

## PLANNING COMMITTEE AGENDA - 12th February 2020

### Applications of a non-delegated nature

| <u>Item No.</u> | Description  |
|-----------------|--|
| 01.             | 19/02034/LBC - Listed Building consent for internal alterations to create an en-suite shower room at The Old Carriage House, St Andrew Street North, Tiverton.<br><b>RECOMMENDATION</b><br>Grant Listed Building Consent subject to conditions.  |
| 02.             | 19/00928/MFUL - Erection of buildings incorporating employment (B1/B2/B8) with associated infrastructure at Land at NGR 305390 112177 (Hitchcocks Business Park), Uffculme, Devon.<br><b>RECOMMENDATION</b><br>Grant permission subject to conditions and the signing of a S106 agreement to secure. |
| 03.             | 19/01608/HOUSE - Erection of single storey extension and separate garage/annex/workshop accommodation at Tanglewood, Dukes Orchard, Bradninch.<br><b>RECOMMENDATION</b><br>Grant permission subject to conditions.   |
| 04.             | 19/01156/FULL - Installation of a 24MW Reserve Power Plant with associated infrastructure at Land at NGR 302839 111143, Lloyd Maunder Road, Willand.<br><b>RECOMMENDATION</b><br>Grant permission subject to conditions.   |

Application No. 19/02034/LBC

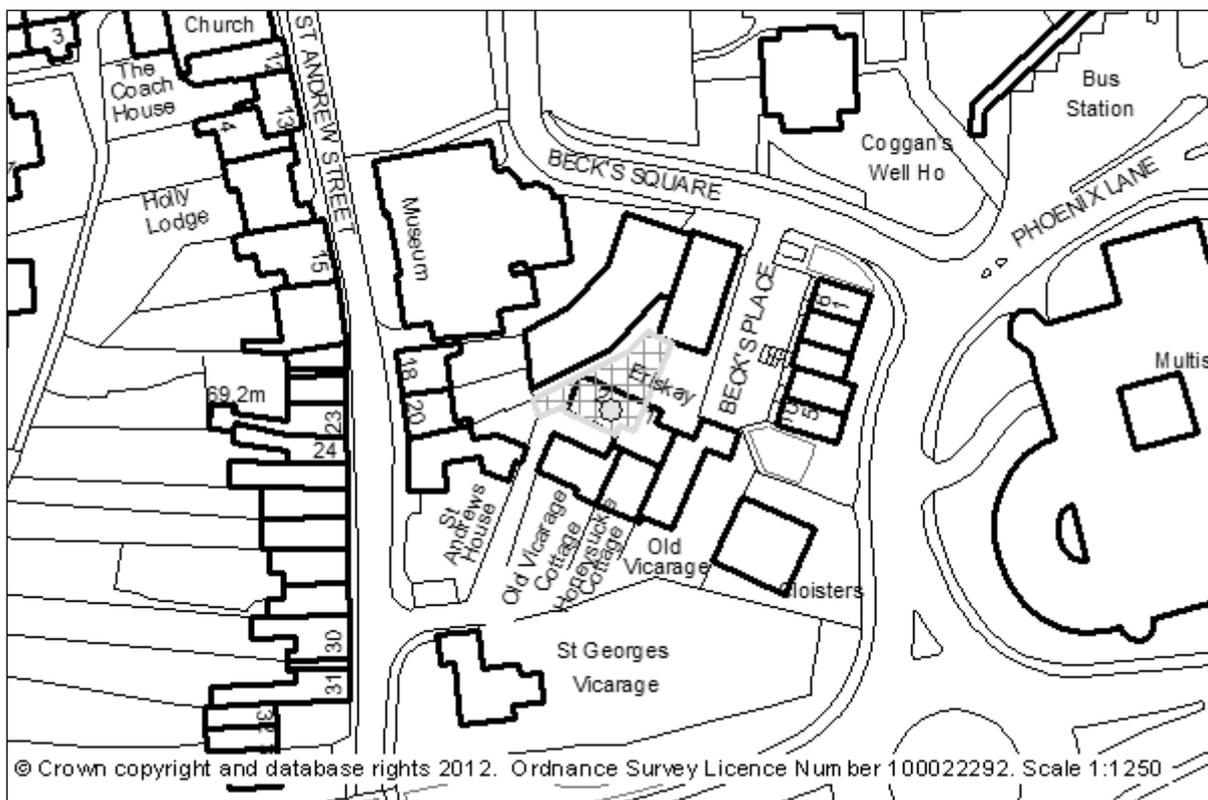
Grid Ref: 295466 : 112349

Applicant: Carole Oliphant

Location: The Old Carriage House  
St Andrew Street North  
Tiverton  
Devon

Proposal: Listed Building consent for internal alterations to create an en-suite shower room

Date Valid: 18th December 2019



## **APPLICATION NO: 19/02034/LBC**

### **REASON REFERRED TO COMMITTEE**

The applicant is an employee of the Council. The application falls to be determined by the Planning committee

### **RECOMMENDATION**

Grant Listed Building Consent subject to conditions

### **PROPOSED DEVELOPMENT**

Listed Building consent for internal alterations to create an en-suite shower room

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

In addition to a site location plan, block plan, the applicant has also submitted a design and access statement, a heritage statement, a justification and schedule of works, and proposed plans.

### **RELEVANT PLANNING HISTORY**

84/01668/LBC - PERMIT date 6th December 1984

Listed Building Consent for the erection of a carport

78/00288/FULL - PERMIT date 24th April 1978

Erection of an extension to Tiverton Museum (200sq m approx) and repositioning of an existing access to the site

80/00413/LBC - PERMIT date 30th May 1980

Listed Building Consent and planning for the change of use by conversion from one dwelling to two dwelling units

09/01041/LBC - PERMIT date 2nd September 2009

Listed Building Consent for installation of 1kw solar pv system and external alterations

12/01760/LBC - DELETE date 15th February 2013

Listed Building Consent for installation of replacement chimney stack

14/00805/LBC - PERMIT date 15th July 2014

Listed Building Consent for the replacement of back door with french doors

19/01764/PE - CLOSED date 21st October 2019

Change upstairs layout

19/02034/LBC - PCO date

Listed Building consent for internal alterations to create an en-suite shower room

### **OTHER HISTORY**

None

## **DEVELOPMENT PLAN POLICIES**

As this application is only for listed building consent, section 38(6) of the Planning Act is not relevant and there is no statutory requirement to determine the application in accordance with the development plan.

However the following policies which reinforce the NPPF and section 16 of the Listed Building Act should also be taken into account.

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

COR2 – Local Distinctiveness

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

DM2 – High Quality Design

DM27 – Development Affecting Heritage Assets

## **CONSULTATIONS**

Town Council: Support

## **REPRESENTATIONS**

The site notice was displayed on the 30<sup>th</sup> of December and expired on the 21<sup>st</sup> of January. No representations have been received.

## **MATERIAL CONSIDERATIONS AND OBSERVATIONS**

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

Members should note that this application is for listed building consent only. As the proposal is not development there is no statutory requirement to determine the application in accordance with the Development Plan, although it remains material to the consideration of the proposal.

Instead, the starting point for the exercise of listed building control 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 16)

Applicants for consent that affects a heritage asset must be able to justify their proposals. The NPPF says that the LPA should require an applicant to describe the significance of any heritage asset affected including any contribution made to their setting. This should be sufficient to understand the potential impact of the proposal on its significance. As a minimum the Heritage Environment Record should have been consulted and the building assessed using appropriate expertise where necessary. When considering the impact of development, **great weight** should be given to the asset's conservation. Any harm or loss should require clear and convincing justification from the applicant. Any harm should be judged against the public benefit, including securing the optimum viable use. (The optimum use is the one that causes the least harm to the significance of the asset).

This dwelling is one of five in this listed building. It is to the rear, and is most likely to have been part of the service wing to the historic house. The applicants view is that it was the carriage house and there is no reason to disagree with this assessment.

The two bedrooms on the upper floor are served by a bathroom on the ground floor. The partition between the two bedrooms is later and part of the conversion to residential use. It is of no interest in itself. It is proposed to insert an en-suite to one of the bedrooms across part of the north wall which involves the removal of part of this partition.

The drainage will be contained internally and be connected to the existing system.

There is no harm to the special interests of the building from this work.

The bathroom will need a mechanical vent. It has been proposed through a soffit. There is no soffit on the building and this will need to be amended to be a vent through the wall. Given the elevation and context, which is altered from the conversion, there is no objection subject to an appropriate terminal.

On the basis of the submission and the site visit the view is that whilst the plan form has some significance, in that it is part of the history of the building, it does not appear to be the original layout and the proposed plan form retains the character of a number of individual rooms.

## **CONDITIONS**

1. The works hereby permitted shall be begun before the expiration of three years from the date of this consent.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. Further details of the proposed mechanical extract to the proposed bathroom are to be submitted to and approved in writing by the Local Planning Authority prior to them being installed.

## **REASONS FOR CONDITIONS**

1. In accordance with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004
2. For the avoidance of doubt in the interests of proper planning.
3. In the interests of the special interests of the listed building.

## **REASON FOR GRANT OF CONSENT**

The proposal as set out within the application are considered overall to have a neutral to impact on the listed building and is considered acceptable within the context of the Listed Building Act , the National Planning Policy Framework and the Local Plan as far as it is material to the proposal.

