 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. Works have already commenced on site and this application is to regularise the proposed scheme following approval under 13/01605/MFUL.

The current proposal is not to consider if the principle of the AD plant is appropriate as this has been established previously, but to consider if the changes to site layout and additional items within the site which vary the current scheme from that previously approved under 13/01605/MFUL are acceptable. The scheme is essentially the same as that approved under 13/01605/MFUL. A synopsis of the changes proposed is attached as **Appendix 1**.

The AD plant comprises:

- A digester tank: height 8m, diameter 25m and capacity 3926 cubic metres with a gas collection dome above of height 5.5m. overall height from excavated site is 13.5m
- A digestate storage tank: height 8m, diameter 25m and capacity of 3926 cubic metres.
- A buffer tank: height 4m and diameter 9m.
- A control cabin housing the control panels for the anaerobic digester: 12 long, 3m wide and 2m high
- 1 x CHP unit (combined heat and power unit): 13.5m long and 3 m wide contained in an acoustic box including a chimney of 7m
- Control building 14m long x 7m wide x 3m high
- Gas compressor building 8m x 3.5m x 3m high
- Transformer, HV switch each 2.5m x 2.5m x 2.4m high
- LV panel 12m x 2.5m x 2.5m high
- Office 13.5m x 2.5m x 2.5m high
- Solids feeder 9m x 4m x 4m high
- 2 x Dryers 43m x 6m x 3.5m high
- Gas flare 6m x 3m x 4.8m high
- A separator frame and clamp: 9m long, 7m wide and 5.5m high
- Feedstock clamps comprising 2 bays: 60m x 30m x 4m high proposed to hold material
- A concrete yard for vehicular movements
- A GRP kiosk to house metering circuit breaker

The buffer tank, separator frame and clamp and solids feeder would be contained within a bund recessed into the ground by 2.0m metres. The digester tank and digestate store will be set a further 2.5m below these. The overall area covered by the plant will be approximately 1.23 hectares, with an additional area to accommodate planting for screening.

The AD will be fed by approximately 14,231 tonnes of feedstock per annum comprising the following as set out in the Odour Management Plan:

- Cow slurry - 2,000 tonnes
- Farmyard manure - 1,000
- Chicken manure - 2,000 tonnes
- Maize - 4,444 tonnes
- Grass Silage - 2981 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. 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.

Summary of changes from the previously approved scheme

- 1 The site has increased in size from 0.91 hectares to 1.23 hectares the majority of the area is the increase to the length of the silage units and a larger bunded area. The site now extends further to the South/South-east by 36 metres to the internal base of the bund and 46 metres to the outside edge of the bund and is therefore closer to the Grand Western Canal.
- 2 The main AD structures have re-aligned to a North South axis from an East West axis
- 3 The silage clamps have reduced in number from 4 to 2 but have increased in size and capacity from 3381 cubic metres to 3926 cubic metres an increase of 545 cubic metres sizes shown in **appendix 1**
- 4 Re-location of the digester tank to the site directly to the south of the AD unit which is located in approximately the same point as the previous approval 13/01605/Full
- 5 The digester tank is slightly larger an increase from 3409 cubic metres to 3927 cubic metres an increase of 518 cubic metres (sizes shown in the appendix 1).
- 6 Buffer tank is 1m higher than the approved sizes shown in the **Appendix 1**.
- 7 CHP unit is 1.5m longer and 0.4m wider, but of the same height.
- 8 Additional structures are Control Building, Gas compressor building, Transformer HV and LV, Office Building, 2 x Dryers. All sizes set out in Appendix
- 9 Additional Information Submitted Historic Environment site assessment, Landscape response (East Devon), Ground water Vulnerability Plan, additional Noise Assessment Document

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

Historic environment site assessment

Landscape response (East Devon)

Ground water Vulnerability Plan

Environmental Noise Assessment

PLANNING HISTORY

08/00282/PNAG Prior notification for the erection of an agricultural storage building - NO OBJECTION MARCH 2008

12/00585/PNAG Prior notification for the erection of an agricultural storage building - PRIOR APPROVAL REQUIRED - LETTER SENT MAY 2012 - NO OBJECTION

12/00630/FULL Erection of an agricultural livestock building - PERMIT JUNE 2012

13/01605/MFUL Erection of a 500kW anaerobic digester and associated works with 4 silage clamps - NON MATERIAL AMENDMENT GRANTED 24TH MARCH 2015 - PERMIT

13/01605/MFUL/NMA Erection of a 500kW anaerobic digester and associated works with 4 silage clamps - Non Material Amendment to amend the route of a buried high voltage cable - PERMIT JULY 2014

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

CONSULTATIONS

ENVIRONMENTAL HEALTH - 30th July 2015

Contaminated Land - no objections

Air Quality - no objections

Drainage - no objections

Noise and other nuisances - Further information has been asked for before I can make a recommendation.

Health and safety - no objections.

9th September 2015

Contaminated Land - No objections.

Air Quality - No objections

Drainage - No objections.

Noise and other substances - As per previous comments.

Housing standards - N/A.

Licensing - N/A.

Food Hygiene - N/A.

Private Water Supplies - N/A.

Health and Safety - Health and Safety Executive enforced premises - no objections.

29th September 2015

I have reviewed the noise assessment but there is no new information in relation to night-time vehicle movements and noise levels. Therefore, my comments are as follows:

It has been indicated that at peak times deliveries may take place throughout the night-time, in essence a 24 hour operation. The noise assessment has not taken this into consideration. The assessment of the site during night-time hours must take into account vehicle movements, reversing

alarms and site deliveries. These vehicle movements will be a significant contributor if not the greatest contributor to the overall night-time noise level.

Until this information has been provided I cannot support this application and therefore I would recommend refusal.

5th October 2015

In response to the applicants comments please find detailed below my recommendation:

In the original application no information was provided detailing that deliveries could take place 24hrs a day during peak times. No information has been provided quantifying how long peak times may continue for.

I still maintain that during peak times (especially during night-time hours) the operation of this site will be dominated by vehicle movements and deliveries possibly including reversing alarms and these will be a significant contributor if not the greatest contributor to the overall night-time noise level.

Therefore, I recommend that a new BS4142 assessment is carried out. The assessment should be carried out and produced by a suitably qualified Acoustic Consultant to the standards laid out in BS 7445: Part 1 2003 'Description and Measurement of Environmental Noise' and should be carried out in accordance to BS4142: 2014 'Methods for Rating and Assessing Industrial and Commercial Sound'.

The report must demonstrate that:

- o the source/s of noise are fully understood and quantified, paying particular attraction to night time noise levels, site vehicle movements, deliveries and if applicable, audible reversing alarms
- o all nearby noise sensitive receptors have been identified
- o the impact on any receptors has been determined with reference to noise standards
- o Noise mitigation measures have been identified where necessary

6th October 2015

I consider that insufficient information has been submitted with the application. Due to the close proximity of the 3 neighbouring residential properties a specific Odour Management Plan along with an Odour Impact Assessment is required. An Odour Impact Assessment is necessary to establish the potential implication of odour generated from the storage of slurry and manure upon these neighbouring residential properties. The assessment would detail the following;

- a. Level of odour generated by a slurry and manure storage facility as the odour emission rate of OUE m-2s-1 (odour units per square metre per second).
- b. Local meteorological data with particular reference to wind direction.
- c. Distance and orientation to neighbouring amenity areas.
- d. Production of modelled odour levels at neighbouring amenity areas at the 98th percentile odour level (OUE m-3) in relation to an odour assessment criterion of 3 OUE m-3.

To ensure that the well-being of the community is safeguarded while maintaining an efficient and viable farming industry a minimum protective distance of 200m will normally be required unless an effective treatment system which reduces odour is going to be used.

Independent evidence must be provided to help demonstrate that effective treatment measures could be put into place and that they will successfully mitigate against the possible nuisance that might arise as a result of odour from the stored slurry. Only in situations where the effectiveness of the mitigation measures can be demonstrated will any siting of a slurry store within 200m of residential properties be recommended for approval.

In the absence of an Odour Management Plan and an Odour Impact Assessment or details with regards to any other mitigation measures I would have to take the view that the operation of a slurry store in a location so close to residential properties would adversely affect the residential amenity of these properties and therefore, I would recommend that the application is refused on the basis of odour nuisance.

Contaminated Land - No objections.

Air Quality - No objections.

Drainage - No objections

Noise and other substances - It has been indicated that at peak times deliveries may take place throughout the night-time, in essence a 24 hour operation. The noise assessment has not taken this into consideration.

The assessment of the site during night-time hours must take into account vehicle movements, reversing alarms and site deliveries. These vehicle movements will be a significant contributor if not the greatest contributor to the overall night-time noise level.

Until this information has been provided I cannot support this application and therefore I would recommend refusal.

Housing standards - No comments.

Licensing - N/A.

Food Hygiene - N/A.

Private Water Supplies - N/A.

Health and Safety - Health and Safety Executive enforced activity - No objections.

17th November 2015

Recommended noise Conditions

1. Noise emissions from the Red Linhay Anaerobic Digester site at the nearest noise-sensitive locations are not to exceed the decibel levels stipulated below, day or night.

