

## PLANNING COMMITTEE AGENDA - 3rd April 2019

### Applications of a non-delegated nature

<u>Item No.</u>	<u>Description</u>
01.	<p>17/02061/MFUL - Remodelling and modernisation of existing garden centre following demolition of existing structures, to include erection of retail areas, cafe, and warehouse, formation of new vehicular access, provision of parking areas, and landscaping at CREDITON Garden Centre, Barnstaple Cross, CREDITON.</p> <p><b>RECOMMENDATION</b> Grant permission subject to conditions.</p>
02.	<p>18/01800/MFUL - Construction of an on-farm anaerobic digestion plant and associated infrastructure at Land at NGR 285024 100245 (East of Lords Meadow Industrial Estate), CREDITON, DEVON.</p> <p><b>RECOMMENDATION</b> Grant permission subject to conditions.</p>
03.	<p>18/02024/FULL - Variation of conditions 2, 5, 7, 8, 9, 10 and 15 of planning permission 17/00711/FULL at Land and Buildings at NGR 301270 112834, (Orchard House), High Street.</p> <p><b>RECOMMENDATION</b> Grant permission subject to conditions.</p>
04.	<p>19/00024/FULL - Variation of condition 2 of Planning Permission 17/00353/FULL to read "to be in accordance with the amended plans" to regularise alterations at Land at NGR 307578 116857 (SE of Oakfield), Burlescombe, DEVON.</p> <p><b>RECOMMENDATION</b> Grant permission subject to conditions.</p>
05.	<p>18/01866/FULL - Erection of dwelling at 12 Martins Lane, Tiverton, DEVON.</p> <p><b>RECOMMENDATION</b> Refuse permission.</p>
06.	<p>19/00272/FULL - Erection of single storey extension at 1 Burrington Drive, Shobrooke, CREDITON.</p> <p><b>RECOMMENDATION</b> Grant permission subject to conditions.</p>
07.	<p>19/00225/FULL - Installation of air conditioning units to western elevation and revised path access at Exe Valley Leisure Centre, Bolham Road, Tiverton.</p> <p><b>RECOMMENDATION</b> Grant permission subject to conditions.</p>

Application No. 17/02061/MFUL

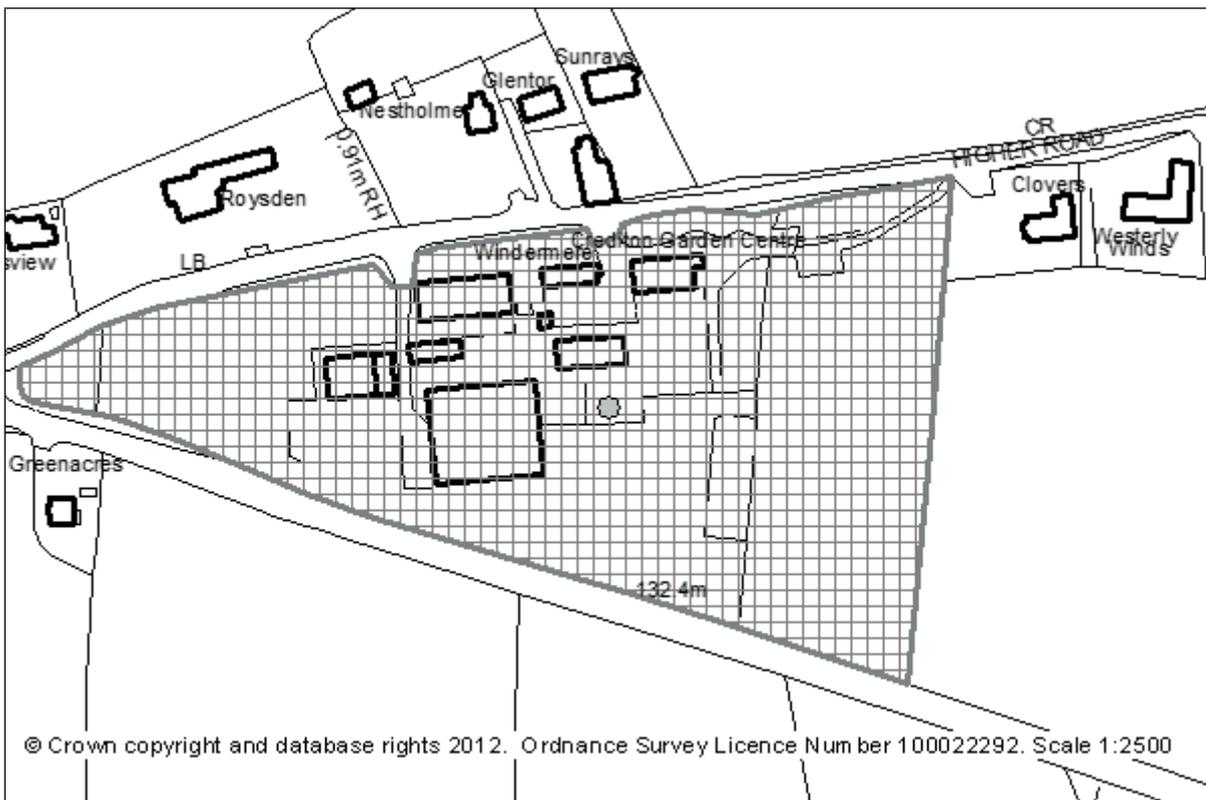
Grid Ref: 280656 : 101364

Applicant: Mr R Broad

Location: Crediton Garden Centre  
Barnstaple Cross  
Crediton  
Devon

Proposal: Remodelling and modernisation of existing garden centre following demolition of existing structures, to include erection of retail areas, cafe, and warehouse, formation of new vehicular access, provision of parking areas, and landscaping

Date Valid: 12th April 2018



## **APPLICATION NO: 17/02061/MFUL**

### **RECOMMENDATION**

Grant permission subject to conditions

### **PROPOSED DEVELOPMENT**

Remodelling and modernisation of existing garden centre following demolition of existing structures, to include erection of retail areas, cafe, and warehouse, formation of new vehicular access, provision of parking areas, and landscaping.

### **BACKGROUND**

This report concerns the above planning application which was first reported to the Planning Committee at the meeting on 3rd October 2018 (copy of which is attached at Appendix A). The Planning Committee were minded to refuse that proposal and deferred the application for consideration of an implications report. Following this the applicant submitted amended plans to try to address the concerns of the Planning Committee and a reduced scheme was then reported to the Planning Committee on 5<sup>th</sup> December 2018 (copy of which is attached at Appendix B). Following consideration of the revised proposal and officers report the Committee resolved that they were still minded to refuse the application and therefore wished to defer the application for consideration of an implications report to consider the following issues:

- Whether the application proposal would result in harm to the vitality and viability of the Crediton Town Centre and surrounding villages which would be contrary to policy DM17 and DM19.
- Whether given the size, scale and massing of the proposed buildings and the scope of hardscape introduced to accommodate the car parking requirements the application scheme would be detrimental to the visual amenities and overall character of this site in the open countryside which would be contrary to DM2, DM19 and DM20.  
In addition concern was expressed about the level of lighting that would be required and how this would affect the overall character of the site especially given it is in open countryside.
- Whether given the amount of car parking proposed and the increase in number of vehicular trips on the highway network travelling to and from the application site as it proposed to be remodelled, the application scheme is considered to be an unsustainable form of development which would be contrary to DM2, DM6, DM19 and DM20.
- Whether there would be a likely increase in traffic to the destination site and whether it would impact on the air quality of Crediton High Street.

Following the 5<sup>th</sup> December Planning Committee the applicant has again revised the proposal to try to address the concerns raised by the Planning Committee. The application still seeks planning permission for the remodelling of the garden centre as confirmed above. However there have been some key changes to the proposed development which are set out below.

## **SCHEME AMENDMENTS**

- The size, scale and massing of the new building facilities proposed have been further reduced. To 3,250 square metres compared to 4,100 square metres presented to the Planning Committee on the 5th December and 5,980 square metres as originally proposed. Eaves heights have been reduced from 5m to 3.7m with ridge heights reduced from 7m to 5.7m.
- The indoor sales floor area for restricted garden centre goods has been reduced to 1,716.58 (net) square metres, compared to 3,335.5 square metres as originally proposed.
- The unrestricted indoor retail sales area has now been reduced to 198.19 square metres, compared to 419.93 square metres presented to the planning Committee on the 5th December and 3,335.53 square metres as originally proposed.
- Total indoor sales floor area is now 1,914.77 square meters (which includes 198.19 square meters of unrestricted sales and 1716.58 sqm of restricted garden centre sales). Compared to 3,335.5 square metres as originally proposed.
- The total area of outdoor restricted garden centre sales is now 2,866.45 square metres, compared to 1,861.56 square metres presented to the planning Committee on the 5th December and 2,798.01 square metres as originally proposed.
- Café /restaurant area will be 699.85 square metres, compared to 648 square metres presented to the planning Committee on the 5th December and 1,086.7 square metres as originally proposed.
- The hard surfacing of the carpark area has been reduced and there will be 163 visitor parking spaces, 3 coach spaces and 30 staff spaces.
- Additional landscape planting has been provided to the southern frontage of the development.
- Expert retail consultant advice has been sought by officers to assist the Planning Committee in understanding the impact of the development on Crediton town centre and how best to control the types of merchandise to be stocked and sold.

## **APPLICANT'S SUPPORTING INFORMATION**

The applicant submitted amended plans in January 2019 to reflect the scope of the changes now proposed.

## **RELEVANT PLANNING HISTORY**

As per original report as attached in appendix A.

## **DEVELOPMENT PLAN POLICIES**

### **Mid Devon Core Strategy (Local Plan 1)**

COR1 - Sustainable Communities  
COR2 - Local Distinctiveness  
COR4 - Meeting Employment Needs  
COR6- Town Centres  
COR7 - Previously Developed Land  
COR9 - Access  
COR12 - Development Focus  
COR15 - Countryside

### **Mid Devon Local Plan Part 3 (Development Management Policies)**

DM1 - Presumption in favour of sustainable development  
DM2 - High quality design  
DM8 – Parking  
DM16 – Town Centre Development  
DM17 - Development outside town centres  
DM19 - Rural shopping  
DM20 - Rural employment development

## **CONSULTATIONS**

The comments that were confirmed in the reports as attached are material to the consideration of the scheme as it has been revised. Members will note that no objections were raised by any of the statutory consultees as part of the original proposal and as the proposal has now reduced in scale it is considered that the original comments of the statutory consultees are still relevant. The following updated comments have been received in response to the consultation carried out on the revised plans.

**Crediton Hamlets** – 11/2/2019 - met on the 4th February and once again resolved to support this application.

**Sandford Parish Council** – 11/2/2019 Has no objection subject to adequate screening of the site, the planting of trees and signage not being too intrusive.

**Crediton Town Council** – 6/2/2019 objects to the Planning Application

-The application falls down on its accuracy, in particular the information supplied regarding retail floor space.

- The Town Council strongly supports its previous comments and those of Mid Devon District Council's Economic Team, in that the A1 retail offer is limited to garden and garden related products as this should not result in a negative impact in Crediton High Street.

- The Town Council is very concerned about the level of hard surfacing and the lack of green landscaping. There is no evidence of a sustainable drainage system and it does not appear that any mitigation has been taken into account for adequate surface water drainage.

- The concerns expressed by the District Council's Historic Environment officer pertaining to archaeological and artefactual deposits associated with the known prehistoric and Romano-British activity in the area do not seem to have been addressed.

- There is no pedestrian refuge to cross the road to catch a bus on the opposite side of the road, which will be a 60mph speed limit!

- It is noted that an economic assessment on the 10 year impact on the High Street is awaited, which would be a material consideration for Crediton Town Council.

- The site will generate increased traffic through the High Street, which will negatively impact on the air quality issues that Crediton already has.

**Natural England** – 24.01.2019 Natural England has previously commented on this proposal and made comments to the authority in our letter dated 20 April 2018. The advice provided in our previous response applies equally to this amendment although we made no objection to the original proposal. The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

**Historic Environment Team** - 24.01.2019 I have no additional comments to make to those already made.

**Devon Cornwall and Dorset police** - 16th January 2019 have no further comments in addition to those submitted 25th April 2018, which remain relevant.

## **REPRESENTATIONS.**

The comments that were received in relation to the application as it was originally proposed are confirmed in the reports as attached.

Further consultation letters were sent out on 14<sup>th</sup> January 2019 to all the contributors that made comments to the application scheme as it was originally submitted.

At the time of writing this report a total of 84 representations had been received objecting to the proposal and 40 representations (plus a 189 name petition) had been received in support of the proposal. Two general comments were also received which did not object or support the proposal.

A summary of the representations is set out below:

There were a range of comments in support, including job creation, improvements to highway safety, benefits to the area from increased visitors to Crediton and that the proposal will be an improvement in terms of the current site which is untidy.

The objection comments:

The scale is still considered too large / Impact on skyline/ Impact on landscape character

It would have a negative impact on some of the shops in Crediton – a limitation on the goods sold should be considered.

No facilities for pedestrians and/or cyclists to access the site.

The car park dominates and is considered unsightly.

Concerned about ecological / archaeological/ economic impacts

Highway safety concerns – both on Higher Road and the A377 / Surface water drainage issues

As part of these objections the following independent reports were submitted in relation to Highways, Legal advice, Retail Impact Assessment and Landscape Assessment.

Any further comments, and relevant considerations arising, will be reported to members as an update to this report before the meeting on the 3<sup>rd</sup> April.

## **MATERIAL CONSIDERATIONS AND OBSERVATIONS**

The report attached in Appendix A sets out the assessment and conclusions reached by officers in terms of the scheme as it was originally submitted. As stated above the Committee were not minded to approve that original proposal and therefore wished to defer the application for consideration of an implications report. Before that implications report could be presented to committee the applicant provided revised plans to try and address the Planning committees concerns. The revised scheme was presented to the Planning Committee on the 5<sup>th</sup> December 2018. Following consideration of the revised report (see appendix B) the Committee resolved that they were still minded to refuse the application and therefore wished to defer the application for consideration of an implications report. Before the implications report could be presented to Planning committee the applicant again provided revised plans to try and address the Planning Committees concerns.

This report therefore represents the second amendment to the original scheme submitted by the applicant which further reduces the scale of the development in an attempt to address the areas of concern raised by the Planning committee on the 5<sup>th</sup> December 2018.

Therefore in re-assessing the revised plans the issues covered in this report are as follows:

1. Policy and Procedure / impact on Crediton High Street.
2. Scheme design, impact on the character, appearance and visual amenities of the area.
3. Transport & movement Issues.
4. Impact on the living conditions of nearby residential properties.
5. Summary and Planning Balance

### **1. Policy and Procedure / Impact on Crediton High Street**

The report as attached (appendix A) sets out the relevant sections of the Local Planning Authorities policy framework against which to assess this application, and your officers remain of the view that this the correct starting point for the assessment. The local planning authority have considered planning application proposals at other garden centres across the district of a similar size and nature in terms of the issues that need to be assessed. This has included:

17/01361/MFUL: Erection of garden sales area, warehouse building, alterations to existing garden centre, creation of new access on to B3181, change of use of land for the creation of public parking area and new commercial vehicle access and turning area at The Old Well, Uffculme near Collumpton. The terms of the permission allowed for an increase in the covered sales area at the site from 1145 square metres to 2521.00 square metres (with condition 11 allowing up to 630 square metres to be allowed to be used for mainstream retail sales), a restaurant area of 698.00 square metres and a warehouse facility of 428.00 square metres.

17/00855/MFUL: Erection of extension to garden centre to form additional retail space, pallet store, covered entrance and covered outdoor areas and erection of a separate warehouse following removal of polytunnels at the Bow Garden Centre. The terms of this permission allowed for an increase in the covered sales are from just under 500 square metres to 1022 square metres allowing 250 square metres to be allowed for mainstream retail sales. This site also trades with an on- site restaurant/café.

As indicated above the decisions on both these applications allowed for an element of trading space for unrestricted retail activity, and on both occasions the justification provided by both

applicants was so that the businesses at these two existing centres needed to expand and modernise so that they could keep in line with the ever changing and evolving garden centre sector.

As confirmed in the description of development the same reasoning applies in terms of the justification provided by the current owners of the garden centre covered by this application. The principal to allow growth and change at the site is supported by policy DM20 - Rural employment development. This policy confirms 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.

With regard to the impact of the development on the vitality and viability of the Crediton as the nearest protected town centre this is a requirement of policy DM19. Officers have sought expert retail advice on the level of impact this development would have on Crediton. The retail expert has concluded as follows:

“We are satisfied the assessment provided by the applicant demonstrates the development (as described), would not have a significant adverse impact on Crediton or other town centres. The proposed condition is necessary to control trade diversion and impact to the levels envisaged; in particular the amount of unrestricted comparison sales should not exceed 198 sq.m.”

Members at the last meeting were not convinced that the site would continue to primarily trade as a garden centre and instead would become an out of town retail outlet. They felt that conditions 13, 14 and 15 as set out in the previous recommendations (attached as Appendix A and B) were not sufficient to restrict the retail sales on this development.

To provide the planning committee with expert guidance on this issue officers have sought advice from a retail expert who has provided the following response:

“If the Council is minded to grant planning permission then the maximum amount of indoor retail sales floorspace should be restricted to not more than 1,915 sq.m net. The outdoor sales area should be restricted to 2,866 sq.m and should not be enclosed.

An example of the type of restrictive condition that could be attached to control the type of goods sold is as follows:

The Class A1 retail uses hereby permitted is for a garden centre selling only gardening related products as follows:

1. Plants and houseplants, seeds and bulbs dried, artificial and cut flowers and goods associated with their care and maintenance.
2. Composts, peats, chemical and other goods associated with plant/garden care, tools, watering equipment and garden machinery. Bird food, bird tables and feeders.
3. Garden, patio and conservatory furniture, tables and picnic ware; gardening furnishings and accessories. Garden lighting, heating and accessories; barbecues, fuels and accessories, and between the 1st October to 15th January only, external and internal Christmas decorations.
4. Garden and specialist outdoor activities' clothing and footwear, outdoor and country pursuits, camping equipment and accessories.
5. Trees and plants of all kinds, rockery and statuary, ponds, pools, fountains and accessories including cold water fish.
6. Garden buildings, greenhouses, conservatories, gazebos, summerhouses, swimming pool spas with all accessories, landscape and building material, fencing and timber products and accessories.

The sale of other ancillary comparison goods should not occupy more than 198 sq.m. of indoor and outdoor space combined.”

The consultant has further clarified that “The proposed condition is necessary to control trade diversion and impact to the levels envisaged, in particular the amount of unrestricted comparison sales should not exceed 198 sq.m.“

Members will notice that officers have taken on board these suggested conditions and have amended the wording of conditions 13, 14 and 15 to reflect this advice. Therefore it is considered that the proposal will be suitably controlled to ensure that the site will be used as a garden centre selling only gardening related products and would protect the vitality and viability of Crediton town centre.

As per the originally submitted scheme there is still space within the new complex to accommodate a restaurant/café as an ancillary use at the site, which can be controlled with an appropriately worded condition. In land-use policy terms this element remains acceptable subject to the facility remaining ancillary and not a stand-alone use.

From a service delivery point of view the applicant has confirmed that this aspect of the modernisation of the facilities at the site is an important aspect of the business model, just as is the case at the other two garden centres as referred to above which trade with cafes/restaurants of a similar size operating with the benefit of planning permission.

In summary the revised plan presents a building which is similar in terms of the overall amount of sales and merchandising space that could be achieved across the site at present in terms of the existing arrangements at the site (the shop, covered display space, uncovered display space, ancillary covered and uncovered areas).

The improvements to the proposed development are considered to be a benefit given the outdated trading model and premises that are currently on site which are dilapidated and visually incongruous. The proposals will create new employment opportunities and could secure wider benefits to the local economy if customers from a wider catchment area visit the site. Expert advice has been sought in relation to the imposition of conditions to restrict the amount of mainstream retail sales space in order to prevent the development from adversely affecting the vitality and viability of the Crediton as a protected retail centre.

Accordingly, subject to the conditions as recommended, it is considered that the planning application scheme as it has been revised is in accordance with policies including COR15, DM16, DM17 and DM20.

## **2. Scheme design, impact on the character, appearance and visual amenities of the area.**

As stated in the reports as appended the site does not sit as part of a protected landscape, the site is visible in both distant and close up views from the south west and directly from the A377.

At present the site currently presents to the A377 presents as a disjointed arrangement of poly tunnels and glass houses.

The proposals have been amended as described above with revised plans showing the scope of the built form across the site.

As revised the complex is single storey across the site, and constructed as a series of portal framed buildings standing 3.7 metres to eaves and 5.7 metres to ridge and set across a plateaued area across a lower part of the site than the existing complex. In addition the palette of materials remains as per the original plans as submitted as set out below with the colour indicated in brackets:

Roof non insulated - PPC uninsulated metal sheet cladding to walkways, profile to match roof (green)

Walls - PPC profiled insulated metal sheet cladding (green). The frontage to the restaurant/café is proposed with high level glazing, as was proposed originally.

Warehouse doors [non public] - Industrial grade roller shutter doors (grey)

Doors [public] - PPC aluminium framed windows and doors (grey)

Window and curtain glazing - PPC aluminium framed windows and doors (grey)

Roofing accessories - PPC metal ridge, valley, hip, verge and eaves flashing (green)

Solar energy - Photovoltaic array

Structural supports - Painted metal columns and beams supporting covered walkway (green)

Retaining walls - Rendered masonry, painted finish

Rainwater goods - Half round UPVC deep line gutters with round UPVC down pipes (grey)

The scope of the reduction in the size and height of the proposed complex also means that it will sit more comfortably within the landscape and there is more soft landscaping proposed as part of this scheme than was originally proposed. Overall it is considered that the revised development form sits more comfortably within the site area without appearing visually assertive and/or detrimental to the character and appearance of this part of the Countryside.

In summary, it is considered that the application scheme as revised remains satisfactory in terms of testing it against the policy requirements of policy COR2/DM2 of the development plan.

### **3. Transport & Movement Issues.**

The revised proposals retain the same arrangement in terms of access arrangement and car parking as follows:

Access to a staff car park using the existing point of access from Higher Road (30 spaces).

Access to a customer car park is from a new entrance off the A377 with works proposed across the frontage of the site to widen the width of carriageway to ensure a safe arrangement. The improvements relate to providing an additional lane for vehicles turning right into the site (i.e. for traffic from the east/Crediton), a wide splayed entrance into the site and the formation of a new bus stop directly outside of the site (i.e. for traffic from the west/Copplestone).

In addition a footpath is proposed around the site at the Barnstaple Cross junction which will assist pedestrian movements to the site for public transport users travelling in from east.

Given the reduction in the scope of the building footprint on the site, the revised layout for the car park, the design of the car park now accommodates 163 visitor parking spaces and 3 coach parking spaces with a higher proportion of permeable and grassed parking spaces.

As with the original application the Highway Authority are supportive of the application in terms of the capacity of the highway to carry the additional traffic and also from a highway safety point of view in terms of the new arrangements to access the site from the A377. One clear benefit in highway terms would be that there will no longer be a need to unload stock directly from Higher

Road as any unloading will now be done from directly within the site with safe access from the A377.

Overall given the comments from the Highway Authority and reflecting on the improvements proposed as part of the planning application scheme (on site and off site) it is not considered that there would be any reason to refuse the application on highway safety and/or capacity issues.

#### **4. Impact on the living conditions of nearby residential properties**

As stated the overall scale of development as proposed has been significantly reduced in terms of the scope of the new complex at the site. This has allowed for the new building and hardscape area to be set within a more generously landscaped site which presents as a better neighbour to the existing houses on Higher Road, many of whom have written to express their support for the proposals.

In terms of completing the assessment of the application to reflect the revised scheme, the proposals continue to be considered acceptable and in accordance with policy DM2 (e) reflecting the assessment originally reached. Please refer to reports at appendix A and B as attached and the conclusion as set out below

Reflecting on the fact the site is already operational, it is not anticipated that the proposed development would have an unacceptable effect on the privacy, amenity and/or the general living conditions of the occupiers of the residential dwellings on Higher Road, and any other neighbouring property within the vicinity. On this basis the application is considered to be in accordance with relevant part of policy DM2 (e).

Conditions are recommended requiring a construction management plan to be submitted re and with regards to future lighting details.

#### **5. Summary and Planning Balance**

This planning application proposes a significant change to the business model to be undertaken at the existing Crediton Garden Centre by the current owners who have recently acquired the site. There has been little or no expansion of the business at this site over the last 20 years or so at a time when other garden centres in the district and the wider locality have expanded and developed as allowed by the same policy framework that this application is required to be assessed against.

The scheme of development at the site has been substantially reduced in scale and the applicant has provided a proposed floor plan to clarify how the new arrangement of floorspace at the site will be used. Also officers have sought the advice of an independent retail expert to assess the impact on Crediton town centre and to seek assurance on the robustness of the proposed controls to limit the retail sales on site. This is in response to concerns expressed by members when the planning application was considered by the Planning Committee on two previous occasions. The assessment of the application has not raised any concerns in terms of Highway safety, or capacity issues and/or in terms of managing surface water drainage requirements of the new site which includes a larger area of hardscape than as existing.

Notwithstanding the scope of the changes put forward by the applicant public opinion about allowing the site to modernise and develop remains split, with the principal concern driven by how the proposed new facilities would affect the existing retailers in Crediton and other Garden centre traders. As explained above expert opinion has now been sought on this issue which has established that the proposal will not adversely affect the vitality and viability of the Crediton as a

protected retail centre.

On the basis of the changes proposed the application will deliver an appropriate enhancement and development of the facilities of this existing garden centre which will sit comfortably in the landscape on the edge of Crediton at Barnstaple Cross. Various conditions are recommended as set out below.

## 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. All planting, seeding, turfing or earth re-profiling as set out on the soft landscape plan as shown on drawing 211 F hereby approved shall be carried out within 9 months of the substantial completion of the development, 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.

4. Prior to commencement of any development on the site, a Construction Management Plan (CMP) part of the site shall have been submitted to and approved in writing by the Local Planning Authority to include the following matters:

- (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, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
- (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.

Once approved the details shall be complied with at all times during the implementation of the planning permission.

5. No part of the development hereby approved shall be brought into its intended use until the access, parking facilities, commercial vehicle loading/unloading area, visibility splays, turning area and drainage have been provided in accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority and retained for that purpose at all times.

6. In accordance with details that shall previously have been submitted to and approved in writing 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. The proposed estate road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority for approval.

8. The scheme of development hereby approved shall not be open to customers until the off-site highway works for the provision of a footway as shown on drawing 245 RevB have been implemented in accordance with details which shall have previously been submitted to and approved in writing by the Local Planning Authority.

9. No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority. The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems, and those set out in the Surface Water Drainage Strategy (Ref. Proposed Development at Crediton Garden Centre; dated July 2018).

10. No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to, and approved in writing by, the Local Planning Authority. This temporary surface water drainage management system must satisfactorily address both the rates and volumes, and quality, of the surface water run-off from the construction site.

11. No part of the development hereby permitted shall be commenced until the full details of the adoption and maintenance arrangements for the proposed permanent surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority.

12. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the 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.

13. The scheme of development hereby approved shall operate with no more than 1,915sq m of covered sales floorspace marked up as area 9,10 and 11 on drawing 212 E.

14. The outdoor sales area shall be restricted to 2,866 sqm as shown on drawings 212 E and 209E and shall not be enclosed.

15. The Class A1 retail uses hereby permitted is for a garden centre selling only gardening related products as follows:

1. Plants and houseplants, seeds and bulbs dried, artificial and cut flowers and goods associated with their care and maintenance.

2. Composts, peats, chemical and other goods associated with plant/garden care, tools, watering equipment and garden machinery. Bird food, bird tables and feeders.

3. Garden, patio and conservatory furniture, tables and picnic ware; gardening furnishings and accessories. Garden lighting, heating and accessories; barbecues, fuels and accessories, and between the 1st October to 15th January only, external and internal Christmas decorations.

4. Garden and specialist outdoor activities' clothing and footwear, outdoor and country pursuits, camping equipment and accessories.

5. Trees and plants of all kinds, rockery and statuary, ponds, pools, fountains and accessories including cold water fish.