## **INFORMATIVES**

***Section 149 of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between different people when carrying out their activities. This is called the Public Sector Equality Duty or "PSED". No persons that could be affected by the development have been identified as sharing any protected characteristic.***

The Human Rights Act 1998 came into force on 2<sup>nd</sup> 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. 19/00928/MFUL

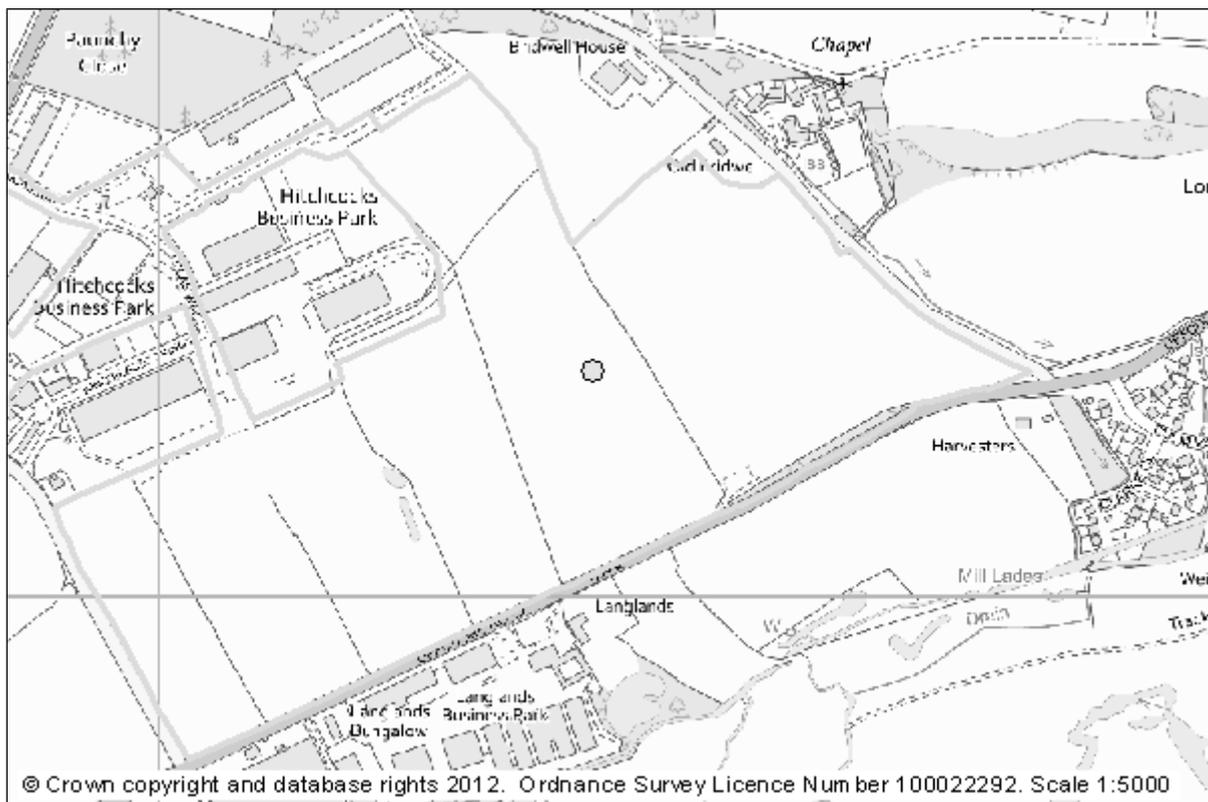
Grid Ref: 305390 : 112177

Applicant: Mr Richard Pollard, Persey & Maria Estates

Location: Land at NGR 305390 112177 (Hitchcocks Business Park)  
Uffculme  
Devon

Proposal: Erection of buildings incorporating employment (B1/B2/B8) with associated infrastructure

Date Valid: 8th June 2019



## **APPLICATION NO: 19/00928/MFUL**

### **RECOMMENDATION**

Subject to the resolution of the Environment Agency's outstanding concerns and the prior signing of a s106 agreement to secure:

- 1) A financial contribution towards the installation of a visibility control at the junction roundabout at J27 of M5 or the installation of the scheme to address the issue of minor shunts and;
- 2) a travel plan to seek to reduce overall reliance on private car travel to the site

grant planning permission subject to conditions

### **PROPOSED DEVELOPMENT**

This is a full application for the erection of buildings incorporating employment (B1/B2/B8) with associated infrastructure. The proposed floorspace amounts to 6736sqm in 3 areas across the Hitchcocks Business Park covering an area of 3.84h.

The application was initially submitted as a far larger proposal for 35,663sqm of B1/B2/B8 floorspace with associated roads, infrastructure and an A3 use of 385sqm to provide a café and associated public open space and footways over a site area of 28h. The application has since been significantly revised by the applicant in response to local objection and now relates to the provision of employment floorspace in 3 areas of the site:

Plot 1 – this adjoins the B3181 and consists of 6 buildings (total floorspace of 32,000sq ft or 2973 sqm) for subdivision to provide employment accommodation for starter enterprises/ incubator units and 'grow on' space.

Plot 2 – is located to the south of existing buildings and provides a floorspace of 1626sqm (17,500 sqft) For a specific operator who is already based at Hitchcocks Business Park and is looking towards A 17,500 sq ft unit for Trucksmith's future expansion; an existing, thriving local business employing over 100 skilled people, to secure and safeguard their longer term business expansion and success;

Plot 3 – is located to the north east of the site, to the south of Carlu Close and provides a floorspace of 2137 sqm ( 23,000sqft) to cater for market demand. This is proposed on an existing consented and developed commercial parking and yard area under application ref: 17/01298/MFUL

All these units will be accessed via extensions to previously approved roads and will be constructed to the same standard as existing roads featuring avenue tree planting, timber fences and plot fencing as the existing park.

Hitchcocks Business Park is located on the south side of the B3181 between Waterloo Cross on the A38 and the Five Cross Ways roundabout at Willand

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

Arboricultural assessment  
Bat activity  
Bollard lighting design  
Business case  
Carbon Reduction Strategy

Dormouse survey  
Ecological appraisal phase 1  
Historic environment assessment  
Landscape and visual assessment  
Lighting data sheet  
Phase 1 land contamination  
Planning statement  
Transport assessment  
Waste audit statement  
Design and access statement  
Flood risk assessment  
Outdoor lighting report

## **RELEVANT PLANNING HISTORY**

**12/00690/FULL** - REFUSE date 18th September 2012

Change of use of agricultural building to B8 storage use with associated parking (APPEAL ALLOWED 22.03.13)

**12/01630/FULL** - PERMIT date 7th May 2013

Change of use of agricultural building to B1 and B8 employment use, associated yard area and erection of a storage building

**13/01113/FULL** - PERMIT date 27th September 2013

Variation of Condition 2 of planning permission 12/01630/FULL (substitution of new plans)

**14/01310/MFUL** - PERMIT date 12th May 2015

Change of use of agricultural buildings for B1/B2/B8 commercial use, the demolition of agricultural buildings and the erection of replacement B1/B2/B8 commercial buildings, the use of The Forge and Unit 11 for B1/B2 and B8 commercial use, the provision of associated landscaping, yard areas and infrastructure

**14/01464/FULL** - PERMIT date 24th October 2014

Variation of condition 13 to permit general B1/B2/B8 use and removal of condition 14 (demolition of building if use ceases) of planning permission 10/01689/MFUL

**15/01142/FULL** - PERMIT date 4th September 2015

Erection of extension to existing commercial building (B1/B2/B8 use)

**16/00332/FULL** - PERMIT date 13th May 2016

Formation of parking area and landscape planting bund

**16/01556/FULL** - PERMIT date 28th November 2016

Erection of cafe and wc block with associated car parking and seating area

**17/00135/FULL** - PCO date

Variation of conditions (2) and (13) of planning permission 14/01310/MFUL to allow substitute plans, change foul drainage disposal to private treatment plants instead of mains drainage and to revise internal road and footpath layout

**17/00769/MFUL** - PERMIT date 6th September 2017

Demolition of existing commercial building (Use Class B1, B2, B8) and erection of replacement commercial building (Use Class B1, B2, B8) with parking area

**19/00100/FULL** - PERMIT date 29th August 2019

Change of use of agricultural land to footpath with associated engineering works

## **DEVELOPMENT PLAN POLICIES**

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

COR1 - Sustainable communities  
COR4 - Meeting Employment needs  
COR7 - Previously developed land  
COR8 - Infrastructure provision  
COR9 - Access  
COR18 - Countryside

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

DM1 – Presumption in favour of sustainable development  
DM2 – High quality design  
DM8 – Parking  
DM20 – Rural employment development

## **CONSULTATIONS**

(NB only those responses relating to the smaller revised application have been included here)

### **HISTORIC ENVIRONMENT TEAM – 12 December 2019**

I refer to the above application. The Historic Environment Team has now received the results of the archaeological evaluation undertaken at this site which targeted the circular anomaly recorded during a geophysical survey. The evaluation revealed that the site contains no evidence that the development will have an impact on any significant heritage assets with archaeological interest.

As such, I would like to withdraw the Historic Environment Team's previous objection and advise that no further archaeological recording work is required in mitigation for the proposed development.

The Historic Environment Team has no further comments to make on this planning application.

### **EAST AREA CONSERVATION OFFICER - 10 December 2019**

The proposal is now on a much smaller scale and addresses my main concerns regarding the setting of the listed buildings and the listed park and garden.

We would still need to be careful regarding landscaping and lighting of the development.

### **FLOOD and COASTAL RISK MANAGEMENT TEAM - 20 December 2019**

Recommendation:

At this stage, we have no in-principle objections to the above planning application, from a surface water drainage perspective, 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 Hitchcock's Business Park, Uffculme (Phase 2) Flood Risk Assessment (Report Ref. 0180), Rev. C, dated 15th November 2019). No part of the development shall be occupied until the surface water management scheme serving that part of the development has been provided in accordance with the approved details and the drainage infrastructure shall be retained and maintained for the lifetime of the development.

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

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

- 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 runoff 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.

Reason for being a pre-commencement condition: A plan needs to be demonstrated prior to the commencement of any works to ensure that surface water can be managed suitably without increasing flood risk downstream, negatively affecting water quality downstream or negatively impacting on surrounding areas and infrastructure.

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.

## **HIGHWAYS ENGLAND - 10th January 20**

We are replacing our previous recommendation of non-approval with a recommendation of no objections subject to advice.

## **HISTORIC ENGLAND - 23 December 2019**

We note that the application has been significantly modified to reduce the amount of new development being sought. The area of development we expressed particular concern on, was the easternmost field, which was closest to the registered park and garden of grade I Bridwell Park. We understand that this has now been entirely omitted from the application and will be retained as farm land. The area of land to be developed is now limited to small areas immediately adjacent to the existing business par, which is likely to have a much reduced landscape and visual impact.

On the basis of this information, we withdraw our concerns and do not wish to offer any further comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request

#### **NATURAL ENGLAND - 23rd December 2019**

Natural England has previously commented on this proposal and made comments to the authority in our letter dated 24 June 2019.

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.

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

#### **ENVIRONMENT AGENCY - 20.12.19**

##### Environment Agency position

We object to the proposed development as submitted because it involved the use of a non-mains foul drainage system but an inadequate assessment of the risks of pollution to the water environment has been provided by the applicant. The reason for this position and advice is provided below.

Reason - The application indicated that foul drainage is to be discharge to a non-mains drainage system by a series of package treatment plants. In these circumstances, the planning practice (PPG) (ref ID 34-020-20140306) advises that applications for development relying on anything other than connection to the public sewage treatment plant should be supported by sufficient information to understand the potential implications for the water environment. In this instance inadequate information has been submitted.

The application does not, therefore, provide a sufficient basis for an assessment to be made of the risks of pollution to the water environment arising from the proposed development.

We recommend that the applicant uses the Foul Drainage Assessment form (FDA) available here: <https://www.gov.uk/government/publications/foul-drainage-assessment-form-fda1> as guidance on the information required so that the risks can be fully assessed.

##### Overcoming our objection

The applicant may overcome our objection by submitting further information to cover the deficiencies outlined in this letter.