Daytime Noise Level 07.00am - 23.00pm shall not at the boundary of any noise sensitive premises exceed the decibel level 41 dB (LAeq1hr)

Night-time Noise Level 23.00pm - 07.00am shall not when measured at 3.5m from the façade of any noise sensitive premises exceed the decibel level 33 dB (LA90 15min).

Daytime (Evening) & Night-time Noise Level 19.00pm - 23.00pm the Maximum Instantaneous Noise Level shall not when measured at 3.5m from the façade of any noise sensitive premises exceed 55 dB(LAFmax) evening (19.00-23.00hrs) and night-time (23.00-07.00hrs).

*(From the noise data supplied)

The average daytime background noise level is 36 dB (LA90 1hr) plus 5 dB exceedance

The average night-time background noise level is 28 (LA90 15min) plus 5 dB exceedance

2. It is recommended that a planning condition is applied stipulating that once the plant is fully operational, the operator provides a further noise assessment demonstrating that the screening is adequate and provides enough protection to ensure that the typical minimum background sound level 22dB (LA90 15min) is not breached from the operation of the plant.

This assessment must be submitted to the planning authority within 3 months from the completion of the AD unit.

Should this assessment identify that suitable screening has not been provided the operator shall at its expense, within 21 days or such longer period as approved by the Local Planning Authority, undertake an assessment of the noise in accordance with the requirements of the Local Planning Authority.

A copy of the findings from the assessment and all recorded data and audio files obtained as part of the assessment shall be provided to the Local Planning Authority (in electronic form) within 28 days of completion of the analysis.

Where the assessment information confirms that the noise levels from the operation of the plant are above the typical minimum background sound level 22dB (LA90 15min) within any amenity areas 3.5m from the façade of any noise sensitive properties, the operator shall carry out works to mitigate such effects to comply with the noise condition.

The assessment and any such noise mitigation works shall be completed within 6 months from the date of notification and be so retained. The date of notification is the date the operator is informed in writing by the Local Planning Authority detailing the inadequate screening.

Relevant Guidance

The potential impacts of noise from the proposed anaerobic digester, associated plant and vehicle movements have been assessed against the existing noise environment surrounding the development and assessed with reference to the following guidance:

National Planning Policy Framework

The 'National Planning Policy Framework' (NPPF) is the current planning policy guidance. It sets out the Government's planning policies for England and how these are expected to be applied. However, the NPPF does not contain any methodology for objective assessment. So we must therefore consider the suitability of each proposed scheme, based on evidence such as the noise impact assessment that has been submitted with the application.

In terms of noise paragraph 123 of the NPPF details that planning decisions should aim to:

Avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;

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

Identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.'

With regard to 'adverse impacts' the NPPF refers to the 'Noise Policy Statement for England' (NPSE), which defines three categories of effects, as:

'NOEL - No Observed Effect Level. This is the level below which no effect can be detected. In simple terms, below this level, there is no detectable effect on health and quality of life due to the noise.

LOAEL - Lowest Observed Adverse Effect Level. This is the level above which adverse effects on health and quality of life can be detected.

SOAEL - Significant Observed Adverse Effect Level. This is the level above which significant adverse effects on health and quality of life occur'.

The first aim of the NPSE states that significant adverse effects on health and quality of life should be avoided. The second aim refers to the situation where the impact lies somewhere between LOAEL and SOAEL, and it requires that all reasonable steps are taken to mitigate and minimise the adverse effects of noise. However, this does not mean that such adverse effects cannot occur.

The Planning Practice Guidance (PPG) provides further detail about how the effect levels can be recognised. Above the NOEL noise becomes noticeable, however it has no adverse effect as it does

not cause any change in behaviour or attitude. Once noise crosses the LOAEL threshold it begins to have an adverse effect and consideration needs to be given to mitigating and minimising those effects, taking account of the economic and social benefits being derived from the activity causing the noise. Increasing noise exposure further might cause the SOAEL threshold to be crossed. If the exposure is above this level the planning process should be used to avoid the effect occurring by use of appropriate mitigation such as by altering the design and layout. Such decisions must be made taking account of the economic and social benefit of the activity causing the noise, but it is undesirable for such exposure to be caused. At the highest extreme the situation should be prevented from occurring regardless of the benefits which might arise.

Using the noise data provided in the applicants noise assessment it is perceived that there will be virtually no increase in the current background acoustic environment from the operation of the AD unit as long as suitable screening has been added to provide a 24dB reduction across the octave band (this 24dB reduction is a figure given by the applicant). To ensure that the noise has no adverse effects so that it crosses from the lowest observed adverse effect level boundary to starting to have an adverse effect, consideration needs to be given to mitigating and minimising these effects.

It is recommended that a planning condition is applied stipulating that once the plant is fully operational, the applicant provides a further noise assessment demonstrating that the screening is adequate and provides enough protection to ensure that the typical minimum background (given by the applicant) sound level 22dB (LA90 15min) is not breached from the operation of the plant

It is likely that the noise from the anaerobic digester and associated plant could slightly affect the acoustic character of an area. However, conditioning the site to ensure that noise level are no greater than 5dB in excess of background sound will offer a good degree of protection to local residents and local amenities to the extent that the development should not offer any perceived change in quality of life and therefore, at this level no additional measures beyond the recommend planning conditions are required to manage the acoustic environment from the operation of the site.

BS 8233: 2014 'Guidance on Sound Insulation and Noise Reduction for Buildings'

This document provides recommendations for the control of noise in and around buildings. BS8233: 2014 recommends the design criteria for internal noise levels within residential properties. The standard recommends noise limits for:

Bedroom night-time	30dB (LAeq 8hr).
Bedroom day-time	35 dB (LAeq 16hr)
Living room	35 dB (LAeq 16hr)
Dining room	40 dB (LAeq 16hr)

The suggested planning conditions would ensure that the noise levels within neighbouring residential properties are well below the BS8233 recommended levels.

WHO Night Noise Guidelines for Europe, 2009

The World Health Organisation's (WHO) Guidelines for Community Noise recommends that to avoid impacts on health including interruptions to sleep, an internal night-time limit of 30 dB LAeq avoiding peaks of 45 dB(A).

The WHO guidelines provide an additional criterion for outside noise levels at night-time at 1m from the facades of living spaces. Therefore, the recommendation for night-time LAFmax noise levels presented in the WHO guidelines should be conditioned to offer protection from instantaneous noise events from the site. It is generally accepted that the effects of an open window (opened in a typical manner for ventilation) will achieve a decibel reduction of around 10 dB. Taking this into consideration, it is recommended that a planning condition is applied specifying the Maximum Instantaneous Noise Levels to offer a greater level of protection to local residents.

The suggested planning conditions ensure that the noise levels within the neighbouring residential properties are well below the recommended levels set within the WHO's Night Noise Guidelines and that a greater level of protection is offered to protect the evening and night-time noise environment.

4.6 BS4142:2014 Methods for Rating and Assessing Industrial and Commercial Sound

BS 4142 describes a method of determining the level of a noise of an industrial nature, together with procedures for assessing whether the noise in question is likely to give rise to complaints from persons living in the vicinity. The methods described in BS 4142 use outdoor sound levels to assess the likely effects of sound on people who might be inside or outside a dwelling or premises used for residential purposes. This standard is applicable for the determination of ambient, background and residual sound levels for the purpose of assessing the sound of proposed, new sources of sound of an industrial and/or commercial nature and assessing that sound at nearby premises used for residential purposes.

BS 4142 sets the standard for assessing the likelihood of complaints based on the difference between the measured background level and the rating level of the sources under consideration.

The BS4142 assessment criteria is as follows:

Greater than +10dB

Likely to be an indication of a significant adverse impact, depending on the context

Greater than +5 dB

Likely to be an indication of an adverse impact, depending on the context

Less than +5 dB below

Lower the rating level is relative to the measured background level, the less likely it is that the sound will have an adverse impact. Where the rating level does not exceed the background level, this is an indication of the specific sound source having a low impact, depending on the context

The applicant has detailed that with suitable screening in place, noise levels from the operation of the plant will not go above the typical minimum background sound level for the site. It is recommended that a planning condition is applied stipulating that once the plant is fully operational, the applicant provides a further noise assessment demonstrating that the screening is adequate and provides enough protection to ensure that the typical minimum background sound level 22dB (LA90 15min) is not breached from the operation of the plant

Taking this into consideration, the application sits within the Less than +5 dB below criteria. As the rating level does not exceed the background level, this is an indication of the specific sound sources having a low impact of the surrounding environment. However, this does not take vehicle movements into consideration.

Further Suggested Mitigating Measures

Other mitigating measures may also be considered to control the emanation of vehicle movement noise to surrounding residences by adopting a mindful approach to operational procedures. These include:

All tractor drivers delivering AD feed stocks/waste collection etc. must have an automatic opening device for the gate. The gate should be operated prior to the driver reaching the entrance. The purpose of this is to reduce the time vehicles will have to sit at the site entrance thus reducing the noise impact on new house.

No vehicles to leave the engine idling' within the vicinity of the site entrance.

Quiet please signs, to be placed within the vicinity of the site entrance.