6. Garden buildings, greenhouses, conservatories, gazebos, summerhouses, swimming pool spas with all accessories, landscape and building material, fencing and timber products and accessories.

The sale of other ancillary comparison goods should not occupy more than 198 sq.m. of floor area and shall be restricted to the area marked up as area 10 as shown on drawing 212 E .

16. The restaurant/café area hereby approved shall only be operational as an ancillary use to the use of the site as the Crediton Garden Centre, and shall only be open for trade during the openings hours of the Garden Centre hereby approved, and at no other times unless specifically approved in writing by the Local Planning Authority.

17. The proposed scheme of lighting external to the building, across the car park and other open areas of the site shall be submitted to and approved in writing by the local planning authority prior to opening of the building for the approved use.

## **REASONS FOR CONDITIONS**

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

2. For the avoidance of doubt and in the interests of proper planning.

3. To ensure that the development makes a positive contribution to the character and amenity of the area, and safeguards the amenities of the existing residential occupiers along Higher Road, in accordance with policy DM2 of Local Plan Part 3: (Development Management Policies).

4. To ensure that adequate facilities are provided for all traffic attracted to the site during the construction period in the interest of safety and amenity to all road users.

5. To ensure that adequate facilities are available for the traffic attracted to the

site.

6. In the interest of public safety and to prevent damage to the highway.
7. To ensure that adequate information is available for the proper consideration of the detailed proposals.
8. To minimise the impact of the development on the highway network in accordance with paragraph 32 of National Planning Policy Framework.
9. To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems.
10. To ensure that surface water runoff from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area.
11. To ensure that the development's permanent surface water drainage management systems will remain fully operational throughout the lifetime of the development.
12. To ensure, in accordance with the National Planning Policy Framework (2018) 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.
13. In accordance with the details as submitted and to maintain control of the use of any floor space hereby approved for a garden centre selling only gardening related products in the open countryside in order to prevent harm to the vitality and viability of Crediton town centre and other villages in line with policy DM17 and DM19 of the Mid Devon Local Plan Part 3 (Development Management Policies).
14. In accordance with the details as submitted and to maintain control of the use of any outside space hereby approved for a garden centre selling only gardening related products in the open countryside in order to prevent harm to the vitality and viability of Crediton town centre and other villages in line with policy DM17 and DM19 of the Mid Devon Local Plan Part 3 (Development Management Policies).
15. To protect the vitality and viability of Crediton town centre.
16. To prevent harm to the vitality and viability of nearby town centre in line with policy DM17 and DM19 of the Mid Devon Local Plan Part 3 (Development Management Policies), and to protect the amenities of the surrounding area in accordance with DM2.
17. To protect the amenities of the surrounding area in accordance with policy DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).

## **REASON FOR/ APPROVAL OF PERMISSION/GRANT OF CONSENT**

The site is located in the open countryside where policy COR18 applies. In summary the policy seeks to protect the open countryside from inappropriate development. Policy DM19 permits retail development in the open countryside, provided that it is in a location and of a scale that would not harm the vitality and viability of town centre or village shopping facilities, would not lead to an unacceptable impact on the local road network; and would not result in an unacceptable adverse impact to the character and appearance of the countryside. Policy DM20 - Rural employment

development - advises 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. In the determination of this application, consideration has been given to the type and use as submitted and its location away from any other town or village shopping facilities.

In this instance it is not considered that an expansion and modernisation of this established garden centre would adversely affect the vitality or viability of Crediton or the surrounding villages subject to imposing a restriction on the amount of floor space that can be used for the sale and display of convenience goods, fashion goods, clothing, footwear and food or drink related products. In addition the economic benefits in terms of increased employment in the locality have also been taken into account. The proposal has been considered in terms of its impact on highway safety and whether the design is suitable for this rural location. With conditions relating to landscaping, highway matters, drainage and controls over the future uses of the proposed floor space, the application scheme considered to comply with policies COR1, COR2, COR4, COR9 and COR18 of Mid Devon Core Strategy 2007, and policies DM1, DM2, DM8, DM17, DM19, DM20 of Local Plan Part 3 (Development Management Policies).

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. This report has 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.

## APPENDIX A

Application No. 17/02061/MFUL

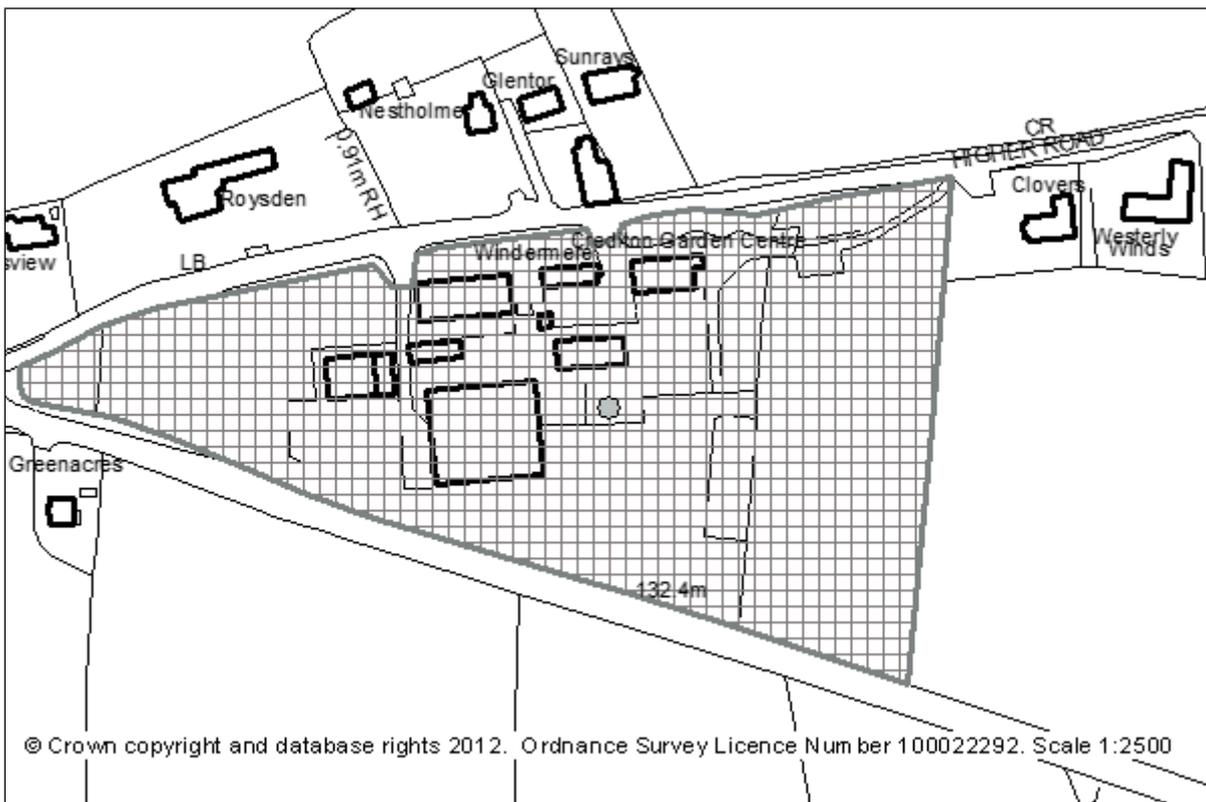
Grid Ref: 280656 : 101364

Applicant: Mr R Broad

Location: Crediton Garden Centre  
Barnstaple Cross  
Crediton  
Devon

Proposal: Remodelling and modernisation of existing garden centre following demolition of existing structures, to include erection of retail areas, cafe, and warehouse, formation of new vehicular access, provision of parking areas, and landscaping

Date Valid: 12th April 2018



## **APPENDIX A**

### **APPLICATION NO: 17/02061/MFUL**

#### **RECOMMENDATION**

Grant permission subject to conditions

#### **PROPOSED DEVELOPMENT**

Planning permission is sought for a remodelling of the existing garden centre following the demolition of all the existing buildings, poly tunnels/glass houses, covered and uncovered sales areas. The scheme includes a building, including a large café facility and a warehouse store, new access arrangements from the A377 and a new area of car parking.

The application covers the scope of the existing garden centre, and a section of scrub land that sits adjacent.

The site slopes down from the boundary with Higher Road down to the boundary with the A377 (with a six metre drop) with the current main access from Higher Road leading to small area for car parking directly in front of the existing main shop building. The other covered and uncovered sales/display areas across the site, where there is currently customer access, lead back to this point via a series of linking paths. The scope of this area exceeds 6,000 square metres, with an additional area to the west that is not currently used as part of the sales and display area and could provide up to 968 square metres of floor space within the 2 building structures and the gravelled hardstanding area that are located on this part of the site.

The site area as proposed is broadly the same but with a new contiguous building complex comprising; a main shop area (3,336 square metres), a warehouse (520 square metres), a café complex comprising kitchen/customer seating and soft play area/conference facility (totalling 1,429 square metres), public toilet facilities (132 square metres) and staff room facilities (117 square metres), and a new outdoor sales area comprising 2,798 square metres.

The applicant has confirmed that the application has been submitted to modernise the application site as a viable garden centre, with associated retail and other gardening related and sundry non-related goods, together with an in-house café for the on-site consumption of food and drink. At the pre-application stage the applicant advised that 65% of the expected turnover from the site would be from the sale of gardening related products, 5% from aquatic related products, 5% from pet related products, 5% from seasonal related products, 15% from the restaurant/café and 5% from giftware and clothing sales (ie not garden centre goods and merchandise).

In summary from a floorspace point of view the scheme proposes 6,397 square metres of covered and uncovered for the sales and display of merchandise, with the café and community spaces as referred above.

In order to accommodate the proposals a large new building complex is proposed which includes a staggered central section which will function as the main retail/shop (total width 90.0 metres) with a warehouse section (35.0 metre frontage) added to it on the eastern boundary and the restaurant space (55.0 metre frontage) added to it on the western boundary. The complex is single storey across its entirety and with a maximum of upto 5.0 metres excavation up towards the Higher Road boundary to create a level footprint for the new building. The complex is then

delivered as a series of portal framed buildings standing 5.0 metres to eaves and 7.0 metres to ridge. The palette of materials is set out below with the colour indicated in brackets, with the frontage to the restaurant/café being completed with high level glazing:

Roof non insulated - PPC uninsulated metal sheet cladding to walkways, profile to match roof (green)

Walls - PPC profiled insulated metal sheet cladding (green)

Warehouse doors [non public] - Industrial grade roller shutter doors (grey)

Doors [public] - PPC aluminium framed windows and doors (grey)

Window and curtain glazing - PPC aluminium framed windows and doors (grey)

Roofing accessories - PPC metal ridge, valley, hip, verge and eaves flashing (green)

Solar energy - Photovoltaic array

Structural supports - Painted metal columns and beams supporting covered walkway (green)

Retaining walls - Rendered masonry, painted finish

Rainwater goods - Half round UPVC deep line gutters with round UPVC down pipes (grey)

Access to proposed development area is as follows:

1. A new main site entrance off the A377, on the south side of the site, incorporating a new visibility splay, with a new bus stop lay-by and associated road widening and a central turn-in lane on the highway adjacent to the site. The new access leads into a new car parking area which will be laid out with 193 car parking spaces and 3 spaces for coach parking.

2. Revisions to the existing site service access points on the north site boundary off Higher Road to facilitate access for staff (40 car parking spaces) and delivery vehicular movements, including refuse collection, on and off site. One of these two access points is the existing car park access; the other is an existing goods delivery access, to be relocated slightly westward along Higher Road which will be restricted for goods deliveries to the restaurant/cafe.

The scheme includes an additional section of footway on the western perimeter between the site edge and the public highway. This new section of pavement extends from the second vehicular entrance on Higher Road around the junction at Barnstaple Cross and running along the perimeter of the site below the café terrace along the newly created visibility display and into the site.

Some new hardscape will be required to manage the change in levels across the site, the most prominent being a section of retaining wall in front of the café/restaurant building. New soft planting is proposed around the north-south and east-west perimeter (along the A377) of the proposed car parking area.

The application site is a countryside location, beyond the settlement boundary of Crediton, and as stated is an existing trading garden centre.

## **APPLICANT'S SUPPORTING INFORMATION**

Application forms and plans

Design and Access Statement and photographs (existing and proposed from 5 vantage points)

Ecological Assessment

Groundsure Report

Retail Statement

Statement of Community Involvement

Surface Water Drainage Report prepared by Dennis Edge (April 2018)

Drainage Strategy prepared by Dennis Edge (July 2018)  
Transport Assessment (3 parts)

## **RELEVANT PLANNING HISTORY**

In relation to the site of the existing garden centre:

93/00963/FULL - PERMIT date 24th August 1993

Erection of an ancillary shop and cafe with parking area

03/05221/FULL - PERMIT date 5th February 2004

Formation of new vehicular access, erection of replacement shop and tea room, formation of enlarged parking area and erection of four polytunnels following removal of existing.

04/02091/FULL - PERMIT date 24th November 2004

Erection of new glass house

17/02061/MFUL - PCO date

Remodelling and modernisation of existing garden centre following demolition of existing structures, to include erection of retail areas, cafe, and warehouse, formation of new vehicular access, provision of parking areas, and landscaping

17/00164/CLU - PERMIT date 23rd March 2017

Certificate of Lawfulness for the existing use of the property as a dwelling for a period in excess of 4 years

In relation to the additional strip:

00/01005/FULL - REFUSE date 16th November 2000

Outline for the erection of a single storey dwelling and garage

84/01545/FULL - REFUSE date 4th December 1984

Erection of bungalow and garage

89/01591/FULL - REFUSE date 5th September 1989

Erection of bungalow and construction of vehicular access

94/00230/OUT - REFUSE date 19th May 1994

Outline for the erection of a bungalow

06/01785/FULL - REFUSE date 28th September 2006

Erection of stable block, hay barn and horse manege together with the change of use to equestrian purposes

83/00249/OUT - REFUSE date 11th April 1983

Outline for the erection of a bungalow

## **DEVELOPMENT PLAN POLICIES**

### **Mid Devon Core Strategy (Local Plan 1)**

COR1 - Sustainable Communities

COR2 - Local Distinctiveness

COR4 - Meeting Employment Needs

COR6- Town Centres

COR7 - Previously Developed Land

COR9 - Access

COR12 - Development Focus

COR15 - Countryside

### **Mid Devon Local Plan Part 3 (Development Management Policies)**

DM1 - Presumption in favour of sustainable development

DM2 - High quality design

DM8 – Parking

DM16 – Town Centre Development

DM17 - Development outside town centres

DM19 - Rural shopping

DM20 - Rural employment development

### **CONSULTATIONS**

**CREDITON HAMLETS PARISH COUNCIL** - 6th June 2018

**SUPPORT**

**Highway Authority** - 11th June 2018 - Observations:

**NO OBJECTIONS**

The Highway Authority have though the process of pre application and the application process visited the site and have examined the transport assessment and are happy with the proposed layout, which is supported by an independent safety audit, and Parking and access arrangements. The proposal for a right turn lane, footpath provision to the existing bus stops and relocated bus stop will add benefit to the safety of pedestrians and provision of improved visibility from the Barnstaple cross junction onto the A377. The applicant has provided a travel plan and this should be secured through a suitable agreement under the town and country planning act. The applicant should also covenant to enter a section 278 agreement under the highway act for the onsite and offsite highway works to provide the junction and footpaths.

Therefore should planning consent be granted the following conditions should be imposed.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, RECOMMENDS THAT THE FOLLOWING CONDITIONS SHALL BE INCORPORATED IN ANY GRANT OF PERMISSION

1. Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) 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, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;

(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;

Reason to minimise disruption and interference with the free flow of Traffic and to the amenity of the Traveling public.

2. No part of the development hereby approved shall be brought into its intended use until the access, parking facilities, commercial vehicle loading/unloading area, visibility splays, turning area and drainage have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and retained for that purpose at all times

REASON: To ensure that adequate facilities are available for the traffic attracted to the site

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. The proposed estate road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins, For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

REASON: To ensure that adequate information is available for the proper consideration of the detailed proposals.

5. Off-Site Highway Works No use of the development shall take place on site until the off-site highway works for the provision of a footway from Barnstaple cross junction to the existing west bound bus stop and from the junction to the east bound bus stop within the new site access has been constructed and made available for use.

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

**HISTORIC ENVIRONMENT SERVICE** - 24th April 2018 - I refer to the above application and your recent consultation. The proposed development lies within a landscape containing evidence of prehistoric and/or Romano-British activity. There is a prehistoric funerary monument less than 120m to the north of the application area and there is a prehistoric or Romano-British enclosure c.350m to the south-west. Other archaeological sites from these periods are also present in the wider, surrounding, landscape. The site also occupies a south-facing slope on the hill below the

funerary monument and may contain archaeological and artefactual deposits associated with early settlement here. As such, groundworks for the construction of the proposed development have the potential to expose and destroy archaeological and artefactual deposits associated with the known prehistoric and Romano-British activity in this area.

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, whereby:

'No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the 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 archaeological evidence that may be affected by the development.'

I would envisage a suitable programme of work as taking the form of a staged programme of archaeological works, commencing with the excavation of a series of evaluative trenches to determine the presence and significance of any heritage assets with archaeological interest that will be affected by the development. Based on the results of this initial stage of works the requirement and scope of any further archaeological mitigation can be determined and implemented either in advance of or during construction works. This archaeological mitigation work may take the form of full area excavation in advance of groundworks or the monitoring and recording of groundworks associated with the construction of the proposed development to allow for the identification, investigation and recording of any exposed archaeological or artefactual deposits. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report.

I will be happy to discuss this further with you, the applicant or their agent. The Historic Environment Team can also provide the applicant with advice of the scope of the works required, as well as contact details for archaeological contractors who would be able to undertake this work. Provision of detailed advice to non-householder developers may incur a charge. For further information on the historic environment and planning, and our charging schedule please refer the applicant to: <https://new.devon.gov.uk/historicenvironment/development-management/>

**DEVON, CORNWALL & DORSET POLICE** - Re Crediton Garden Centre, Barnstaple Cross,  
Crediton 25th April 2018

Thank you for this application.

Following a very useful site visit Police have no objections to this proposal. This is private site to which the public are allowed / invited onto. Police do not patrol such sites to deter crime, this is down to the owners, operators and managers of the site. The site should have its own security measures in place to initially deal with incidents, much as a private shopping centre would. However due to the types of crimes and incidents that occur on such sites, Police are often called to attend and assist staff. Generally speaking, such sites become crime generators if not designed to deter crime.

It is therefore important to make sure that the layout of the site does as much as possible to deter crime, and that mitigation is in place, so that if crimes and incidents do occur, they can be easily investigated and evidence collected to assist with any police investigation.

A sensible and practical level of security, which will not adversely affect the efficiency of the retailers is essential for successful and profitable business. The following measures have all been shown to deter / stop crime and, I would recommend them all to be incorporated, if they aren't already.

I note and welcome the intention to incorporate a lockable barrier or gates at all public, staff car park and goods delivery entrance/exit points. I would ask that incorporation of a suitable barrier be considered as a condition of planning to secure these areas out of hours and thereby reduce likely incidents of crime, disorder and anti-social behaviour.

There should be no direct 'public' access from the car park to the outdoor sales area, with customers being directed through the main indoor retail sales buildings towards this area. It is recommended the indicated access lane security fence and gates be 2.4m to prevent climbing by intruders and items being easily passed over. Consideration should be given to the inclusion of fencing atop the retaining wall to the north of the outdoor sales area.

The external glazing is advised to comprise at least one pane of laminated glass.

**Lead Flood Authority (Devon County Council)**

**NO OBJECTIONS**

Initially an objection was lodged against the application proposals on 22nd May 2018. Observations at this time: The applicant will also be required to submit Micro Drainage model outputs, or similar, in order to demonstrate that all components of the proposed surface water drainage system have been designed to the 1 in 100 year (+40% allowance for climate change) rainfall event.

The applicant should clarify what components are proposed to attenuate surface water on-site. The applicant should also provide a scaled plan to demonstrate that the proposed system can fit within the site layout. The applicant must submit details of the exceedance pathways and overland flow routes across the site in the event of rainfall in excess of the design standard of the surface water drainage management system. The applicant must submit information regarding the adoption and maintenance of the proposed surface water drainage management system in order to demonstrate that all components will remain fully operational throughout the lifetime of the development.

However following the submission of further details (July 2018), further comments have been from the Drainage Authority of the 4 September 2018 as follows:

Following my previous consultation response (FRM/MD/02061/2018; dated 22nd May 2018), the applicant has submitted additional information in relation to the surface water drainage aspects of the above planning application, for which I am grateful. It was previously mentioned that rainwater harvesting may be utilised on this site, the applicant should clarify this at the next stage.

The applicant should clarify the exceedance routes for this site as part of the detailed design condition. It is noted that the attenuation tank has been designed and modelled so that the permeable paving can drain into it.

Recommendation: Our objection is withdrawn and we have no in-principle objections to the above planning application at this stage, assuming that the following pre-commencement planning conditions are imposed on any approved permission:

No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems, and those set out in the Surface Water Drainage Strategy (Ref. Proposed Development at Crediton Garden Centre; dated July 2018).

Reason: To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems.

No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. This temporary surface water drainage management system must satisfactorily address both the rates and volumes, and quality, of the surface water run-off from the construction site.

Reason: To ensure that surface water runoff from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area.

No part of the development hereby permitted shall be commenced until the full details of the adoption and maintenance arrangements for the proposed permanent surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority.

Reason: To ensure that the development's permanent surface water drainage management systems will remain fully operational throughout the lifetime of the development.

Advice: Refer to Devon County Council's Sustainable Drainage Guidance.

**NATURAL ENGLAND** - 23rd April 2018

No comments.

## **REPRESENTATIONS**

At the time of writing this report 93 letters of representation have been received. 33 of these letters are from stakeholders who have confirmed their support for the site proposals, with 54 raising an objection and 5 presenting general comments for consideration. A summary of the comments made in the representations are set out below under the respective headings:

### Supporting comments

1. The plans look to have been carefully and sympathetically produced and appear to allow customers to enjoy the bucolic view, and improve significantly the existing garden centre.

2. The Garden centre development will bring dozens of jobs, new customers and tourists and much needed revenue to the town. Crediton deserves investment and to prosper and this development will help it do just that.
3. Having the entrance from A377 is a good idea, and the proposals along Higher Rd are an improvement.
4. The site is a brown field location so suitable for expansion, and the merits outweigh the disadvantages.
5. It is believed that the development should increase footfall on the High Street.

Objecting comments:

1. Concern about the visibility proposed for the new access.
2. The proposals will affect businesses on the High Street in Crediton given the range of goods sold at the other Homeleigh site at Launceston with the loss of jobs arising.
3. Impact on garden centres at Eggsford, Bernaville, Tuckers in Crediton and Bow.
4. Not appropriate for a Countryside location – the terms of 2003 planning approval are considered acceptable in terms of development on the site.
4. Concern as to levels of traffic on Road, and how it will affect access to Queens Elizabeth Drive.
5. Unauthorised development already undertaken.
6. Green transport options are limited / car dominated. Not a very sustainable location
7. Contrary to development plan as it will not improve economic conditions of the area/impact the High Street. Contrary to DM19 and DM17
8. Café is too large.

Twenty of the objections were submitted on a standard template letter which raise the following comments.

Negative Impact on Crediton, scale is too large, no need for another garden centre in Crediton , increase traffic congestion, no public consultation, adverse impact on amenities of surrounding occupiers, inadequate arrangements for drainage, adverse impact of landscape character and visual amenities of the area.

General comments about the scheme:

1. Lighting needs to be low key.
2. Proposals to improve pedestrian facilities are most welcome.
3. Need to retain existing landscaping along Higher Rd.
4. Noise and disturbance arising from music being played on the site.
5. We remain neutral in this application and do not believe that the proposed expansions will have any effect on high street business – this comment was from an existing Trader.
6. At first I thought that the size of the development was out of proportion for the location, but if major re-building is to happen anyway, it is perhaps best to make a unified and well-designed plan which develops the site once and for all rather than needing further disruption for expansion in five or ten years' time. The existing structures are rural for certain, but not attractive or coherently planned, with considerable amounts of wasteland.

General appearance: If the buildings are of broadly agricultural appearance and set down sufficiently low not to be a blot on the landscape (or be obtrusive to the existing dwellings on the north side of Higher Road), that will help.

## **MATERIAL CONSIDERATIONS AND OBSERVATIONS**

**The main issues in the determination of this application are:**

1. Policy considerations, retail impact, economic development issues.
2. Scheme design, impact on the character, appearance and visual amenities of the area.
3. Transport & movement Issues.
4. Impact on the living conditions of nearby residential properties (Higher Road).
5. Other matters.
6. Planning balance.

### **1. Policy considerations, retail impact, economic development issues.**

The Government's commitment to a "plan led" planning system is apparent throughout the National Planning Policy Framework (NPPF). Paragraph 2 acknowledges the statutory presumption in favour of the development plan in section 38(6) of the Planning and Compulsory Purchase Act 2004, and the status of the NPPF as another material consideration.

A snap shot of local and national policy that is relevant to determination of the application is set out as follows: Sections 83 -84 of the Framework set out considerations in relation to maintaining a prosperous rural economy, and sections 85 -90 set out consideration in relation to ensuring the vitality of town centres. The aims and objectives of the Framework are largely reflected in Local Policies DM16, DM17, DM19 and DM20. Furthermore policy COR18 of the Core Strategy appropriate supports rural uses, such as appropriately scaled retail development. Policy COR1 seeks to manage development so that it meets sustainability objectives including enhancing the self-sufficiency and vitality of communities, providing settlements with a vibrant mix of flexible and compatible uses and providing access to jobs.

In planning terms Garden Centres do not fit neatly within any single land use category and usually comprise a mix of uses that can include retail (A1 use class), cafe/restaurant (A3 use class) in addition to the plants/nursery related products and associated garden and outdoor related merchandise.

The applicant operates another garden centre in Launceston which operates selling a range of goods and services, including a range of comparison and non comparison retail goods. The applicant has recently acquired the application site, and this application has been submitted to update and improve the offering from the site given that the current buildings are dilapidated. Furthermore the overall operational basis of the centre is not reflective of current garden centre retail trends.

As outlined above the applicant proposes to expand the offer at the site (to include some non-traditional garden centre merchandise) with new premises which are fit for purpose. The application follows pre-application discussions, and from the onset the applicant has expressed clear aspirations to develop an offer which attracts customers from a larger catchment area than the currently as reflected by the application scheme. At the onset it was clarified to the applicant that the LPA would need to be satisfied that their proposals in terms of the increase in floor space and the nature of the sales to be undertaken at the site, would not affect the protected retail areas in the district, in particular Crediton High Street.

The planning history for the site in relation to the garden centre is set out above. Following an approval in 1993 for a shop and café on the site, the layout and site coverage as of today reflects the terms of planning permission granted in 2003 and 2004. However having assessed the plans as approved and the controls imposed by the conditions there is no direction and/or control that

the LPA could impose on the range of goods sold from the covered and uncovered floorspace at the site, and based on this calculation the net additional floorspace could be considered as only a marginal increase as reported by the applicant (approximately 315 square metres). However this comparison relies on using all the existing space across the site, irrespective of whether it is covered and/or uncovered and or formally used at present.

Irrespective of the above conclusion, given the new covered floor space exceeds 500 square metres, the applicant has been requested to submit an impact assessment in order demonstrate compliance with policy DM17. The section below overviews the conclusions reached by the applicant consultant as a result of this study:

At paragraph 4.3.1 the report provides an assessment of the effect of the proposed extension to Crediton Garden Centre on Crediton town centre. The main trade draw impact of Crediton Garden Centre expansion will be on other garden centres, which generally occupy out-of-centre locations in the catchment area, and, to a lesser extent, on DIY and general stores, which are predominantly located at out-of-centre retail parks or stand alone stores. There are no known similar committed or planned investments in centres across the catchment. Furthermore, given the large format and external sales area requirements of garden centres and DIY stores it is considered highly unlikely that such proposals will come forward in the centres over the next five years.

At paragraph 4.3.2 the report considers that the estimated turnover of the proposed Crediton Garden Centre redevelopment represents a very small fraction of the available comparison goods expenditure and projected turnover in the catchment area. Analysis of the likely pattern of trade draw across the catchment indicates that there will be minimal impact on the vitality and viability of centres in the area. The main impact will be on existing garden centres and other stores, which occupy out-of-town locations, and on retail parks in and outside the catchment area and are not protected through local or national town centre and retail policy.