#### **DEVON, CORNWALL & DORSET POLICE - 12th December 2019**

Thank you for this application (revised drawings & information)

Police have no objections in principle to the proposed revisions. However, I have concerns regarding the proposed footpath link (4) to the bus stop. This will need to be suitably lit to provide a safe and sustainable access point, therefore, confirmation is sought that this is included in any lighting plan.

**TIVERTON TOWN COUNCIL** - Tiverton does not wish to comment

**WILLAND PARISH COUNCIL** - 13 January 2020

Willand Parish Council voted to object to the revised plans for this application and reiterated concerns raised in the comprehensive comments in response to the original application.

In particular it would refer to two of the reasons for the initial objection,

a) that it is contrary to current and emerging policies as the site is not allocated for employment or housing development in the current or emerging Local Plans.

It is outside of the settlements as defined in COR13 - COR17. The site is not allocated for employment or housing development in the current or emerging Local Plans.

It will be development in the Countryside whereby COR18 applies and therefore development will be strictly controlled, enhancing the character, appearance and biodiversity of the countryside while promoting sustainable diversification of the rural community.

COR18 b allows appropriately scaled, retail, employment, farm diversification and tourism related development. The Council considered that what started as 'farm diversification' has now been considerably exceeded by what is currently on site and the application should not benefit from the provisions of COR18 b. The Council was also of the view that COR18 e would not be applicable.

Emerging Policy S14 mirrors the current policy and it is noted that in paragraph 2.81 it states

'Development in the countryside will be managed to meet local need, promote vibrant rural communities and help provide appropriate forms of agricultural and rural diversification to support the rural economy and sustain environmental qualities of the countryside. Development management policies allow for small-scale employment development in suitable locations whilst retaining the intrinsic character and beauty of the countryside.' Providing facilities for national distribution business is not considered to be meeting 'local need.'

b) The adverse impact on transport infrastructure and carbon footprint

The Parish Council expressed concern as to the veracity of the information contained in the Transport Assessment. It is recognised that many of the figures are speculative but some are in conflict with what is actually observed and recorded by people living on the B3181. What is not in dispute is that there will be an increase in traffic, and in particular heavy goods vehicles. The residual cumulative impacts on the road network could be severe.

Other than at the entrance to the site no improvements are to be made to the B3181 up to Waterloo Cross other than a foot/cycle way to the next junction.

No account seems to be taken of the increased use of the junctions and the accident record, particularly at Leonards Moor Cross, does not appear to be mentioned.

It is also known that at least one traffic count was carried out when the Uffculme School was on holiday therefore showing a falsely reduced figure for traffic flow at the junctions.

While recognising the efforts by the applicant to meet some of the concerns expressed by objectors to the original application the Parish Council decided that it could not recommend approval of the application.

**PUBLIC HEALTH** – 22<sup>nd</sup> January 2020

I have read through the air quality report and the impact on nearby key receptors will be insignificant. Traffic generated by the development is expected to be spread widely across the highway network and therefore the impact on air quality will also be distributed with no significant impact at any single location. Given the size of the application has been reduced, I would have no further comments regarding air quality impacts.

## **DCC HIGHWAY AUTHORITY – 22<sup>nd</sup> January 2020**

The Highway Authority has no objection to the reduced layout. Consent is granted for a right turn lane into the business park which commences on site this month. This right turn lane is sufficient to cater for the full original development and is therefore suitable for the reduced construction. The applicant is developing footpath network which will connect to the village of Uffculme and is supported, the applicant should enter a section 106 planning agreement for travel plans. The applicant submitted a transport assessment for the full development which is acceptable to the Highway Authority and the reduction in development will also be acceptable. The previous application included for a footway cycleway from Willand to the site. This would be beneficial but given there are signed routes from Willand along Muxbere lane it would not be reasonable to condition it for the reduced development. The Local planning Authority may wish to consider its delivery for the future should the remainder of the site come forward.

The Highway Authority has recently observed an increase in shunt accidents on Junction 27 approach from the East and any increase in traffic will exacerbate the issue. The Highway Authority would seek a contribution towards the installation of visibility control at the junction roundabout or the installation of the scheme to address this issue and allow for the increases in traffic generation

### **REPRESENTATIONS**

(NB only those responses relating to the smaller revised application have been included here)

At the time of writing this report, 18 letters of objection had been received, summarised as follows:

- a) Uffculme is a village and people choose to live there because they like what they see out of the window
- b) Traffic and air quality impacts should not be taken in isolation. The development will have a negative impact on both and this should be considered in conjunction with other development which have occurred/are planned in the area
- c) Concreting over areas of greenfield will increase surface water runoff from the site
- d) Highway danger at various crossroads and intersections
- e) Applicant will go back to the piecemeal development of the site having submitted 68 separate applications over recent years
- f) Amended application is smaller than originally submitted but with an unimplemented but approved scheme for glass houses, these combined make it the same size as the scheme first submitted
- g) Noise and light pollution will result
- h) increased commuting by workers will result as local employment market has low unemployment
- i) Contrary to National and local planning policy on rural areas and greenfield sites
- j) Not in line with MDDC stance on zero carbon by 2030
- k) permanent and unacceptable change to appearance and character of the area

## **MATERIAL CONSIDERATIONS AND OBSERVATIONS**

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

- 1) Policy**
- 2) Scale and location of development**
- 3) Visual Impact**
- 4) Highway safety**
- 5) Drainage**
- 6) Other issues including ecology, air quality, noise and light pollution**

### **1) Policy:**

The site is not allocated within the adopted Mid Devon Local Plan nor is it proposed for allocation within the Mid Devon Local Plan Review 2013-2033 which has recently undergone Examination.

The adopted Core Strategy seeks to guide development to provide sustainable development and sustainable communities. Policy COR1 aims to enhance the self-sufficiency of communities, to provide access to jobs which bring economic prosperity and to reduce the need to travel by car. Policy COR4 sets out that the level of employment development required up until 2026 is 300,000 square metres of B1 - B8 employment use floorspace. This proposal adds 6737sq m of industrial floorspace. The supporting text emphasises that the aim of employment provision is to enhance the economic self-sufficiency of the district as a whole. The application site is located in the open countryside outside any defined settlement limit. Policy COR18 allows for appropriately scaled employment development in the open countryside. Policy DM20 of the LP3 DMP allows new-build employment development provided that it is of an appropriate use and scale for its location. Being a partial brownfield site, Policy COR7 notes that development will be guided towards the most sustainable locations available, which maximise social and economic benefits, minimise the loss of greenfield sites to built development, reduce the need to travel and make the best use of land and other resources. Policy COR8 requires that new development is served by necessary infrastructure, at the developer's expense. Policy COR9 relates to the need to reduce travel by private car, improve road safety and locate development where it is accessible.

The NPPF indicates at paragraph 80 that "Planning policies and decision should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.'

Policy DM1 contains a presumption in favour of sustainable development with DM2 seeking high quality design. Parking to the required standard is set out in policy DM8. DM20 permits new build employment or expansion of an appropriate scale and use subject to 3 relevant criteria which are discussed in the following paragraphs.

### **2) Location and scale of development**

Policy DM20 states that in countryside locations planning permission will be granted for new build employment development or the expansion of existing businesses provided that the development is an appropriate use and scale. It sets out 3 criteria, one of which is that there are insufficient suitable sites in the local area.

There has been a historical undersupply of employment land across the district over many years. It is understood from the Economic Development Officer that over the past 5 years, Hitchcocks Business Park has singlehandedly provided the majority of the economic growth within Mid Devon. The Employment Land Review 2018, produced as a part of the evidence base for the Local Plan Review, identifies that employment land delivery since 2014 has mostly been delivered at Willand, with Hitchcocks and Mid Devon Business Park providing this growth with a 3:1 ratio (respectively) on floor space delivery. Without the development of Hitchcocks, the Economic Development Officer advises that the District would have lost out on the opportunity to accommodate a significant number of businesses, and would be over 300,000sqft behind its current position in terms of employment land delivery. Additionally, there is a recognised lack of start-up business space in Mid Devon (an issue highlighted in the Economic Strategy) which this development seeks to provide for. MDDC's Economic Strategy highlights key sectors that the Council will focus on supporting to help develop the local economy. These sectors are Food & Drink (and Agriculture), and Hi-Tech, Innovation and Green Energy Businesses. Hitchcocks is already host to a number of significant businesses operating in the Food & Drink sector, including the UK's largest producer of tofu, who moved into the district in 2018. The site is located with easy access to J27 of the M5, via the B3181 and A38. The site is also connected to Uffculme, Willand and Tiverton Parkway Station by cycle routes and in the most part, footways. Objections have been received referring to the site being located in the open countryside, being a greenfield site and therefore not suitable for the proposed development. However, given the supply issues surrounding the delivery of employment land, the Economic Strategy for the District and the NPPF support for economic development, it is considered that the proposed development in terms of its location and scale is considered acceptable and that there are insufficient alternative sites available as required by criteria c) of DM20.

### **3) Visual Impact:**

Policy DM20 criteria b) requires that there is no adverse impact on the character and appearance of the area.

The scheme involves the provision of starter/incubator units and grow on space at the boundary of the site with the B3181 road from Waterloo Cross into Willand. The provision of these smaller units is considered to limit the visual impact of the development from outside of the site, being smaller and lower level buildings than required for larger established employment and distribution uses. The larger buildings, proposed for this use, are to be located within the site and set against the context of existing employment buildings. The result is that the proposed development would have a relatively limited visual impact from outside the site. The site is located close to Bridwell Park which is a grade I listed building with its associated heritage assets, the grade II\* listed stables and chapel and grade II registered park and garden. In determining this application Members 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. Heritage England and the Councils Conservation Officer were consulted on the application. The revision to reduce the size of the proposal has resulted in Heritage England advising that, 'The area of land to be developed is now limited to small areas immediately adjacent to the existing business park, which is likely to have a much reduced landscape and visual impact' and as a result they withdrew their objection to the scheme. Likewise, the Councils Conservation Officer is also now satisfied that the proposal addresses his concerns about the impact on heritage assets, subject to careful conditions which are set out at the end of this report. Given that the site is enclosed by existing native hedges on all its boundaries and the relative distances from public vantage points it is considered that the scheme will not result in an adverse visual impact such as to warrant refusal of the application.

Criteria b) of DM20 is therefore considered to be complied with.

#### **4) Highway safety:**

Criteria a) of DM20 requires that the development should not lead to an unacceptable impact on the local road network.