On site vehicle speed of 6.2 mph (10kmph)

Applicants Averaged Noise Data results Night-time and Daytime

Night-time	Background sound level (LA90 1hr)	Residual sound level (LAeq 1hr)	Daytime	Background sound level (LA90 1hr)	Residual sound level (LAeq 1hr)
11.00pm-12.00am	27.3	35.5	7.00am – 8.00am	35.8	42
12.00am – 1.00am	23.8	29.9	8.00am – 9.00am	37.9	46.8
1.00am – 2.00am	25	31	9.00am – 10.00am	37.3	48
2.00am – 3.00am	24.4	27.8	10.00am – 11.00am	35.8	42
3.00am – 4.00am	25.4	38	11.00am – 12.00pm	35.8	45
4.00am – 5.00am	27.1	30.1	12.00pm – 1.00pm	No Data	No Data
5.00am – 6.00am	28.9	31.6	13.20 – 14.20pm	36.7	40.9
6.00am – 7.00am	33.1	34.7	14.20 – 15.20pm	37.8	44.1
			15.20 – 16.20pm	38	42.4
			16.20 – 17.20pm	37.6	42.4
			17.20 – 18.20pm	37.7	42.8
			18.20 -19.20pm	34.5	40.8
			19.20 – 20.20pm	33.6	38.4
			20.20 – 21.20pm	33.2	43.5
			21.20 – 22.20pm	31	34.6
			22.20 – 23.00pm	28.4	34.8
Averaged Night time	28 (LA90 1hr)	33.5 (LAeq 1hr)	Averaged Daytime	36.1 (LA90 1 hr)	43.2 (LAeq 1hr)

The average night-time background noise level is 28 (LA90 15min) plus 5 dB exceedance.

2 It is recommended that a planning condition is applied stipulating that once the plant is fully operational, the operator provides a further noise assessment demonstrating that the screening is adequate and provides enough protection to ensure that the typical minimum background sound level 22dB (LA90 15min) is not breached from the operation of the plant.

This assessment must be submitted to the planning authority within 3 months from the completion of the AD unit.

Should this assessment identify that suitable screening has not been provided the operator shall at its expense, within 21 days or such longer period as approved by the Local Planning Authority, undertake an assessment of the noise in accordance with the requirements of the Local Planning Authority.

A copy of the findings from the assessment and all recorded data and audio files obtained as part of the assessment shall be provided to the Local Planning Authority (in electronic form) within 28 days of completion of the analysis.

Where the assessment information confirms that the noise levels from the operation of the plant are above the typical minimum background sound level 22dB (LA90 15min) within any amenity areas 3.5m from the façade of any noise sensitive properties, the operator shall carry out works to mitigate such effects to comply with the noise condition.

The assessment and any such noise mitigation works shall be completed within 6 months from the date of notification and be so retained. The date of notification is the date the operator is informed in writing by the Local Planning Authority detailing the inadequate screening.

23rd November 2015

Contaminated Land - no objections to this proposal

Air Quality - no objections to this proposal

Environmental Permitting Environment Agency A1 Permit required

Drainage - no objections to this proposal

Noise & other nuisances - recommend approval with conditions. For conditions please see below*

Housing Standards - No Comments

Licensing - No Comments
Food Hygiene - N/A
Private Water Supplies Not applicable
Health and Safety - no objections to this proposal
*Recommended noise Conditions

1 Noise emissions from the Red Linhay Anaerobic Digester site at the nearest noise-sensitive locations are not to exceed the decibel levels stipulated below, day or night.

Daytime Noise Level 07.00am - 23.00pm shall not at the boundary of any noise sensitive premises exceed the decibel level 41 dB (LAeq1hr)

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*(From the noise data supplied)

The average daytime background noise level is 36 dB (LA90 1hr) plus 5 dB exceedance

NATURAL ENGLAND

11th November 2015

Natural England has previously commented on this proposal and made comments to the authority in our letters dated 03 September 2015 & 25th September 2015.

The advice provided in our previous response applies equally to this application although we made no objection to the original proposal (15/01034/MFUL).

28th September 2015

Natural England has previously commented on this proposal and made comments to the authority in our email sent 03 September 2015.

The advice provided in our previous response applies equally to this amendment although we made no objection to the original proposal.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

4th September 2015 - No comments

ENVIRONMENT AGENCY – 1st September 2015

Whilst we have no objections to the application subject to the site obtaining and complying with the terms of an appropriate Environmental Permit, we do however have the following areas of concern with regards to this application which are as follows:

Noise and odour from the site: The site is very close to a number of sensitive receptors who could be adversely impacted by the site operations. To this end we have requested the applicant supply the Environment Agency site specific Odour Management Plan and Noise & Vibration Management Plans. These will need to be agreed with the Agency before the site can commence operations.

We are concerned about the possible impact on the Grand Western Canal due to its proximity to the proposed site. We feel the applicant needs to demonstrate the operation of the plant will not adversely impact this widely used local facility.

Currently we do not have sufficient details with regards to the site's proposed internal drainage scheme. Additional details have been requested from the applicant with regards to the sites proposed drainage design to ensure there is appropriate separation and containment of clean and dirty surface water.

Additional details are required from the applicant to ensure the sites silage clamps and associated drainage system complies with the requirements of The Water Resources (Silage, Slurry and Agricultural Fuel Oil) (England) Regulations 2010 as amended.

Additional detail is required with regards to the site proposing to import digestate from other AD plants, specifically why the site wishes to accept this waste and how and where the site proposes to store this waste material. The need for this material and its waste status may also impact upon the waste status of the digestate the site produces which in turn could impact upon the sites ability to spread and disposed of the digestate they produce.

With the increase in the proposed area of the site the applicant needs to provide additional details with regards the external containment bund around the outside of the site to ensure the bund is of an appropriate construction and has sufficient capacity to fully contain the site in the event of the AD plant failing.

28th September 2015 - No comments.

11th November 2015

While we have no objections to the proposal, it is important that the site complies with the agreed Noise Management Plan (NMP) that has been agreed as part of the permit. The submitted documents (NWP) have been sent to our Permitting Officer to ensure there is consistency between the planning application and the permit. If we have any additional comments we will contact you.

26th November 2015

I refer to my response dated 11th November 2015, in the interests of clarity, I can confirm the Permit has not been granted yet, it is currently under consideration. My letter inferred that a Permit had been issued.

HALBERTON PARISH COUNCIL – 13th August 2015

Recommend refusal of this application based on the following grounds:

The application would have a significant and detrimental effect on the Grand Western Canal Country Park due to it now being in closer proximity. The canal towpath, which is a public footpath and part of the Sustrans National Cycle Way, actually crossed Crown Hill Bridge. From here, the massive industrial unit was visible. Concerns centred around the smell and noise which would emanate from the application site detracting from users enjoyment of the amenity.

The previously approved application provided that there would be less vehicle movements once the AD plant was in operation than for normal farming operations. This fact was borne out by Devon County Council's traffic assessment comments, dated 23.01.2014. It was understood that the new application included two CHP units, each producing 500kw. The feedstock consumption on the approved application was for 9,230 tonnes. However, the new application showed 24,374 tonnes. It was considered that this would result in increased traffic movements along the narrow lanes including the use of the difficult junction onto the main road.

Parishioners were extremely concerned about these issues and the increase in vehicle numbers travelling through the village. A condition of the previous application stipulated that no chicken manure would be stored on site. In the new application, information was given to the Environment Agency ('EA'), stating that chicken litter would be stored on site. This undoubtedly would affect the quality of life for local residents and the many users of the Grand Western Canal Country Park.

In the planning application, it stated that two new dryers would be used to dry digestate but in the submission to the EA, the dryers would be used to dry wood chips/grain. It was believed that this would also necessitate much more traffic movement, as well as noise and possibly dust. Parishioners

felt that the photographs in the application were very misleading, as they appeared to try and minimise any impact on the local area.

9th September 2015

The decision agreed at the Parish Council's Planning Committee Meeting of 11th August remain, with the proviso that the Parish Council be able to submit any additional comments within any permitted extended timescales of Mid Devon District Council.

19th October 2015

The Parish Council would send a statement to Mid Devon District Council to be read out at MDDC's Planning Committee Meeting, at which this application is to be discussed, in view of there being nobody available in person to represent the Parish Council.

27th November 2015

The previous comments submitted in respect of this application by the Parish Council remain unchanged.

WILLAND PARISH COUNCIL - 17th August 2015

Willand Parish Council offered no observations on the original application as it was not likely to directly affect the Parish. That position has been reconsidered in the light of the revised application and what is now visible on the site.

We have concerns that the revised scheme will have some elements of the development closer to and detrimentally impacting on the benefits of the facilities of the canal walks and picnic areas. There will now be additional structures and these together with recently approved farm buildings will have a cumulative detrimental negative impact on the countryside views even after taking account of the proposed landscaping and screening. The size of the site is also to be increased.

There are concerns that the current application has no transport implications report. This site, and the recently approved one at Willand, will undoubtedly impact on transport provision when slow and large vehicle combination movements on the roads in the area are taking materials to the sites. Storage provision and quantities of some of these materials brought to site is also unclear.

Although this submission is made to meet the published target date for consultation as there appears to be more information needed to make an informed decision the Parish Council would wish to reserve the right to make additional representations when the further information is available in the public domain.