In the main body of the report the other garden centres that are referred to are Orchard Nurseries (Exeter), Bernaville, Bow Garden Centre, Tuckers in Crediton, Springfield 'Devon' Bonsai Nursery and other DIY stores. Whilst not listed by the applicant there was a garden centre in Eggsford which at the time writing is no longer trading.

In terms of re-direction of spend from Crediton High Street, the study confirms that if 10% of the Garden Centre turnover applicant comes from the High Street then that would equate to a reduction of approximately 1% of expenditure from the Town Centre.

The report also confirms that the application scheme would create an number of employment opportunities at the site (estimated 80 jobs).

The Economic Development Team supports this application for remodelling and modernisation of the Crediton Garden Centre at Barnstaple Cross on the following grounds:

**Business Need:** The application is for the redevelopment and extension of an existing garden centre. There is a clear business need to update and expand the current facilities at the garden centre if the business is to remain competitive in the current market. Compared to their nearest direct competitors, the facilities at the Crediton Garden Centre are outdated and do not meet the expectations of modern consumers. The redevelopment will facilitate growth and will help to safeguard the future of the business and the jobs it creates.

**Impact on local businesses:** The development will create an increased retail area. We would support a restriction on the range of goods to be sold to minimise the impact on other local retail businesses. Without an effective restriction on the sale of general goods there is real concern that

the development could have a negative impact on the vitality and viability of the town centre. As long as the retail offer remains largely gardening and other related outdoor products it is likely to only have a limited impact on local businesses.

The main direct competitors to Crediton Garden Centre are Bernaville Nurseries at Cowley and Bow Garden and Aquatic Centre in Bow. Bernaville Nurseries is unlikely to be affected significantly because of its proximity of the large population centre of Exeter. Bow Garden and Aquatic Centre may possibly be affected by the redevelopment, but Bow has a complimentary offer focusing on water features, aquatic plants and fish.

In Crediton, Mole Avon Country Stores will be offering a garden centre element in their retail offer at their new site opposite Wellparks. In the town centre Mole Avon offer a clothing outlet and Adams offer a limited range of gardening and outdoor products as part of their general hardware offer.

Given an effective restriction on the A1 uses it is our view that the garden centre will have a limited impact on Crediton town centre, and provides variety and legitimate competition to other comparable businesses in the area.

Employment: If the garden centre achieves anything close to the estimated 10-fold increase in employment from 8 to 80 employees referenced in the supporting retail statement at 3.2.3, it will be a substantial increase to the number of local jobs. However, it is likely that the majority of these will be low paid retail posts. Given the historically low unemployment rate in Mid Devon, there may be real difficulty in recruiting to these posts locally, and those currently unemployed may need more support to access these opportunities.

Benefits for the wider economy: The remodelling and refurbishment of the site could create a destination attraction which will appeal to customers and visitors from a wider geography than the garden centre's current customer base, particularly from the Exeter area. This could have benefits to the wider economy as customers from Exeter and beyond may be inclined to stop in Crediton and use the town centre's other facilities.

For these reasons, and particularly if the A1 use can be effectively restricted, and subject to other planning considerations, we would support this application.

Summary: The application proposes a significant alteration to the proposed business model and premises arrangement for site providing updated and modern premises. The net internal sales area is proposed at 6397. The improvements to the site are considered to be a benefit given the outdated trading model and premises that are currently on site. The proposals will create new employment opportunities and could secure wider benefits to the local economy if customers from a wider catchment area visit the site. However if the entire sales space was utilised for retailing non-traditional garden centre products and merchandise the application scheme would be at odds with the objectives of a number of development plan policies, including COR15, DM16, DM17 and DM20. However subject to imposing a condition restricting the amount of floor space that can be used for the sale of convenience, fashion, clothing, footwear goods and any food /drink related products to no more than 500 square metres, the requirements of policy DM 16 and DM17, and the other policies referred are considered to have been met. Furthermore a condition restricting the use of the restaurant /café so that it is only used as an ancillary use to the garden centre is also recommended (refer to conditions 13, 14 & 15).

## **2. Design, impact on street scene (the A377) and the character and appearance of this part of the Countryside.**

Although the site does not sit as as part of a protected landscape, the site is visible in both distant and close up views from the south west and directly from the A377. To the north (ie from Higher Road) the buildings are largely screened by the roadside planting.

The site as it currently presents to the A377 presents as a disjointed arrangement of poly tunnels and glass houses set back across the top part of the site. The additional strip of land adjoining the area which has historically accommodated the garden centre comprises an overgrown field area and a row of conifers, historically screening and separating the two sites. These trees have been removed with some preliminary levelling across the site. Historically the sites have presented as appearing slightly unkempt.

Clearly the changes as proposed will present a noticeable change in terms of the visual appearance of the site, most noticeably from the A377 with the new entrance leading through to the car park area and the change to the format of buildings across the site. As described above the new built complex is designed in 3 sections to reflect the uses: café/restaurant, sales/merchandising area and warehouse. The applicant has submitted an appraisal of the visual change from a number of keys viewpoints (5), with a computer generated image of the application scheme superimposed over a photograph of the site currently.

A description of the application scheme is set out above, and the impact of the new built form has been managed by excavating across the site (maximum of upto 5.0 metres) to create the development footprint for the built form and also the new customer car park. The proposed staff car park is accessed from Higher Road and to be provided at the existing level, with a stepped arrangement providing access down. This has meant that although the building form stands 7.0 metres to ridge level, the massing sits below the skyline to north and below the existing Higher Rd roadside landscaping. Additional landscaping will help screen the part of the new development footprint from the south. The most prominent aspect of the proposed new built form will be the exposed walling below the café terrace which will present directly to the highway. Further details of this aspect will be required by condition given it's importance in landscape impact terms. Overall as reflected in the visuals it is considered that the new form sits comfortably within the site area without appearing visually assertive and/or detrimental to the character and appearance of this part of the Countryside.

In summary, given the current situation at the site, whilst the applicant introduces a significantly different built form, reflecting on the mitigation provided by the excavation and new landscaping the proposals are considered acceptable in terms of form, scale and layout. The colouring and choice of the materials, including the curtain wall glazing for the long section of the café/restaurant building, will further help soften the appearance of the new building. Overall it is considered that the application scheme is satisfactory in terms of testing it against the policy requirements of policy COR2/DM2 of the development plan.

## **3. Transport & Movement Issues.**

The applicants have submitted a Transport Assessment to support the application which has informed the assessment of the application.

The site is currently served by Higher Road which provides the only point of pedestrian and vehicular access to the site. There is a bus stop at Barnstaple Cross so technically there is a public transport link although pedestrian access from the bus stop to the site access is considered

very challenging.

The proposal includes the following off site highway improvements:

It is proposed to provide a new vehicular / pedestrian access to the site along the southern boundary onto the A377. This will be in the form of a priority T-junction with a right turn lane, designed to allow vehicles turning right into the site to queue without blocking vehicles travelling west along the A377 towards Barnstaple. In order to provide the new access and right turn facility, the section of A377 at the point where the new access is proposed will be widened to incorporate the changes and provide appropriate visibility splays. This new access will remove the need for the majority of larger servicing and delivery vehicles from travelling along Higher Road.

A new bus layby is proposed on the northern carriageway edge of the A377, adjacent to the proposed new site access point. Internal footway will link the site entrance to footway provided on either side of the access and to the north of the new bus layby. This will accommodate public transport users travelling to the site from the north west (Copplestone and beyond).

A new section of 1.8m footway will be provided from the proposed site access point onto the A377 to the newly proposed access point onto Higher Road. In addition at the Barnstaple Cross junction, tactile paving will provide a crossing point to new footway on the southern carriageway edge of the A377 and will continue to extend west towards the existing bus stops situated to the west of the Barnstaple Cross Junction. This will accommodate public transport users travelling to the site from the south east (Crediton and beyond).

243 car parking spaces are proposed, with 193 laid out in the new car park served by the A377. Cycle parking can be provided on site in the form of Sheffield racks. In addition the applicant has prepared a travel plan for use by staff to encourage sustainable travel methods to travelling to work at the site.

Notwithstanding whether or not the gross amount of useable space at the site is largely comparable to that as existing, the proposed change to the pattern of use as proposed by the application is likely to generate more traffic on the highway. The detailed analysis as undertaken by the applicants consultant and as set out in the Transport Assessment concludes that that the proposed remodelling and modernisation of the Garden Centre, reflecting on the new access arrangements and off site highway improvements will not generate an adverse increase in vehicular movements, therefore allowing for the free flow and safe movement of traffic along the surrounding highway network.

As stated above the Highway Authority do not raise any technical objections to the application in terms of highway safety and highway capacity issues subject to imposing a number of conditions. On this basis the application is considered to comply with policy COR9.

#### **4. Impact on the living conditions of nearby residential properties**

There are a number of residential properties along Higher Road. At present the amenities of these occupiers are affected by vehicles arriving and departing at the site along Higher Road. A significant amount of traffic will be removed from Higher Road given the new access from A 377, and this arrangement is considered beneficial for these residents.

Given that the new building complex is set down on the site, although the building form and heights are larger than the existing buildings they would not result in any issues of overlooking and/or overshadowing as they would still to be set down behind the screening provided by the road side planting. A relevant condition is recommended to ensure that the planting as existing is

retained in order to manage this relationship.

A condition is also recommended regards any future lighting requirements at the site, in order to ensure that the scheme of illumination does not result in any light spill that may affect amenity for existing residents.

Reflecting on the fact the site is already operational, it is not anticipated that the proposed development would have an unacceptable effect on the privacy, amenity and/or the general living conditions of the occupiers of the residential dwellings on Higher Road, and any other neighbouring property within the vicinity. On this basis the application is considered to be in accordance with relevant part of policy DM2 (e).

A condition requiring a construction management plan to be submitted is recommended to manage the impacts of the construction process.

## **5. Other matters**

Policies DM2 and COR11 of the Adopted Local Plan confirms developments will not be supported if they would increase the risk of flooding, nor will they be supported if Sustainable Urban Drainage Systems (SUDS) or other similar appropriate measures are not undertaken.

Following initial concerns from the Lead Local Flood Authority regards the increase in hardscape across the site and the resultant levels of surface water drainage the applicants have submitted further information which addresses the objection, subject to further details being submitted and approved (refer to conditions 9 –12).

The site is in a sensitive location from an archaeology point of view. Therefore a condition is recommended to require further archaeological work/analysis to be undertaken.

## **6. Summary and Planning Balance**

This planning application proposes a significant change to the business model to be undertaken at the existing Crediton Garden Centre site which is located at Barnstaple Cross in an open Countryside location, including a café/restaurant. In order to accommodate this change a significant redevelopment of the site is proposed, replacing the older style building, poly tunnels and glass houses with a bespoke building complex incorporating an intergral area for warehouse space. The effect of the building proposals is to provide formal covered sales space in a retail type environment served by a new customer car park accessed from the A377. Notwithstanding the significant change to the overall scale and massing created by the new buildings, it is managed across the site in a sensitive manner utilising the fall across the site from Higher Rd down to the A377, and therefore is considered an appropriate design response given the site's context and relationship with the neighbouring residential dwellings in particular along Higher Road.

Public opinion about the proposed changes for the site are split and whilst there is a lobby of support concern has also been expressed on a number of grounds, including how the application will affect the vitality and viability of the Crediton High Street and also other Garden Centre operators within and outside of the District. The High Street is protected in planning policy terms, and conditions are recommended to restrict the amount of the new floor space that can be used for the sale of convenience, fashion, clothing, footwear goods and any food /drink related products in order to seek to protect the ongoing vitality and viability of those retail outlets along the High Street. However there is no policy provision to manage and/or check any potential trade diversion from existing garden centres.

From a general economic development point of view, concerns have been expressed that the application proposals may result in job losses for staff currently employed at other garden centre in and beyond the district boundary. The stakeholders who have made these comments have requested that these matters be considered in conjunction with considering the economic benefits of the scheme in terms of the numbers of jobs that would be created (estimated to be upto 80) and the potential economic spin off for the Town resulting from new patterns of trade which may flow from visitors to the Garden Centre also stopping off at the High Street.

The assessment of the application has not raised any concerns in terms of Highway safety, or capacity issues and/or in terms of managing surface water drainage requirements of the new site which includes a larger area of hardscape that as existing.

In summary and on balance the application scheme is recommended for approval subject to the conditions and reasoning as set out below.

## **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. All planting, seeding, turfing or earth re-profiling as set out on the soft landscape plan as shown on drawing 211 hereby approved shall be carried out within 9 months of the substantial completion of the development, 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.

4. Prior to commencement of any development on the site, a Construction Management Plan (CMP) part of the site shall have been submitted to and approved in writing by the Local Planning Authority to include the following matters:

(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, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;

(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.

Once approved the details shall be complied with at all times during the implementation of the planning permission.

5. No part of the development hereby approved shall be brought into its intended use until the access, parking facilities, commercial vehicle loading/unloading area, visibility splays, turning area and drainage have been provided in accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority and retained for that purpose at all times.

6. In accordance with details that shall previously have been submitted to and approved in writing 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. The proposed estate road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority for approval.

8. The scheme of development hereby approved shall not be open to customers until the off-site highway works for the provision of a footway from Barnstaple cross junction to the existing west bound bus stop and from the junction to the east bound bus stop have been implemented in accordance with details which shall have previously been submitted to and approved in writing by the Local Planning Authority.

9. No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority. The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems, and those set out in the Surface Water Drainage Strategy (Ref. Proposed Development at Crediton Garden Centre; dated July 2018).

10. No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to, and approved in writing by, the Local Planning Authority. This temporary surface water drainage management system must satisfactorily

address both the rates and volumes, and quality, of the surface water run-off from the construction site.

11. No part of the development hereby permitted shall be commenced until the full details of the adoption and maintenance arrangements for the proposed permanent surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority.

12. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the 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.

13. The scheme of development hereby approved shall not be open to customers until a plan showing the net retail sales area of the new covered retail space at the site as shown on the approved drawings and not exceeding 3,336 square metres has been submitted to and approved in writing by the Local Planning Authority.

14. The scheme of development hereby approved shall not be open to customers until a plan showing the area of the internal floor space to be used for the sale and display of convenience goods, fashion goods, clothing and footwear and food or drink related products (excluding those sold from the café/restaurant) and which shall not exceed 500 square metres has been submitted to and approved in writing by the Local Planning Authority. Once approved the floor plan details shall be complied with at all times.

15. The restaurant/café area hereby approved shall only be operational as an ancillary use to the use of the site as the Crediton Garden Centre, and shall only be open for trade during the openings hours of the Garden Centre hereby approved, and at no other times unless specifically approved in writing by the Local Planning Authority.

16. The proposed scheme of lighting both internally and external to the buildings, across the car park and other open areas of the site shall be submitted to and approved in writing by the local planning authority prior to opening of the building for the approved use.

17. Further details of the new walling and boundary treatment to the A377 shall be submitted to and approved in writing by the local planning authority, prior to the commencement of works in relation to the construction of the new buildings on the site. The approved details shall be maintained as such thereafter.

## **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 that the development makes a positive contribution to the character and amenity of the area, and safeguards the amenities of the existing residential occupiers along Higher Road, in accordance with policy DM2 of Local Plan Part 3: (Development Management Policies).

4. To ensure that adequate facilities are provided for all traffic attracted to the site during the construction period in the interest of safety and amenity to all road users.
5. To ensure that adequate facilities are available for the traffic attracted to the site.
6. In the interest of public safety and to prevent damage to the highway.
7. To ensure that adequate information is available for the proper consideration of the detailed proposals.
8. To minimise the impact of the development on the highway network in accordance with paragraph 32 of NPPF.
9. To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems.
10. To ensure that surface water runoff from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area.
11. To ensure that the development's permanent surface water drainage management systems will remain fully operational throughout the lifetime of the development.
12. To ensure, in accordance with the National Planning Policy Framework (2018) 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.
13. In accordance with the details as submitted and to maintain control of the use of any floor space hereby approved for A1 retail activity in the open countryside in order to prevent harm to the vitality and viability of Crediton town centre and other villages in line with policy DM17 and DM19 of the Mid Devon Local Plan Part 3 (Development Management Policies).
14. To maintain control of the use of any floor space hereby approved for A1 retail activity in the open countryside in order to prevent harm to the vitality and viability of Crediton town centre and other villages in line with policy DM17 and DM19 of the Mid Devon Local Plan Part 3 (Development Management Policies).
15. To prevent harm to the vitality and viability of nearby town centre in line with policy DM17 and DM19 of the Mid Devon Local Plan Part 3 (Development Management Policies), and to protect the amenities of the surrounding area in accordance with DM2.
16. To protect the amenities of the surrounding area in accordance with policy DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).
17. To protect the visual amenities of the surrounding area in accordance with policy DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).

#### **REASON FOR/ APPROVAL OF PERMISSION/GRANT OF CONSENT**

The site is located in the open countryside where policy COR18 applies. In summary the policy seeks to protect the open countryside from inappropriate development. Policy DM19 permits retail development in the open countryside, provided that it is in a location and of a scale that would not

harm the vitality and viability of town centre or village shopping facilities, would not lead to an unacceptable impact on the local road network; and would not result in an unacceptable adverse impact to the character and appearance of the countryside. Policy DM20 - Rural employment development - advises 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. Policy DM 19 - development outside of Town Centres requires the vitality and viability of Town Centres to be protected. In the determination of this application, consideration has been given to the type and use as submitted and its location away from any other town or village shopping facilities.

In this instance it is not considered that an expansion and modernisation of this established garden centre would adversely affect the vitality or viability of Crediton or the surrounding villages subject to imposing a restriction on the amount of floor space that can be used for the sale and display of convenience goods, fashion goods, clothing, footwear and food or drink related products. In addition the economic benefits in terms of increased employment in the locality have also been taken into account. The proposal has been considered in terms of its impact on highway safety and whether the design is suitable for this rural location. With conditions relating to landscaping, highway matters, drainage and controls over the future uses of the proposed floor space, the application scheme considered to comply with policies COR1, COR2, COR4, COR9 and COR18 of Mid Devon Core Strategy 2007, and policies DM1, DM2, DM8, DM17, DM19, DM20 and DM27 of Local Plan Part 3 (Development Management Policies).

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. This report has 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.

**APPENDIX B**

Plans List No.

Application No. 17/02061/MFUL

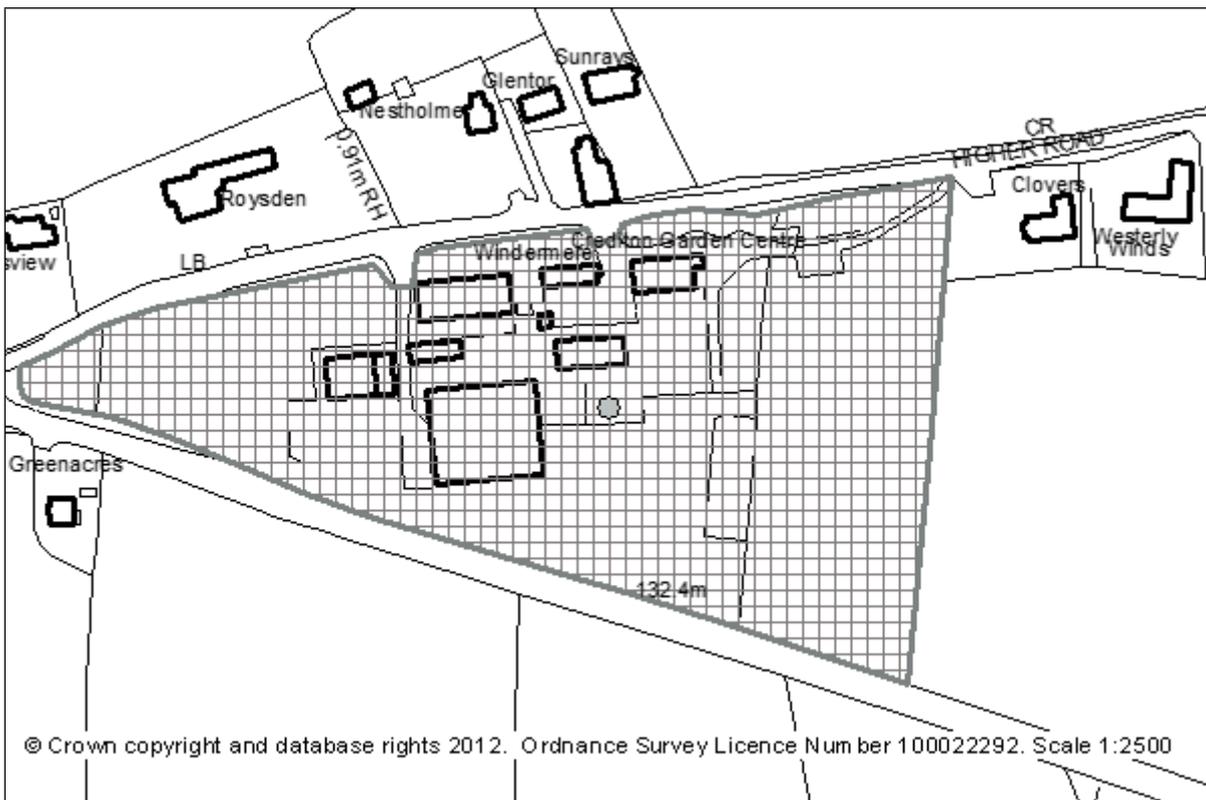
Grid Ref: 280656 : 101364

Applicant: Mr R Broad

Location: Crediton Garden Centre  
Barnstaple Cross  
Crediton  
Devon

Proposal: Remodelling and modernisation of existing garden centre following demolition of existing structures, to include erection of retail areas, cafe, and warehouse, formation of new vehicular access, provision of parking areas, and landscaping

Date Valid: 12th April 2018



© Crown copyright and database rights 2012. Ordnance Survey Licence Number 100022292. Scale 1:2500

## **APPENDIX B**

### **APPLICATION NO: 17/02061/MFUL**

#### **RECOMMENDATION**

Grant permission subject to conditions

#### **PROPOSED DEVELOPMENT**

Remodelling and modernisation of existing garden centre following demolition of existing structures, to include erection of retail areas, cafe, and warehouse, formation of new vehicular access, provision of parking areas, and landscaping.

#### **BACKGROUND**

This reports concerns the above planning application which was first reported to the Planning Committee at the meeting on 3rd October 2018. Following consideration of the report (copy of which is attached at Appendix A) the Committee resolved that they were minded to refuse the application and therefore wished to defer the application for consideration of an implications report to consider the following issues:

- Whether the application proposal would result in harm to the vitality and viability of the Crediton Town Centre and surrounding villages which would be contrary to policy DM17 and DM19.
- Whether given the size, scale and massing of the proposed buildings and the scope of hardscape introduced to accommodate the car parking requirements the application scheme would be detrimental to the visual amenities and overall character of this site in the open countryside which would be contrary to DM2, DM19 and DM20.

In addition concern was expressed about the level of lighting that would be required and how this would affect the overall character of the site especially given it is in open countryside.

- Whether given the amount of car parking proposed and the increase in number of vehicular trips on the highway network travelling to and from the application site as it proposed to be remodelled, the application scheme is considered to be an unsustainable form of development which would be contrary to DM2, DM6, DM19 and DM20.

In addition the overall sustainability credentials were challenged.

#### **SCHEME AMENDMENTS**

The application as it has been revised remains for the remodelling of the garden centre as confirmed above. However the size, scale and massing of the new building facilities proposed have been significantly reduced. Further clarification has also been provided as to the nature of layout of the internal floorspace in terms of the types of merchandize to be stocked and sold.

A summary of the key changes are set out below setting out the scope of the change to the plans as originally submitted.

1. Proposed scheme area as now revised 6000.18 square metres, compared to 7972.46 square metres as originally proposed .
2. The total covered sales floor area 2495.6 square metres, compared 3335.5 square metres as originally proposed.
3. The total outsidess sales area 2133.1 square metres, compared to 3090.8 square metres as originally proposed.
4. Café /restaurant area 646 square metres, compared to 1086.7 square metres as originally proposed.
5. Significant reduction in the size of covered warehouse space.
6. Clarification of how internal sales space will be used with 419.93 square metres dedicated to mainstream retail sales.
7. A softer approach to the landscape of the site.

## **APPLICANT'S SUPPORTING INFORMATION**

The applicant has submitted updated plans to reflect the scope of the changes now proposed (date stamped 1<sup>st</sup> November 2018).

## **RELEVANT PLANNING HISTORY**

As per original report as attached

## **DEVELOPMENT PLAN POLICIES**

### **Mid Devon Core Strategy (Local Plan 1)**

COR1 - Sustainable Communities  
 COR2 - Local Distinctiveness  
 COR4 - Meeting Employment Needs  
 COR6- Town Centres  
 COR7 - Previously Developed Land  
 COR9 - Access  
 COR12 - Development Focus  
 COR15 - Countryside

### **Mid Devon Local Plan Part 3 (Development Management Policies)**

DM1 - Presumption in favour of sustainable development  
 DM2 - High quality design  
 DM8 – Parking  
 DM16 – Town Centre Development  
 DM17 - Development outside town centres  
 DM19 - Rural shopping  
 DM20 - Rural employment development

## **CONSULTATIONS**

The comments that were confirmed in the report as attached are material to the consideration of the scheme as it has been revised. Members will note that no objections were raised by any of the statutory consultees. A summary of the following updated comments have been received in response to the consultation carried out on the revise plans.

Natural England – 15<sup>th</sup> November 2018: The proposed amendment are unlikely to have any significantly different impacts on the natural environment than the original proposal.

Crediton Hamlets - 12<sup>th</sup> November Crediton Hamlets Parish Council met on the 5<sup>th</sup> November and considered the differences between the revised plans and the original plans that they had supported following a site visit. It was resolved to support the application and that the Chairman would attend to support the application if considered by MDDC Planning Committee.

Highway Authority – 7 November 2018/Historic Environment 12<sup>th</sup> November: The previous comments and conditions (refer to Report as attached) are equally applicable to the current proposals.

## **REPRESENTATIONS.**

The comments that were received in relation to the application as it was originally proposed are confirmed in the report as attached.

Further consultation letters have been sent out to all the contributors that made comments to the application scheme as it was originally submitted. The closing date for any further comments was set as 19<sup>th</sup> November. At the time of writing this report further comments have been received from 48 stakeholders. Of the further comments received half of those stakeholders have written in to support the proposals, and half maintaining an objection to the proposals. A summary of the further comments is set out below:

A range of comments in support, including a comment in support from neighbours to the site confirming the scheme represents an improvement in terms of the current site which is untidy.

Objection comments:

The scale is still considered too large / Impact on skyline/ Impact on landscape character  
It would have a negative impact on some of the shops in Crediton – a limitation on the goods sold should be considered.

The café would be aside the A377.

No facilities for pedestrians and/or cyclists to access the site.

The car park dominates and is considered unsightly.

Concerned about ecological / archaeological/ economic impacts

Highway safety concerns – both on Higher Road and the A377 / Surface water drainage issues

Finally a petition of support for the application has been submitted (134 signatures).

Any further comments, and relevant considerations arising, will be reported to members as an update to this report before the meeting on the 5<sup>th</sup> December.

## **MATERIAL CONSIDERATIONS AND OBSERVATIONS**

The report as attached sets out the assessment and conclusions reached by officers in terms of the scheme as it was originally submitted. As stated above the Committee did not approve the recommendation as it was presented in the report with the reasoning as set out above. Therefore in re-assessing the revised plans the issues covered in this report are as follows:

The material palette, overall design and height of the buildings remain the same. However by reducing the building footprint the re-design does not require the scope of retaining walled

structures that was previously planned and thus much of hardscaping previously proposed is replaced with soft landscaping.