Objections have been received relating to the impact of traffic attracted to the proposed development on local roads, junctions, the Waterloo Cross roundabout, J27 and on the safety of the users of those roads. Both Highways England and DCC as Highway Authority have been consulted. Highways England have considered the impact of the development on the functioning of J27 and the M5 and do not have any objection. The Highway Authority have looked at the submitted transport assessment and have considered the impact on the local road network and accordingly, have advised that they have no objection to the reduced layout. They have confirmed that there is a consent in place for a right turn lane into the business park which commences on site later in the month. They are satisfied that this is sufficient to cater for the development. The Highway Authority advise that they have recently observed an increase in shunt accidents on Junction 27 approach from the East and that any increase in traffic will exacerbate the issue. They have therefore requested that a contribution towards the installation of visibility control at the junction roundabout or the installation of the scheme to address this issue and allow for the increases in traffic generation, be sought from the development together with a travel plan to seek to reduce overall reliance on private car travel to the site

Objections have also been received relating to the perceived increase in commuting which will occur as a result of the development due to low local unemployment rates and how this will impact adversely on the Councils commitment to being zero carbon by 2030. As set out above The Mid Devon Economic Strategy is seeking to ensure that Mid Devon is as self-sufficient as possible. The Strategy reports that at the time of publication, there were 13,776 commuters leaving the district daily to work in Exeter, Taunton and East Devon (in the main) with 5,569 commuters arriving daily in the district for work resulting in a net outflow of 8,207. Whilst it is inevitable that there will be workers who commute into and out of the district daily, the zero carbon target will be more easily reached with the availability of sufficient employment land in the district for its current population and planned population growth.

Officers are of the view that the proposal complies with criteria a) of DM20

With regards to traffic generation and the impact on air quality, Public Health have commented on the revised scheme. They have advised that the impact on nearby key receptors will be insignificant. Traffic generated by the development is expected to be spread widely across the highway network and therefore the impact on air quality will also be distributed with no significant impact at any single location. Given the size of the application has been reduced, Public Health have indicated they have no further comments regarding air quality impacts.

#### **5) Drainage:**

Objections have been received relating to the impact of providing hard surfacing to existing greenfield areas, in terms of surface water runoff and the effect on local residents. Both the Environment Agency (EA) and the Lead Local Flood Authority (LLFA) have been consulted on the revised application. Plot 3 is an existing consented and developed commercial parking and yard area under application ref: 17/01298/MFUL but plots 1 and 2 are currently greenfield. The LLFA have confirmed that they have no objection in principle with the proposal subject to the imposition of conditions, which have been attached at the end of this report. The Environment Agency has raised an objection on the basis that it is proposed to dispose of foul drainage to private treatment

plants rather than mains drainage. The applicant has now provided further information, as requested by the EA and their response was awaited at the time of writing this report but their response will be reported to members at planning committee.

#### **6) Other issues:**

The application is accompanied by various professional reports relating to ecology, trees, a lighting scheme, contamination etc. The Ecological Appraisal concludes that appropriate mitigation measures can be put in place to mitigate against any impact of the proposed development. The arboricultural report refers to the removal of 2 groups of trees to enable development of the starter units in the north west corner of the site and their loss will be mitigated against. Appropriate conditions have been attached at the end of this report to ensure that appropriate mitigation is carried out where necessary.

The initial application was accompanied by draft heads of terms for a s106 agreement to secure public access to the planned open space, footways and cycle track and to secure the necessary works on the public highway to provide improved pedestrian and cycle connectivity including the closure of Hitchcocks Lane to traffic. The reduced scheme now being proposed does not necessitate the need for these wider public benefits and therefore it is not considered that a s106 agreement in relation to these matters is required.

#### **SUMMARY:**

The site is not allocated for development in either the adopted Local Plan nor the Local Plan Review. The site is located in the open countryside where development is controlled but policy DM20 permits appropriately scaled and appropriately located employment development, subject to 3 relevant criteria. It is considered that the proposed scheme does not have an unacceptable impact on the local road network nor on the character and appearance of the area and that there are insufficient alternative available sites to meet the historical undersupply of employment land. The proposal is therefore considered to comply with policy DM20, subject to the imposition of relevant conditions in respect of mitigation.

#### **CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. No development shall be commenced until a programme showing the phasing of the development (taking account of the requirements of any conditions below) has been submitted to, and been approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved phasing programme.
4. No development shall begin until details of the proposed estate road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture have been submitted to and approved in writing by the Local Planning Authority. For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction and a timescale for their implementation shall be submitted to the Local Planning Authority. The aforementioned infrastructure shall be constructed and laid out in accordance with the approved as set out in the phasing scheme detailed in condition 3 above.

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

6. No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority. The design of the permanent surface water drainage management system shall be in accordance with the principles of sustainable drainage systems, and those set out in the Hitchcock's Business Park, Uffculme (Phase 2) Flood Risk Assessment (Report Ref. 0180), Rev. C, dated 15th November 2019. No part of the development shall be occupied until the surface water management scheme serving that part of the development has been provided in accordance with the approved details and the drainage infrastructure shall be retained and maintained for the lifetime of the development.

7. 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.

8. No unit shall be occupied until there has been submitted to, and approved in writing by the Local Planning Authority, details of the adoption and maintenance arrangements for the proposed permanent surface water drainage management system. Adoption and maintenance shall thereafter be carried out in accordance with the approved details.

9. Before any individual unit of employment premises is first brought into use, the access, parking and turning facilities to serve that unit shall be properly surfaced, drained, consolidated and marked out in accordance with the approved drawings.

10. No unit shall be occupied until there has been submitted to, and approved in writing by the Local Planning Authority, a landscaping scheme, including details of any changes proposed in existing ground levels and a phasing plan for their implementation. All planting, seeding, turfing or earth reprofiling comprised in the approved details of landscaping shall be carried out within 9 months of the substantial completion of the development, (or phase thereof) be so retained. 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.

11 The development shall be carried out in accordance with the recommendations set out in section 6 of the submitted Ecological Appraisal (EcA) Phase 1 dated January 2019 by Ecological Surveys Ltd, received by the Local Planning Authority on 11<sup>th</sup> June 2019 insofar as it relates to the revised site area set out on the site location plan (ref: 180209 L0101 Rev C received by the LPA on 9<sup>th</sup> December 2019).

## **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. The Local Planning Authority wishes to ensure that the development proceeds in an orderly manner and in the interests of safeguarding the amenities of current and future occupants of the site in accordance with Policy DM2 of the Local Plan Part 3 (Development Management Policies).
4. In the interests of providing a properly serviced site and to ensure that adequate information is available for the proper consideration of the detailed highway proposals, in accordance with Policy DM2 of Local Plan Part 3 (Development Management Policies)
5. 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. The condition must be pre-commencement to ensure that surface water whilst the site is being developed can be managed suitably without increasing flood risk downstream, negatively affecting water quality downstream or negatively impacting on surrounding areas and infrastructure.
6. To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems. The condition must be pre-commencement to ensure that the necessary below grounds works are carried out to install the approved scheme
7. 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.
8. To ensure that the development's permanent surface water drainage management systems will remain fully operational throughout the lifetime of the development.
9. In the interests of providing a properly serviced site and of providing adequate parking and turning facilities for traffic attracted to the site, in accordance with Policy DM2 of Local Plan Part 3 (Development Management Policies).
10. To ensure that the development makes a positive contribution to the character and amenity of the area and the quality of the completed development in accordance with Policy DM2 of Local Plan Part 3: (Development Management Policies).
11. In the interests of protecting the habitats of protected species which may be using the application site

## **REASON FOR APPROVAL OF PERMISSION**

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The site is not allocated for development in either the adopted Local Plan nor the Local Plan Review. The site is located in the open countryside where development is controlled but policy DM20 permits appropriately scaled and appropriately located employment development, subject to 3 relevant criteria. It is considered that the proposed scheme does not have an unacceptable impact on the local road network nor on the character and appearance of the area and that there are insufficient alternative available sites to meet the historical undersupply of employment land. The proposal is therefore considered to comply with Policies COR1, COR4, COR7,C08,COR9 and

COR18 of the Mid Devon Core Strategy (Local Plan Part 1) and Policies DM1, DM2, DM8 and DM20 of the Mid Devon Local Plan Part 3 (Development Management Policies) subject to the imposition of relevant conditions in respect of mitigation.

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. 19/01608/HOUSE

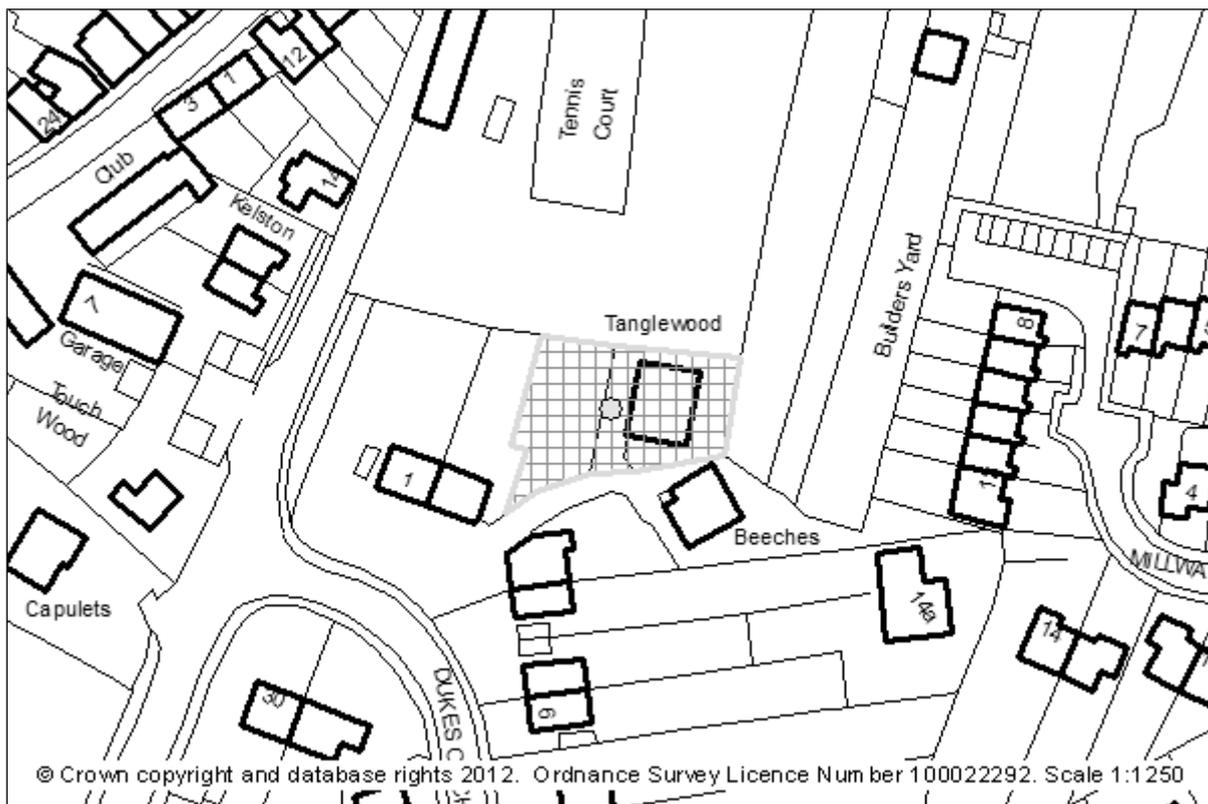
Grid Ref: 299869 : 103868

Applicant: Mr & Mrs Fullerton

Location: Tanglewood  
Dukes Orchard  
Bradninch  
Exeter

Proposal: Erection of single storey extension and separate garage/annex/workshop  
accommodation

Date Valid: 23rd September 2019



## **APPLICATION NO: 19/01608/HOUSE**

### **Update**

This application was considered on the 17<sup>th</sup> December 2019, where it was resolved that the application be deferred to allow a site visit to take place by the Planning Working Group to consider:

- The impact of the proposal on the neighbouring property
- The access to the site
- Any possible overlooking issues

The site visit of the Planning Working Group has now taken place with the notes taken as follows:

### **PLANNING WORKING GROUP – 9 January 2020**

#### **Application 19/01608/HOUSE – Erection of single storey extension and separate garage/annex/workshop accommodation – Tanglewood, Bradninch**

There were 7 Members of Planning Working Group present.