14th September 2015

Willand Parish Council discussed the revised scheme at a meeting on 10 September and conclude that the additional documents do nothing to alter the concerns and observations expressed in the letter of 16 August 2015.

The Transport Statement submitted is dated October 2013 which is well before the current revisions, which suggest an increase in capacity of output and a considerable increase in tonnage of imported material and thus more vehicle movements. These increases are consistent with the experience of other sites operated by this company in the area. Current information and areas from which materials are to be brought to this plant and others indicate that it will be virtually impossible to gauge what materials will be coming from where to which plant.

The email from the Planning Officer dated 28/08/2015 raises a number of concerning issues as to the veracity of the information being provided to support the application. On the information available refusal is recommended with suitable robust enforcement action.

15th October 2015

Willand Parish Council note nothing in this additional information to alter its original opposition and concerns as to what is happening at this site. Their concerns in relation to increased traffic flow on the surrounding roads over a potential wide area are heightened by the latest information.

27th November 2015

Willand Parish Council discussed the additional information regarding noise assessment at the meeting on 26 November. There is nothing in this additional information to alter its original opposition and concerns as to what is happening at this site. They questioned as to whether the latest Highways response addressed the concerns of objectors.

The Parish Council also expressed increased concern in relation to the apparent breach of the original planning application, and the lack of enforcement by MDDC.

BURLESCOMBE PARISH COUNCIL – 3rd August 2015

Burlescombe Parish Council discussed the application at their planning committee on Monday 24th July 2015 and have not altered their opinions from the initial application and object to this application. The vote was unanimous and the Councillors were in agreement with the Friends of the Grand Western Canal that it is not in keeping for the rural country park which depends on tourism. In addition there will be increased vehicle activity along minor roads.

8th September 2015

Burlescombe Parish Council object unanimously to this application.

24th September 2015

No further comments

DEVON & CORNWALL POLICE AUTHORITY

20th July 2015 - No comments.

24th August 2015 - No comments.

NATURAL ENGLAND - 29th July 2015 - No comments

SOUTH WEST WATER –

24th September 2015 - No objection

10th November 2015 - No comment upon the further additional information.

HIGHWAY AUTHORITY – 21st September 2015

The above development is a resubmission of a previous consented development with the siting within the site amended and an increase in the drying capacity of the development. The proposed application does not propose to increase feedstock or change the accepted traffic movements from the original application, as a result of which the Highway Authority recommended that the site be considered as standing advice by the Planning Authority with the only change being that of siting.

The application transport statement remains unaltered from that of the existing permission and no increase in traffic is predicted. The Highway Authority in its previous comments required the developer to provide suitable visibilities for its access on to Crown Hill and the provision of a passing bay. The applicant has fulfilled this obligation.

The application and transport statement refers primarily to average movements and as such the analysis shows this would give an overall reduction in vehicle numbers on the extended network. It should be noted that these vehicle movements exist on the wider network already but may have alternative end destinations to that of the AD plant. Notwithstanding this, the Highway Authority recognised that there was an increase in seasonal activity with feed stocks to this particular destination over Crown Hill. The Highway Authority considered that the provision of the additional passing opportunity would provide for adequate inter-visibility between passing opportunities between the site, the bend in Crown Hill, and its junction and given the small increase in seasonal traffic this would be acceptable.

In its decision to have a separate bay to the existing wider section, the Highway Authority felt this necessary to maintain safe entry and exit to the field gate. Having viewed the completed bay, the remaining separation, and in consideration of the open nature of post and rail fence adjacent to the gate, it can be seen that satisfactory visibility can be gained from the gate if the residual hedge and verge were to be removed, and the new bay and existing widening were to merge. This would be beneficial to the movement of traffic on the bend. However this is not conditional given compliance

with the existing requirements and would be a matter for the applicant to consider. The Highway Authority would advise and encourage the applicant to undertake this work which would benefit their own operation as well as the general public providing a longer section of highway with a carriageway width of 5.5 to 6.0 over the outer circumference of the bend which is sufficient under Manual for Streets for 2 commercial vehicles to pass.

Concerns over a possible expansion to a larger output capacity have been raised but this is a matter for a future application and the Highway Authority is obliged to comment on the application before the committee, nonetheless, should such an application be submitted, the Highway Authority would need to consider the further increase in traffic and seek additional mitigation if found necessary at that time.

Recommendation:

The Head of Planning, Transportation and Environment, on behalf of Devon County Council, as Local Highway Authority, has no objection to the proposed development.

26th November 2015

I am in receipt of a number of emails from a resident with regard to the above planning application and in particular highway issues, I have also received emails with regard to recent deliveries to the site through Halberton.

Much of the concern relates to the capacity of the silage clamps and the resident indicating that the size would increase by 75%. I confirm my conversation with the planning officer and that the size increase is in the order of only 2% and not the 75%. I can also confirm that having read through the documentation that applicant is indicating that the volumes of feedstock etc. do not change from the existing and consented AD plant therefore the traffic generated by the application will not change.

There is suggestion that the existing traffic generations of Red Linhay are incorrect and the access being used by the site was not the primary point of access therefore giving rise to significant traffic generation over Crown hill. The Highway Authority without definitive proof has to take the applicants figures at face value. Notwithstanding this the Highway Authority in its response to the previous application 13/01605 conditioned a passing bay, which has been constructed and provides inter visibility from the site access to the widening on the bend, and from the widening on the bend to the junction.

The Highway Authority comments dated 21st September 2015 remain relevant, however should the Local Planning Authority consider the assertion by members of the public to be correct about the use of the existing access and volumes of traffic identified by the applicant not to be the case then the advised improvements to the passing bay in my response to make a single localised widening of the bend could be conditional of any consent. The introduction of additional passing opportunity between the bend and the junction with post hill would be beneficial, but can only be conditioned if the residents assertions are proven, and the land required for the passing bay was within the applicants control. It is unclear if this land is in the control of the applicant albeit land under the control of Hartnol farm. However if the applicants generations are considered acceptable then the improvements would remain advisory. The Local Planning Authority may wish to consider through its requirements for logs to be taken, that a future assessment of the traffic generation from the site be considered and should they be shown to be greater than that indicated by the applicant further improvements taken to address the potential conflicts by provision of additional passing opportunities and or road widening. This could form part of the traffic management plan and be agreed through a section 106 agreement.

The recent seasonal delivery of feedstock through Halberton has raised concerns, and residents have indicated volumes of between 60 and 200 tractor and trailer movements in a single day. Leaving aside Crown hill the volume of traffic on Post hill is measured at 7194 movements in a 24hour period of which there are 3.5% are HGV(300 movements)in a 12 hour period. In pure volume of movements 200(the worst figures given) represents 2% of the daily volume and in Capacity / planning terms is not considered significant, and not a material consideration. However the type of vehicle would be classed as HGV and it represents a 60% increase on the daily volume. It is matter for the Local Planning Authority to consider if the short term seasonal generation of this figure is an amenity issue to the village, more over the Local Planning Authority should also take into consideration the granted consent for the new junction onto the A361 as part of the Tiverton EUE which would mitigate this

movements with a more attractive route for suppliers which will avoid Halberton and through a conditional traffic management plan could form the preferred route.

Therefore given that this site already has a consent for the same size of AD plant, the variations in design not necessitating additional movements the Highway Authority have no further observations and the conditions previously required should be imposed and the inclusion of the traffic management plan is essential to the continued management of the site and reflect any future changes to feedstock availability and routing. Such a TMP should be subject to the appropriate legal agreements/ conditions.

HISTORIC ENVIRONMENT SERVICE - 24th July 2015

The consent granted for the earlier planning application (13/01605/MFUL) was conditional (Condition 6) upon a programme of archaeological work being undertaken for the impact of the development upon any heritage assets affected.

I would therefore advise that any consent granted for this current planning application should also be subject to the same worded condition, namely:

The development shall proceed in accordance with the approved document: Proposed development at 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.

23rd September 2015

Despite the disturbance of the site by the on-going construction work, I would regard - because of the archaeological potential of the site - that it would be worth undertaking some intrusive archaeological investigations to determine whether prehistoric archaeological features run into the development site. This work would consist of the excavation of the archaeological controlled removal of topsoil in areas not already disturbed by the construction works, namely the areas to be occupied by the earth bunds and the tree planting areas. These works would enable the identification, investigation and recording of any archaeological features in these areas, and would be implemented through the application of an appropriately worded archaeological condition upon any consent that may be granted, such as:

"Within two months of the date of the consent granted for this development a programme of archaeological work shall be implemented in accordance with a written scheme of investigation submitted by the applicant or their agent and approved by the Local Planning Authority."

Reason

'To ensure, in accordance with paragraph 141 of the National Planning Policy Framework (2012) and the supporting text in paragraph 5.3 of the Mid Devon Local Plan Part 3: Development Management Policy DM27 (2013), that an appropriate record is made of archaeological evidence that may be affected by the development.'

I would regard the short period for the implementation of these work was appropriate given the already advanced state of development on the site.