6. Policy and Procedure / impact on Crediton High Street.
7. Scheme design, impact on the character, appearance and visual amenities of the area.
8. Transport & movement Issues.
9. Impact on the living conditions of nearby residential properties.
10. Summary and Planning Balance

## **1. Policy and Procedure / impact on Crediton High Street**

The report as attached (appendix A) sets out the relevant sections of the Local Planning Authorities policy framework against which to assess this application, and your officers remain of the view that this the correct starting point for the assessment. The local planning authority have considered planning application proposals at other garden centres across the district of a similar size and nature in terms of the issues that need to be assessed. This has included:

17/01361/MFUL: Erection of garden sales area, warehouse building, alterations to existing garden centre, creation of new access on to B3181, change of use of land for the creation of public parking area and new commercial vehicle access and turning area at The Old Well, Uffculme near Collumpton. The terms of the permission allowed for an increase in the covered sales area at the site from 1145 square metres to 2521.00 square metres (with condition 11 allowing upto 630 square metres to be allowed to be used for mainstream retail sales) , a restaurant area of 698.00 square metres and a warehouse facility of 428.00 square metres.

17/00855/MFUL: Erection of extension to garden centre to form additional retail space, pallet store, covered entrance and covered outdoor areas and erection of a separate warehouse following removal of polytunnels at the Bow Garden Centre. The terms of this permission allowed for an increase in the covered sales are from just under 500 square metres to 1022 square metres allowing 250 square metres to be allowed for mainstream retail sales. This site also trades with an on- site restaurant/café.

As indicated above the decisions on both these application allow for an element of trading space for unrestricted retail activity, and on both occasions the justification provided by both applicants was so that the businesses at these two existing centres needed to expand and modernise so that they could keep in line with the ever changing and evolving garden centre sector.

As confirmed in the description of development the same reasoning applies in terms of the justification provided by the current owners of the garden centre covered by this application. The principal to allow growth and change at the site is supported in principle by policy DM20 - Rural employment development. This policy confirms 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.

With regard to the impact of the development on the vitality and viability of the Crediton as the nearest protected town centre this is a requirement of policy DM19. When members considered the application at the last meeting the applicant had not provided any detail as to how the new building would operate, and therefore notwithstanding conditions 13, 14 and 15 as set out in the recommendation section members were not convinced that the site would continue to primarily trade as a garden centre and instead would become an out of town retail outlet (refer to appendix A).

In order to seek to allay members concerns with regards to this matter, not only is the size of the new building complex significantly smaller, a trading layout has been submitted identifying an area of 420 square metres of the covered floorspace for unrestricted retail sales. This can be controlled and managed with an appropriately condition as recommended. This balances against 4,200 of internal and external space for the display of garden centre merchandise. Therefore as a proportion of the space within the new arrangement at the site the principal activity will clearly be for garden centre sales.

As per the scheme as originally submitted there is space within the new complex to accommodate a restaurant/café as an ancillary use at the site, which can be controlled with an appropriately worded condition. The size of the proposed restaurant/café has been significantly reduced. In land-use policy terms this remains acceptable subject to the facility remaining ancillary and not a stand-alone use. From a service delivery point of view the applicant has confirmed that this aspect of the modernisation of the facilities at the site is an important aspect of the business model, just as is the case at the other two garden centres as referred to above which trade with cafes/restaurants of a similar size operating with the benefit of planning permission.

In summary the revised plan presents a building which is similar in terms of the overall amount of sales and merchandising space that could be achieved across the site at present in terms of the existing arrangements at the site (the shop, covered display space, uncovered display space, ancillary covered and uncovered areas) which in total cover an area of approximately 6081.00 square metres.

Summary: The improvements to the site are considered to be a benefit given the outdated trading model and premises that are currently on site which are dilapidated and visually incongruous. The proposals will create new employment opportunities and could secure wider benefits to the local economy if customers from a wider catchment area visit the site. Conditions are recommended to restrict the amount of mainstream retail sales space in order to seek to check the development from adversely affecting the vitality and viability of the Crediton as a protected retail centre.

Accordingly, subject to the conditions as recommended, it is considered that the planning application scheme as it has been revised is in accordance with policies including COR15, DM16, DM17 and DM20.

## **2. Scheme design, impact on the character, appearance and visual amenities of the area.**

As stated in the report as appended the site does not sit as part of a protected landscape, the site is visible in both distant and close up views from the south west and directly from the A377.

At present the site currently presents to the A377 presents as a disjointed arrangement of poly tunnels and glass houses.

The proposals have been amended as described above with revised plans showing the scope of the built form across the site. These will be included in the presentation to the committee on 5<sup>th</sup> December.

As revised the complex is single storey across the site, and constructed as a series of portal framed buildings standing 5.0 metres to eaves and 7.0 metres to ridge and set across a plateaued area across a lower part of the site than the existing complex. In addition the palette of materials

remains as per the original plans as submitted as set out below with the colour indicated in brackets:

Roof non insulated - PPC uninsulated metal sheet cladding to walkways, profile to match roof (green)  
Walls - PPC profiled insulated metal sheet cladding (green). The frontage to the restaurant/café is proposed with high level glazing, as was proposed originally.  
Warehouse doors [non public] - Industrial grade roller shutter doors (grey)  
Doors [public] - PPC aluminium framed windows and doors (grey)  
Window and curtain glazing - PPC aluminium framed windows and doors (grey)  
Roofing accessories - PPC metal ridge, valley, hip, verge and eaves flashing (green)  
Solar energy - Photovoltaic array  
Structural supports - Painted metal columns and beams supporting covered walkway (green)  
Retaining walls - Rendered masonry, painted finish  
Rainwater goods - Half round UPVC deep line gutters with round UPVC down pipes (grey)

The scope of the reduction in the size of the proposed complex also means that it will sit more comfortably within the landscape, with more soft landscaping as opposed to hardscape and the proliferation of retaining walled structures that were originally proposed. Overall as reflected in the visuals it is considered that revised development form sits comfortably within the site area without appearing visually assertive and/or detrimental to the character and appearance of this part of the Countryside.

In summary, it is considered that the application scheme as revised remains satisfactory in terms of testing it against the policy requirements of policy COR2/DM2 of the development plan.

### **3. Transport & Movement Issues.**

The revised proposals retain the same arrangement in terms of access arrangement and car parking as follows:

Access to a staff car park using the existing point of access from Higher Road (40 spaces).

Access to a customer car park from a new entrance off the A377 with works proposed across the frontage of the site to widen the width of carriageway to ensure a safe arrangement. The improvements relate to providing an additional lane for vehicles turning right into the site (ie for traffic from the east/Crediton), a wide splayed entrance into the site and the formation of a new bus stop directly outside of the site (ie for traffic from the west/Copplestone).

In addition a footpath is proposed around the site at the Barnstaple Cross junction which will assist pedestrian movements to the site for public transport users travelling in from east.

Given the reduction in the scope of the building footprint on the site, the revised layout for the car park, the design of the car park now accommodates a higher proportion of larger sized parking spaces.

As with the original application the Highway Authority are supportive of the application in terms of the capacity of the highway to carry the additional traffic and also from a highway safety point of view in terms of the new arrangements to access the site from the A377. One clear benefit in highway terms would be that there will no longer be a need to unload stock directly from Higher Road as any unloading will now be done from directly within the site with safe access from the A377.

Overall given the comments from the Highway Authority and reflecting on the improvements proposed as part of the planning application scheme (on site and off site) it is not considered that there would be any reason to refuse the application on highway safety and/or capacity issues.

In terms of comments regarding the sustainability credentials of the application scheme, given that the site already trades as garden centre it is considered unreasonable to object to the application on the basis that some stakeholders consider it to be an unsustainable location especially given that mitigation is proposed to encourage the use of public transport to and from the site. Furthermore garden centre outlets tend to be out of centre given the product ranges and space requirements as is the case with the outlets at Bow and Uffculme as referred to above.

#### **4. Impact on the living conditions of nearby residential properties**

As stated the overall scale of development as proposed has been significantly reduced in terms of the scope of the new complex at the site. This has allowed for the new building and hardscape area to be set within a more generously landscaped site which presents as a better neighbour to the existing houses on Higher Road, many of whom have written to express their support for the proposals.

In terms of completing the assessment of the application to reflect the revised scheme, the proposals continue to be considered acceptable and in accordance with policy DM2 (e) reflecting the assessment originally reached. Please refer to report at appendix A as attached and conclusion as set out below

Reflecting on the fact the site is already operational, it is not anticipated that the proposed development would have an unacceptable effect on the privacy, amenity and/or the general living conditions of the occupiers of the residential dwellings on Higher Road, and any other neighbouring property within the vicinity. On this basis the application is considered to be in accordance with relevant part of policy DM2 (e).

Conditions are recommended requiring a construction management plan to be submitted re and with regards to future lighting details.

#### **5. Summary and Planning Balance**

This planning application proposes a significant change to the business model to be undertaken at the existing Crediton Garden Centre by the current owners who have recently acquired the site. There has been little or no expansion of the business at this site over the last 20 years or so at a time when other garden centres in the district and the wider locality have expanded and developed as allowed by the same policy framework that this application is required to be assessed against.

The scheme of development at the site has been substantially reduced in scale and the applicant has provided a proposed floor plan to clarify how the new arrangement of floorspace at the site will be used. This is in response to concerns expressed by members when the planning application was first considered by the Planning Committee earlier this year. The assessment of the application has not raised any concerns in terms of Highway safety, or capacity issues and/or in terms of managing surface water drainage requirements of the new site which includes a larger area of hardscape than as existing.

Notwithstanding the scope of the changes put forward by the applicant public opinion about allowing the site to modernise and develop remains split, with the principal concern driven by how the proposed new facilities would affect the existing retailers in Crediton and other Garden centre traders. For members information the potential impacts on any other trading garden centre, which

at this stage in no more than speculative, is not strictly a material policy driven consideration.

On the basis of the changes proposed the application proposal will deliver an appropriate enhancement and development of the facilities of this existing garden centre which will sit comfortably in the landscape on the edge of Crediton at Barnstaple Cross. Various conditions are recommended as set out below.

## 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. All planting, seeding, turfing or earth re-profiling as set out on the soft landscape plan as shown on drawing 211 D hereby approved shall be carried out within 9 months of the substantial completion of the development, 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.

4. Prior to commencement of any development on the site, a Construction Management Plan (CMP) part of the site shall have been submitted to and approved in writing by the Local Planning Authority to include the following matters:

- (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, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
- (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.

Once approved the details shall be complied with at all times during the implementation of the planning permission.

5. No part of the development hereby approved shall be brought into its intended use until the access, parking facilities, commercial vehicle loading/unloading area, visibility splays, turning area and drainage have been provided in accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority and retained for that purpose at all times.

6. In accordance with details that shall previously have been submitted to and approved in writing 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. The proposed estate road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority for approval.

8. The scheme of development hereby approved shall not be open to customers until the off-site highway works for the provision of a footway as shown on drawing 245 revB have been implemented in accordance with details which shall have previously been submitted to and approved in writing by the Local Planning Authority.

9. No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority. The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems, and those set out in the Surface Water Drainage Strategy (Ref. Proposed Development at Crediton Garden Centre; dated July 2018).

10. No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to, and approved in writing by, the Local Planning Authority. This temporary surface water drainage management system must satisfactorily address both the rates and volumes, and quality, of the surface water run-off from the construction site.

11. No part of the development hereby permitted shall be commenced until the full details of the adoption and maintenance arrangements for the proposed permanent surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority.

12. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the 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.

13. The scheme of development hereby approved shall operate with no more than 2,495.00 square metres of covered sales floorspace as marked up as area 9,10 and 11 as shown on drawing 212 C.

14. The scheme of development hereby approved shall operate with no more than 420.00 square metres of floor space to be used for the sale and display of convenience goods, fashion goods, clothing and footwear and food or drink related products (excluding those sold from the café/restaurant).

15. The restaurant/café area hereby approved shall only be operational as an ancillary use to the use of the site as the Crediton Garden Centre, and shall only be open for trade during the openings hours of the Garden Centre hereby approved, and at no other times unless specifically approved in writing by the Local Planning Authority.

16. The proposed scheme of lighting external to the building, across the car park and other open areas of the site shall be submitted to and approved in writing by the local planning authority prior to opening of the building for the approved use.

## **REASONS FOR CONDITIONS**

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

2. For the avoidance of doubt and in the interests of proper planning.

3. To ensure that the development makes a positive contribution to the character and amenity of the area, and safeguards the amenities of the existing residential occupiers along Higher Road, in accordance with policy DM2 of Local Plan Part 3: (Development Management Policies).

4. To ensure that adequate facilities are provided for all traffic attracted to the site during the construction period in the interest of safety and amenity to all road users.

5. To ensure that adequate facilities are available for the traffic attracted to the site.

6. In the interest of public safety and to prevent damage to the highway.

7. To ensure that adequate information is available for the proper consideration of the detailed proposals.

8. To minimise the impact of the development on the highway network in accordance with paragraph 32 of NPPF.

9. To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems.

10. To ensure that surface water runoff from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area.

11. To ensure that the development's permanent surface water drainage management systems will remain fully operational throughout the lifetime of the development.

12. To ensure, in accordance with the National Planning Policy Framework (2018) 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.

13. In accordance with the details as submitted and to maintain control of the use of any floor space hereby approved for A1 retail activity in the open countryside in order to prevent harm to the vitality and viability of Crediton town centre and other villages in line with policy DM17 and DM19 of the Mid Devon Local Plan Part 3 (Development Management Policies).

14. To maintain control of the use of any floor space hereby approved for A1 retail activity in the open countryside in order to prevent harm to the vitality and viability of Crediton town centre and other villages in line with policy DM17 and DM19 of the Mid Devon Local Plan Part 3 (Development Management Policies).

15. To prevent harm to the vitality and viability of nearby town centre in line with policy DM17 and DM19 of the Mid Devon Local Plan Part 3 (Development Management Policies), and to protect the amenities of the surrounding area in accordance with DM2.

16. To protect the amenities of the surrounding area in accordance with policy DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).

### **REASON FOR/ APPROVAL OF PERMISSION/GRANT OF CONSENT**

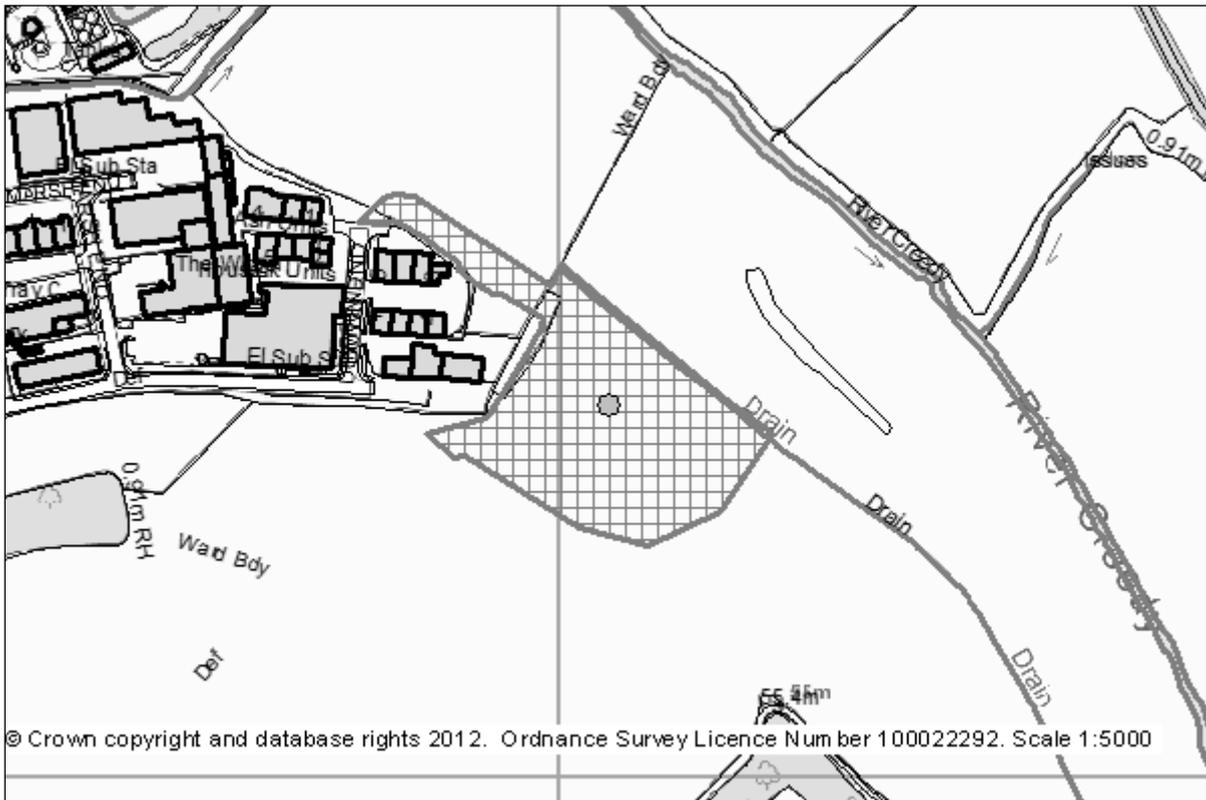
The site is located in the open countryside where policy COR18 applies. In summary the policy seeks to protect the open countryside from inappropriate development. Policy DM19 permits retail development in the open countryside, provided that it is in a location and of a scale that would not harm the vitality and viability of town centre or village shopping facilities, would not lead to an unacceptable impact on the local road network; and would not result in an unacceptable adverse impact to the character and appearance of the countryside. Policy DM20 - Rural employment development - advises 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. In the determination of this application, consideration has been given to the type and use as submitted and its location away from any other town or village shopping facilities.

In this instance it is not considered that an expansion and modernisation of this established garden centre would adversely affect the vitality or viability of Crediton or the surrounding villages subject to imposing a restriction on the amount of floor space that can be used for the sale and display of convenience goods, fashion goods, clothing, footwear and food or drink related products. In addition the economic benefits in terms of increased employment in the locality have also been taken into account. The proposal has been considered in terms of its impact on highway safety and whether the design is suitable for this rural location. With conditions relating to landscaping, highway matters, drainage and controls over the future uses of the proposed floor space, the application scheme considered to comply with policies COR1, COR2, COR4, COR9 and COR18 of Mid Devon Core Strategy 2007, and policies DM1, DM2, DM8, DM17, DM19, DM20 of Local Plan Part 3 (Development Management Policies).

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. This report has 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.

**Location:** Land at NGR 285024  
100245 (East of  
Lords Meadow  
Industrial Estate)  
Crediton  
Devon

**Proposal:** Construction of an  
on-farm anaerobic  
digestion plant and  
associated  
infrastructure



## RECOMMENDATION

Grant permission subject to conditions

## PROPOSED DEVELOPMENT

The proposed development is for a farm based scheme for the installation of an anaerobic digester (AD) to produce bio-methane (renewable gas) for injection into the national gas distribution network. A gas main runs through the proposed development site. In addition there is a combined heat and power (CHP) generator which will provide the onsite power, in conjunction with the mains power feed, through the network. It is understood that there is no present intention of providing power to the grid via the CHP unit. The proposed gas output model for the plant is to produce approximately 570 cubic metres an hour of biomethane (13,000kwh), which the applicant equates to providing gas for approximately 3,200 homes.

The site is presently a winter wheat crop field which forms part of Downes Home Farm agricultural holding accessed via the surrounding fields and a track off Common Marsh Lane.

The proposal is to provide a new access off the hammerhead at the end of Down End which runs off Common Marsh Lane one of the main routes into and out of the Lords Meadow industrial estate. The site is to be immediately to the east of Lords Meadow industrial park.

The AD plant comprises:

- Two secondary digester tank: height 8m, diameter 28m with a gas collection dome above of height 6m. overall height from excavated site is 14m
- A digester storage tank: height 10m, diameter 10m.
- Two small tanks: height 8m and diameter 15m.
- Two Heat exchange buildings
- 1 x CHP unit (combined heat and power unit): 30m long and 9.4m wide 2.4 Height contained in an acoustic box including a small chimney/exhaust
- Control building/office 25m long x 7m wide 2.4 metres height
- Two silos
- Transformer
- feeder hopper 20m x 4m
- Gas flare dia 1.8m x 9m high
- Feedstock clamps comprising 4 bays: 21m x 28m and a 5<sup>th</sup> Clamp 44m x 18m proposed to hold plant material
- A concrete yard for vehicular movements
- Propane gas tank
- Weigh Bridge

The AD will be fed by approximately 32,500 tonnes of feedstock per annum comprising the following as set out in the Supporting statement:

- |                  |              |                            |
|------------------|--------------|----------------------------|
| • Maize Silage   | 6,000 Tonnes | Rockbeare/Downes Home Farm |
| • Grass Silage   | 5,000 tonnes | Downes Home Farm           |
| • Whole Crop Rye | 2,000 tonnes | Rockbeare/ Downs Home Farm |
| • Pig slurry -   | 2,000 tonnes | Clyst St Mary              |

• Chicken Litter	3,000 tonnes	Crediton
• Whey	3,000 tonnes	Newton St Cyres
• Farmyard manure –	3,500 tonnes	Rockbeare/ Downes Home Farm
• Waste Grain	1,000 tonnes	Exeter/M5
• Waste Straw	1,500 tonnes	Exeter/M5
• Veg Waste	3,000 tonnes	Tiverton/Wellington
• Brewery Waste	500 tonnes	Exeter
• Horse Manure	1,000 tonnes	Crediton
• Apple Pulp	500 tonnes	Crediton

The resulting products from the AD plant are digestate, heat and biogas the latter fed direct to the gas mains and to power the plant. 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 Downes farm.

## **APPLICANT'S SUPPORTING INFORMATION**

Air Quality Technical Note  
 Arboricultural Impact Assessment  
 Computer Generated Imagery  
 Ecological Appraisal  
 Flood Risk Assessment and Drainage Strategy  
 Heritage Impact Assessment  
 Landscape and Visual Appraisal  
 Landscape Appraisal Plans and Visual Analysis  
 Noise Impact Assessment  
 Odour Impact Assessment  
 Supporting statement  
 Transport Statement  
 Waste Audit Statement  
 Plans

## **PLANNING HISTORY**

No specific planning history associated with this site.

## **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  
DM5 - Renewable and low carbon energy  
DM6 - Transport and air quality  
DM7 - Pollution  
DM8 - Parking  
DM22 - Agricultural development  
DM27 - Development affecting heritage assets

## **Devon Waste Local Plan WPC1 (Sustainable Waste Management)**

### **CONSULTATIONS**

#### **HIGHWAY AUTHORITY- 19<sup>th</sup> December 2018**

The Highway Authority has considered the application and the transport assessment and is satisfied with its content and assumptions. The proposed site is located on an industrial estate with the immediate road network being suitable to cater for the HGV traffic generated by the development. The source points of the fuel for the development have no restrictions on the products they produce and the traffic from these locations would already be on the highway network around their sites with no restrictions on who the product can be sold too.

Much of the fuel source is already being transported to the Downes estate, therefore it would be unreasonable to recommend a refusal on an increase in traffic around these sites as they already utilise these roads without restrictions. Therefore the Highway Authority would raise no objection to this proposed development subject to the submitted plans being conditional to any consent. THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, HAS NO OBJECTION TO THE PROPOSED DEVELOPMENT

#### **HISTORIC ENGLAND - 18th December 2018**

This application for construction of an anaerobic digestion plant, including infrastructure and compensatory flood storage landscaping works, substitutes for one in a slightly different location which was previously withdrawn. We understand that that proposal was withdrawn following objections from the Environment Agency to the fact that it was on land within a high risk flood zone. This has caused a relocation of the development to a site slightly to the southeast.

We have been consulted on this revised scheme at the pre-application stage in relation to its potential impact on the Downes Estate. Downes is a fine grade II\* listed Classical country house of the early eighteenth century, designed and built to a high quality for its relatively modest size. It is set within a designed landscape which retains vestiges of its parkland character to the south and east of the house, but has been somewhat degraded to the north by the loss of trees and hedgerows, including within the application site.

Downes and its immediate landscape has special heritage status which has required our regular involvement with various proposals affecting the estate over recent years. In the process, we have been working with the owners to restore its historic character where possible through a landscape management plan.

The potential environmental impact of an AD plant goes well beyond the historic environment, and, ultimately, heritage impact will only be one of many considerations for your Authority in a proposal of this nature. Whilst our remit is limited to highly graded heritage assets, we are aware that this scheme will be visible from a range of heritage assets, of which the setting of some - such as the designed landscape at Shobrooke Park - will be a more sensitive visual receptor than others. No

doubt the Council's own Conservation Officer will be commenting on the scheme's wider heritage impact. Our comments, however, are limited to the setting of the Downes estate, whose wider parkland setting formerly extended to the area of landscape around the application site.

Clearly the appearance of that area has been considerably affected by both intensive farming methods and the development of the Common Marsh Lane Industrial Estate. The majority of hedgerows and boundary tree planting visible in late nineteenth century OS maps have been lost, however, vestiges of the designed landscape are still detectable in views from the north across the application site. The most visible of these is the copse of trees between Common Marsh Lane and Downes Head.

The proposed site now stands at the east end of the industrial estate, rather than immediately to its north, meaning that it projects further out from the existing development into open countryside, taking it close to the boundary of the Downes Estate. The development will consist of a number of structures and compounds of a clearly industrial character. However, one advantage it has over the previous scheme, is that it would not now require the extensive land re-contouring for compensatory flood storage of the previous scheme, although some changes to levels will still be required to accommodate the structures and equipment.

We have visited the site and assessed the potential visual impact of the scheme from both within the Downes estate and from relevant vantage points outside it. Whilst we consider that the revised scheme could have a greater landscape impact overall, because of the way it would extend the footprint of the industrial estate; with careful landscape mitigation its specific impact on the Downes estate could be kept to a level where potential harm could be minimised.

Our landscape architect has had a discussion with the applicant's landscape consultant and made some specific suggestions for landscape mitigation with the intention of limiting the visual impact of the digester unit. This would be by reinstating, around its site, some of the historic landscape features shown in the 1st Ed. OS map of c.1886, specifically the linear hedgerows and lines of trees that accompanied them.

This suggested approach could reinstate the pattern of trees and historic hedgerows shown around the application site in 1889 as closely as is practicably possible. Even where the hedgerows no longer survive the impression of them could be recreated with a few trees following the linear pattern shown on old maps. Where there is an opportunity to re-establish the actual hedgerow (and not just the trees within them) this too could assist in knitting the new development into its wider landscape.

We note that this application is accompanied by a landscape mitigation plan that generally follows the approach that we advocated in our pre-application advice. It also includes a narrow linear block of tree planting to the north-east of the application site. Whilst this may not be an exact replication of the form of planting shown in the early OS map, it will contribute towards recreating the form of the landscape that was historically associated with the Downes Estate in this area.

Over time, these landscape measures should help, both to filter wider views of the digester unit and to introduce greater variety within an arable area that has become somewhat denuded of landscape interest in the last thirty years. They are not a substitute for avoiding landscape harm altogether, but are a way of limiting and offsetting elements of that harm. Although total screening of the AD plant is unlikely to be achieved by these means on a year-round basis, these measures should assist in mitigating any associated harm caused by the development on the setting of the estate.

Should your Authority decide that the public benefits of this application outweigh any potential harmful impacts, then we would advise that the implementation and maintenance of these landscape mitigation measures are a requirement of any planning permission granted.

There are, of course, other historic landscapes whose setting might be affected by the development, in particular Shobrooke Park, to the north of the development site. Although that is not a site with which Historic England would specifically be concerned in any planning application, I would suggest that your own Conservation Officer advises in respect of that and other heritage assets which might be affected by this proposal.

#### Recommendation

Historic England has no objection to the application on heritage grounds in relation to the setting of the grade II\* listed Downes House.

We consider, though, that the safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 193, 194 and 196 of the NPPF. In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

Your authority should take these representations into account in determining the application. If there are any material changes to the proposals, or you would like further advice, please contact us. Please advise us of the decision in due course.

#### **HISTORIC ENVIRONMENT TEAM - 30.11.2018**

I refer to the above application and your recent consultation. I would concur with the recommendations in section 6.3 of the Heritage Impact Assessment prepared by Richard K. Morriss & Associates that the groundworks associated with the construction of the anaerobic digestion plant should be subject to a programme of archaeological monitoring and recording to allow for the identification, investigation and recording of any exposed archaeological or artefactual deposits.

The Historic Environment Team therefore recommends that this application should be supported by the submission of a Written Scheme of Investigation (WSI) setting out a programme of archaeological work to be undertaken in mitigation for the loss of heritage assets and archaeological interest. The WSI should be based on national standards and guidance and be approved by the Historic Environment Team.