Also present – the agent, an objector and a representative of the Town Council.

The Chairman indicated that the Planning Working Group had been requested to visit the site to consider:

- The impact of the proposal on the neighbouring property
- The access to the site
- Any possible overlooking issues

The Chairman welcomed everyone to the site visit and introductions took place.

The Principal Planning Officer outlined the application which would include removing part of the fence and widening the parking area. He highlighted concerns that the proposal would impact on the neighbouring property and the conditions that had been proposed to mitigate these issues, with the stairs to the rear being screened and the accommodation only for ancillary use.

The group walked onto the site and considered the fence line and where the separate garage would be located, identified by props and cord, which gave a clear indication of the ridge height of the proposal. Consideration was given to the impact of the proposal on the neighbouring property; it was confirmed that there would be no windows on the first floor of the building.

The objector addressed the group, explaining her concern with regard to the height of the proposal and that it would be built too close to her fence. She felt that she would lose her privacy and would be looking at a wall and a roof from her conservatory which she felt was unfair and overbearing.

The agent stated that the building would be set into the ground to avoid any impact on the neighbouring property. The fence was not a planning matter and the construction of building was a building control matter. The application had been designed so that privacy could be maintained. He felt that there would be no overlooking nor over shadowing and little impact on the neighbouring property.

The representative from the Town Council explained that town councillors had visited the site and that the props had been very useful. The Town Council felt that the building was too high and very overbearing, there was concern about the closeness of the building to the fence. The council had been happy to support the extension but not the garage due to its height and overbearing issues.

The group then visited the neighbour's garden to consider the impact the proposal would have and asked questions with regard to light issues, screening and privacy.

Members agreed that they would voice their views regarding the application at the next meeting of the Planning Committee.

## **MEMBER CALL-IN**

Called in by Cllr Luke Taylor, in order to consider the potential over-development of the site and the impact of the proposed development on the neighbouring garden and associated private amenity space.

## **RECOMMENDATION**

Grant permission subject to conditions

## **PROPOSED DEVELOPMENT**

Erection of single storey extension and separate garage/annex/workshop accommodation.

The proposal relates to Tanglewood, a modern bungalow located on the northern side of Dukes Orchard, located on land to the rear of 2 and 3 Dukes Orchard. Another property, Beeches, which was built at the same time, sits to the south. The proposed development includes the erection of a single storey extension to the western elevation of Tanglewood and the erection of a one and a half story garage/workshop with annexe accommodation in the roof space. The extension is proposed to be finished with render and tiles to match the existing property, in addition to a small section of standing seam metal roof to an attached lean-to section. The garage/annexe is proposed to be constructed with a mix of render, timber cladding and stone.

## **APPLICANT'S SUPPORTING INFORMATION**

Existing and proposed plans

Letter responding to neighbour and Parish Council comments

## **RELEVANT PLANNING HISTORY**

08/00613/FULL - PERMIT date 4th July 2008

Erection of 2 dwellings and a replacement detached garage

09/00312/FULL - PERMIT date 9th November 2009

Retention of 2 dwellings and erection of a replacement detached garage

16/01182/TPO - PERMIT date 12th September 2016

Application to fell one Conifer tree protected by Tree Preservation Order No. 08/00001/TPO

## **DEVELOPMENT PLAN POLICIES**

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

COR1 – Sustainable Communities

COR2 – Local Distinctiveness

COR13 - Tiverton

COR17 - Villages

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

DM1 – Presumption in Favour of Sustainable Development

DM2 – High Quality Design

DM8 - Parking

DM13 – Residential Extension

DM27 – Development Affecting Heritage Assets

## **CONSULTATIONS**

### **BRADNINCH TOWN COUNCIL – 15<sup>th</sup> October 2019**

The council have visited the site, where they met with the applicant and subsequently with some of the neighbours.

The council has considered this application and has No Objection to the proposals regarding extension of the main property.

The council has also considered the proposals for a separate annex (which runs along part of the boundary with a neighbouring property) which could be over bearing, may also constitute over development of the site and could compromise the privacy of the immediate neighbours. The proposed exterior staircase to the annex would allow overlooking into neighbouring properties with a potential loss of privacy.

The council feel that these concerns require addressing.

### **HIGHWAY AUTHORITY - 27.09.19**

Standing advice applies please see Devon County Council document

<https://www.devon.gov.uk/planning/apply-for-planning-permission/get-help-with-an-application/guidance-for-applicants>

## **REPRESENTATIONS**

Letters of objection were received from four local residents. The main points raised are as follows:

- The two storey garage is too high and will intrude and overlook 1, 2, 3 Dukes Orchard and The Beeches. There will be particular overlooking from the annex steps. There will be loss of light, as well as privacy.
- The accommodation above could easily be turned into a separate dwelling, leading to additional vehicle movements and increased levels of rubbish.
- The proposal will increase the vehicle movements to five properties using the same access.

- There is a hedge to the left when exiting, which obscures visibility and should be reduced to 1m in height.
- Drainage for Tanglewood and Beeches passes through another resident's drains. They object to a third house using this.
- The proposed drive is opposite existing domestic gates, potentially causing a hazard.
- There was a requirement to plant a new tree within the site to replace a felled TPO tree. This has not been planted or enforced.
- In the past restrictions imposed on the property have been ignored so there is little faith that conditions imposed will be adhered to.
- The proposed extension contains two skylights that will overlook neighbouring properties.
- The canopy over the doors could be used as a sun-terrace, causing overlooking.
- The development will result in over-development of the site.
- The garage will be against the neighbouring building which should not happen.
- Removal of the existing fence may weaken the neighbouring wall.
- There is a hedgehog run that will be affected by the development.

## **MATERIAL CONSIDERATIONS AND OBSERVATIONS**

The application is made to erect a single storey extension to the front of the property, protruding westward. It is also proposed to erect a one and a half storey garage/workshop/annexe in the south western corner of the garden. Other works included as part of the scheme include the addition of four roof lights to the main house and the removal and realignment of the existing fence and wall adjoining the access drive, to provide access to the garage.

The principle of extending the property and providing domestic outbuildings, including annexe accommodation, is considered to be acceptable, subject to assessment against relevant national and local plan policies.

Policy DM13 of the Local Plan Part 3 (Development Plan Policies) supports the provision of extensions to existing dwellings and other ancillary development provided that they:

- a) Respect the character, scale, setting and design of existing dwelling;
- b) Will not result in over-development of the dwelling curtilage; and
- c) Will not have a significantly adverse impact on the living conditions of occupants of neighbouring properties.

A summary assessment of the scheme against these criteria is set out below:

### a) Respect the character, scale, setting and design of existing dwelling

The proposal is split into two elements, the alterations to the main house and the provision of the outbuilding comprising garage and workshop at ground level and annexe accommodation in the roof space.

In addition to policy DM13, Policy DM2 seeks high quality design upon a number of principles including a clear understanding of the site, efficient use of the site, making a positive contribution to local character, and creating visually attractive places that are well integrated with surrounding buildings, streets and landscapes, taking account of factors including architecture, siting, layout, scale, massing, orientation, fenestration and materials.

In considering the extension to the house first, the proposal is a single storey extension that will provide additional living accommodation in the form of a kitchen and dining area. Internal

rearrangement of the existing house would see the creation of an office/snug and one of the ground floor bedrooms moving. There is no net gain in bedroom numbers within the house. The extension is considered to be an appropriate scale to respect and relate to the character and appearance of the existing house and its surroundings. The proposed materials will match existing.

The proposed garage/workshop/annexe is a larger in scale, with a height of up to 5.5m above ground level, and more prominent due to its positioning towards the southern edge of the site, where it will be more visible from views within Dukes Orchard. Notwithstanding this, it is also considered to be acceptable. Despite its height, the building would be viewed between numbers 2 and 3 Dukes Orchard, and Tanglewood to the north east. The topography of the site changes rising to the north and the north east, with Tanglewood sited on the higher ground and the aforementioned adjoining properties below. In order to limit its impact, the proposed building would be constructed on the lowest part of the site, with excavations to the rear so that it is effectively dug into the ground below the existing level of the garden to its north. In terms of design, the frontage is designed to have a simple appearance in keeping with the other development in the area, with more detail to the rear, where it will be less readily visible and is not considered to detract from the character of the area.

In addition to the consideration of general impact on the surrounding area, it is noted that the edge of the village conservation area adjoins the northern boundary of the application site. As such, the site is not within the local conservation area but does abut it. The extension adjoins this boundary, while the garage building would be approximately 16 metres from this boundary. Taking this into account, consideration will have to be given to the impact that the development will have on the significance of this heritage asset. Paragraph 192 of the NPPF advises that “in determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.”

The above requirements in respect to heritage assets are echoed in policy COR2 of the Core Strategy, which includes the requirement that “development will sustain the distinctive quality, character and diversity of Mid Devon’s environmental assets through...the preservation and enhancement of Mid Devon’s cultural and historic environment, and the protection of sites, buildings, areas and features of recognised national and local importance.” Policy DM27 of the Development Plan Policies document also states that “heritage assets and their setting which are irreplaceable resource accordingly the Council will:

- a) Apply a presumption in favour of preservation in situ in respect of the most important heritage assets
- b) Require development proposals likely to affect heritage assets and their settings, including new buildings, alterations, extensions, changes of use and demolitions, to consider their significance, character, setting and local distinctiveness, and opportunities to enhance them.

- c) Only approve proposals that would be likely to substantially harm heritage assets and their settings if substantial public benefit outweighs that harm or the requirements of the NPPF are met.
- d) Where a development proposal would lead to less than substantial harm, that harm will be weighed against any public benefit, including securing optimum viable use.
- e) Require developers to make a proportionate but sympathetic assessment of the impact on setting as set down in the guidance from Historic England.”