GRAND WESTERN CANAL – 11th August 2015

The Grand Western Canal Joint Advisory Committee (GWCJAC) is opposed to this Application. It objected to the previous Application 13/01605/MFUL for an Anaerobic Digester (AD) installation at Red Linhay, Halberton citing the following areas of concern;

- The impact of the AD would be significant and detrimental to the amenity of the country park.
- The extra traffic movements caused by activity at the site would be beyond the capacity of the existing minor road to the site and be damaged by this extra usage.
- Possible dangerous conflict between traffic using the site travelling from the Ash Thomas direction over Crownhill Bridge and towpath users who have to cross the road to re-join the towpath. The GWCJAC called for the Planners to impose a Condition preventing this traffic approaching the site via Crownhill.

The GWCJAC remains very disappointed that 13/01605/MFUL was approved by the Planning Committee and carries forward the above points of objection to its objection to 15/01034/MFUL.

The 2014 decision to approve 13/01605/MFUL means that the GWCJAC has to accept an AD plant at that site but feels that it has to highlight and object to the expansion proposed since the expansion would exacerbate the negative impact on the acknowledged, valued canal amenity.

The GWCJAC has noted various matters below that support its objection.

The Applicant appears to be giving the impression that this new scheme is only a revision rather than an expanded project. (Work has started on site but appears to be following the new, revised scheme and has been issued with a Stop Notice.)

The current AD proposal differs from the approved scheme in the following ways;

- 1 0.32 hectare increase in the site area.
- 2 Site boundary closer to the Grand Western Canal and residential properties at Crownhill.
- 3 Re-alignment of the digester structures; and more importantly the addition of;
- 4 Containers for office provision.
- 5 Extra control apparatus and LV panel.
- 6 Gas compressors.
- 7 A second CHP unit (digestate gas-powered electricity generator)
- 8 Two Newtainer digestate driers (each of the smallest Newtainer unit consumes 7kw, presumably most of that electricity is to power its fans)
- 9 A gas flare.

Items 1 - 9 suggest indicate that the proposed installation will have a greater capacity.
Items 6 - 9 have the potential to increase noise nuisance and some light pollution.

The GWCJAC has several concerns arising from Applicant's Design and Access Statement;

Paragraph 21 draws attention to the consideration of specific Policies encompassed by the Mid Devon Core Strategy (Local Plan 1) adopted in July 2007 and the Local Plan Part 3 adopted in October 2013.

COR 2 - Local Distinctiveness.

This requires that the "Development will sustain the distinctive quality, character and diversity of Mid Devon's environmental assets." The proposed AD does not appear to comply with this since it will introduce an industrial-type installation into what the Applicant describes as open countryside. The proposed AD appears to be in conflict with most of the aspirations of COR2.

DM7 - Pollution

The Applicant does not seem to present enough information to judge the impact of noise and smell from the proposal and is dismissive of the need to provide mitigation. A Condition imposed on the previous approval of 13/01605/MFUL was that no chicken litter was to be stored on site. It has been noted that chicken litter is already being stored at Hartnoll Farm. When chicken litter has been stored for a few weeks and then moved it creates a great deal of smell.

The Environmental Health department has requested more information before making a recommendation. This concern suggests that a formal Environmental Impact Assessment should be undertaken.

DM27 - Development Affecting Heritage Assets.

The Applicant acknowledges that the site is in an area of high archaeological interest and is close to the Grand Western Canal but it appears that work to install an AD has started without any demonstration of adherence to the previous approved and agreed Written Scheme of Investigation.

Paragraph 26 states that

"The size of the new layout is as per the already approved layout and is directly related to the volume of feedstock to be processed at the site." This is at variance with Paragraph 7 which notes that the proposed site area is increased from 0.91 to 1.23 hectares.

Paragraph 30 contains the comment; "while there is a network of public byways, footpaths and bridleways in the surrounding area, the closest is the footpath in the vicinity of Ash Thomas, approximately 1.5km southeast of the proposed development."

The Grand Western Canal towpath (a Public Right of Way) passes about 60m to the south east of the site at its closest so that users of the picnic site and towpath will be first in line for any nuisance generated by the AD.

Paragraph 33 refers to the previously approved Transport Statement and suggests that the anaerobic digester will reduce the traffic volume visiting the site. The GWCJAC feels that this is untrue. In correspondence with the Head of Planning & Regeneration the Applicant states that he farms 900 acres and that the approved anaerobic digester would use the output from 426 acres. He concludes that he farms more than enough to provide for the anaerobic digester. I note that Hartnoll Farm is about 274 acres. If Hartnoll's entire acreage were to be used for the anaerobic digester then the output from 152 acres would need to be imported to the site by road transport. It is likely that part of Hartnoll's acreage would be consumed by stock rearing and this would increase the amount of imported material necessary to operate the anaerobic digester. The extra traffic movements that this will cause will create greater pressures on and damage to the minor roads leading to the site. The AD will produce about 5 tanker loads of digestate every day of the year. Some of this can be spread on Hartnoll Farm's 274 acres but it is unlikely that all of it can be used there. The excess will have to be exported by road to other locations.

The logical conclusion is that the AD will create more traffic on the minor roads leading to the site because it will need to both import and export substantial amounts of material in excess of what Hartnoll Farm can produce and absorb. Crownhill Bridge over the canal will be at risk of damage from the increased traffic. The Applicant has not suggested upgrading this road nor any means of protecting the bridge.

In conclusion, the Grand Western Canal Joint Advisory Committee calls for the Planners to reject this Application since its approval would damage the canal amenity due to the extra noise, odours and traffic that it will create. The extra importing and exporting of materials will create significant environmental damage negating its environmentally friendly aspirations.

REPRESENTATIONS

101 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 the silage clamps may leak and cause a pollution incident impacting the Grand Western Canal
48. Preference for location of such a development at the Hartnoll Farm Business Park
49. Highlighting apparent inaccuracies in the photographs which are provided in the Landscape and Visual Impact Assessment.
50. Concern that despite statements to the contrary the site will include external storage of feedstocks.
51. The storage area is 75% larger in capacity by volume.
52. Habitats survey associated with EUE in 2014 contradicts the phase 1 habitat survey associated with the application

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

- 1. Policy**
- 2. Access and transport**
- 3. Landscape and visual impacts**
- 4. Impact on neighbouring residents**

5. **Drainage**
6. **Other impacts**
7. **Planning balance**
8. **Benefits**

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.

Heritage Assets: Conservation Areas

Although the site is not within the conservation area associated with the Canal it is however considered appropriate to assess the structure and its impact on the conservation area. Objections to

both this and the previous AD Plant have been received from the Grand Western Canal Joint Advisory Committee in terms of impact upon the canal.

128. In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, Local Planning Authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

129. Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

131. In determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

132. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, Grade I and II* Listed Buildings, Grade I and II* Registered Parks and Gardens, and World Heritage Sites, should be wholly exceptional.

133. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset local planning authorities should refuse consent unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and the harm or loss is outweighed by the benefit of bringing the site back into use.

134. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use

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 be 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 states that 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.

Devon Waste Local Plan

Policy WPC1 (Sustainable Waste Management) states that planning applications for waste management facilities will only be permitted where they accord with the objectives of the Waste Local Plan and form part of an integrated and sustainable waste management strategy for the County. When assessing a planning application for a waste management facility, regard will be had to:

- (i) the waste hierarchy;
- (ii) minimising the transportation of waste;
- (iii) self-sufficiency; and
- (iv) whether any potential adverse effects on the environment which cannot be mitigated are outweighed by wider environmental benefits.

Recent Case Law considered by the Secretary of State

Appeal by Peel Environmental Services Ltd and Marshalls Mono Ltd: Fletcher Bank Quarry, Ramsbottom. APP/T4210/A/14/2224754 for the erection of an AD Plant.

This appeal has been considered by the Secretary of State under call in procedures of the approach

of both the Secretary of State and are of assistance.
The Council had two reasons for refusal:

- The proposed development would constitute inappropriate development within the green Belt and does not meet exceptions.
- The proposed development is likely to result in a severely detrimental impact upon the residential amenity of nearby sensitive receptors result of odours arising through the operations and lack of accurate local micro climate data.
The intention is not to go through the case in detail but to give a very brief synopsis of the case.
- It was agreed that the approach to determination is by way of statute, the Framework, Development plans, and the golden thread running through planning is the presumption in favour of sustainable development.
- The planning history of the site was taken into consideration.
- Paragraph 109 of the framework confirms that existing development should not be 'put at unacceptable risk from or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability'. However there are no statutory limit levels for use in England.
- Noise this did not constitute a reason for refusal and was only briefly touched on.
- Highway capacity and safety although not a reason for refusal it was raised as an impact on the area. With respect to the scheme's generation of HGV trips it is evident that existing and proposed trips were taken into consideration when determine this case.
- Light pollution: although no substantive evidence was produced it was considered by the applicant and a proposal was put forward with more directional lighting and lower wattage.
- Conservation area reference was made to nearby conservation areas and the impact on them. It was considered there was no impact on the conservation area.
- Landscape impacts were considered in the round as opposed to the green belt.
- Economic impacts and tourism, public health and ecology were also considered.

The inspector commented upon the relationship between planning permission and the Environment Agency environmental permitting regime:

The inspector's conclusions:

"The Framework (NPPF) provides that planning decision makers should focus on whether the development itself is an acceptable use of the land, and the impact of the use rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. The EA's planning application consultation response (PACR) confirms that the proposed activity would require an Environmental Permit from the EA before it can operate. The Framework indicates that planning decision makers should assume that these regimes will operate effectively."