If a Written Scheme of Investigation is not submitted prior to determination the Historic Environment Team would advise, for the above reasons and in accordance with paragraph 199 of the National Planning Policy Framework (2018) and the supporting text in paragraph 5.3 of the Mid Devon Local Plan Part 3: Development Management Policy DM27 (2013), 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, whereby:

'No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.

#### Reason

To ensure, in accordance with Policy DM27 and paragraph 199 of the National Planning Policy Framework, that an appropriate record is made of archaeological evidence that may be affected by the development'

This pre-commencement condition is required to ensure that the archaeological works are agreed and implemented prior to any disturbance of archaeological deposits by the commencement of preparatory and/or construction works.

I would envisage a suitable programme of work as taking the form of the archaeological monitoring and recording of all groundworks associated with the proposed development to allow for the identification, investigation and recording of any exposed archaeological or artefactual deposits. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report, and the finds and archive deposited in accordance with relevant national and local guidelines.

I will be happy to discuss this further with you, the applicant or their agent. The Historic Environment Team can also provide the applicant with advice of the scope of the works required, as well as contact details for archaeological contractors who would be able to undertake this work. Provision of detailed advice to non-householder developers may incur a charge. For further information on the historic environment and planning, and our charging schedule please refer the applicant to: <https://new.devon.gov.uk/historicenvironment/development-management/>.

**DEVON, CORNWALL & DORSET POLICE** - Re Construction of on farm anaerobic digestion plant & infrastructure 23rd November 2018

Thank you for this application.

The Police have no comments at this time, and unless the local authority has any specific concern in relation to crime and disorder will have no future comment to make.

Kind regards

Rick Napier

Designing Out Crime Officer

North Devon, Mid Devon & Torridge

Devon and Cornwall & Dorset Police

**PUBLIC HEALTH** - 27.11.2018

Contaminated Land	No objection to this proposal
Air Quality	No objection to this proposal
Environmental Permitting	No objection to this proposal
Drainage	No objection to this proposal
Noise & other nuisances	No objection to this proposal
Housing Standards	No comment
Licensing	No comments
Food Hygiene	Not applicable
Private Water Supplies	Not applicable
Health and Safety	No objection to this proposal enforced by HSE.

Amended Public Health Response 22/11/18

Contaminated Land	No objection to this proposal
Air Quality	No objection to this proposal
Environmental Permitting	No objection to this proposal
Drainage	No objection to this proposal

Noise & other nuisances Further information is required on this application due to the increase of local development land and an increase in number of sensitive properties within the area.  
Housing Standards No comment  
Licensing No comments  
Food Hygiene Not applicable  
Private Water Supplies Not applicable  
Health and Safety No objection to this proposal enforced by HSE

Further response from Public Health (EH) dated 8/03/2019

Based on the additional information received it has been agreed that an HIA and Bioaerosols assessment is not required.

### **NATURAL ENGLAND - 07.12.18**

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.

#### **Sites of Special Scientific Interest Impact Risk Zones**

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the [data.gov.uk](http://data.gov.uk) website

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.

#### **SUMMARY OF NATURAL ENGLAND'S ADVICE**

##### **NO OBJECTION**

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected sites and landscapes.

Natural England's advice on other natural environment issues is set out below.

#### **Sites of Special Scientific Interest Impact Risk Zones**

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the [data.gov.uk](http://data.gov.uk) website

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

### **ANNEX A**

Natural England offers the following additional advice:

#### **Protected Species**

Natural England has produced standing advice<sup>1</sup> to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice.

Natural England will only provide bespoke advice on protected species where they form part of a SSSI or in exceptional circumstances.

#### Local sites and priority habitats and species

You should consider the impacts of the proposed development on any local wildlife or geodiversity sites, in line with paragraph 113 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local records centre, wildlife trust, geoconservation groups or recording societies.

Priority habitats and Species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. List of priority habitats and species can be found here<sup>2</sup>. Natural England does not routinely hold species data, such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land, further information including links to the open mosaic habitats inventory can be found here.

#### Environmental enhancement

Development provides opportunities to secure a net gain for nature and local communities, as outlined in paragraphs 9, 109 and 152 of the NPPF. We advise you to follow the mitigation hierarchy as set out in paragraph 118 of the NPPF and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. Where onsite measures are not possible, you may wish to consider off site measures, including sites for biodiversity offsetting. Opportunities for enhancement might include:

Providing a new footpath through the new development to link into existing rights of way.

Restoring a neglected hedgerow.

Creating a new pond as an attractive feature on the site.

Planting trees characteristic to the local area to make a positive contribution to the local landscape.

Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.

Incorporating swift boxes or bat boxes into the design of new buildings.

Designing lighting to encourage wildlife.

Adding a green roof to new buildings.

You could also consider how the proposed development can contribute to the wider environment and help implement elements of any Landscape, Green Infrastructure or Biodiversity Strategy in place in your area. For example:

Links to existing greenspace and/or opportunities to enhance and improve access.

Identifying opportunities for new greenspace and managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips)

Planting additional street trees.

<https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

<http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/our-work/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

Identifying any improvements to the existing public right of way network or using the opportunity of new development to extend the network to create missing links.

Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition or clearing away an eyesore).

Access and Recreation

Natural England encourages any proposal to incorporate measures to help improve people's access to the natural environment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways should be considered. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of local authority green infrastructure strategies should be delivered where appropriate.

#### Biodiversity duty

Your authority has a duty to have regard to conserving biodiversity as part of your decision making. Conserving biodiversity can also include restoration or enhancement to a population or habitat. Further information is available [here](#).

#### **CREDITON HAMLETS** 14.02.19

It was resolved to object to this application on the grounds of odour and airborne dust which would significantly affect both local businesses reliant on clean air and nearby residential developments. The Council has been informed that there is a high risk that several local businesses would have to close or relocate out of the area. The Council understands that in Germany such plants are not constructed within 1500 metres of business and residential areas, unlike the 20 metres for this proposed plant. The Council, whilst supportive of on farm Ad Plants, consider that the edge of the industrial estate is not an appropriate location and that it should be, as the name suggests, on farm where there is already a stock of available feedstuff. The Council take the view that there would be no control of how the plant would be operated in the future regarding movement of traffic around Crediton and are not content that the traffic management plan truly reflects the number of journeys or the impact it would have on Crediton and the local road network.

#### **CREDITON TOWN COUNCIL** - 11.01.2019

After detailed discussion it was resolved to OBJECT to the application due to:

- the adverse visual impact the development will have on Creedy Valley due to its size;
- the level of hard surfacing negatively impacting the Valley edge;
- it not being compliant with the emerging Crediton Neighbourhood Plan.

**NEWTON ST CYRES PARISH COUNCIL** - Newton St Cyres Parish Council has no comment on this application

**SHOBROOKE PARISH COUNCIL** - Shobrooke Parish Council considered this application at its meeting on December 11. Councillors were concerned that this development will lead to an increase in traffic in and around the Parish. The traffic assessment which shows a relatively low number of vehicle movements now, may well increase in the future and Councillors did not feel that this has been taken into account sufficiently

**SANDFORD PARISH COUNCIL** - 10th December 2018 – it was agreed to object to this application on the grounds of the additional traffic that would be passing through rural areas such as Sandford taking waste to the site.

#### **COLEBROOKE PARISH COUNCIL** - 17.01.2019

Colebrooke Parish Council met on the 15th January and resolved it was neutral in respect of this application

**DEVON COUNTY COUNCIL, FLOOD and COASTAL RISK MANAGEMENT TEAM - 21**  
December 2018

Recommendation:

Although we have no in-principle objection to the above planning application at this stage, the applicant must submit additional information, as outlined below, in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.

Observations:

It is understood that rainwater harvesting is to be incorporated within the system. The applicant should clarify how rainwater harvesting will be implemented. It is understood that four underground tanks will be used for storing surface water and that the digester will only permit an inflow of 1.0 l/s.

The applicant should clarify how precipitation falling on the storage clamps will stay within the storage clamps area and drain into the foul network. The applicant should also clarify how the foul network will connect to the digester.

The applicant should clarify how surface water being stored within the yard area (for a 1 in 100 year (+40% allowance for climate change) rainfall event) will drain into the surface water drainage system.

The applicant should clarify who shall be responsible for the maintenance of the surface water drainage system and provide a maintenance schedule for the system.

**DEVON COUNTY COUNCIL, FLOOD and COASTAL RISK MANAGEMENT TEAM – 7<sup>th</sup>**  
February 2019

Our objection is withdrawn and we have no in-principle objections to the above planning application at this stage, assuming that the following pre-commencement planning conditions are imposed on any approved permission:

- No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems, and those set out in the Flood Risk Assessment and Drainage Strategy (Ref. Lords Meadow Biogas; Rev. G; dated 26th October 2018).

Reason: To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems.

Reason for being a pre-commencement condition: A detailed permanent surface water drainage management plan is required prior to commencement of any works to demonstrate that the plan fits within the site layout, manages surface water safely and does not increase flood risk downstream.

Advice: Refer to Devon County Council's Sustainable Drainage Guidance.

- No part of the development hereby permitted shall be commenced until details of the exceedance pathways and overland flow routes across the site in the event of rainfall in excess of the design standard of the proposed surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority.

Reason: To ensure that the surface water runoff generated from rainfall events in excess of the design standard of the proposed surface water drainage management system is safely managed.

- No part of the development hereby permitted shall be commenced until the full details of the adoption and maintenance arrangements for the proposed permanent surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority.

Reason: To ensure that the development's permanent surface water drainage management systems will remain fully operational throughout the lifetime of the development.

Reason for being a pre-commencement condition: These details need to be submitted prior to commencement of any works to ensure that suitable plans are in place for the maintenance of the permanent surface water drainage management plan, for the reason above.

Observations:

Following my previous consultation response (FRM/MD/01800/2018; dated 21st December 2018), the consultant, acting on behalf of the applicant, has provided additional information in relation to the surface water drainage aspects of the above planning application, in an e-mail dated 28th January 2018, for which I am grateful.

It is understood that surface water being discharged from site will need to be tested to ensure that water quality is satisfactory. If it isn't satisfactory then it will be stored on-site and re-used. The surface water drainage strategy needs to account for an additional 1 in 100 year (+40% allowance for climate change) storm event to ensure that should surface water not be satisfactory to be discharged, then there is still enough storage should another storm event occur. It is understood that this storage will occur within the yard area, surface water will then drain back into the system via gullies and drainage channels.

MicroDrainage model outputs (or similar) will need to be submitted at the next stage of planning to demonstrate that all components of the surface water drainage system are designed to the 1 in 100 year (+40% allowance for climate change) storm event. These outputs shall demonstrate that all of the proposed tanks will store surface water as designed.

#### **NEWTON ST CYRES PARISH COUNCIL - 11.12.18**

Newton St Cyres Parish Council has no comment on this application

#### **REPRESENTATIONS**

57 contributions received, 37 in support and 18 objections which are summarised as follows:

Support

- 1 Low observable unit, situated on a natural extension to the Lords meadow Industrial Estate
- 2 Out of the flood plain
- 3 Minimal environmental impact on residents and stakeholders
- 4 Advanced Unit utilising waste
- 5 There is a need to be energy sustainable
- 6 More sustainable farming
- 7 DEFRA's Shared Vision for Anaerobic Digestion, the NFU would like to see 1000 on-farm digesters by 2020
- 8 Deliver significant benefits in terms of its contribution to de-carbonised energy provision
- 9 UK is still woefully short of reaching its targets in terms of delivering renewable heat to consumers
- 10 It will capture methane from agricultural waste and residues that would otherwise escape to atmosphere and contribute to the depletion of ozone

- 11 The net result delivers a more efficient facility, with less infrastructure and a smaller feedstock requirement, reducing transport movements compared to more traditional facilities of the same size
- 12 Valuable contribution to local green energy supply
- 13 It is a perfect location and a natural expansion of Lords Meadow industrial estate
- 14 It is clear, concise, well located with sustainable feedstock and cutting edge technology. The plans show an understanding of the requirements for EA permitting. Some key facts to highlight is 1) the process is completely sealed, escaping gas means escaping money, gas and odour cannot escape. 2) any material that does need to be stored on site will be stored in a way that minimises the contact with air as this will again mean loss of money due to degradation of feedstock.
- 15 Transporting the resources will not be routed through the town or the housing areas, and therefore will have minimal impact either on traffic or pollution levels.

## Objections

- 1 Potential smells and noise
- 2 Ruin the Creedy Valley
- 3 Present a high risk of taint to our food and healthcare products for human consumption that are stored adjacent to the proposed development.
- 4 Increase in traffic along Shobrooke road potentially.
- 5 Impact on air quality due to increased traffic
- 6 Not an on farm system but on the industrial estate
- 7 Proximity to residential and commercial properties
- 8 Health risk in close proximity to the AD Plant.
- 9 Risk of explosion
- 10 Better sites
- 11 Detrimental impact on the local economy
- 12 Information within the application is deficient and does not provide sufficient information to make a decision.
- 13 No red line site boundary provided

## 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. **Impacts on Heritage assets**
7. **Other impacts**
8. **Planning balance**
9. **Benefits**

### 1. Policy,

The proposal relates to the provision of an on farm land Anaerobic Digester to provide Bio-Methane gas to the main gas supply. This proposal is to be considered under the Core Strategy and the Local Plan Part 3, along with other legislation set out below and within the context of the report. Specific policies are to be referenced within their section for clarity.

However there are two main policies that the proposal needs to have set out now. 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 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.

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 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 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.

Policy WPC1 (Sustainable Waste Management) of the Devon Waste Local Plan 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.

## 2. Access and transport

The associated policies which are to be considered in relation to access are set out in the Core Strategy and in particular Policy COR9 'access' and the need to ensure the development and transport will be assessed. A transport plan is provided to consider the impacts of the proposed on the highway network. In addition Local Plan Policy DM2 relates to high quality design and includes a requirement to provide a safe and accessible places. DM6 'Transport and Air Quality' is a key policy with regard to vehicular movements and the proposal will be assessed against the elements within. The NPPF requires a safe and suitable access to be provided to the site and for improvements to be made to transport networks which cost-effectively limit the significant impacts of development. It states that development should only be refused on transport grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The NPPF and in particular paragraphs 102 to 107 considers the need to provide sustainable transport.

The agricultural element of the business at Downes Home Farm is mixed arable and livestock farm.

The application site is located approximately 500m northeast of Downes Home Farm main farmstead and immediately adjacent to the Lords Meadow Industrial estate. The site is positioned south of the floodplain of the river Creedy, with Shobrooke Park located across the valley. 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, along with proximity to good transport links through the Industrial park.

The Transport Statement (TS) states that vehicles related to the proposed AD plant would travel to and from the application site via the A377 and A3072 only via Lords Meadow Industrial Park. Plans show that there are/will be adequate visibility splays at the proposed 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 from Downes Home Farm and Rockbeare. This refers to their wider holdings and not just the Downes Home Farm site.

Feedstock	Amount	Source
Maize Silage	6,000 tonnes	Rockbeare/Downes Home Farm
Grass Silage	5,000 tonnes	Downes Home Farm
Whole Crop Rye	2,000 tonnes	Rockbeare/Downes Home Farm
Pig Slurry	2,000 tonnes	Clyst St Mary
Chicken Litter	3,000 tonnes	Crediton
Whey	3,000 tonnes	Newton St Cyres
Farm Yard Manure	3,500 tonnes	Rockbeare/Downes Home Farm
Waste Grain	1,000 tonnes	Exeter/M5
Waste Straw	1,500 tonnes	Exeter/M5
Veg Waste	3,000 tonnes	Tiverton/Wellington
Brewery Waste	500 tonnes	Exeter

Horse Manure	1,500 tonnes	Crediton
Apple Pulp	500 tonnes	Crediton

Silage would be delivered in trailers and stored in silage clamps the remaining feedstocks and waste will be brought to the site for just in time consumption. There is not proposed to be outside storage other than for the feedstock silage. Any liquid waste such as pig slurry will be transported in sealed containers and fed directly into the system.

There is to be no external storage on site other than for the silage.

The supporting documentation states that there will be a minimal number of traffic movements going to and from the site as a result of the proposal. The figures provided for the vehicle movements show a total of 10.52 two way trips per day which equates to a potential of 3839.8 per year (based on 365 days). It is suggested that a number of these trips will take place over the land holding, transferring directly to the site when conditions allow, thus reducing the number of trips on the highway. It is understood that the number of vehicles which will route via the farm land rather than highway is reliant on weather conditions. However it is likely to be a majority of the visits associated with the on farm material. Having considered this the transport statement does not take into consideration any proposed transport over the land and considers the proposal on a worst case scenario with all transport movements taking place on the highway.

Details have been provided of the proposed suppliers of the off farm material, and it can be confirmed that these suppliers are relatively local thus reducing the supply chain and reducing the carbon footprint associated with transport. It is not intended to source material outside those listed and set within condition 10 set out below.

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 on the land instead. Following discussions with the applicant the digestate storage tank on site (dome 2) has a capacity to store up to 9 months of digestate and whilst being stored will also continue to provide small quantities of gas for the main system. It is intended in the future to further reduce transport by providing an underground umbilical pipe to Downes Home Farm to extract the digestate to appropriate tankers/spreading machinery without the need to provide for a slurry store away from the site at Downes Home Farm. This will be subject to a further planning application in the future and does not fall to be considered at this time.

The proposed site is located adjacent to an industrial estate with the immediate road network being suitable to cater for the HGV traffic generated by the development. The feedstock to be provided for the AD development is already being transported on the local highway network. Traffic from these locations in connection with this would already be on the highway network with no planning restrictions on their destination.

Crediton Hamlets has commented on the proposal and objects. One of the reasons of objection is they are not convinced that the transport plan truly reflects the number of journeys to and from the site. In their analysis of the application DCC Highway Authority is of the view that the traffic generation within the proposed transport plan reflects the worst case scenario and it is likely that transport movements will be less than that set out in the report. This assumption is made on the fact that a number of the deliveries will be made over the farm land rather than by the highway. It is also noted that there is an intention to provide an underground pipe to take the digestate to Downes Home Farm. However this pipe is not in place and is therefore given little weight in consideration of the acceptability of transport movements. The Highway Authority has commented that "much of the fuel source is already being transported to the Downes estate, therefore it would be unreasonable to recommend a refusal on an increase in traffic around these sites as they

already utilise these roads without restrictions.”

While it is noted that a number of objections received in relation to this proposal raise concern about the impact of traffic on amenity and road conditions, the Inspector for the allowed Edgeworthy Farm appeal (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.

The Highway Authority has raised no objection to the proposal. It is considered that the proposed scheme and associated information is compliant with Core Strategy COR9 and Local Plan Policy DM6 and the NPPF.

### **3. Landscape and visual impacts**

The associated policies which are to be considered in relation to landscape and visual impacts are set out in Core Strategy policy COR2 ‘Local Distinctiveness’. The policy requires proposed development to sustain the distinctive quality, character and diversity of Mid Devon’s environment with the efficient use and conservation of natural resources including energy; and the preservation and enhancement of the natural landscape. COR18 ‘countryside development’ is also relevant. Local Plan policy DM1 introduces a presumption in favour of sustainable development, and the 2019 NPPF paragraphs 170 through to 183 also relate to conserving and enhancing the natural environment.

The AD site is proposed to be located in a field adjacent to and accessed from Lord Meadow Industrial Estate and within fields used presently for winter wheat as part of Downes Home Farm. The site is located on land that is typical of the Mid Devon lowland plains landscape character area and is bordered by hedgerows with some small trees. The land slopes from north to south down to the River Creedy. The plant will be prominent in some local views of the site, though the impact is reduced by the location of the plant adjacent to the industrial buildings at Lords Meadow. As such it would be seen grouped closely together with existing structures relating to the business site and not as a solitary new built form in the landscape, although would extend the form of development further to the east.

All existing hedgerows would be retained along with new planting to provide additional screening to the site and a planning condition is recommended to secure their retention in order to maintain their screening properties in the longer term.

The submitted Landscape and Visual Appraisal was conducted with a total of 10 viewpoints considered. The assessment focuses on the overall effects of the completed development and briefly considers construction phase effects.

The assessment states 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.

The proposed AD will introduce a large structure into the landscape. The viewpoints provided in the Landscape and Visual Appraisal show that the AD will be more prominent in some views than others, depending on the density of vegetation and the intervening landscape.

By reading the viewpoints in conjunction with the written assessment, the elevation plans and

topographical survey, it is possible to get an adequate impression of the impact and significance of the development in the landscape. It should also be noted that the AD plant will be set within a bund and the site will be subject to some cut and fill. This 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 most of the proposed structures would be juniper green. This is detailed on the plans provided, but there is no specific RAL colour for the dome. It is therefore recommended that a planning condition is used to secure this important detail. A submitted planting plan shows extensive planting to the southern boundary along with some re-enforcement of existing hedges. This is discussed in more detail later in the report.

The proposed site stands at the east end of the industrial estate, meaning that it projects further out from the existing development into open countryside, taking it close to the boundary of the Downes Estate. The development will consist of a number of structures and compounds of a clearly industrial character.

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 proposed AD structures would appear to be typical of this landscape character type and could be perceived as part of or similar to the industrial units adjacent to the site.

While some of the objections raise concern about visual impact in relation to the wider rural landscape, it is considered 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 Shobrooke Park, meeting policy DM27 of Local Plan Part 3 (Development Management Policies). This is considered further in section 6 below.

#### **4. Impact on neighbouring uses including residents and commercial premises**

The associated policies which are to be considered in relation to potential impacts upon neighbouring residents and commercial premises within Lords Meadow Industrial Park are, Core Strategy Policy COR1 which seeks to 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 COR18 seeks to control development in the open countryside and specifically permits renewable energy developments. Policies within the Local Plan to be considered are Policy DM1 which 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 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.

## Odour

Manures and waste 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 waste 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 digestate (in both solid and liquid form) will be used on land as a soil conditioner and fertiliser. This is 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 and so the potential for odour nuisance is significantly reduced and this would therefore reduce odour emissions during spreading. The Inspector who determined the 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. In addition to this, the proposed scheme will provide for a pasteurisation of the digestate at commencement of the process which further reduces or eliminates potential odour prior to spreading on the land.

Spreading techniques allow for digestate to be injected into the land, or the dry fibre spread by tractor and spreader. This is much easier to do with digestate coming from the AD compared to slurry on its own. The digester chops the fibres and the digestion process allows a more homogeneous product. In fact the proposal should result in the digestate being a dry fibre; with any pasteurised liquid that remains, being sent to the watercourse, in accordance with their Environment Agency permitting licence. However the system will also allow for the digestate to be taken from the plant in a mixed form which can be either dribble barred or injected into the land reducing opportunity for release of odour. It is expected that the process will be to utilise the dry fibre method where possible, although either option is acceptable.

The plant would treat the feedstock in a fully enclosed environment thus controlling odour emissions and reduce risk of odour nuisance to residents, passers-by and users of the nearby industrial estate. Slurry would be transported in tractor and (sealed) tanker and then piped from the tanker into the system so the process is completely contained. The applicant asserts that the AD process itself stabilises organic wastes avoiding uncontrolled methane (CH<sub>4</sub>) 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.

Crediton Hamlets has raised concerns with regard to odour and airborne dust which would significantly affect both local businesses reliant on clean air and nearby residential developments. The Council has been informed in representations that there is a high risk that several local businesses would have to close or relocate out of the area.

It is considered that aspects of the AD process and management of the operation adequately address concerns relating to odour raised by respondents. Environmental Health has raised no overall 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 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).

Environmental Health (EH) had requested a specific condition be attached to provide a suitable Health Impact Assessment (HIA) to identify and improve the health consequences of any proposed development, including unintended and unanticipated consequences. However following further information from the applicant the EH have reconsidered and now do not require this information.

### **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 or inability to feed the gas line; gas would be burned off via the flare. The only gases that would be released into the environment as a result of the normal operation of the proposal would be exhaust gases from the CHP unit which would need to be maintained within the statutory limits for such emissions.

### **Noise**

The main sources of noise relating to this development are i) the related traffic movements from operations and the construction period, ii) the unloading of materials on site, iii) the running of the CHP unit and iv) 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. 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, which run through the Industrial site at present.

Noise will occur during the construction period which would be for a temporary period. It would be appropriate to require a construction environmental management plan by planning condition to control the hours of noise generation, together with dust and local traffic impacts from deliveries during the construction period. In addition it is considered that a further management plan address the operation of the plant. This would seek to control traffic movements to ensure they are in accordance with the information submitted as part of the application.

Reversing alarms from delivery vehicles need to be taken into consideration. Tractors and trailers making deliveries do not tend to have reversing alarms and 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. It is also considered that the existing buildings and silage tanks will also act as a noise barrier between the source of the noise and nearest properties.

The submitted Noise Impact Assessment has been informed by a background sound survey conducted over a full weekday and weekend period during a period of fine weather. The

background sound survey was completed to the south east of the proposed facility in a position considered representative of the closest residential receptors. The outcome of the Noise Impact Assessment indicates that the level of noise produced by the proposed AD facility will:

- Not exceed 5dB below the background sound level during the daytime, (7.00am – 23.00pm) as required by Mid Devon District Council which is beyond the scope of BS4142:2014, resulting in a ‘less than low impact’ to the receptors; and
- Exceed 5dB below the background sound level during the night-time (23.00pm-7.00am) but still within acceptable parameters resulting in a ‘low impact’. Calculated internal noise levels also fall well within the criteria set out in BS8233:2014.

For the benefit of Members, examples are given of 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

Environmental Health has raised no concerns relating to the noise report submitted and have requested no further noise assessments. Any statutory noise nuisance arising would be dealt with via Environmental Health

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. Policy DM22 ‘Agricultural development’ considers various aspects for agricultural structures including whether the proposal is sensitively located to limit any adverse effects. This includes noise. Policy DM7 deals with pollution and 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. It is considered that the proposed is acceptable and can be suitably controlled via the Environment Agency environmental permit.

## **5. Drainage and water impacts (Nearby Flood Plain)**

The associated policies which are to be considered in relation to potential impacts of drainage include Core Strategy Policy COR2 which 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. COR11 ‘Flooding’ seeks to address flood risk, taking account of the likely impact of flooding, guiding development to locations of lowest flood risk and ensuring development does not increase the risk of flooding elsewhere

Rain water from the buildings and non-silage clamp areas will be collected and channelled into a soakaway. Rain water from the clamps 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 is intended to be taken to the mains drainage for Lords Meadow industrial park.

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 to ensure there is no contamination to the surrounding area.

The proposed new access road from the Lords Meadow site will pass through the edge of the flood zone for the River Creedy. However the Environment Agency has considered this aspect of the proposal and is of the view that the effect will be negligible and is acceptable to the Agency and no further information is required.

Devon County Council Lead Flood Authority were also consulted on the proposed scheme, and they raised some initial concerns with regard to rainwater harvesting info, how rain water is dealt with in the clamps, how foul network connected to digester, who maintains the System, and initially objected to the proposal. Further detail has been provided to the Authority and their objection has been withdrawn (response 7/2/19), subject to specific conditions, these conditions have been included within the report.

## **6. Impact on Heritage assets**

The associated policies which are to be considered in relation to potential impacts on the heritage assets are the Core Strategy COR2 which 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. The Local Plan 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 DM27 seeks to protect heritage assets and their settings, including Conservation Areas recognising that they are an irreplaceable resource.

The National Planning Policy Framework paragraphs 184 to 202 are to be considered.

The starting point for the consideration of applications which affect a listed building or its setting is the statutory requirement on local planning authorities to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses' (section 66). The Court of Appeal has made it absolutely clear that the statutory duties in relation to sections 66 and 72 do not allow a local planning authority to treat the desirability of preserving the settings of listed building and the character and appearance of conservation areas as mere material considerations to which it can simply attach such weight as it sees fit. When an authority finds that a development would harm the setting of a listed building or character or appearance of a conservation area, it must give that harm considerable importance and weight. Finding of harm gives rise to a strong presumption against planning permission being granted. This presumption is not irrefutable. It can be outweighed by material considerations influential enough to do so.