In assessing the impact of the development, specifically in relation to its impact on the conservation area, against the aforementioned local and national policy requirements, it has already been noted that the proposal is considered to be an appropriate form of development, satisfactorily respecting the character and appearance of its surroundings. Accordingly, the proposed development is not considered to have any harmful impact on the significance of heritage asset either.

Overall, it is considered that the proposal is acceptable and accords with policies COR1 and COR 2 of the Core Strategy and policies DM2, DM13 and DM27 of the Development Management Policies (Local Plan Part 3).

b) Will not result in over-development of the dwelling curtilage

Concerns have been raised by neighbours and the Parish Council, regarding the size of the proposed works, especially in respect to the garage building, suggesting that it will represent over-development of the site. The size and scale of the proposal has been assessed above, however in considering its position within the site, it is felt that the garden area associated with Tanglewood is of an appropriate size to accommodate the all aspects of the development comfortably. Due to the way the site was divided up when the property was built some 10 years ago, the property currently has a larger garden than many of the surrounding properties. It is considered that the resulting garden area, following any development, would still accord with the general pattern of development in the locality.

c) Will not have a significantly adverse impact on the living conditions of occupants of neighbouring properties

Amongst the objections received, there are concerns that neighbouring properties will be overlooked from the new roof lights in the extension, windows in the annexe accommodation, and from the steps accessing the annexe, to the rear of the building. There is also concern that there will be a loss of light to the properties to the west and south (2 and 3 Dukes Orchard) due to the height of the garage building.

Starting with loss of light, the extension to the house is single storey and located sufficiently distant from the site boundaries so as to raise no concerns in this respect. The garage/workshop/building is close to the western boundary of the site, adjoining 2 Dukes Orchard, however it is located to the north east of this adjoining bungalow, where the movement of the sun will be such that any overshadowing would be minimal, with the shadow being cast predominantly over the applicant's garden and property as the day passes. The building would be located at sufficient distance from the other nearby properties to avoid overshadowing. In respect to general overbearing impact, the property most likely to be affected would be the property to the west, 2 Dukes Orchard. In considering the impact, it should be noted that the building would be set away from the nearest part of 2 Dukes Orchard by approximately 5.5m. It would adjoin a small part of the boundary with the garden of this property, however due to the alignment of the fence, the majority of the building would be over 3m from the boundary fence and reasonably distant from the adjoining property. It

should also be noted that the building is proposed to be constructed at the lowest ground level, to allow vehicular access from the adjoining drive, with the land behind excavated and the property dug in. This will further reduce the impact of the building. The majority of the proposed building will be level with the garden of 2 Dukes Orchard, rather than the property itself. In this respect, the adjoining garden is raised above the level of the associated house, at a similar level to the application site. Taking into account the similar levels of the two gardens, and the height of the proposed building following excavation of the site, the impact on the garden area, is considered to be acceptable. In order to properly control the final finished floor levels, it is considered reasonable to impose a condition requiring these details to be submitted prior to commencement of works in relation to the outbuilding.

In considering the potential for overlooking, the roof lights proposed in both the extension to the main house, and the roof slope of the garage building, are positioned well above head height, and higher than the 1.7m above finished floor level, which is recognised as an appropriate level to avoid overlooking. The areas of concern would be views from the eastern gable window serving the annexe, and the stairs accessing the annexe, which could provide overlooking of the Beeches and 2 Dukes Orchard. National policy and guidance advises that planning permission should not be refused, where appropriate conditions could be imposed to mitigate the adverse effects. In this case, it is considered that the provision of obscured and non-opening windows to the east elevation window and a privacy screen to the top of the stairs could adequately prevent the identified overlooking issues, thereby preventing harm to residential amenity. Ideally, the use of obscured glazing in a bedroom/living accommodation should be avoided due to having an adverse impact on the living condition of users of that particular room, however it is noted that the annexe accommodation, includes two large roof lights, which will allow additional light and clear views that in this case will be acceptable. The provision of details of this obscure glazing and an appropriately permanent privacy screen can be required by condition prior to the accommodation at first floor level first being brought into use. In both cases, these solutions are considered to be appropriate.

One other matter raised was the prospect of flat roof elements of the proposal being used as roof terraces. This is unlikely to be a concern, as the addition of required balustrading would require planning permission, however it is considered prudent to impose a condition preventing this taking place.

Overall, it is considered that the proposed development is of an appropriate size, scale, siting and design to avoid an unacceptable level of harm to the living conditions of existing occupiers of nearby properties so as to warrant recommending refusal. The areas of identified harm are able to be appropriately mitigated through the imposition of conditions.

#### Other Issues

Other areas of objection raised relate to concerns that the outbuilding will be used as a separate dwellinghouse, the access arrangements and an increase in vehicle movements would be harmful to highway safety, and that there will be increased usage of an existing drainage connection in third party ownership.

Starting with concerns that the building would be used as a separate dwelling, it is clear that the proposal is to provide ancillary accommodation to Tanglewood only. While it may be possible to convert in the future, there are likely to be issues with the site that would prevent such a change being acceptable. Nonetheless, it is usual to impose a condition on annexe buildings requiring them to only be used as ancillary accommodation. Any future change would thereafter require planning condition to remove or vary this condition, with the application considered on its own merits at that point of time.

Similar to the above point, the proposed development provide a very small element of ancillary accommodation, which would not be accepted to increase the levels of vehicular traffic associated with Tanglewood. The parking area for the property remains in the same position, although is enlarged due to the removal and realignment of the southern boundary fence. The removal of this fence will also vastly improve visibility from the existing access, leading to an improvement over the existing situation.

The concerns relating to the existing drainage arrangements are noted, however the development is of domestic scale only, with limited expected increase in water usage. In respect to the third party ownership of the drainage system, input into this is not considered to be a planning matter on this occasion, with the applicant needing to ensure that they have the necessary rights to add to the existing system.

Finally, reference has been made to the failure to replace a tree removed under application 19/01182/TPO. The requirement to replace the removed tree is conditioned as part of this consent and it is apparent as to whether this has been done. Notwithstanding this, the requirement to plant a replacement tree has not been removed. If this has not been done, the proposed development does not remove the opportunity to do so. This is a separate matter to that being considered under this application but the applicant will be reminded of the requirement to plant a new tree.

Overall, despite the various concerns raised, it is considered that the proposal is acceptable and accords with policies COR1, COR2 and COR13 of the Core Strategy, policies DM1, DM2, DM8 and DM13 of the Development Management Policies (Local Plan Part 3), and the aims and objectives of the National Planning Policy Framework.

## **SUMMARY**

The proposed development comprising an extension to the main house and provision of a detached outbuilding containing garage, workshop and annexe accommodation is considered to be acceptable, satisfactorily relating to the character and appearance of the existing property and its surroundings and would cause no demonstrable harm to the character, setting or appearance of the conservation area. Furthermore, there will be no unacceptable impact on neighbouring living conditions as a result of the proposed development, or adverse impact on highway safety. For these reasons it is considered appropriate to recommend approval with conditions necessary to ensure the success of the development in this location. The proposal therefore accords with Policies COR1, COR2 and COR13 of the Mid Devon Core Strategy (Local Plan Part 1), Policies DM1, DM2, DM8 and DM13 of the Local Plan Part 3 (Development Management Policies), and the aims and objectives of the National Planning Policy Framework.

## **CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. No work shall be carried out on in relation to the construction of any of the external surfaces of the development hereby permitted unless details of the materials, colour and finish (including the provision of samples) to be used for all external walls and roofs have been first submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall thereafter be constructed in accordance with the approved details.

4. No works shall be carried out in relation to the construction of the garage/workshop/annexe building unless details of the finished floor levels of the building have been submitted to and approved in writing by the Local Planning Authority. The work shall be carried out strictly in accordance with the agreed details unless otherwise further agreed in writing by the Local Planning Authority.

5. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge beyond the application site, in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority. Such approved scheme shall be installed prior to any works taking place in relation to the construction of the garage/workshop/annexe building and shall permanently retained and maintained thereafter.

6. Prior to the first floor annexe accommodation within the garage/workshop/annexe building hereby approved first being brought into use, the window to be inserted into the east elevation, to serve the annexe, as indicated on the approved plans, shall be fitted with obscure glass (minimum level 3) and fixed closed, and shall be permanently retained and maintained in this fashion thereafter.

7. Notwithstanding the approved drawings, details of privacy screens to be provided at the top of the external staircase of the garage/workshop/ annexe hereby permitted, including their design, size, materials and finish, shall be submitted to and approved in writing by the Local Planning Authority prior to the first floor annexe accommodation first being brought into use. The privacy screens shall be fully constructed in accordance with the approved details prior to the annexe accommodation first being brought into use and shall be permanently retained as such thereafter.

8. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order), no part of the flat roof elements of the development hereby permitted shall be used as a roof terrace, or as any other area of domestic amenity space.

9. Notwithstanding the provisions of Article 3 of The Town and Country Planning (General Permitted Development)(England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no additional windows, including dormer windows, or other openings (including doors) shall be formed in any part of the development hereby permitted without the prior express grant of planning permission.

10. The annexe accommodation hereby approved shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Tanglewood. There shall be no subdivision of this single residential planning unit.

## **REASONS FOR CONDITIONS**

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

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

3. To ensure the use of materials appropriate to the development in order to safeguard the visual amenities of the area in accordance with Policies COR2 of the Mid Devon Core Strategy (Local Plan Part 1), DM2, DM27 and DM13 Local Plan Part 3 (Development Management Policies) and the aims and objectives of the National Planning Policy Framework.

4. In the interests of residential amenity and to safeguard the visual amenities of the area, in accordance with Policy COR2 of the Mid Devon Core Strategy (Local Plan Part 1), Policies DM2 and DM13 of the Local Plan Part 3 (Development Management Policies) and the aims and objectives of the National Planning Policy Framework.
5. To ensure that the site is adequately drained and to prevent surface water runoff leaving the site, in accordance with Policies COR1 of the Mid Devon Core Strategy (Local Plan Part 1), DM2 of the Local Plan Part 3 (Development Management Policies) and the aims and objectives of the National Planning Policy Framework.
6. In the interests of residential amenity, in accordance with Policies DM2 and DM13 of the Local Plan Part 3 (Development Management Policies) and the aims and objectives of the National Planning Policy Framework.
7. In the interests of residential amenity, in accordance with Policies DM2 and DM13 of the Local Plan Part 3 (Development Management Policies) and the aims and objectives of the National Planning Policy Framework.
8. In the interests of residential amenity, in accordance with Policies DM2 and DM13 of the Local Plan Part 3 (Development Management Policies) and the aims and objectives of the National Planning Policy Framework.
9. In the interests of residential amenity, in accordance with Policies DM2 and DM13 of the Local Plan Part 3 (Development Management Policies) and the aims and objectives of the National Planning Policy Framework.
10. In the interests of residential amenity and to safeguard the amenities of the area, in accordance with Policy COR2 of the Mid Devon Core Strategy (Local Plan Part 1), Policies DM2 and DM13 of the Local Plan Part 3 (Development Management Policies) and the aims and objectives of the National Planning Policy Framework.