"I have had regard to the views of my colleague...to the effect that as odour control forms part of the EA's regulatory responsibility, it is not something that is a material planning consideration unless the extent of regulation the EA can impose would not deliver a level of odour commensurate with the other surrounding land uses. However, in the case before me, whilst the EA's PACR indicates that the Permit would require the operator of the installation to minimise any potential impact upon the environment and human health through the use of appropriate abatement measures and management procedures, it points out that this does not mean there would be no impact from the proposed activities. The IAQM guidance indicates that even with some residual odour and there any be some situations where such residual effects would make a development an unsuitable use of land at its proposed location".

The EA's guidance indicates that where all appropriate measures are being used but are not completely preventing odour pollution, a level of residual odour will have to be accepted unless it amounts to serious pollution that justifies suspension or revocation of the Permit."

Under these circumstances, I consider that, having regard to the extent of regulation the EA can impose, the likely residual effects of odour on nearby sensitive receptors is a material planning consideration".

The Inspector also gave useful consideration of appropriate planning conditions as follows:

"In my judgement, the following conditions would be difficult for the local planning authority to monitor and require an intolerable level of supervision. They are day to day operational matters more appropriately controlled through the Environmental Permit. Therefore I do not support them. They involve control over: the outside storage of waste; how many of the process building's vehicular access doors may be open at a time and for how long; as well as the performance and monitoring of the proposed odour control plant and emissions from the CHP plant."

He also concluded that seeking to prohibit HGV movements from using the local road network at certain times would be difficult to monitor and require an intolerable level of supervision and be impractical to enforce.

The Inspector considered the following conditions to be appropriate in the event permission was granted by the Secretary of State:

1. Removal from site and site restoration at the end of the temporary period.
2. Development to be carried out in accordance with the approved plans.
3. Limit the hours the material can be imported to /exported from the site by vehicles.
4. Loading / unloading of skips within the process building.
5. Limitation on noise levels from the facility including control on reversing alarms.
6. Limit number of HGV movements.
7. Implementation of a construction method statement including dust suppression measures.
8. Access improvements.
9. Retention of vegetation along the site boundary.
10. Control of materials for the external surfaces of the structures and external plant /machinery.
11. Landscaping.
12. Control use of external lighting.
13. Control finished floor levels of buildings and structures.
14. Adequate drainage.
15. Installation of sampling points to monitor impacts upon ground water quality.
16. Habitat enhancement and management plan.

It is to be noted that these conditions reflected the circumstances of the case in question. Conditions need to be tailored to the application and may not be appropriate in other instances.

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. However two recent planning approvals for livestock have been approved adjacent to the site, these are to accommodate cattle associated with the farm at Red Linhay.

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, Maunder's, Hartnoll Farm and Wellington Farm would

provide maize, beet, wheat for use in the AD on a rotational process.

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, some will be dried in the driers reducing the overall weight and mass of the digestate. 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 (this may be less with the use of the driers)

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 for Life Energy Ltd), 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.

While it is noted that a high proportion of the neighbour objections received in relation to this proposal raise concern about the impact of traffic on amenity and road conditions, the Inspector for the recent Edgeworthy Farm appeal which was allowed (Ref: APP/Y1138/A/14/2211282) accepted that this

could not constitute a reason for refusal as the vehicles involved in serving the site would be a legal size for the highway and the roads would be used legally. It would therefore be unreasonable for the Highway Authority to seek any improvements or maintenance for such use or to restrict the use of that road.

Furthermore, the Highway Authority has raised no objection to the proposal since it includes the provision of a passing place on Crown Hill to accommodate the traffic serving the site.

3. 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.

In this application a plan has not been provided as in the previous approval showing the grid connection proposed to an existing pole approximately 210m south east of the site. It has been confirmed that the cabling will be laid underground so there would be no visual impact in that respect. Therefore a specific condition will be included to ensure this is undertaken.

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.

Neighbour consultation responses and observation made by Members during their site visit relating to application 13/01605/MFUL highlighted that the visuals providing in the planning application do not appear to accurately reflect the views of the site from the points indicated. Further photographs have been undertaken which show the existing part-built unit from some of the same vantage points as the photomontage.

For the purposes of this report, and by reading the viewpoints in conjunction with the written assessment and newly taken photos, the revised elevation plans and topographical survey, 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. It should also be noted that the AD plant will be set within a bund and the site will be subject of some cut and fill that will sit the plant into the natural slope of the site and slightly reduce the overall height above existing ground level.

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 goat willow and downy birch to be planted along the northern boundary of the site. There is limited potential for further planting within the site boundary therefore it has been agreed to extend the red line to be able to include an area beyond the bund for the provision of planting, along with further planting behind the existing agricultural building and the silage clamps. Therefore there is no requirement now for the applicant and the landowner to enter into a unilateral agreement to secure construction of a bund and planting in accordance with a scheme to have been submitted to and approved in writing by the Local Planning Authority. The purpose of the bund and screening is to screen the development from views from the Grand Western Canal Conservation Area where Crown Hill crosses the canal, and from properties in that location. The bund shall be approximately 10 metres wide and 3.2 metres high and shall include planting to the top of small shrubs in order to offer some additional screening of the structures which is 13.5 metres high to the top of the dome.

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 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). The extent of any impact upon the canal as a Conservation Area has been assessed in a previous section.

4. 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 liquid digestate will be stored in a lagoon if required temporarily, but discussions with the applicant revealed this detail is not the case and 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.

The Inspector who determined the recent appeal in relation to an AD plant at Edgeworthy Farm, Nomansland (Ref: APP/Y1138/A/14/2211282) accepted that the reduction in fatty acids as a result of digestion means that the resulting digestates are less odorous than untreated raw slurry which is currently spread on surrounding agricultural land in its raw state and odours released unchecked.

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 aspects of the AD process and management of the operation 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. The Inspector for the recent Edgeworthy appeal considered that these are 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).

In the appeal by Peel Environmental Services Ltd and Marshalls Mono Ltd: Fletcher Bank Quarry, Ramsbottom. APP/T4210/A/14/2224754 (AD Plant) odour was considered by the Inspector and considered the appropriate control forms part of the EA's regulatory responsibility; it is not something that is a material planning consideration unless residential odour would be unacceptable in planning terms. In this instance Environmental Health has not raised such concerns.

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 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.

The Environment Agency has raised concerns with regard to the importation of digestate from other AD Plants. It has been confirmed by the operators that the only digestate to be brought to site is for seeding of the new unit and there is no intention of bringing digestate to be stored on site from other AD Plants as general practice. Any digestate that is brought to site would be for set-up and this can be included in the Construction Environmental Management Plan.

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 the running of the driers and the pumping of digestate to land which will each be considered in turn.

Operating hours for deliveries, exports 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 will occur during the construction period which would be temporary and as work is already being undertaken it would still be appropriate to include a construction environment management plan by planning condition to control the hours of potential noise disturbance as well as dust and local traffic impacts from deliveries during the remainder of the construction. In addition it is considered the management plan should also extend to the operation of the plant, to be able to ensure traffic movements are as per the information submitted as part of the application.

Respondents to the consultation raised concern regarding reversing alarms from delivery vehicles. Tractors and trailers making deliveries do not tend to have reversing alarms, it would be difficult to condition the vehicles not under the direct control of the operator when deliveries are being made. Therefore this leaves the slurry tanker deliveries and the onsite telehandler as the likely source of reversing alarm noise. It is therefore reasonable to include a condition that the telehandler and any vehicles mainly used on site have the reversing alarm replaced with a light system/or a white noise broadband system. Thus reducing the frequency of the noise on site. The existing buildings and silage tanks will also act as a noise barrier between the source of the noise and nearest properties and the Grand Western Canal (GWC).

The submitted original noise assessment considers that the maximum noise level at the nearest noise sensitive property is likely to be 20dB At the New House (110m from the AD Unit), 22dB at Lisieux (200m from the AD Unit) and 21dB at Badgers Holt (220m from the AD Unit). 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.

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

At the time of the initial report no noise assessment of the equipment used to pump the digestate to adjacent fields had been provided. However, the pump is driven by an electric motor with a standing tractor with PTO on average 1 per day (as per 5.2.10 in the transport plan), in reality there would be peaks in movements related to 4 spreading seasons for crops. These would all be within the working day and between May and October. 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 some concerns relating to the noise report submitted and requested a further assessment is carried out.

This report to cover

- The source/s of noise are fully understood and quantified, paying particular attention to night time noise levels, site vehicle movements, deliveries and if applicable, audible reversing alarms.
- All nearby noise sensitive receptors have been identified
- the impact on any receptors has been determined with reference to noise standards
- noise mitigation measures have been identified where necessary

Environmental Health has considered the supplementary noise report of which the officer's considerations are within the consultation section of this report.

Given that the majority of 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.

5. 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 feeds 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%.

6. Impact upon the Grand Western Canal Conservation Area

The significance of the canal conservation area lies in the history of industrialisation of the south west - access created by canals allowed goods to be sent to and delivered from remote rural areas and created huge change. Most canals cut through open countryside and were once considered themselves to be damaging to the rural tranquillity of areas.