Historic England have been consulted in relation to the Downes and Downes Home Farm which is a Grade II\* listed building and this authorities Conservation Officer has been consulted on the proposal in respect of other grade II listed properties in the vicinity of the site. Their comments have been incorporated into this section.

The historic environment around the site is limited but includes Downes Farm grade II \* to the other side of the hill to the south and to the north Shobrooke Park Lodges (625 m from the site to the north east) grade II and Registered Park and Garden. A further grade II listed Cottage Westcott is located on a lane to the east of the site 550 m away.

## **Downes and Downes Home Farm**

Downes is Grade II\* listed dwelling set in extensive grounds and is now accessed off the main A377 to the south. An older lane – Downeshead Lane - from the centre of Crediton still exists, mainly as a farm track, and passes through Downes Home Farm and then to the south of Downes in between it and the main road. To the north-west of the house is a large walled garden and, to the west, the Home Farm.

Downes Home Farm The farmstead is approximately 450m from the application site; it is built on the south-eastern slope of the watershed between the two rivers and as the ground continues to rise up to Downes Head to the north-west of the farmstead, and the proposed development site is set low down on the opposing northern slope, there are no reciprocal views between the two. Additionally, more recent and larger farm buildings lie on the northern side of the farmstead and hide the older farm buildings in views from the north.

Historic England have responded by letter 19th December 2019 and advise in context of the grade II\* Downes Estate. They consider the potential environmental impact of an AD plant goes well beyond the historic environment, and, ultimately, heritage impact will only be one of many considerations for MDDC to consider in a proposal of this nature. They indicate they have been to the site and are aware that this scheme will be visible from a range of heritage assets, of which the setting of some - such as the designed landscape at Shobrooke Park - will be a more sensitive visual receptor than others.

Clearly the appearance of that area has been considerably affected by both intensive farming methods and the development of the Common Marsh Lane Industrial Estate. The majority of hedgerows and boundary tree planting visible in late nineteenth century OS maps have been lost, however, vestiges of the designed landscape are still detectable in views from the north across the application site. The most visible of these is the copse of trees between Common Marsh Lane and Downes Head.

As set out above the proposal will reinstate some of the pattern of trees and historic hedgerows shown around the application site in 1889 as closely as is practicably possible. Even where the hedgerows no longer survive the impression of them could be recreated with a few trees following the linear pattern shown on old maps. Where there is an opportunity to re-establish the actual hedgerow (and not just the trees within them) this too could assist in knitting the new development into its wider landscape.

The application is accompanied by a landscape mitigation plan that generally follows the approach that has been advocated by Historic England in their pre-application advice. It also includes a narrow linear block of tree planting to the north-east of the application site. Whilst this may not be an exact replication of the form of planting shown in the early OS map, it will contribute towards recreating the form of the landscape that was historically associated with the Downes Estate in this area.

Although total screening of the AD plant is unlikely to be achieved by these means on a year-round basis, these measures should assist in mitigating any associated harm caused by the development on the setting of the estate.

## **Other listed properties**

Westacott and Westacott Cottages are constituent parts of a large mid-late 17th century house on the east side of the lane running down from the South Lodge of Shobrooke Park and on the opposite side of the River Creedy to the application site. The South Lodge and adjacent Gateway

to Shobrooke Park are separately listed Grade II. Both date to around 1850. The Lodge is to the left of the gateway both elements of the enlargement of Shobrook Park, and their historical significance is derived from this rather than from their architectural qualities; the park is also the most significant element of their setting – diluted somewhat by the loss of the mansion that the buildings once served.

The site consists of an agricultural field that is accessed and adjoining East of Lords Meadow Industrial Estate. The ground rises to the south side of the River Creedy valley, just as the hill rises from the river flood plain. At this time the land form is open with historic hedge lines predominantly lost. There are three mature oak trees that fall on the line of a remnant field hedge, evident on historic OS maps. To the northern edge a field ditch and fence, marks the transition to the flood plain.

The AD plant consist of a pair of tanks 8 m high to the eaves with a dome roof to ridge of 14 m with associated smaller plant.

The applicant suggests it is an urban edge quality however it is at the end of historic but visually intrusive industrial estate which projects into a pastoral outlook with the attractive River Creedy valley and the ornamental trees of Shobrooke Park evident to the north that includes important public access and footpaths. The area is valued locally for its rural nature and tranquillity.

It is considered that the most sensitive grade II heritage asset is the Shobrooke Park particular around the Devonshire Heartland Way a Public right of Way and the park Lodge Buildings. This correlates with the applicants viewpoint 1.

#### Viewpoint 1 – Devonshire Heartland Way through Shobrooke Park

The footpath has a double row of trees as an avenue feature to each side. In places some of these trees are missing affording better views towards the site, as is the case with this view. The location of the AD plant is to the centre of the view, left of the industrial estate. Due to its location within Shobrook Park the sensitivity of this receptor is considered to be high.

The effects will be direct, long term and permanent. Initially they could be perceived as negative but would reduce as mitigation planting developed.

The impact on the grade II listed Westcott Cottages is picked up in viewpoint 8

#### Viewpoint 8 – Footpath east of Westacott Cottages

This view is from a public footpath which closely follows the line of a hedge and is approximately 1km east of the site. The effects will be direct, long term and permanent, but to a relatively modest area of the view. Initially they could be perceived as negative but would reduce to neutral as mitigation planting developed.

In assessing the impacts on historic features, the Authority must consider along with policy, three potential impacts

- One of substantial harm, which is where the harm to the historic feature will be irrevocable, such as demolition of a listed building or the total loss of the heritage aspect.
- Less than substantial harm covers all other impacts to the historic environment, between the substantial harm and Neutral and
- Neutral and no impact.

In this case the Authority is of the view that there will be less than substantial harm, and considers that the harm generated by the scheme is out-weighed by the public benefit in this instance, and

that the extent of harm to the historic environment, following the added planting to reinstate the former hedge boundaries will be moderate to low in the first instance during construction and the first few years of operation. The proposal will be seen as part of the existing industrial estate and will be viewed within this context. The planting will further soften the appearance and provide a negligible adverse impact on the historic environment.

In summary there is a less than substantial harm to the setting of the historic landscape of Shobrooke Park including the listed Lodge House with its orientation out toward the site across the Creedy Valley to the south. This harm will be most apparent during the construction and first 10 – 15 years while the landscaping scheme settles in.

However in line with NPPF paragraph 196 where less than substantial harm to the significance of a designated asset is identified, harm should be weighed against the public benefits of the proposal – these benefits include the generation of green energy and pasteurised agricultural slurry. It is considered that the proposed unit will be seen in the context of the existing Lords meadow and as such is a natural extension to this area, there will be minimal change to the overall visual impact and given a number of years the planting will re-establish some of the original natural features of the area. The pasteurised slurry/digestate which will be spread on the adjoining land will have a lower odour to that of fresh farm manure. This will enhance the experience of the public visiting Shobrooke Park.

The Local Planning Authority would also concur with Historic England that following the adoption of their historic landscape improvements to the currently prevailing rather sparse agricultural field landscape around the immediate site that the harm will be substantially diminished once the landscape has established over 10 years and allow the AD units to knit into this landscape.

## **7. Other impacts**

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 those materials specified in the application only. Should the applicant wish to use different feedstock types in the future, an application to vary the planning permission will be required.

The site does not lie within any designated wildlife site. The Ecological Appraisal (Undertaken October 2018) revealed no significant evidence of protected species or flora which need special consideration as a result of the proposed development. Policy DM2 is therefore suitably complied with. In addition Natural England has raised no objection to the proposal and the NPPF paragraph 174 and 175 are considered not to cause undue harm to the biodiversity of the site.

The proposed development lies in an area of low potential archaeological, prehistoric activity in the immediate vicinity. However as a cautionary approach it is recommended that accordingly a Written Scheme of Investigation is to be undertaken as requested by Devon Historic Environment Team; a planning condition is recommended and will be included.

The AD plant itself will be sited on Grade 2 agricultural land, consideration needs to be given to this loss. 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. 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.”*

Objectors have raised concerns with regard to a possible risk of explosion; this is unlikely to be something which would occur as there are systems in place to ensure that such an incidence is unlikely. If pressure builds in the system the gas is then vented to the enclosed flare and burnt off.

It has been commented that the proposed is on the industrial estate and not on the farm. This is not the case. The site is wholly on agricultural land with access off and through the industrial estate. The process can to some extent be considered to be an industrial process and so being in such close proximity to the existing adjacent industrial site is seen as a benefit and keeping the quasi industrial process conjoined with the industrial processes on the adjacent site is seen as beneficial and homogenous with these uses.

A number of objectors have raised an issue with regard to the AD plant being within 1000m of residential units as a government restriction. There is no specific restriction set by the government for this type of AD plant.

The application provides sufficient information to be able to consider the proposed impacts and use of the site; suitable plans including a red line site plan have been provided.

## **8. Benefits**

The NPPF states that local planning authorities should help increase the use and supply of renewable energies and those applicants should not need to demonstrate the overall need for renewable energy. It also requires local planning authorities to approve applications where the impacts are (or can be made) acceptable. The proposed development would contribute to national targets for sourcing 20% of the UK's energy from renewable sources by 2020 and this report has demonstrated that the proposed development accords with the NPPF Paragraphs 149 to 154 and the Local Plan policies DM5 Renewable and low carbon energy 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 in a conventional boiler, as the fuel for a combined heat & power (CHP) unit or as in this case injected into the mains gas for the area.

## **9. Planning balance**

The application submitted for this scheme is for an AD plant, where the structures are set close to an existing industrial park, mitigating its impacts on the wider environment, including nearby historic park of Shobrook.

Concerns have been raised with regard to many and wide ranging issues with the main points being noise, odour, congestion and suitability of the roads, visual impact, flooding, loss of grade II agricultural land, and wildlife impacts. All these issues have been addressed in the report, and it is

confirmed that the appropriate monitoring bodies have assessed their 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.

The design of the plant will have no significant negative impacts on the surrounding area with regard to odour, noise transport and visual intrusion as it will be seen in context with the existing industrial park.

It is therefore recommended that the proposed scheme is appropriate. The proposed will not have a detrimental impact on the historic park or the immediate amenity of occupiers and users of the area. The highway network will be able to support the proposed. The Development is considered to be compliant with the Core Strategy, Local Plan Part3 and the National Planning Policy Framework.

Therefore it is considered that the application be approved subject to the following conditions

## 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, approved reports and statements listed in the schedule on the decision notice.
3. Prior to their use on site, a materials schedule that provides details of the colour and finish of the materials to be used in the different elements of the development (including the digester dome) shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and be so retained.
4. Prior to the commencement of development a Construction and Operational Environment and Traffic Management Plan shall first 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 vehiclesWork shall thereafter only be carried out in accordance with the agreed Plan unless otherwise agreed in writing by the Local Planning Authority
5. No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning

Authority.

6. No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The design of this permanent surface water drainage system will be in accordance with the principles of sustainable drainage systems, and those set out in the Flood Risk Assessment and Drainage Strategy (Ref Lords Meadow Biogas; REV G; dated 26<sup>th</sup> October 2018). The development shall be carried out in accordance with the approved surface water drainage management system and shall thereafter be retained and maintained.
7. No part of the development hereby permitted shall be commenced until the full details of the adoption and maintenance arrangements for the proposed permanent surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The development shall be carried out and thereafter maintained in accordance with the approved details.
8. All planting, seeding, turfing or earthworks comprised in the approved details of landscaping as shown on the submitted Mitigation plan (SPP 06 Rev A), shall be carried out within 9 months of the substantial completion of the development or operation of the site, whichever is the sooner; and any trees or plants which within a period of five years from the implementation of the scheme, 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
9. There shall be no storage of any feedstock other than silage within the application site except within the sealed digestate storage tank(s) approved as part of this planning application. All silage stored on site shall be covered at all times when not being loaded into the facility.
10. The feedstock for the anaerobic digester shall be

Maize Silage	6,000 tonnes
Grass Silage	5,000 tonnes
Whole Crop Rye	2,000 tonnes
Pig Slurry	2,000 tonnes
Chicken Litter	3,000 tonnes
Whey	3,000 tonnes
Farm Yard Manure	3,500 tonnes
Waste Grain	1,000 tonnes
Waste Straw	1,500 tonnes
Veg Waste	3,000 tonnes
Brewery Waste	500 tonnes
Horse Manure	1,500 tonnes
Apple Pulp	500 tonnes

A log book (Ofgen figures) shall be maintained and completed detailing quantity, where and when all of 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 other than as set out in the (e-mail correspondence dated 7<sup>th</sup> February 2019 between the Authority and the applicant) unless written approval has been received from the Local Planning Authority. Such

log book shall be kept up to date at all times and supplied to the Local Planning Authority on a quarterly basis, upon commencement (commencement is considered to be the first production of gas introduced into the mains system for public use).

11. There shall be no external lighting within the application site, except for low-level safety lighting for the protection of personnel or for purposes of essential maintenance.
12. The Tree Planting scheme submitted and approved plan SPP06 Landscape Mitigation Plan REV A shall be undertaken and completed within one month of the operation/completion whichever is the sooner of the AD Plant or within the next planting season October-March following the operation/completion whichever is the sooner of the AD Plant.
13. All existing hedges onsite are to be retained, other than the two trees indicated to be removed on mitigation plan (SPP 06 Rev A).
14. The emergency flare stack shall not be operated for maintenance or testing purpose except between 0700 and 1700 hours on any day (other than Bank Holidays)
15. 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.
16. 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.
17. 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 twelve months from the date of cessation. After removal of the above, the surface of the site shall be regraded 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 and a timetable to be agreed in writing by the LPA

## **REASONS FOR CONDITIONS**

1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of proper planning.
3. No development shall begin until details of the colour and finish of the building materials to be used (including the digester dome) has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with these details.
4. To safeguard the amenities of the area and occupiers of nearby buildings in accordance with DM2.
5. 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

6. To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems. in accordance with DM2.
7. To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems in accordance with DM2.
8. To ensure that the development makes a positive contribution to the character and amenity of the area in accordance with policies DM2 of the Local Plan Part 3
9. 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)
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 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 in accordance with DM2.
13. 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).
14. To minimise the potential for disturbance to local amenity, in accordance with policy DM7 of the Local Plan Part 3
15. To minimise the potential for disturbance to local amenity, in accordance with policy DM7 of the Local Plan Part 3
16. 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 in accordance with DM2.
17. To achieve a satisfactory landscape/restoration in accordance with DM2.

## **REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT**

It is not considered that the harm to the environment, the landscape, neighbouring residents and the Heritage assets is significant enough to warrant refusal of the application when balanced against the benefits. The Anaerobic Digestion plant will process farm waste/off site waste and crops into a product which will assist in improving land management techniques and will generate

a source of renewable energy(Gas). The proposal has demonstrated that traffic movements on the local highway network will not be unacceptable. The impact on the heritage assets is considered to be limited and is considered to be outweighed by the benefits of the proposal. Any harm likely to arise from this proposal can be adequately mitigated by the imposition of conditions. It is considered that this proposal will not cause significant harm and that the benefits of granting planning permission outweigh any limited harm that may be caused. Accordingly the application is in accordance with Mid Devon Core Strategy (Local Plan 1) policies COR1, COR2, COR5 and COR18, Local Plan Part 3 (Development Management Policies) DM1, DM2, DM5, DM6, DM7, DM8, DM22, DM27, Devon Waste Local Plan policy WPC1 and the National Planning Policy Framework.

Application No. 18/02024/FULL

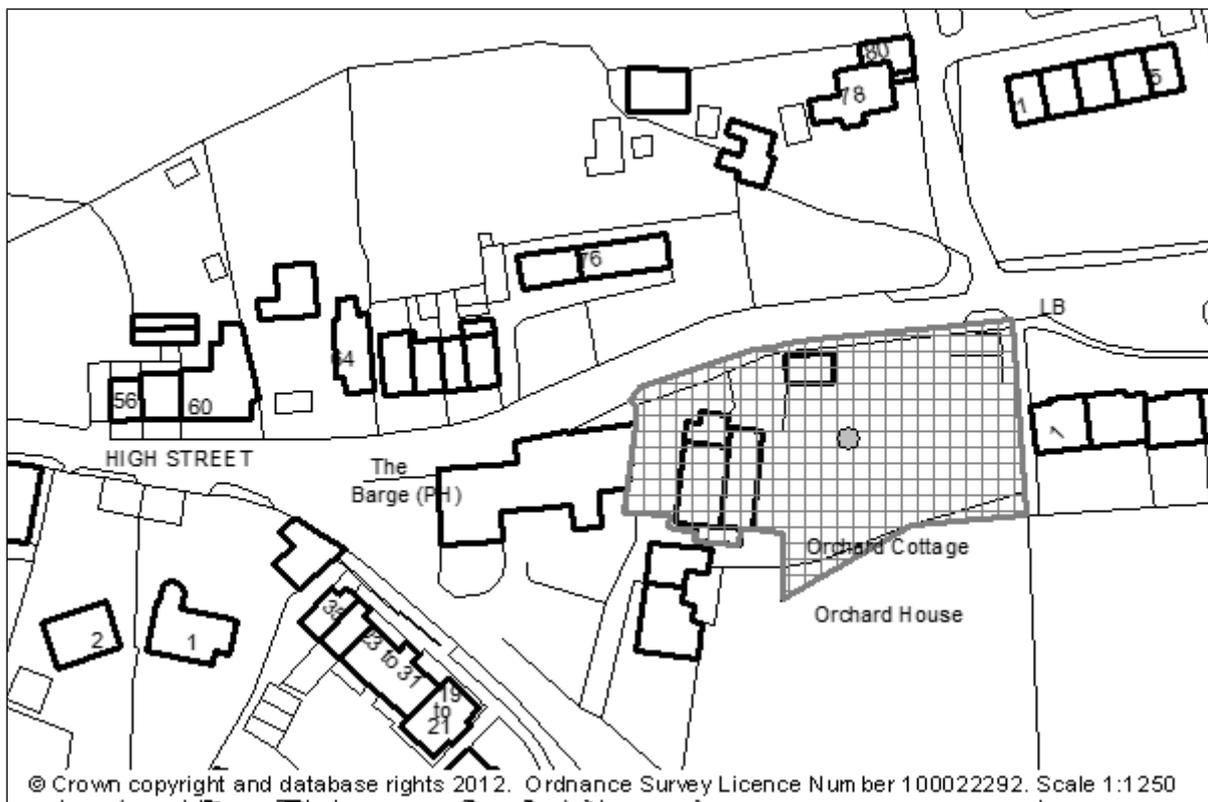
Grid Ref: 301270 : 112835

Applicant: 3 Rivers Developments Ltd

Location: Land and Buildings at NGR 301270 112834  
(Orchard House)  
High Street  
Halberton

Proposal: Variation of conditions 2, 5, 7, 8, 9, 10 and 15 of planning permission  
17/007111/FULL

Date Valid: 12th December 2018



**APPLICATION NO: 18/02024/FULL**

**RECOMMENDATION**

Grant planning permission subject to conditions

**UPDATE**

At the previous planning committee, members considered the report set out below and resolved that the application be deferred to allow further discussions to take place with the applicant with regard to:

- A management plan for the car park
- The surface of the car park
- The materials for the wall, to be ideally stone-faced rather than rendered brick.

The views of the parish council in their consultation response of 15<sup>th</sup> Feb 2019 were provided as an update as follows: 'The Council's objections to the proposed change from stone wall to rendered wall remain in place. The Council's view is that a sandstone wall is more in keeping with the Conservation Area.'

Officers have been in discussions with the applicant, and the applicant has advised as follows:

**Management of car park and other communal areas:**

A plan has been provided which indicates that all the land within the development ( with the exception of the community parking area, will be allocated within title documents to each of the 5 properties on site to clearly indicate ownership and expected responsibilities for the areas including maintenance, repairs, cutting, trimming etc of all items within those areas

With regards to the management of the community car park, the applicants have advised that it will remain under their ownership until such time as the spaces are sold to an interested residential party. If they are rented or leased, then responsibility for maintenance rests with the applicant.

Members are advised that this element of the application remains unchanged from the consent granted for the site back in 2017.

**The surface of the car park:**

The applicant has advised that they propose to lay a tarmac surface with surface water being collected by the new system being installed.

**The material for the boundary wall with High Street:**

Revised details have been submitted by the applicant. These indicate a stone-faced block wall to the west of the development entrance, where the boundary is above the residents parking area.

To the east of the development entrance, the applicants are proposing a low brick wall (3-4 courses high) with bow-topped railings set above. This has been discussed with the Conservation Officer. Given that this is a feature of a number of properties along the High Street, the proposal is considered to preserve the character and appearance of the Conservation Area and therefore the recommendation remains one of approval

The report set out below is the original report seen by Members at their meeting on 6<sup>th</sup> March and is unchanged. The officers recommendation remains one of approval.

## **PROPOSED DEVELOPMENT**

Planning permission 17/00711/FULL granted consent for the erection of 4 dwellings, conversion of barn to dwelling, parking and formation of new vehicular access on a site located to the east of the public house in Halberton with access off High Street. This is a s73 application for variation of conditions 2, 5, 7, 8, 9, 10 and 15 of that planning permission. The conditions relate to:

Condition 2: approved plans

Condition 5: submission of boundary treatment

Condition 7: requirement for a sample panel of stonework to be provided on site

Condition 8: Submission of materials for external surfaces and hardsurfacing

Condition 9: Requirement for further land contamination assessment

Condition 10: Requirement for a land remediation scheme for contamination

Condition 15: Programme of archaeology work

The application seeks to vary details on the plans which affects conditions 2, 5, 7 or submit information discharging the conditions which affects conditions 8, 9, 10 and 15. The effect of a grant of planning permission is to issue a new planning permission.

The amendments to the approved scheme relate to the erection of a rendered wall along the site frontage and round the rear boundaries of the properties, in place of a stone wall along the site frontage and brick wall round the rear boundaries. There are minor changes to some of the detailing on the elevations of the properties including detailing of the ridge tiles, bargeboards and canopies over the doors.

With regards to condition 7, the application seeks to remove this in its entirety as they no longer propose a stone wall

With regards to conditions 8, 9, 10 and 15, the applicant has submitted the required details, land contamination and archaeology assessments with this current application and seeks discharge of the conditions

## **APPLICANT'S SUPPORTING INFORMATION**

Applicants covering letter dated 11<sup>th</sup> December 2018

Amended plans

Archaeology assessment

Phase 2 Geotechnical Investigation and contamination assessment report

## **RELEVANT PLANNING HISTORY**

17/00711/FULL - PERCON date 4th July 2017

Erection of 4 dwellings, conversion of barn to dwelling, parking and formation of new vehicular access

18/02024/FULL - PCO date

Variation of conditions 2, 5, 7, 8, 9, 10 and 15 of planning permission 17/00711/FULL

## **OTHER HISTORY**

None

## **INFORMATIVES**

None

## **DEVELOPMENT PLAN POLICIES**

### **Mid Devon Core Strategy (Local Plan Part 1)**

COR1 - Sustainable Communities

COR2 - Local Distinctiveness

COR3 - Meeting Housing Needs

COR9 - Access

COR11 - Flooding

COR12 - Development Focus

COR17 – Villages

### **Mid Devon Allocations and Infrastructure Development Plan Document (Local Plan Part 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

DM3 - Sustainable design

DM8 - Parking

DM14 - Design of housing

DM15 - Dwelling sizes

DM27 - Development affecting heritage assets

## **CONSULTATIONS**

### **HIGHWAY AUTHORITY - 13.12.18**

No Comments

### **HALBERTON PARISH COUNCIL - 09.01.2019**

Halberton Parish Council considered this application at their meeting on 8th January 2019.

The Council objects to the proposals in this application, with the exception of the amendments to the tactile paving made after the applicant took advice from Devon Highways. In particular the Council objects to:

the proposal to render the wall as the Council believes the stone faced wall in the original application is more in keeping with the vernacular and with the Conservation Area status.

the proposal for the neighbourhood parking area to be changed from tarmac to gravel/shingle. The applicant themselves state the ground has poor permeability and dismisses permeable solutions

as not being "an effective solution" (para 6 to their letter of 11 December 2018) so a gravel/shingle surface on this parking area will cause it to become waterlogged.

The Council notes the objections of local residents regarding the neighbourhood parking and is making enquiries as to the future of the space, as the Council agrees this should be a residents parking area.

## **PUBLIC HEALTH – 06.02.19**

The contaminated land assessment identified asbestos fibres on the site and that further investigations were required. These could be conditioned as follows:

Following the demolition of the barn the front and side amenity areas to plot 1 require shallow soil sampling to assess for the presence of asbestos fibres.

Additional testing must be carried out in the area of TP1 in order to determine the presence or absence of volatile organic compounds and semi-volatile organic compounds.

Where contamination is identified a remediation statement shall be submitted for approval to the Local Planning Authority for consultation with Environmental Health Services (and other agencies if required).

Following completion of any required remediation works, a validation report shall be submitted to the Local Planning Authority for consultation with Environmental Health Services (and other agencies if required).

**DCC HISTORIC ENVIRONMENT TEAM** - The Historic Environment Team has received from AC archaeology a copy of the report for planning application 17/00711/FUL, Land at Orchard House, High Street, Halberton. I recommend that the condition be signed off by the LPA.

## **REPRESENTATIONS**

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

- parking surface needs to be usable to all
- parking needs to be reserved for residents
- what provision will be made for residents parking during construction?
- concerned that the residents parking area will be boggy
- inadequate replacement provision

## **MATERIAL CONSIDERATIONS AND OBSERVATIONS**

The main issues in the determination of this application are:

- 1) Policy and procedure
- 2) Impact of proposed changes on the character and appearance of the area including the Conservation Area
- 3) Impact of proposed changes on the nearby residents

### **1) Policy and procedure**

The application site is located within the settlement limit of Halberton and also within its Conservation Area. The site was granted planning permission in July 2017 and therefore it is not

proposed to repeat the whole policy background here, as that permission is still valid and it is minor changes which are proposed. Since that time, a revised NPPF has been issued but this does not fundamentally change the policies against which the development was assessed.

The main issue therefore is the impact that the proposed changes have on the character and appearance of the area, the Conservation Area and the living conditions of the residents adjacent

## **2) Impact of proposed changes on the character and appearance of the area including the Conservation Area**

With regards to the impact on the character and appearance of the area and therefore the Conservation Area, the proposal has been discussed with the Conservation Officer. The current site boundary with High Street is a concrete block wall. The approved scheme replaces this with a lower stone wall, which picks up on the material of construction of many boundary walls in the Conservation Area. The proposed amendment to a rendered block wall is unfortunate but this is still considered to be an improvement over the existing concrete block wall at the site and therefore the character and appearance of the Conservation Area is still enhanced. The provision of new boundary walls to the barn conversion and the dwellings at the rear are considered acceptable in block and render rather than brick. These are set well back from the road with limited visibility of them and in any event, rendered boundary walls are a feature of many dwellings in Halberton

The application seeks to remove condition 7 which required a sample panel of stone to be agreed on site before its use in the construction of the boundary wall. As a stone wall no longer forms part of the proposals, this condition is no longer necessary and can be removed

With regards to the changes to some of the detailing on the properties (intricate bargeboards on main roofs and porch roofs and crested ridge tiles and finials on main roofs and porch roofs) the Conservation Officer has advised that he has no objection to these amendments as whilst there are these details within the Conservation Area, there are many buildings with much plainer detail and subject to the depth of the bargeboards and the soffit detailing being correct (amended details awaited at the time of writing this report), it is not considered that these alterations would detract from the Conservation Area

Details of external and hardsurfacing materials were required by condition 8 and would normally be dealt with via a discharge of condition request but have been submitted with this application. The choice of brickwork, window detailing, roof material, chimney detail etc are all considered acceptable in the context of the scheme and its location in the Conservation Area

The application includes with it a Land contamination/geophysical report to seek to discharge condition 9. The Public Health team are satisfied with the content but are advising that further assessment is still required and this will need to be subject to further conditions on any consent issued

The application also includes the submission of an archaeological assessment which DCC Historic Environment Services have advised is acceptable to discharge the condition.

## **3) Impact of proposed changes on the nearby residents**

The main issue raised in the 2 letters of objection received, relate to the car parking provision.

The previous application included the provision of a parking area for existing residents, who currently park on the road frontage in the vicinity of the site.