## **INFORMATIVES**

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.

Section 149 of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between different people when carrying out their activities. This is called the Public Sector Equality Duty or "PSED". No persons that could be affected by the development have been identified as sharing any protected characteristic.

Application No. 19/01156/FULL

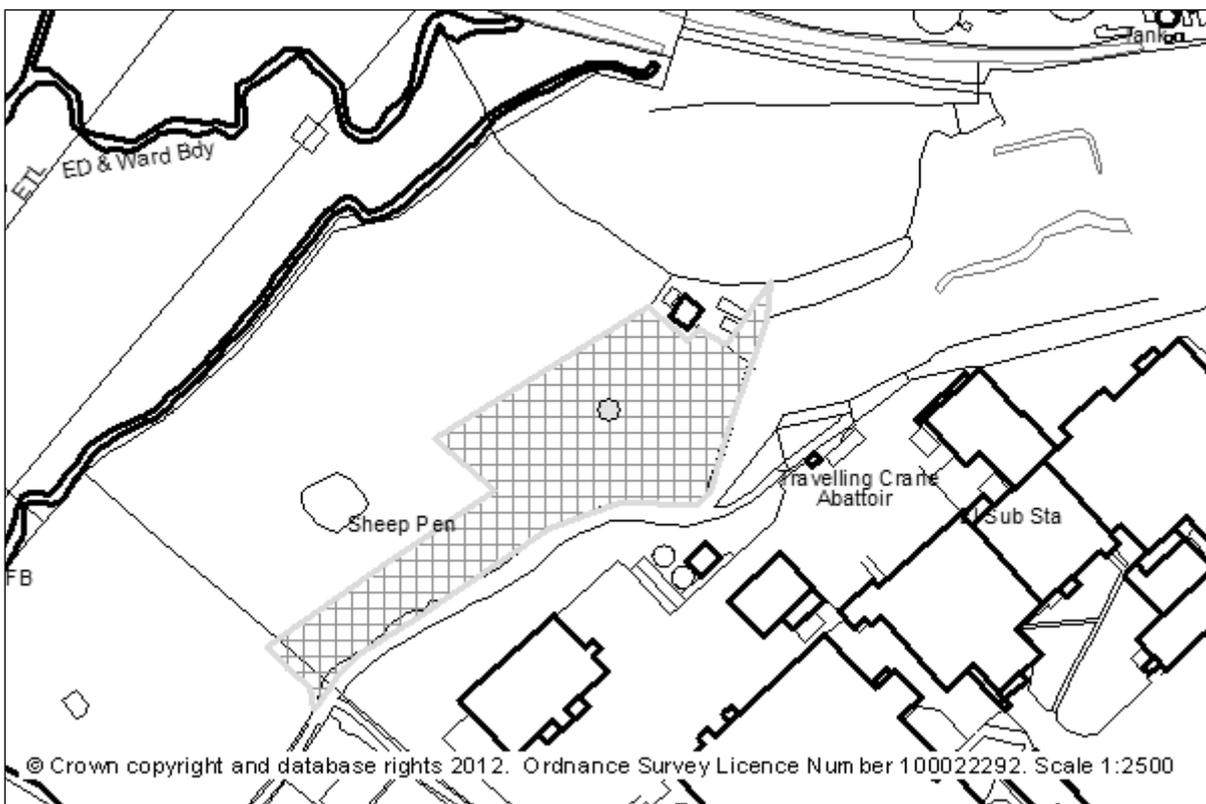
Grid Ref: 302789 : 111147

Applicant: Mr W Green, Amzco Development Ltd

Location: Land at NGR 302839 111143  
Lloyd Maunder Road  
Willand  
Devon

Proposal: Installation of a 24MW Reserve Power Plant with associated infrastructure

Date Valid: 21st August 2019



## **APPLICATION NO: 19/01156/FULL**

### **MEMBER CALL-IN**

The application was called in by Councillor Barry Warren, for the following reasons:

1. The proposed site, although adjacent to the current AD plant, is outside of the Willand Settlement limit and therefore should be treated as open Countryside.
2. There is no evidence produced of need or agreement with Western Power other than the statement of the agent.
3. The capacity of the current planning permission for the AD plant is given as the equivalent of 2MW of electricity, which falls well short of the capacity being sought.
4. Cumulative impact of this and other proposals.

### **RECOMMENDATION**

Grant planning permission, subject to the conditions detailed below.

### **PROPOSED DEVELOPMENT**

This planning application proposes the installation of a 24 megawatt (MW) power plant with associated infrastructure on land off Lloyd Maunder Road in Willand. The site is a 0.5ha area of open agricultural land outside settlement limits, but located in close proximity to existing development, mainly to the east and north of the site, which has an industrial character. The M5 motorway is located around 200m to the east. The nearest residential property is located approximately 160m to the south west.

The site's south-eastern boundary adjoins land occupied by a food manufacturer and characterised by a complex of large industrial buildings. The north-eastern boundary lies adjacent to an anaerobic digestion (AD) facility. The north-western and south-western boundaries mostly adjoin open fields, although there is a small abattoir located immediately to the north of the site. The site would be accessed from a lane running north-west from Lloyd Maunder Road, and would also be connected to the AD facility.

The proposal would result in the creation of a compound containing:

- 24 containerised combined heat and power (CHP) units in two rows of twelve, and each measuring 115sqm in area and 3.4m in height, although each would have a chimney measuring 6m in height.
- Two switchboard buildings in 12.2m long and 2.6m high shipping containers.
- Four transformer and metering position units measuring up to 3.7m in height.
- Subsurface run-off culvert measuring 45m in length.
- 530m of export cabling.
- 110m of gas connection piping.
- Access track.

Whilst not mentioned on the submitted plans, the proposal would presumably involve the construction of an area of hardstanding to support the above elements, along with fencing to secure the compound. The proposal would be a generally passive land use, providing employment for two full-time members of staff.

The submitted information states that the proposed power plant would be fuelled using bio-methane, derived from both the national grid and the neighbouring AD facility. The applicant has

stated that the proposed location has been chosen for its proximity to the AD facility; the location of a mains gas connector; and the Western Power compound to the north for an electricity connection. In terms of the need for the development, it is stated that:

*“The purpose of the project is to support a supply of secure, sustainable and affordable electricity. To achieve this the UK needs investment in new generation projects...”*

*The National Grid experiences a large fluctuation of demand throughout the day and throughout different times of the year. During periods of high demand, the National Grid aim to increase supply to maintain a 20% supply margin which is essential in seeking to eliminate, as far as possible, the risk of power shortages and blackouts, when there is an unexpected change in demand, or a sudden loss of supply. Historically, conventional power stations could be operated with some certainty. However, as the UK moves towards a more environmentally sustainable energy supply system, with an increase in renewable energy sources, there is an increased risk of electricity supply fluctuations, depending on prevailing weather conditions, and therefore an increased need for RPPs. Thus, the proposed development will support the increase in renewable energy generation and the transition to a lower carbon energy supply system throughout the UK.”*

It is anticipated that the proposal would be used for around four hours per day, during the mornings and evenings when demand for electricity peaks.

## **APPLICANT’S SUPPORTING INFORMATION**

Application form, plans, supporting information.

## **RELEVANT PLANNING HISTORY**

The previous planning decisions of most relevance to the proposal are as follows, and relate to the neighbouring land to the north-east:

DCC/4153/2019 - County Matter Application relating to variation of Condition 7 of DCC/4074/2018 to alter the current restriction on road delivery tonnage from 55,000 tonnes per annum to 120,000 per annum.

DCC/4074/2018 - Extension to site area of Existing AD plant to accommodate: 1 additional digestate storage tank, 2 separated digestate tanks (relocated from within the existing approved site layout); 2 new batch tanks; 1 new lime storage tank; 3 new propane tanks; 1 new feeder tank and extension to viewing gantry; and Variation of Condition 2 of Permission DCC/4037/2017 Amendment to layout of existing AD plant area to accommodate: 1 Additional Purac “Puregas” gas upgrade unit; 2 new boiler units; 1 additional Siemens gas grid entry point; 1 additional flare, chiller and blower unit; 2 additional buffer tanks and the removal of 2 separated digestate tanks at Willand AD Plant.

DCC/4037/2017 - Variation of Condition 6 of permissions DCC/3725/2014 and DCC/3850/2016 to remove the restriction on the importation of poultry products by road; Willand Anaerobic Digester, Lloyd Maunder Road, Willand.

DCC/3850/2016 - Variation of condition 2 (to enable revised plant design) of planning permission DCC/3725/2014 for Construction of a 2MW anaerobic digestion plant with new access road and weighbridge on land adjacent to existing abattoir at Lloyd Maunder Road, Willand and construction of two bay silage clamp with hardstanding and turning area at Burn Rew Farm, Willand.

DCC/3725/2014 - Construction of 2MW Anaerobic Digestion Plant with new access road and weighbridge on land adjacent to existing Abattoir at Lloyd Maunder Road, Willand and construction of two bay silage clamp with hardstanding and turning area at Burn Rew Farm, Willand.

## **DEVELOPMENT PLAN POLICIES**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The National Planning Policy Framework is noted as one such material consideration.

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

COR2 – Local Distinctiveness

COR5 – Climate Change

COR9 - Access

COR18 - Countryside

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

DM2 – High Quality Design

DM5 – Renewable and Low Carbon Energy

DM7 - Pollution

The National Planning Policy Framework (“the NPPF”)

## **CONSULTATIONS**

**Willand Parish Council** – Objection raised on the following grounds: the proposal does not appear to be for renewable energy; there is a lack of information about the noise impact; the submitted plans and information lack details about the associated AD plant and connections to the power infrastructure; the impact on highway capacity and safety is unclear; the proposal is contrary to policy; the site is not allocated for development and is located outside development limits.

**Public Health** – No objections.

**DCC Historic Environment Team** – No objections; condition recommended in relation to archaeology.

**Highway Authority** – No objections.

**Western Power** – Notification requested if planning permission is to be given.

**Wales and West Utilities** – Information provided about their gas infrastructure. Notification requested if planning permission is to be given.

**Environment Agency** – No comments received.

**Campaign to Protect Rural England (CPRE) Devon** – Objects to the proposal on the following grounds:

- The proposal would largely be powered by natural gas so would not be a renewable energy facility. The proposal would not be a low carbon facility either.

- No evidence has been provided about the grade of the agricultural land to be developed as part of the proposal.
- The proposed development is contrary to Local Plan policies intended to protect the countryside, promote renewable energy development, and protect the environment, along with the guidance contained in the NPPF.