The conservation area is now a peaceful way for members of the public to access the countryside and to experience the rural landscape. Views can be long or short, with many variations to those views - farm buildings, houses, fields, roads, etc. The AD plant is reasonably close to the canal and does change views.

It introduces a new structure to the landscape which is larger than the average agricultural building.

However, when seen from a distance its scale and height sit reasonably well within the landscape and does not look entirely out of place.

Closer views are interrupted by hedges and some tree planting, but nonetheless it does appear to be more industrial. My feeling is that the complex as a whole brings an appearance of industrialisation of this part of the landscape to a minor extent, but that planting between it and the canal - behind the hedge line would be best - would break up views and lessen the harm.

When making these comments I bear in mind that this complex has an existing consent - these buildings would have been here albeit in a slightly different location. The previous consent accepted the less than significant harm and I feel that has not changed.

Summary

Whilst the complex is quite visible from the conservation area, I find that it is not more harmful to its

setting than that previously given consent. With planting it will create acceptable 'less than substantial harm'.

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. However an office building shown on the plan will be used as a maintenance office/workshop.

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 maize, beet, silage, slurry and chicken/farmyard manure only. Should the applicant wish to use different feedstock types in the future, an application to vary the planning permission would be required as it is proposed to be conditioned.

Although the proposal may 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 (Undertaken 2013) revealed no significant evidence of protected species or flora which need special consideration as a result of the proposed development. A concern has been raised with regard to aspects of this Habitat survey in particular, the age of the survey. A further Habitat survey which was undertaken by Engain on 21st March 2014 for Hartnolls Farm Tiverton and drawn to the attention of the Authority undertook a more detailed survey of the area in and around the AD site. With regard to Dormice etc although nest tubes were laid in the vicinity of the site none showed signs of activity for dormice. No other protected species were noted on the site. It is evident that dormice and other protected species are present within the locality. However in this case no hedges are to be removed and so there is minimal impact on the presence of dormice and other protected species in the area. Therefore the existing Phase1 habitats survey is sufficient for the needs of this development. With regard to the age of the survey it is considered that as no specific endangered species were discovered a 3 year period is considered appropriate in this case, particularly as work has already commenced as part of the previous approved application 13/01605/MFUL.

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; a planning condition is recommended now to try and secure the implementation of that scheme to areas outside the bund and within the proposed planting area before any planting is undertaken.

In the previous application 13/01605/MFUL 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 relatively compact and covers just over a hectare of land which has a minimal impact on ground available for other agricultural uses. 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 and as such their use as feedstock for the AD plant would have no discernible impact on the agricultural landscape. It is also considered that there is no change of use on this land as the AD process would use farmyard and chicken manure and standard agricultural crops to produce digestate to be used as a soil conditioner. The Inspector for the recent Edgeworthy Farm appeal which was allowed concluded that as such the AD process "would clearly be part of a productive agricultural activity. Land would thus not be taken out of productive agricultural use and nor would it become unavailable for agriculture."

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.

Concerns have been raised with regard to vermin. This would be no more than that for any agricultural activity within the countryside. The operators will be bound by the normal responsibilities to keep vermin under control.

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.

8. Benefits

The NPPF states that local planning authorities should help increase the use and supply of renewable energies and that applicant's 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 in the previous application that they are keen to work in partnership with Mid Devon District Council to support local plan priorities. The present 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 stated at the time they are willing to consider should the opportunity arise. However this is not proposed and therefore not a planning benefit proposed to be delivered through this proposal.

9. Planning balance

The application submitted for this revised scheme is not for a larger processing AD plant, but for one where the structures have been re-orientated along with some additional equipment, increase in site area and variation to the design of certain aspects. The principle for a 500kW anaerobic digester at this site has been established with planning permission 13/01605/MFUL. The proposal is to change certain parts of the existing scheme as set out in the Synopsis attached to this report.

Although it has been intimated that the scheme is for a 1000kW AD plant the scheme put forward is for a 500kW AD plant as before. Consideration cannot be made as to what might or might not be proposed in the future.

Concerns have been raised with regard to many topics; these have included many and wide ranging issues the main points being noise, odour, congestion and suitability of the roads, visual impact, vermin, flooding, loss of grade1 land, and wildlife impacts. All these issues have been addressed in the report, and it is confirmed that the appropriate monitoring bodies have assessed there specific areas and concluded that there are sufficient mitigations where needed and that the proposed meets with both Local and National Policy. Additional Information has been sought where and when required during the process of the application.

Planning permission has previously been granted for an AD plant on this site. The change to the design of the plant will have no further significant negative impacts on the surrounding area than

those of the previously approved scheme. The bunded area, although larger, will have significantly more planting to the area between the site and the Grand Western Canal to that of the previous approval. It is therefore recommended that the proposed revised scheme, to undertake changes to the layout of the site and slightly increase the storage capacity is appropriate. The proposed will not have a detrimental impact on the conservation area and or the immediate amenity of occupiers and users of the area. Such as to now warrant refusal of the application. The highway network will be able to support the proposed as there is no increase in the proposed scheme to that approved under 13/01605/MFUL.

CONDITIONS

1. The date of commencement of this development shall be taken as the 17th July 2015 when the application was registered by the Local Planning Authority.
2. The development hereby permitted shall be carried out in accordance with the approved plans, approved reports and statements listed in the schedule on the decision notice.
3. Details of the colour and finish of the building materials to be used (including the digester dome) are to be submitted within 1 months of the date of this approval - or prior to their use? and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with these details.
4. Within 1 month of the date of this approval a Construction and Operational 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; including details of any importation of digestate associated with commencement of operations.
 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, unloading and movement of plant and materials within the site.
 10. Facilities for cleaning wheels on exiting vehicles

All works shall take place in accordance with the approved details which will have been confirmed in writing by the Local Planning Authority.

5. The passing place created on Crown Hill as shown on the submitted plans associated with 13/01605/MFUL shall be permanently retained and maintained.
6. Within three months of the date of this planning permission, a programme of archaeological work indicating details of the parts of the site it shall relate to will be implemented in accordance with a written scheme of investigation submitted by the applicant or their agent and approved by the Local Planning Authority.
7. The anaerobic digester facility hereby permitted shall not be brought into operation until a drainage scheme has been implemented in accordance with details that shall have been previously submitted to and approved in writing by the Local Planning Authority. Such scheme shall include details of the provision for the disposal of clean surface water by a Sustainable Urban Drainage System, and separate provision for disposal of foul waste and dirty surface/ yard water. The scheme shall include specifications and a timetable for implementation. The water management system shall be completed in accordance with the approved details and retained and maintained for that purpose at all times.
8. There shall be no storage of chicken and farmyard manures or slurry within the application site except within the sealed digestate storage tank(s) approved as part of this planning application.

9. All hedgerows within or on the boundary of the site located to the north west of the site, east adjacent to the highway shall be retained and maintained to a minimum height of 2 metres.
10. The feedstock for the anaerobic digester shall be slurry, farmyard and chicken manure, grass and arable crops only from the sites named in the application (Hartnoll Farm 62.13ha, Manley Lane 37.60ha, plots 41.48ha, Maunders 7.71ha, and Wellington 23.55ha and shown on plan/aerial photos Drawing numbers 13425/T04 Revision A and 13425/T05 Revision A set out in the approved transport statement date stamped 21st August 2015). A log book shall be maintained and completed detailing where and when the feedstock(s) for the AD plant have come from (Name of Farm/plot/supplier along with date and time of delivery) No other sites are to be utilised unless written confirmation has been received from the Local Planning Authority. Such log book shall be made available at all reasonable times to the Local Planning Authority.
11. There shall be no external lighting, except for low-level safety lighting for the protection of personnel or for purposes of essential maintenance.
12. The storage of digestate or other hazardous substances must be within properly constructed bunded areas of sufficient capacity, details of which are to be provided in writing to the Local Planning Authority prior to the first storage of any digestate outside the digestate storage tank. Such approved scheme shall be so retained.
13. The Tree Planting scheme submitted and approved plan WIN01_Redlinhay2_PP_004 shall be undertaken and completed within one month of the completion of the archaeological works subject to condition 6 above or within the next planting season following completion of the archaeological works, October-March whichever is the sooner.
14. Noise emissions from the Red Linhay Anaerobic Digester site at the nearest noise-sensitive locations are not to exceed the decibel levels stipulated below, day or night.

Daytime Noise Level 07.00am - 23.00pm shall not at the boundary of any noise sensitive premises exceed the decibel level 41 dB (LAeq1hr)

Night-time Noise Level 23.00pm - 07.00am shall not when measured at 3.5m from the façade of any noise sensitive premises exceed the decibel level 33 dB (LA90 15min).

Daytime (Evening) & Night-time Noise Level 19.00pm - 23.00pm the Maximum Instantaneous Noise Level shall not when measured at 3.5m from the façade of any noise sensitive premises exceed 55 dB(LAFmax) evening (19.00-23.00hrs) and night-time (23.00-07.00hrs).

*(From the noise data supplied)

The average daytime background noise level is 36 dB (LA90 1hr) plus 5 dB exceedance

The average night-time background noise level is 28 (LA90 15min) plus 5 dB exceedance

15. Once the plant is fully operational, the operator shall provide a further noise assessment demonstrating that the screening is adequate and provides enough protection to ensure that the typical minimum background sound level 22dB (LA90 15min) is not breached from the operation of the plant. This assessment must be submitted to the Local Planning Authority in writing within 3 months from the completion of the AD unit.