The proposed development provides additional parking over and above that required by the proposed development itself. Therefore in granting consent back in 2017, the LPA noted that the creation of the neighbourhood parking area was not to mitigate the proposed development but rather a community benefit. The previous proposals included a tarmac surface to the parking area but the current application seeks to amend this to gravel/shingle. Given that it will be located behind a 1m high wall and located approx. 1m lower than the pavement outside the site, it is not considered that the change in material will have an adverse impact on the character and appearance of the conservation area. The objections received also refer to the gravel surface becoming waterlogged and unusable. However, a porous material will assist with natural drainage of the surface and should prevent this from happening

### Summary

Therefore, whilst some of the changes proposed appear to be a slight 'watering down' of the agreed detail, it is not considered that the proposed changes are such that the development would detract from the character and appearance of the Conservation Area. The proposal therefore remains in conformity with policy DM27 and the other policies considered at the time of the previous application in 2017

### CONDITIONS

1. The development hereby permitted shall be begun before 4<sup>th</sup> July 2020.
2. Subject to the effect of any condition of this permission, the development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. Before the development hereby permitted is first brought into use, the access and its associated visibility splays, parking and turning areas shall be provided and surfaced to avoid surface water discharge onto the highway. Following their provision these details shall be so retained and maintained.
4. All telephone, electricity and mains gas services to the building shall be placed underground.
5. Notwithstanding the provisions of Article 3 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), (or any Order revoking and re-enacting that Order with or without modification) no development of the types referred to in Classes A, B, C, D, E and F of Part 1, or Class A of Part 2 of Schedule 2 relating to the enlargement, improvement or other alteration of a dwellinghouse, addition or alteration to the roof, erection of a porch outside any external door, provision within the curtilage of the dwellinghouse of any building or enclosure, swimming or other pool, container for domestic heating purposes for storage of oil or liquid petroleum gas, provision of a hard surface or the erection of a gate, fence wall or other means of enclosure, shall be undertaken within the application site without the Local Planning Authority first granting planning permission.
6. The materials to be used for all the external surfaces of the buildings and hardsurfaced areas shall be as shown on the approved drawings and set out in the letter submitted with the application dated 11<sup>th</sup> December 2018.
7. Following the demolition of the barn in the north east corner of the site, shallow soil sampling in the areas identified as amenity space for plot 1 shall be carried out to assess for the presence of asbestos fibres. Additional testing shall also be carried out in the area marked TP1 in the Phase

2 Geotechnical Investigation and Contamination Assessment report carried out by Ruddlesden geotechnical dated December 2018, in order to determine the presence or absence of volatile organic compounds and/or semi-volatile organic compounds. Where contamination is identified a remediation statement shall be submitted to and approved in writing by the Local Planning Authority prior to any work commencing on site to erect any of the approved dwellings. The approved remediation scheme shall be carried out in accordance with its terms. The Local Planning Authority shall be given two weeks' written notification of commencement of the remediation scheme works. Following completion of the measures identified in the approved remediation scheme, and before any dwelling is first occupied, a verification report that demonstrates the effectiveness of the remediation carried out shall be submitted to and approved in writing of the Local Planning Authority.

8. The proposed estate road, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins, such details to include plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction.

9. No part of the development hereby approved shall be commenced until:

- A) The access road has been laid out, kerbed, drained and constructed up to base course level for the first 20 metres back from its junction with the public highway
- B) The ironwork has been set to base course level and the visibility splays required by this permission laid out
- C) The footway on the public highway frontage required by this permission has been constructed up to base course level
- D) A site compound and car park have been constructed to the written satisfaction of the Local Planning Authority

10. No development shall take place until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. Unless it is demonstrated that it is unfeasible to do so, the scheme shall use appropriate Sustainable Urban Drainage Systems. The drainage scheme shall be designed so that there is no increase in the rate of surface water runoff from the site resulting from the development and so that storm water flows are attenuated. The development shall be carried out in accordance with the approved scheme and shall be fully operational before any dwelling is first occupied.

11. 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.

12. No development shall begin on the conversion of the barn until a schedule of works has been submitted to and approved in writing by the Local Planning Authority. The schedule of works shall include:

- (a) Details of any demolition or removal of any building fabric and any rebuilding or repairing works required to convert the building;
- (b) Details of all measures required to support any wall, floor, roof or other vertical or horizontal surface
- (c) Details of measures required to provide protection for the building against the weather during the conversion works.

The agreed schedule shall be strictly adhered to during the course of the conversion works.

13. The mitigation and enhancements proposed in the Ecological Appraisal (February 2017) prepared by Green Ecology shall be implemented and completed before any dwelling is first occupied and shall be retained in accordance with the requirements of that report.

#### **REASONS FOR CONDITIONS:**

1. This is a s73 application and therefore the date for implementation is unchanged from the original consent granted.
2. For the avoidance of doubt and in the interests of proper planning.
3. To ensure adequate facilities are provided and retained for vehicles attracted to the site in accordance with policies DM2 and DM8 of the Mid Devon Local Plan Part 3 (Development Management Policies).
4. In order to safeguard the historic visual amenity of area - Mid Devon Core Strategy (Local Plan 1) COR2 and Local Plan Part 3: (Development Management Policies) DM2, DM27.
5. To protect the privacy and amenities of future and neighbouring occupiers and to ensure adequate parking and turning areas and amenity space are maintained for the proposed dwelling in accordance with policies DM2 and DM14 of the Local Plan Part 3 (Development Management Policies).
6. To ensure the use of materials appropriate to the development in order to safeguard the visual amenities of the area in accordance with Mid Devon Core Strategy (Local Plan 1) policy COR2 and Local Plan Part 3: (Development Management Policies) DM2, DM14, DM27.
7. In the interests of public health and the protection of the environment.
8. To ensure that adequate information is available for the proper consideration of the detailed proposals.
9. To ensure that adequate on site facilities are available for all traffic attracted to the site during the construction period, in the interest of the safety of all users of the adjoining public highway and to protect the amenities of the adjoining residents.
10. To protect water quality and minimise flood risk in accordance with Flood Management Act.
11. To protect the privacy and amenities of neighbouring occupiers in accordance with policies DM2 and DM14 of the Local Plan Part 3 (Development Management Policies).
12. To ensure the character of the building is retained and to protect the building during conversion works in accordance with policy DM11 of the Local Plan Part 3 (Development Management Policies).
13. To ensure the protection of any ecological interests at the site in accordance with policy DM11 of the Local Plan Part 3 (Development Management Policies).

## **REASON FOR GRANTING PLANNING PERMISSION**

The proposal is acceptable in principle as the site is within the defined settlement limit of Halberton and there is an extant planning permission on the site. The proposal would bring important social benefits in terms of delivering market housing and it would also promote economic activity. The proposed development will reasonably complement the appearance of the street scene and would have an acceptable impact on the character and appearance of the Halberton Conservation Area. Adequate onsite parking with access thereto can be provided to serve this proposal. There is sufficient distance and intervening topography and landscaping between the proposed dwelling and the neighbouring properties not to adversely affect the living conditions of the occupiers of those dwellings. The proposal is therefore in accordance with policies COR9, COR2, and COR13 of the Mid Devon Core Strategy 2007, together with policies DM1, DM2, DM3, DM8, DM14 and DM27. Therefore no environmental harm has been identified which is not capable of being mitigated through the use of planning conditions and a S106.

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. This report has 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.

Application No. 19/00024/FULL

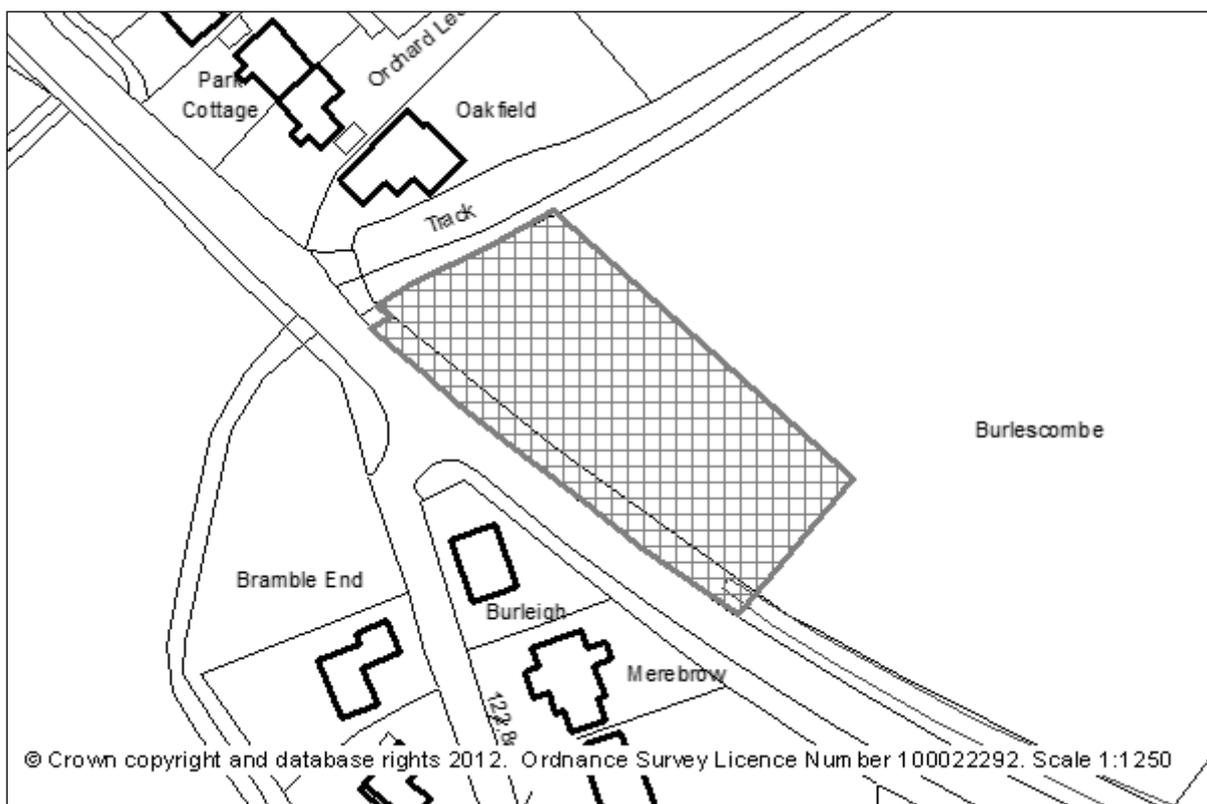
Grid Ref: 307580 : 116858

Applicant: Mr A Busby

Location: Land at NGR 307578 116857 (SE of Oakfield)  
Burlescombe  
Devon

Proposal: Variation of condition 2 of Planning Permission 17/00353/FULL to read "to be in accordance with the amended plans" to regularise alterations

Date Valid: 7th January 2019



## **APPLICATION NO: 19/00024/FULL**

### **RECOMMENDATION**

Grant permission subject to conditions

### **PROPOSED DEVELOPMENT**

Variation of condition 2 of Planning Permission 17/00353/FULL to read "to be in accordance with the amended plans" to regularise alterations

Application 17/00353 was for the erection of 6 affordable dwellings consisting of 4 x 2 bed houses and 2 x 3 bed houses. The existing railway dissects Burlescombe and the application site is located to the south of the railway on land located between the church at the top of the hill and the village hall towards the bottom of the hill. It is on land which bounds the main road through the village and direct access to the parking area is proposed. The access is located centrally within the site with a terrace of 3 units proposed on either side. The application site comprises part of an agricultural field and is boarded to the north and east by the remainder of the field. To the west is the existing access into the field (to be retained) and the dwelling known as 'Oakfield'. The road and houses to the south and west are set down at a lower level than the application site, whilst the land to the east continues to rise.

Work has commenced on site and the houses have been erected. This application seeks to regularise some elevational changes which have been made during the course of construction. This includes changes to the window style on the front elevation from a single casement window to one which is elongated to floor level and changes to the porch detailing on the front elevation from a lean-to roof to a flat roof.

### **APPLICANT'S SUPPORTING INFORMATION**

None

### **RELEVANT PLANNING HISTORY**

17/00353/FULL - PERCON date 18th January 2018

Erection of 6 affordable dwellings and formation of access

19/00024/FULL - PCO date

Variation of condition 2 of Planning Permission 17/00353/FULL to read "to be in accordance with the amended plans" to regularise alterations

### **DEVELOPMENT PLAN POLICIES**

#### **Mid Devon Core Strategy (Local Plan 1)**

COR1 - Sustainable Communities

COR2 - Local Distinctiveness

COR18 - Countryside

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

AL/DE/6 - Exceptions Policy

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

DM15 - Dwelling sizes

### **CONSULTATIONS**

**HIGHWAY AUTHORITY** - 15.01.2019

Standing advice applies please see Devon County Council document

<http://www.devon.gov.uk/highways-standingadvice.pdf>

**BURLESCOMBE PARISH COUNCIL** - Burlescombe Parish Council has a concern regarding water running out of the lower edge of the site next to the bus shelter. There appear to be no manholes, drains or swales.

**NATURAL ENGLAND** - 18.01.2019

Thank you for your consultation.

Natural England currently has no comment to make on the variation of condition 2.

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 any further consultations regarding this development, 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.

**FLOOD and COASTAL RISK MANAGEMENT TEAM** - 11 January 2019

We are currently receiving a very high volume of both major and minor planning application consultation requests.

We note that we are not a statutory consultee for the above planning application because it is not classed as a major development. However, where Planning Case Officers have specific concerns regarding the surface water drainage aspects of minor planning applications, we are willing to provide advice where possible.

If this is one of these instances, we would be grateful if you could outline your concerns before the consultation request is added to our system. If we have been consulted in error, we would be equally grateful if you could let us know.

**PUBLIC HEALTH** - 21.01.2019

Contaminated Land

No objection to this proposal

Air Quality

No objection to this proposal

Environmental Permitting  
No objection to this proposal

Drainage  
No objection to this proposal

Noise & other nuisances  
No objection to this proposal

Housing Standards  
No comment

Licensing  
No comments

Food Hygiene  
Not applicable

#### ENVHEA

Private Water Supplies If a private supply is to be used by more than one property or has a commercial function, The Private Water Supply (England) Regulations 2016 as amended will apply. A risk assessment and sampling regime will be necessary. The supply must not be used until the Local Authority (Mid Devon District Council) is satisfied that the supply does not constitute a potential danger to human health, including single domestic use.

Please contact Public Health at Mid Devon District Council on completion of proposal.

If mains water is to be used, would have no comment.

Health and Safety No objection to this proposal enforced by HSE

**BLACKDOWN HILLS AONB PARTNERSHIP** - Consulted by mistake? Not in AONB.

#### **REPRESENTATIONS**

1 letter of representation has been received advising that they note the deeds are to be changed to a new name and hope this doesn't result in any further building on the site in future. The letter also enclosed a copy of an email sent to the company carrying out the works on site regarding landscaping proposals

#### **MATERIAL CONSIDERATIONS AND OBSERVATIONS**

**The main issues in the determination of this application are:**

- 1) Policy and procedure**
- 2) Impact of the proposed changes**
- 3) S106 implications**

##### **1) Policy and procedure**

The policy used for determining the current application is largely unchanged from those considered in determining the application back in 2017. The main change is the publication of the NPPF 2019 but this is not considered fundamentally change the consideration of the application, given the strategic nature of the document.

The consent (17/00353/FULL) is extant and has been implemented and therefore it is not necessary to repeat any policy considerations in this instance

## **2) Impact of the proposed changes**

The proposed changes relate to amended detailing on the front elevation of all 6 units and therefore policy DM2 is applicable here which relates to the requirement for high quality design based on a clear understanding of the site and its context, a positive contribution to local character and ensuring places are visually attractive.

The site is not located within a Conservation Area nor within the AONB. The changes proposed are relatively minor in nature and do not affect the overall appearance of the development in any harmful way. As such the proposed changes are considered acceptable and policy compliant

## **3) S106 implications**

The previous application was subject to a s106 agreement. At the time, the land was still in the control of a private landowner, who with permission on the land for 6 units, could have developed the land themselves if the land purchase to the District Council had not proceeded. With regards to this application, the land is now in the control of the District Council and therefore it is not necessary or appropriate to require a s106 agreement to ensure the houses are only occupied as affordable housing units. This is the intention of the Council and in any event, the Council cannot enter into a s106 agreement with itself. The Group Manager for Corporate Property and Commercial Assets has confirmed that the houses will be added to the Council's own stock and managed as an exception site. The concern expressed in the letter of representation received is therefore addressed.

It is necessary however to re-impose all previous undischarged conditions. Variation of condition applications are determined under s73 of the Town and Country Planning Act 1990 and result in a new permission being issued. Condition 3 relating to archaeology has previously been discharged and therefore should not be re-imposed on this grant of consent. Equally, work has already commenced on site and therefore condition 1 (3 year time limit) is no longer required.

## **CONDITIONS**

1. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
2. In accordance with details that shall previously have been submitted to, and approved in writing 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.
3. No part of the development hereby approved shall be brought into its intended use until the access, parking facilities, visibility splays, turning area, parking space and access drainage have been provided in accordance with the approved drawings.
4. All development shall be carried out in accordance with the recommendations and mitigation measures set out in section 4 of the Ecological Impact Assessment carried out by Richard Green Ecology and received by the Local Planning Authority on 6th March 2017.
5. All planting, seeding, turfing or earthworks comprised in the approved details of landscaping as shown on the submitted plans, shall be carried out within 9 months of the substantial completion of

the development, and any trees or plants which within a period of five years from the implementation of the scheme (or phase thereof) , 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

6. The approved drainage scheme shown on drawing number 16.11.283\_1002 - po2 contained within the drainage statement (ref 16.11.283\_Rev02 dated 13.6.17.) on application 17/00353/FULL shall be carried out in full prior to the first occupation of the dwellings and thereafter be so retained

## **REASONS FOR CONDITIONS**

1. For the avoidance of doubt and in the interests of proper planning.
2. In the interest of public safety and to prevent damage to the highway.
3. To ensure that adequate facilities are available for the traffic attracted to the site.
4. In the interests of preserving protected species and their habitats and to enhance the ecological value of the site in accordance with Policy DM2 of Local Plan Part 3 (Development Management Policies)
5. To ensure that the development makes a positive contribution to the character and of the area in accordance Policy DM2 of the Local Plan Part 3: (Development Management Policies).
6. To ensure that adequate measures are in place to manage surface water and foul drainage from the site.

## **REASON FOR/ APPROVAL OF PERMISSION/GRANT OF CONSENT**

When application 17/00353/FULL was determined, a need for affordable housing in Burlescombe had been demonstrated and the proposed dwellings in terms of size, mix and design were considered appropriate for this location. The design and layout of the dwellings are considered acceptable and the comments of the Highway Authority were successfully resolved. No concerns regarding air quality had been raised by Environmental Health and it is considered that the removal of young trees, whilst regrettable, did not justify a refusal. No adverse impact on residential amenity was considered to result which justified a refusal and issues relating to ecology and drainage were resolved meaning that the proposal was considered to comply with Policies COR1, COR2, and COR18 of the Mid Devon Core Strategy (Local Plan Part 1), Policies AL/DE/6 and AL/IN/3 of the Allocations and Infrastructure Development Plan Document (Local Plan Part 2) and Policies DM1, DM2, DM8, DM14 and DM15 of the Local Plan Part 3 (Development Management Policies). The revisions proposed in this application are minor in nature and subject to the imposition of undischarged conditions, the proposal is still considered to comply with policy.

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. This report has 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.

Application No. 18/01866/FULL

Grid Ref: 295745 : 112903

Applicant: Ms Kay Octigan

Location: 12 Martins Lane  
Tiverton  
Devon  
EX16 6QX

Proposal: Erection of dwelling

Date Valid: 27th November 2018



## **APPLICATION NO: 18/01866/FULL**

### **MEMBER CALL-IN**

**This application has been called in by Cllr Elizabeth Slade for the Planning Committee to consider if the development is viable and if the applicant has addressed all the previous reasons for refusal. In the interests of fairness Cllr Slade would like the Planning Committee to consider the application.**

### **RECOMMENDATION**

Refuse permission for the following reasons:

1. The increased use of the access onto the Public Highway, resulting from the proposed development would, by reason of the limited visibility from and of vehicles and pedestrians using the access, is likely to result in additional dangers to all users of the road contrary to COR 9 of the Mid Devon Core Strategy (Access) and paragraph 108 of the National Planning Policy Framework. In addition, the inadequate width of the access is likely to cause congestion, with consequent risk of additional danger to all users of the road contrary to COR 9 of the Mid Devon Core Strategy (Access) and paragraph 32 of the National Planning Policy Framework.
2. In the opinion of the Local Planning Authority, the proposed two storey dwellinghouse will result in an unacceptable adverse effect on the amenity of the neighbouring properties in terms of loss of privacy, loss of light and overshadowing as well as having an overbearing impact on the outlook from surrounding properties, due to the siting, scale, massing and orientation of the proposed dwelling, contrary to DM2 (High Quality Design) of the Local Plan Part 3 (Development Management Policies).
3. In the opinion of the Local Planning Authority, the proposed dwelling would result in development that is poorly related to the urban grain of the surrounding built environment in terms of its position within the plot and orientation of the roof. The development is not considered to respect the physical context or character or appearance of the surrounding area, does not integrate well with surrounding buildings and does not result in a positive contribution to local character and the Tiverton Conservation Area, contrary to policies DM2 and DM27 Local Plan Part 3 (Development Management Policies) and the NPPF.

### **PROPOSED DEVELOPMENT**

Erection of dwelling

### **APPLICANT'S SUPPORTING INFORMATION**

Plans  
Archaeology Survey  
Design and Access Statement

### **RELEVANT PLANNING HISTORY**

**08/01780/CAT** - NOBJ date 5th November 2008

Notification of intention to fell 1 Pear tree, 1 Pine tree and pollard 1 Willow tree within a Conservation Area

**16/01596/PREAPP** - CLO date 23rd November 2016

PROTECT - Erection of a dwelling  
17/01465/FULL - REFUSE date 1st November 2017  
Erection of a dwelling

## **DEVELOPMENT PLAN POLICIES**

### **Mid Devon Core Strategy (Local Plan 1)**

COR2 - Local Distinctiveness  
COR3 - Meeting Housing Needs  
COR9 – Access  
COR13 Tiverton

### **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  
DM3 – Sustainable design  
DM8 – Parking  
DM14 – Design of housing  
DM15 – Dwelling sizes (now superseded by the National Space Standards)

Supplemental Planning Documents - Parking provision in new development; Waste Storage

Supplementary Planning Document on The Provision and Funding of Open Space through Development

National Planning Policy Framework

## **CONSULTATIONS**

**TIVERTON TOWN COUNCIL** - It is felt that this application would be over development and therefore it is not supported

### **PUBLIC HEALTH - 11.12.18**

Contaminated Land	No objection to this proposal
Air Quality	No objection to this proposal
Environmental Permitting	No objection to this proposal
Drainage	No objection to this proposal
Noise & other nuisances	No objection to this proposal
Housing Standards	No comment
Licensing	No comment
Food Hygiene	Not applicable
Private Water Supplies	Not applicable
Health and Safety	No objection to this proposal enforced by HSE

### **HIGHWAYS – 15.03.2019**

I have been on line and I do not see a covenant as identified in the design and access statement. The substandard access means that it is not just vehicle access to the dwelling but also pedestrians entering and exiting the site that are at risk from existing traffic on Water lane. The additional house will increase pedestrian movements even if the vehicle movements are

constrained by the covenant. The suitability of a covenant and its enforceability in planning will be a matter for your legal department to consider. Speeds on Water lane are slow but the substandard access does not have suitable visibility.

With Information I have seen and that includes not having seen wording of a covenant or whether it would stand up legally, as covenants can be bought out. (I would suggest that it formed part of a section 106) I would support a reason for refusal for same reasons as before.

## **REPRESENTATIONS**

5 letters of objection have been received in conjunction with this application, they are summarised as follows:

- Access to Water Lane is substandard, very unsatisfactory and potentially hazardous, with height restrictions and no visibility from the access between the buildings where it joins the narrow road. Road unable to sustain any further increase in traffic, the proposal would result in additional dangers to motorists and pedestrians.
- The proposed building will be obtrusive, imposing and overbearing, due to the volume of the building and distance from existing dwellings. Likely that light, access and privacy would be reduced for the neighbouring properties.
- Overdevelopment of the site, the dwelling is out of proportion in size for the plot of land.
- In the Tiverton Conservation Area, concerned about the impact of the proposal. Design not in keeping with the surroundings. The dwelling will compromise the currently open character of this area.
- Increased overlooking of neighbouring properties.
- Housing density is already high, question the need for a further building of a significant size that would increase the density.
- Encourage further on street parking contrary to DM8.
- Detrimental impact on the quality of life of neighbours through noise and disturbance associated with an additional property, including during the construction phase.
- Direct overlooking of neighbouring properties.
- Concern over the overshadowing impacts on neighbours properties and gardens.
- The proposed dwelling complicates existing access routes for fire service attendance for existing households by augmenting, increasing and reinforcing areas of blockage.
- Nowhere suitable for bin collection, grouped rubbish on shared access will cause further obstruction to entrance and existing narrow public access facilities into Water Lane.
- Need to review extent of sustainability and safety of existing resources (strain on road, roadside house wall structures, and access areas including household gas main entry points).
- Concern over impact on human wellbeing, volume of building will affect air flow in enclosed area, access to light, green space and privacy.
- The design, position and size replaces the characteristic open space of the old tenting area, which was integral to the occupational design of the adjacent Georgian/19<sup>th</sup> Century out-weaver houses and blocks out the present varied skyline and landscape views. Concern over the lack of sympathy to the existing patterns of structural development.
- The size and proximity of the dwelling blocks air and sunlight for the buildings at its northerly, westerly and southerly points. It overlooks the entire single storey room households and gardens of 20 and 22 Water Lane.
- Application doesn't indicate that the proposal is to meet a particular need, or an urgent social need, or a need for access to affordable social housing.
- Object on the grounds of already dangerously overstretched and overcrowded community access resources.

- Increase to the water run-off surface area. Concern over adequacy of water run off drainage facilities
- Removal of a mature Weeping Willow tree to facilitate off road parking. In combination with existing parking facilities created in 2011, curtilage adjustments to 12 Martins Lane, no planning application, and parking and garden provisions for 24 Water Lane. Current facilities shared amongst 12 Martins Lane, 24 and 28 Water Lane.
- Increase of carbon emissions.
- Erosion of the unique character of the conservation area.
- Concern over impact on vulnerable services serving surrounding dwellings (mains electricity, gas and drainage pipes).
- Noise nuisance to neighbours from passing traffic and an increase to this.
- Town leat occupies about 1/3 of the width of Water Lane and is culverted under the existing tarmac arrangements.
- Damage and disturbance from construction vehicles
- Contribution to erosion and loss of wildlife habitat.
- Uncharacteristic design features proposed, does not support the terraced line arrangement of the adjacent built areas. The size of the dwelling is in excess of the characteristics of the surrounding buildings.
- The structure will add to light deprivation and overshadowing.
- Reasons for previous refusal not addressed.
- Submitted plans are incorrect.
- William Street car park cannot be used to park for more than 2 hours.
- The development would result in 'garden grabbing'.
- Design not sympathetic to historic layout.
- 

## **MATERIAL CONSIDERATIONS AND OBSERVATIONS**

**The main issues in the determination of this application are:**

1. Policy;
2. Design of the dwelling;
3. Effect on the character and appearance of the Tiverton Conservation Area;
4. Effect on the amenity and living conditions of nearby residents;
5. Highway safety considerations;
6. Archaeology
7. S106 obligations.

### **1. Policy**

The site is located within the defined settlement limit of Tiverton where the principle of housing development is accepted. Policy COR1 of the Mid Devon Core Strategy 2007 seeks to deliver sustainable development including through meeting the housing needs of all sectors of the community and delivering development of an appropriate density for the location. Policy COR13 of the same document sets out that Tiverton will increase its self-sufficiency by improving access to housing (amongst other things) with an average annual development rate of 102 market dwellings as well as reducing the risk of flooding.