A copy of the findings from the assessment and all recorded data and audio files obtained as part of the assessment shall be provided to the Local Planning Authority (in electronic form) within 28 days of completion of the analysis.

Where the assessment information confirms that the noise levels from the operation of the plant are above the typical minimum background sound level 22dB (LA90 15min) within any amenity areas 3.5m from the façade of any noise sensitive properties, the operator shall carry out works to mitigate such effects to comply with the noise condition, details of which shall have first been submitted in writing and approved in writing by the Local Planning Authority.

The assessment and any such noise mitigation works shall be completed within 6 months from the date of notification and be so retained. The date of notification is the date the operator is informed in writing by the Local Planning Authority detailing the inadequate screening.

16. The emergency flare stack shall not be operated for maintenance or testing purpose except between 0700 and 1700 hours on any day (not including Bank Holidays)
17. Heavy and light goods vehicles along with plant under the control of the operators which deliver waste, remove digestate or biofertiliser or operate at the site shall only use non-intrusive broadband (white noise) vehicle noise alarms and/or reversing cameras. On such vehicles, there shall be no use of single or multi-pitch reversing beepers.
18. Written notification confirming the cessation of operations is to be given to the Local Planning Authority 3 month prior to the cessation of the use of the Anaerobic Digester plant hereby approved.
19. On the cessation of the use of the Anaerobic Digester plant hereby approved, the site shall be cleared of all buildings and structures, hardstandings bunds and any wastes within a period of six months from the date of cessation. After removal of the above, the surface of the site shall be regarded and be covered with topsoil to a depth of 500mm within a period of three months. The site shall then be planted in accordance with details to be agreed in writing by the Local Planning Authority.

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. 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, in accordance with paragraph 141 of the National Planning Policy Framework (2012) and the supporting text in paragraph 5.3 of the Mid Devon Local Plan Part 3: Development Management Policy DM27 (2013), that an appropriate record is made of archaeological evidence that may be affected by the development.
7. To ensure adequate facilities are provided for the disposal of surface water from the development in accordance with policies DM2, DM22 and DM27 of the Local Plan Part 3 (Development Management Policies).
8. To reduce odour levels within the site and to prevent pollution of the water environment in accordance with policy DM7 of Local Plan Part 3 (Development Management Policies).
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 been 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).
12. To prevent pollution of the water environment in accordance with policy DM7 of Local Plan Part 3 (Development Management Policies).
13. To ensure the archaeological works are completed prior to the planting of the screening to minimise disturbance to the planting scheme and to provide further screening for the site and assist with reducing any potential noise.
14. To minimise the potential for pollution and disturbance to local amenity, in accordance with policy DM7 of the Local Plan Part 3.
15. To minimise the potential for pollution and disturbance to local amenity, in accordance with policy DM7 of the Local Plan Part 3.
16. To minimise the potential for pollution and disturbance to local amenity, in accordance with policy DM7 of the Local Plan Part 3.
17. To minimise the potential for pollution and disturbance to local amenity, in accordance with policy DM7 of the Local Plan Part 3.
18. To ensure the Local Authority are made aware of the impending cessation of the use to enable proper consideration of the removal of the items on the site.
19. To achieve a satisfactory landscape/restoration.

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 planning history of the site is also a material planning consideration as planning permission has previously been granted for an anaerobic plant. This is a revised scheme. 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. Traffic movements on the local highway network and improvements to access to site are considered acceptable. The impact on the Grand Western Canal is considered to be limited and is considered to be outweighed by the benefits of the proposal. The change to the orientation of the units within the site will not provide further adverse impact on the local area to that which was approved under 13/01605/MFUL. 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.

Appendix 1 – Synopsis of changes

<p>AD Plant 13/01605 MFUL details</p> <p>1 Comprises</p> <ul style="list-style-type: none"> • A digester tank: height 7m, diameter 24.9m and capacity <u>4300</u> (3409) cubic metres with a gas collection dome above of height 4.8m. <p>Figures underlined as submitted in brackets as calculated</p> <ul style="list-style-type: none"> • A digestate storage tank: height 7m, diameter 24.8m and capacity of <u>4500</u> (3381) 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 	<p>AD Plant 15/01034/Mful Details</p> <p>1 Comprises</p> <ul style="list-style-type: none"> • A digester tank: height 8m, diameter 25m and capacity <u>3926</u> (3927) cubic metres with a gas collection dome above of height 5.5m. overall height from excavated site is 13.5m <p>Figures underlined as submitted (in brackets) as calculated</p> <ul style="list-style-type: none"> • A digestate storage tank: height 8m, diameter 25m and capacity of <u>3926</u> (3927) cubic metres. • A buffer tank: height 4m and diameter 9m. • A control cabin housing the control panels for the anaerobic digester: 12 long, 3m wide, and 2m high • 1 x CHP unit: 13.5m long and 3 m wide contained in an acoustic box including a chimney of 7m • Control building 14m long x 7m wide x 3m high • Gas compressor building 8m x 3.5m x 3m high • Transformer, HV switch each 2.5m x 2.5m x 2.4m high • LV panel 12m x 2.5m x 2.5m high • Office 13.5m x 2.5m x 2.5m high • Solids feeder 9m x 4m x 4m high • 2 x Dryers 43m x 6m x 3.5m high • Gas flare 6m x 3m x 4.8m high • A separator frame and clamp: 9m long, 7m wide, and 5.5m high • feedstock clamps comprising 2 bays: 60m x
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Appendix 1 – Synopsis of changes

<p>silage (7844 cubic metres)</p> <ul style="list-style-type: none"> • A concrete yard for vehicular movements • A GRP kiosk to house metering circuit breaker <p>Bund recessed into the ground 1.4m</p> <p>Overall area 0.91 hectares</p> <p>AD Plant feedstock 13,925 tonnes</p> <ul style="list-style-type: none"> • 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 <p>No Animal by products</p> <p>Source</p> <p>Manures</p> <p>Swanhams Farm 4.25 km east of Halberton</p> <p>Rix Farm between Tiverton and Bolham</p> <p>maize, grass and beet silage</p> <p>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.</p> <p>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.</p> <p>Supporting Information</p> <p>Waste Minimisation Statement</p>	<p>15m by 4m high proposed to hold material (7200 cubic metres)</p> <ul style="list-style-type: none"> • A concrete yard for vehicular movements <p>A GRP kiosk to house metering circuit breaker</p> <p>Bund Recessed into ground 2.0m</p> <p>Overall area 1.23 hectares + additional area for planting</p> <p>AD feedstock 14,231 tonnes</p> <ul style="list-style-type: none"> • 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 <p>No Animal by products</p> <p>Source</p> <p>Manures</p> <p>Swanhams Farm 4.25 km east of Halberton</p> <p>Rix Farm between Tiverton and Bolham</p> <p>maize, grass and beet silage</p> <p>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.</p> <p>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.</p> <p>Supporting Information</p> <p>Waste Minimisation Statement</p>
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Appendix 1 – Synopsis of changes

<p>Odour Management Plan (dated March 2014)</p> <p>Appendix 10 (showing Swanhams farm and Rix Farm - chicken, farmyard and slurry source sites)</p> <p>Photograph (to illustrate GRP kiosk to house HV metering circuit breaker)</p> <p>Nutrient Management Plan</p> <p>Manure Management Plan</p> <p>Written Scheme of Investigation for Archaeological Watching Brief</p> <p>Landscape and Visual Impact Assessment</p> <p>GroundSure - Flood Insight report</p> <p>Pre-Development Flood Risk Assessment</p> <p>Extended Phase 1 Habitat Survey Report</p> <p>Envirocheck Report</p> <p>Volume 1 - Supporting Information (Post Submission Amended) - February 2014</p> <p>Volume 2 - Process Information - November 2013</p> <p>Transport Statement - October 2013</p> <p>Volume 3 - Environmental Review (post Submission Amended) - February 2014</p> <p>Environmental Health Noise and odour no objections</p>	<p>Odour Management Plan (dated March 2014)</p> <p>Appendix 10 (showing Swanhams farm and Rix Farm - chicken, farmyard and slurry source sites)</p> <p>Photograph (to illustrate GRP kiosk to house HV metering circuit breaker)</p> <p>Nutrient Management Plan</p> <p>Manure Management Plan</p> <p>Written Scheme of Investigation for Archaeological Watching Brief</p> <p>Landscape and Visual Impact Assessment</p> <p>GroundSure - Flood Insight report</p> <p>Pre-Development Flood Risk Assessment</p> <p>Extended Phase 1 Habitat Survey Report</p> <p>Envirocheck Report</p> <p>Volume 1 - Supporting Information (Post Submission Amended) - February 2014</p> <p>Volume 2 - Process Information - November 2013</p> <p>Transport Statement - October 2013</p> <p>Volume 3 - Environmental Review (post Submission Amended) - February 2014</p> <p>Historic environment site assessment</p> <p>Landscape response (East Devon)</p> <p>Ground water Vulnerability Plan</p> <p>Environmental Health issues with noise levels during proposed 24hr use</p>
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