Local Plan Part 3 (DMP) policy DM2 requires high quality design for new development, creating safe and accessible places that are visually attractive and well integrated with their surroundings

and do not have an unacceptably adverse impact upon neighbouring properties and uses. Specific to new housing developments, policy DM14 of the Local Plan Part 3 (DMP) aims to ensure that new houses have suitably sized rooms with adequate levels of daylight, sunlight and privacy and are provided with private amenity space which reflects the size, location, floorspace and orientation of the property. Policy DM15 of the same document seeks to introduce minimum internal dwelling sizes; however, this has been superseded by the National Housing Standards.

Policy DM27 of the Local Plan Part 3(DMP) (and policy DM2 c) sets out that heritage assets and their settings are an irreplaceable resource. It requires development proposals likely to affect heritage assets and their settings to consider their significance, character, setting, local distinctiveness. It states that where a proposal would lead to less than substantial harm, that harm will be weighed against any public benefit.

Policy DM8 of the Local Plan Part 3 (DMP) sets out that new development should provide a minimum of 1.7 car parking spaces per dwelling but allows for some variation on a case by case basis dependent upon the accessibility of the site and the type, mix and use of a site.

## **2. Design of the dwelling**

Policy DM14 states that new housing should be designed to deliver high quality local places taking into account physical context, local character, density and land use mix. It also requires new dwellings to have adequate levels of daylight and sunlight, privacy to amenity spaces and principal windows; suitably sized rooms and floorspace, external space for recycling, refuse and cycle storage. Dwellings need to be adaptable and have amenity space that reflects size and location of the dwelling.

This application is for the erection of a two storey, 3 bedroom dwelling, with an overall floor space of approximately 156 square metres which meets the National Space Standards. The dwellinghouse will have a maximum height of 8.3 metres, a width of 7 metres at first floor and 10.5m at ground floor and a depth of 9.8 metres. The dwellinghouse would have an area of private amenity space to the south, and some amenity space to the west and east, which is considered to be suitable in terms of its size to serve the proposed dwelling. There is also a suitable area within the curtilage for the storage of refuse, recycling and bikes. The dwelling would benefit from adequate levels of daylight and privacy, in accordance with these elements of DM14.

The dwelling is proposed to be connected to the mains sewer to manage foul sewage. In addition, the dwelling is proposed to be served by a soakaway to manage surface water drainage. No details have been provided of the soakaway, however in principle these drainage options are considered acceptable and in accordance with policy DM2.

## **3. Effect on the character and appearance of the Tiverton Conservation Area;**

The proposed dwelling is located within the Tiverton Conservation Area. Policy DM27 of the Local Plan Part 3 (Development Management Policies) concerns heritage assets which includes conservation areas. The site itself is relatively enclosed, and there are limited views out of or in to the site, other than from the immediate dwellings surrounding the site.

The proposal also necessitates the removal of some trees within the Conservation Area, these trees are not subject to any tree preservation orders. Due to the form of the trees and the limited

amenity benefits, these trees are not considered worthy of a tree preservation order and therefore their removal would be acceptable.

The proposed materials include render walling, a natural slate roof and timber windows and doors, these materials are commonly found in the immediately surrounding area and there is no objection to the principle of using these building materials.

However, the dwelling is proposed toward the centre of the available plot. While it is large enough to accommodate a dwelling, the siting of the dwelling is at odds with the character of the area. The proposed dwelling appears to float within the plot, it does not tie into the surrounding built environment and poorly relates to the urban grain of the surrounding built environment. The ridge of the dwelling is orientated to run north to south whereas a large majority of the ridge lines of the surrounding built environment run west to east.

It is acknowledged that the surrounding area presents a high density of housing that has resulted in dwellings being very close together. The provision of an additional dwelling into the built environment in this location would exacerbate the close relationship between dwellings in the area and the result would be a development that is not well integrated with surrounding buildings and does not sit comfortably on the plot in the Conservation Area. It is therefore considered that the development would cause some harm to the character and appearance of the conservation area contrary to policy DM27 and be contrary to policy DM2 (e) Local Plan Part 3 (Development Management Policies) and the NPPF. The public benefits associated with the development are limited to short scale economic benefit to the construction industry during development and the provision of one dwelling within the settlement limit of Tiverton. These are not considered to outweigh the harm to the heritage asset that would result from the development.

In the opinion of the Local Planning Authority, the proposed dwellinghouse, in terms of its position within the plot and orientation of the roof is not considered to respect the physical context or character or appearance of the surrounding area, does not integrate well with surrounding buildings and does not result in a positive contribution to local character and the Tiverton Conservation Area, contrary to policies DM2 and DM27 Local Plan Part 3 (Development Management Policies).

#### **4. Effect on the amenity and living conditions of nearby residents;**

Policy DM2 (e) requires that new development does not have an unacceptably adverse effect on the privacy and amenity of the proposed or neighbouring properties and uses.

The dwelling proposed to be created will be surrounded by existing properties on all elevations. The window placement seeks to retain the privacy of the occupiers of the surrounding dwellinghouses, by only having bedroom and bathroom windows on the first floor, no windows on the west elevation and only a single first floor window serving the bathroom on the east elevation. The windows on the south elevation, which, although facing the rear of the terrace properties on Martins Lane, do not cause a significant loss of privacy, as these properties only have single small obscure glazed first floor windows. The windows on the north elevation face the rear of properties 20, 22, 26, 28 Water Lane. The first floor bedroom window would be only 16m from the rear elevation of no.26 Water Lane and approximately 20 to 22m from the rear of no's 20 and 22 Water

Lane. The amenity space of no.26 would be approximately 5m from the north elevation of the proposed dwelling.

The design has attempted to address the issue of loss of privacy through the provision of principle rooms to the rear (south) and bedrooms at first floor. However, the dwelling would have a very close relationship with the existing surrounding dwellings and overall, the proposal is considered to result in an unacceptably detrimental impact on the privacy of the occupiers of neighbouring properties 20, 22 and 26 Water Lane, contrary to policy DM2 Local Plan Part 3 (Development Management Policies).

The previous application for a dwelling on this plot was refused due to the height and positioning of the dwelling and the loss of light and significant overshadowing of surrounding dwellings that would occur as a result. The proposed dwelling has a floorspace area that is 31 square metres larger than the previously refused dwelling and the proposed dwelling is also 1.1m higher than previously proposed. The concerns and regarding the height and positioning of the dwelling have not been overcome with the currently proposed dwelling. It is therefore concluded that the proposed development would result in loss of light and overshadowing to the gardens and properties to the north of the dwelling during the winter months (October to March) and overshadowing to the gardens and properties to the east and west during large portions of the day during April to September. The extent of the overshadowing caused to the neighbouring properties is considered to result in an unacceptable impact to the amenity of the occupiers of these properties, contrary to policy DM2. In addition, the dwellinghouse will appear prominent within this existing open plot, and is likely to have an overbearing impact on its immediate surroundings. In this respect the development is also considered to be contrary to policy DM2 Local Plan Part 3 (Development Management Policies).

## **5. Parking and Highway safety considerations;**

Policy DM8 sets out that development must provide an appropriate level of parking taking into account the accessibility of the site and the type of development. DM8 further stipulates that dwellinghouses must provide a minimum of 1.7 parking spaces per dwelling (this is rounded up to two for single dwellinghouses). The proposed dwelling is capable of providing 3 bedrooms (potentially 4 through subdivision of larger bedroom) and is a family size dwelling. Despite its proximity to the town centre, it is likely that a dwelling of this size would have a number of vehicles associated with its occupants. The proposed site layout incorporates a vehicular access and parking spaces for one car. However, the area within the parking space would be provided is capable of accommodating a number of vehicles and is currently accessed by occupants of more than one property.

It is proposed to access the dwellinghouse from a private driveway which adjoins Water Lane, this access is very narrow, cart style entrance that goes under an existing dwellinghouse. The access proposed to be used was created in conjunction with application 09/00661/FULL and was intended to serve a single dwellinghouse for a single vehicle. Since the creation of this access, other parking has been added incrementally to serve a number of the surrounding dwellings without any express planning permission, intensifying the use of this access. The access is currently thought to be used by occupants of 2 or 3 properties and the provision of the proposed dwelling would exacerbate the issues associated with the use of the substandard access.

The Highway Authority have objected to the proposal on the basis that the proposal will result in an increase to the use of the substandard access which has insufficient visibility for pedestrians and vehicles. In addition to the insufficient visibility, the width of the access is also inadequate. The proposed dwelling has potential space for the parking of two vehicles, depending on how the car parking area is set out and allocated. Although the applicants have set out that there will be one space, it forms part of the wider hardstanding area created (without express planning consent, seemingly for the parking of a number of vehicles associated with different properties). Even if the Local Planning Authority were to accept the provision of one space (whereas policy DM8 requires the provision of 2 spaces), there would be an increase in traffic using a substandard access on to Water Lane with insufficient visibility for both vehicles and pedestrians. The Highway Authority therefore support a recommendation of refusal as the proposal is likely to result in additional dangers to all users of the road contrary to policies COR9 and paragraph 108 of the National Planning Policy Framework.

## **6. Archaeology**

An archaeological survey report has been submitted in support of this application. Archaeological field evaluation has been undertaken on site, comprising of trial trenching. Despite the proximity of the site to find spots of material from several periods, no archaeological deposits were exposed nor were any finds observed or recovered. On this basis it is considered that the development will not have any impact upon any known heritage assets, in accordance with policy DM27.

## **7. S106 obligations.**

New housing development brings about demand for additional public open space facilities. Policy AL/IN/3 requires 60 square metres of equipped and landscaped public open space per dwelling or a financial contribution towards off site provision of play areas and open space facilities where no on site provision is made.

A public open space contribution of £1250 is required in accordance with policy AL/IN/3 of the Allocations and Infrastructure Development Plan Document and MDDC's Supplemental Planning Document: The provision and funding of open space through development (May 2008). The contribution of £1250 would be allocated towards the provision of youth equipment at West Exe Neighbourhood Park, Tiverton. The financial contribution has been requested and if not received by 3<sup>rd</sup> April 2019 (the day of Planning Committee), the proposal will be considered to be contrary to policy AL/IN/3 and the Supplemental Planning Document and this would form a 4<sup>th</sup> reason for refusal.

*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. This report has 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.*

Application No. 19/00272/FULL

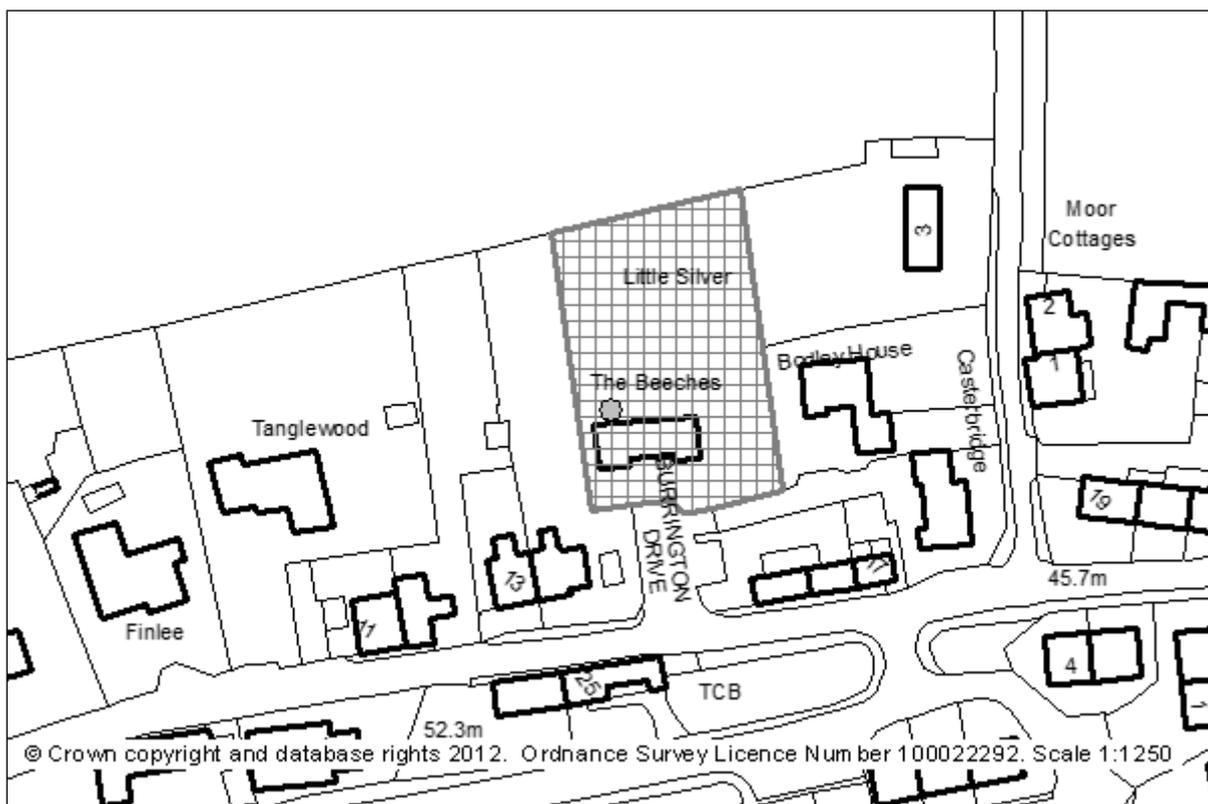
Grid Ref: 286918 : 101400

Applicant: Mr Ben Penney, Mid Devon District Council

Location: 1 Burrington Drive  
Shobrooke  
CREDITON  
Devon

Proposal: Erection of single storey extension

Date Valid: 21st February 2019



## **APPLICATION NO: 19/00272/FULL**

### **RECOMMENDATION**

Grant permission subject to conditions

### **PROPOSED DEVELOPMENT**

Erection of single storey extension at 1 Burrington Drive, Shobrooke. The property is a substantial, detached two dwelling located within Shobrooke. The property is accessed via Burrington Drive, which is a shared, private drive adjoining the class C highway which runs through Shobrooke. The dwelling is constructed with painted render walling, concrete tile roof and white uPVC windows. The property has a parking area to the front and a large garden area to the rear. At present there is a relatively large, single storey, timber outbuilding to the immediate rear of the property.

The proposal seeks consent to erect a single storey extension to the rear of the property following demolition of the existing outbuilding. The proposed extension will provide two bedrooms and a bathroom. The extension projects by 10m from the rear of the property and is 4.7m wide, 4m high to ridge and 2.5m to eaves. The material palette proposes to match the existing appearance of the dwelling.

### **APPLICANT'S SUPPORTING INFORMATION**

Application Form and Plans

### **RELEVANT PLANNING HISTORY**

86/00990/OUT - PERMIT date 19th September 1986  
Outline for residential development

87/02349/FULL - PERMIT date 14th January 1988  
Erection of three dwellings and new access plus garage for no.14

90/01155/FULL - PERMIT date 3rd October 1990  
Erection of extension

11/01518/FULL - PERMIT date 15th November 2011  
Installation of dormer window to garage

16/00792/HOUSE - PERMIT date 18th July 2016  
Erection of a first floor extension and garage

### **DEVELOPMENT PLAN POLICIES**

#### **Mid Devon Core Strategy (Local Plan 1)**

COR2- Local Distinctiveness

COR18- Countryside

#### **Mid Devon Local Plan Part 3 (Development Management Policies)**

DM1- Presumption in favour of sustainable development

DM2- High quality design

DM13- Residential extensions and ancillary development

## **CONSULTATIONS**

HIGHWAY AUTHORITY- 1<sup>st</sup> March 2019- standing advice applies.

The consultation period for the application expires on 26<sup>th</sup> March 2019, therefore any further consultation responses that are received will be reported to Planning Committee as an update to this report.

## **REPRESENTATIONS**

At the time of writing this response no letters of representation have been received, however the consultation period for the application expires on 26<sup>th</sup> March 2019 and therefore representations that are received will be reported to Planning Committee as an update to this report.

## **MATERIAL CONSIDERATIONS AND OBSERVATIONS**

**The main issues in the determination of this application are:**

1. Policy
2. Impact on the character and appearance of the host dwelling and street scene
3. Impact on the amenity of neighbouring occupiers

### **1. Policy**

Policy COR18 restricts development in countryside locations to enhance the character, appearance and biodiversity of the countryside while promoting sustainable diversification of the rural economy. The provision of accommodation ancillary to an existing dwelling is supported by COR18.

Policies DM2 and DM13 require high quality design and extensions that respect the character, scale, setting and design of existing dwellings; will not result in overdevelopment of the dwelling curtilage; and will not have a significantly adverse impact on the residential amenity of the occupants of neighbouring properties.

### **2. Impact on the character and appearance of the host dwelling and street scene**

The proposed extension is sited to the rear of the property. By virtue of its elongated design, it will project relatively far (10m) beyond the rear elevation of the property, however the overall scale is considered to be subservient to the host dwelling. The proposed design, including the material palette, is considered to respect the character, scale and design of the dwelling. The extension will be cut into the rising land level which will help to reduce its impact, having regard to its scale and siting to the rear of the property it is not considered that it would result in harm to the character or appearance of the street scene.

Given the scope of the curtilage, it is not considered that the proposed extension would result in overdevelopment of the dwelling curtilage.

### **3. Impact on the amenity of neighbouring occupiers**

There are neighbouring residential properties to the north east, east and west of the site. Although the proposed extension may be visible from those properties, having regard to the scale, design and siting of the extension in relation to those properties it is not considered that it would result in any significant adverse impacts to the amenities of neighbouring occupiers.

## **REASON FOR/ APPROVAL OF PERMISSION/GRANT OF CONSENT**

The application for the erection of a single storey extension to the rear of this property is considered to be supportable in policy terms. Although the proposed extension extends substantially beyond the rear elevation of the property, overall it is considered that it would remain subservient to the host dwelling. The proposed extension will respect the character, scale, setting and design of the existing dwelling. There are no concerns with regard to overdevelopment of the dwelling curtilage or impact on neighbouring properties. Overall the proposal is considered to be acceptable in accordance with policies COR2 and COR18 of the Mid Devon Core Strategy (LP1), DM1, DM2 and DM13 of the Local Plan part 3 (Development Management Policies) and government advice in the NPPF.

## **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.

## **REASONS FOR CONDITIONS**

1. In accordance with provisions of Section 51 of the Planning and Compulsory Purchase Act 2004
2. For the avoidance of doubt in the interests of proper planning.

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. This report has 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.

Application No. 19/00225/FULL

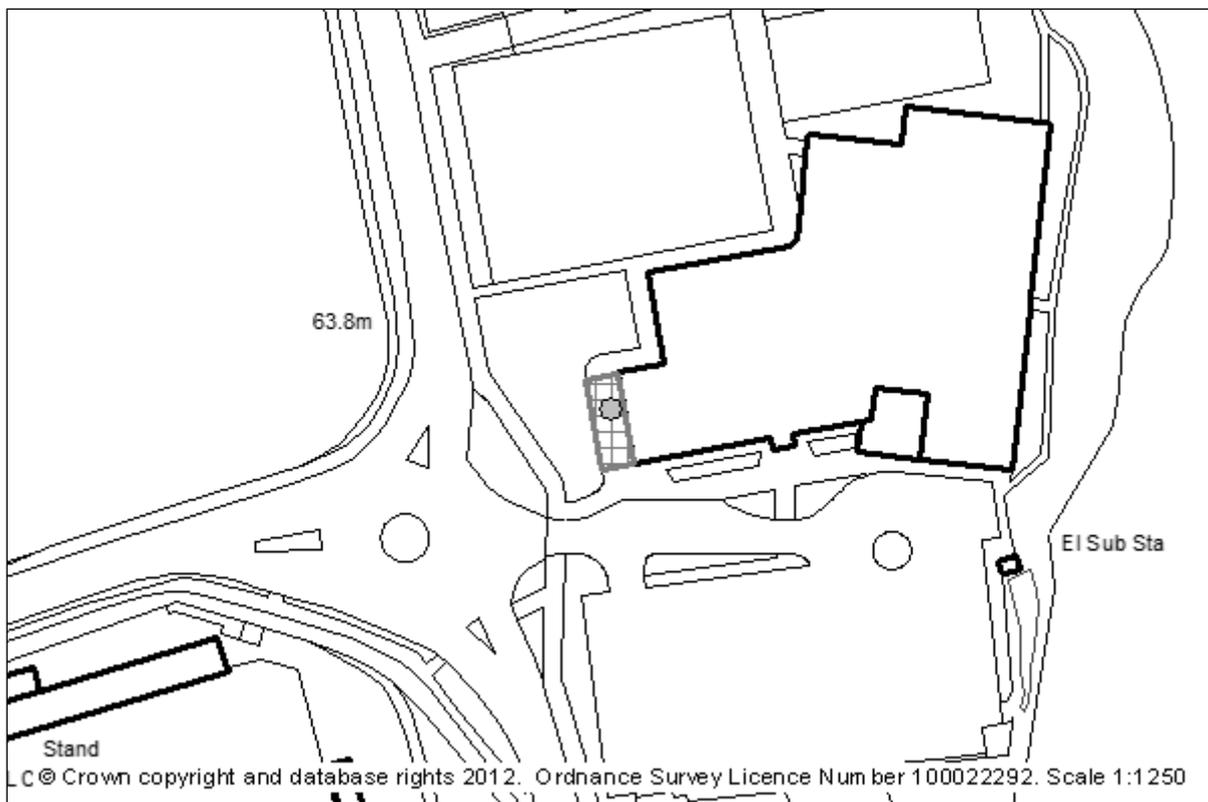
Grid Ref: 295459 : 113368

Applicant: Mr James Peathey-Johns

Location: Exe Valley Leisure Centre  
Bolham Road  
Tiverton  
Devon

Proposal: Installation of air conditioning units to western elevation and revised path access

Date Valid: 13th February 2019



## **APPLICATION NO: 19/00225/FULL**

**THIS APPLICATION IS TO BE DETERMINED BY PLANNING COMMITTEE AS IT HAS BEEN SUBMITTED BY MID DEVON DISTRICT COUNCIL**

### **RECOMMENDATION**

Grant permission subject to conditions

### **PROPOSED DEVELOPMENT**

Installation of air conditioning units to western elevation and revised path access

### **APPLICANT'S SUPPORTING INFORMATION**

Existing and proposed plans

### **RELEVANT PLANNING HISTORY**

85/01271/FULL - DEMCON date 16th October 1985  
DEEMED CONSENT for the construction of car park and access road  
88/02680/FULL - DEMCON date 23rd December 1988  
DEEMED CONSENT for the renewal of temporary permission for car park and access road  
90/01622/OUT - DEMCON date 6th February 1991  
DEEMED CONSENT for outline for leisure complex  
92/00115/FULL - DEMCON date 31st March 1992  
DEEMED CONSENT for use of land for temporary car park and access road  
94/02089/OUT - PERMIT date 27th February 1995  
Outline for the erection of Exe Valley Centre which will include demolishing the existing swimming pool, construction of new round-a-bout and the access road from the new round-a-bout  
95/00413/FULL - PERMIT date 17th May 1995  
Renewal of planning permission 4/52/92/115 for the use of land for temporary car park and access road  
97/00553/FULL - PERMIT date 11th July 1997  
Renewal of planning permission 4/52/95/413/R for the use of land as temporary car park and access road  
99/02796/FULL - PERMIT date 1st September 1999  
Renewal of temporary planning permission no. 4/52/97/0553/R for the use of land as temporary car park and access road  
00/01147/FULL - PERMIT date 3rd April 2001  
Erection of new swimming pool (existing to be demolished), fitness suite and outdoor changing facilities and formation of new access off existing roundabout  
00/01165/FULL - DWD date 23rd April 2002  
Formation of temporary car park on tennis courts and contractors site access for use during construction of proposed new leisure facilities  
01/01036/FULL - PERMIT date 19th December 2001  
Erection of flood lighting 06/02280/FULL - PERMIT date 16th January 2007  
Formation of additional car parking spaces  
11/01718/FULL - PERMIT date 24th January 2012  
Installation of 768 solar photovoltaic panels on part roof  
13/01469/FULL - PERMIT date 5th December 2013

Formation of additional car parking, including the change of use of 1 tennis court, and improvements to access

16/01599/FULL - PERMIT date 6th December 2016

Erection of extension and alterations to layout of existing carpark.

Non Material Amendment 17/01161/NMA received against this application. NMA GRANTED 03.08.17

Non Material Amendment 17/01915/NMA received against this application. NMA Granted 20.12.17

17/01161/NMA - PERMIT date 3rd August 2017

Non-Material Amendment for 16/01599/FULL (Erection of extension and alterations to layout of existing carpark) To allow changes to layout of carpark

17/01915/NMA - PERMIT date 21st December 2017

Non Material Amendment for 16/01599/FULL to allow for revised elevations

## **DEVELOPMENT PLAN POLICIES**

### **Mid Devon Local Plan Part 3 (Development Management Policies)**

DM2 High Quality Design

DM24 Tourism and leisure development

## **CONSULTATIONS**

### **PUBLIC HEALTH**

Contaminated Land: No objection to the proposals (27.2.19).

Air Quality: No objection to this proposal (15.2.19).

Environmental Permitting: No objection to this proposal (15.2.19).

Drainage: No objection to the proposals (27.2.19).

Noise & other nuisances: No objection to the proposals (27.2.19).

Housing Standards: No comment (15.2.19).

Licensing: No comment (18.2.19).

Food Hygiene: Not applicable (18.2.19).

Private Water Supplies: Not applicable (15.02.19).

Health and Safety: No objection to this proposal enforced by HSE (18.2.19).

### **HIGHWAY AUTHORITY - 01.03.19**

No Comments

**TIVERTON TOWN COUNCIL** - Support

## **REPRESENTATIONS**

None received

## **MATERIAL CONSIDERATIONS AND OBSERVATIONS**

**The main issue in the determination of this application is the impact of the air conditioning units on the appearance of the leisure centre and the street scene.**

The application seeks planning permission for the installation of four air conditioning units adjacent to the west elevation of the Exe Valley Leisure Centre, Bolham Road, Tiverton. The air conditioning units would serve the existing leisure facilities within the leisure centre and are considered to be a requirement to ensure the premises provides a suitable environment for the physical activities and classes that take place within the leisure centre.

The air conditioning units are 1m high and would be placed at ground level along the western elevation of the leisure centre, on the older part of the building that is set back from the highway. For safety reasons it is proposed that the air conditioning units would be surrounded by a cage. The cage would be approximately 1.3m high.

In addition to the installation of the four air conditioning units it is proposed to widen an existing tarmac path that extends around the perimeter of the leisure centre. This would ensure that there is a suitable path connecting the fire escape to the footpath that leads to the entrance to the premises. The existing timber post and rail fence will also be relocated to the west side of the widened tarmac path.

Policy DM2 Local Plan Part 3 (Development Management Policies) includes a requirement for development to demonstrate: a clear understanding of the characteristics of a site, its wider context and surrounding area; efficient and effective use of a site; creation of safe and accessible places and visually attractive places that are well integrated with surrounding buildings, streets and landscapes.

The air conditioning units will be visible from the vehicular and pedestrian access in to the leisure centre carpark and there would be some views of the air conditioning units from the public highway, Bolham Road, to the west. While the air conditioning units will not enhance the external appearance of the leisure centre, they are at ground level and accepted as being necessary to service the premises appropriately. Policy DM24 supports the provision of new or expanded leisure facilities, the proposed air conditioning units are required to ensure the proper functioning of this significant leisure facility. It is not considered that the air conditioning units or the associated works including the provision of the safety cage, the widened tarmac path to the fire escape and the relocation of the timber post and rail fence will have an unacceptably adverse impact on the appearance of the leisure centre building or on the street scene. The development is therefore considered to be in accordance with policy DM2 Local Plan Part 3 (Development Management Policies).

There are no other material considerations that need to be taken into account in the determination of this application and it is recommended that planning permission is granted.

## **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.

## **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.

## **REASON FOR APPROVAL OF PERMISSION**

The provision of four air conditioning units will serve the leisure facilities within the Exe Valley Leisure Centre. The units will be adjacent to the west elevation of the building and there would be some views of the air conditioning units from the entrance to the leisure centre car park and from the public highway. It is not considered that the air conditioning units or the cage that will surround them will have any significant detrimental impacts on the appearance of the leisure centre building or on the street scene. The development is therefore in accordance with the requirements of policy COR2 Mid Devon Core Strategy (LP1) and policy DM2 Local Plan Part 3 (Development Management Policies).

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. This report has 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.