## REPRESENTATIONS

A letter of support has been received from a member of the general public stating that the proposal is needed to provide backup power as the UK moves more and more towards the use of less consistent forms of energy generation, e.g. solar and wind power, which depend on weather conditions. The proposal would allow for the use of renewable energy generated at the neighbouring AD facility, and could support local industries.

## MATERIAL CONSIDERATIONS AND OBSERVATIONS

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

### 1) Principle of Development:

Objections have been received from a Ward Councillor, the Parish Council, and the CPRE stating that the AD facility would not provide sufficient gas to power the proposal and therefore that it would not constitute renewable energy in what is open countryside, and also that the proposal would be contrary to policies intended to protect the countryside and the environment, and encourage renewable energy. It is also stated that the need for the development has not been demonstrated.

Paragraph 148 of the NPPF states that:

*“The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.”*

Paragraph 154 of the NPPF states that:

*When determining planning applications for renewable and low carbon development, local planning authorities should:*

*a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and*

*b) approve the application if its impacts are (or can be made) acceptable...”*

Policy COR5 of the Local Plan states that the development of renewable energy capacity will be supported in locations with an acceptable local impact.

Policy COR18 states that development in the countryside, outside settlement limits, will be strictly controlled, however, exceptions will be permitted under certain circumstances, and these include renewable energy. Policy DM5 states that proposals for renewable and low carbon energy will be permitted, subject to given criteria, and that any significant impacts will be balanced against the wider benefits of delivering renewable and low carbon energy.

Proposals for the development of renewable energy or low carbon facilities in the open countryside are therefore considered to be acceptable in principle.

The NPPF defines renewable energy in the following way:

*“Renewable energy covers those energy flows that occur naturally and repeatedly in the environment – from the wind, the fall of water, the movement of the oceans, from the sun and also from biomass and deep geothermal heat. Low carbon technologies are those that can help reduce emissions (compared to conventional use of fossil fuels).”*

Biomass is natural material derived from living or recently dead plants, trees and animals. The neighbouring AD facility uses organic waste to generate methane gas, and the gas generated at that facility is therefore considered to be a renewable form of energy, based on the definition provided in the NPPF. The gas generated is transferred to the national grid.

The proposal is for a 24MW gas-fired power plant comprising twenty-four 1MW CHP units. The submitted information states that the proposal would not run on a permanent basis, but only to serve as a backup when demand requires. This is likely to be for around four hours per day, during periods of peak demand in the mornings and evenings. The gas required to fuel the facility would be derived from the neighbouring AD facility and from mains gas, with the proposal being connected to both.

The original planning permission for the AD facility stated that it would produce enough gas to generate 2MW of electricity, which is equivalent to 48MW hours per day, since the facility operates 24 hours per day. The applicant has stated that the proposed power plant would be restricted to 48MW/hr per day. On this basis, the AD facility could provide the bulk of the gas required based on a 24-hour day. Indeed, it is understood that the amount of gas produced by the AD facility has been higher than 2MW in practice, and planning permission has subsequently been sought, and granted, to increase the facility’s capacity (permission reference DCC/4074/2018). A planning application is also currently under consideration to significantly increase the amount of organic waste that can be imported.

Whilst the gas being produced by the AD facility, over a 24 hour period, would be sufficient to provide for the proposal’s daily fuel needs, as the power plant would only be in use for limited periods each day, the gas needed would have to be drawn from the national grid to ensure there is sufficient availability of fuel during the specific peak hours it is required. In order to ensure that the proposal is fueled using bio-methane rather than natural gas, which is a fossil fuel, the applicant is committed to enrolling in the following:

- a) The Renewable Energy Guarantees of Origin scheme, which is regulated by OFGEM and provides transparency to consumers about the proportion of electricity that suppliers source from renewable generation.
- b) The Green Gas Certification Scheme, which tracks bio-methane (‘green gas’) through the supply chain for those who buy it.

A planning condition is recommended to ensure that only green gas is used to fuel the proposed power plant. This would involve the approval of a scheme that would involve the operators enrolling in the above schemes and providing the Council with documentary evidence, on request, to demonstrate that the power plant’s fuel needs are being met exclusively through the use of renewably sourced gas. This would allow the operators to use the methane generated at the neighbouring AD plant, and gas from the national grid that is also produced in a sustainable way.

A further condition is recommended to require the installation of the gas connection to the AD plant prior to the first use of the power plant. Subject to the use of these conditions, it is considered that the proposal would constitute a form of renewable energy generation and is therefore in accordance with Policy COR18 of the Local Plan.

It is also noted that, by providing backup power on-demand, the proposal would help to support the development of a low carbon, renewable energy supply in general given the challenges that exist, certainly for the time being, in maintaining a consistent supply of power from these, often weather-dependent, sources. In this sense, the proposal would also have indirect environmental benefits. Both National Grid and Western Power have publicly stated their support for such sources of energy to help iron out the fluctuations inherent in renewable energy provision.

## **2) Visual Impact**

Policy DM2 of the Local Plan states that the design of new development must be of high quality and demonstrate a number of principles, including efficient and effective use of the site, an understanding of the local context, and appropriate siting, layout, scale, and other design characteristics to ensure visually attractive and well integrated development. Policy DM5 states that proposal's for low carbon or renewable 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.

The site is located at the interface between two areas of dramatically contrasting character. Immediately to the north and east, the site area is dominated by large-scale development, including the AD facility and sewage treatment works along with a complex of manufacturing buildings. Immediately to the south and west, the site is mostly bounded by open countryside.

The proposed development would introduce a range of very functional, plant-like structures into what is currently an area of open grassland. The site comprises greenfield, agricultural land, and forms part of the open, rural landscape stretching to the west beyond the aforementioned facilities. To introduce the proposed development, which would have an industrial appearance and be up to 6m in height, would have an effect on the site's character, and represent encroachment into the rural landscape.

In terms of the impact on the wider landscape, the proposal's visual impact could be mitigated through the introduction of additional landscaping. The submitted plans indicate further tree planting to the south-west and north-west of the site to complement existing mature vegetation located to the north-west. This planting can be secured through the use of a planning condition. The site is already well screened to the north and east given the presence of a significant area of existing development, which has an industrial appearance and is of a greater scale than the proposal. It is worth bearing in mind that, when viewed from the south and west, in addition to any existing vegetation already present within the landscape, and the additional planting proposed, that the proposal would be set against the backdrop of this largescale development, which adjoins the site area.

Given the proposal's siting, scale, and design, and the site's context, it is considered that there would not be unacceptable visual harm within the wider landscape, subject to the use of a condition to secure a scheme of tree-planting, and a condition to secure an appropriate, i.e. inconspicuous, colour scheme for the various plant and equipment. Details relating to any proposed fencing, external lighting, and CCTV apparatus should also be secured through the use of a planning condition.

In terms of the site itself, there would be a significant change of appearance and some visual harm as a result of the proposal, even if this harm is limited by the site's very mixed context and that the site area is of limited scenic value. Policy DM5 is clear that where significant impacts are identified, that these will be balanced against the wider benefits of delivering renewable energy. The proposal's benefits in providing renewable energy and assisting in the wider roll-out of a renewable energy supply, as discussed in the previous section, are considered sufficient to outweigh the identified visual harm in this case.

Subject to the use of the aforementioned conditions, the proposal is considered to be acceptable having regard to Policies DM2 and DM5 of the Local Plan.

### **3) Amenity**

Policy DM2 of the Local Plan states that development proposals should not result in unacceptable impacts on the privacy and amenities of those occupying existing or proposed dwellings. Policy DM5 states that renewable and low carbon energy development will be considered in relation to the environmental amenities of nearby properties. Policy DM7 of the Local Plan states that development will be permitted where the effects of pollution would not have unacceptable impacts in relation to health, the natural environment, and general amenity.

The Parish Council has raised concerns about the proposal's potential noise impacts.

The nearest residential property is located around 160m away from the proposal. The Council's Environmental Protection team have raised no objections to the proposal in terms of its noise, air quality, contamination, or other impacts. Given the proposal's siting, scale, and design it is considered that it would not result in unacceptable harm in terms of neighbouring or local amenity. In this respect, the proposal is in accordance with Policies DM2, DM5 and DM7 of the Local Plan.

### **4) Access Arrangements**

Policy DM2 of the Local Plan states that new development should be safe and accessible. Policy DM8 states that sufficient vehicle parking and bicycle storage must be provided.

The Parish Council has raised concerns about the proposal's impact on highway safety and amenity.

The proposal would be a generally passive use employing two full-time staff. Gas would be received through the mains supply and from a piped connection to the neighbouring AD facility. There appears to be adequate space at the site for the parking of staff and other vehicles that might need to visit the facility. The number of vehicle movements that the proposal is likely to give rise to is not considered to be of such a scale that there would be unacceptable harm to highway safety or amenity, and it is noted that the Highway Authority has not raised any objections to the proposal.

A condition can be imposed to secure the details and provision of a parking and manoeuvring area to accommodate any vehicles that might need to access the site.

Subject to the use of this condition, in terms of its access and parking arrangements, the proposal is considered to be in accordance with Policies DM2 and DM8 of the Local Plan.

## 5) Drainage Arrangements

The proposal would involve the use of an underground culvert and soakaways for the management of surface water drainage. Subject to the use of a condition to secure these arrangements, the proposal is considered to be acceptable and in accordance with Policy DM2 of the Local Plan.

## 6) Nature Conservation

Policy DM5 of the Local Plan states that proposals for renewable energy and low carbon development must consider the effects on biodiversity and avoid habitat fragmentation.

The submitted ecological assessment concludes that the proposal would not result in unacceptable harm to protected species or biodiversity in general subject to the use of mitigation and enhancement measures. Subject to the use of conditions to secure these arrangements, the proposal is considered to be acceptable and in accordance with Policy DM5 of the Local Plan.

## 7) Agricultural Land Classification

Policy DM5 of the Local Plan states that proposals for renewable energy and low carbon development must consider the quality and productivity of the best and most versatile agricultural land.

Paragraph 170 of the NPPF states that:

*"Planning policies and decisions should contribute to and enhance the natural and local environment by....*

*b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land..."*

The CPRE has objected to the proposal stating that the agricultural grade of the land has not been demonstrated.

The submitted information includes information from the Department of the Environment, Food and Rural Affairs, which demonstrates that the site is classified as Grade 4 agricultural land, which means that it is low quality. The proposal would not result in the loss of the most versatile agricultural land.

## 8) Conclusion

The proposal is considered to be unacceptable, having regard to the Development Plan and all other material considerations, subject to the use of the conditions outlined below.

## REASON FOR DECISION

The following conclusions are reached subject to the use of those conditions detailed. The proposal would result in the creation of a power plant which conditions can ensure would be fuelled using renewably sourced gas. As a renewable energy facility, the proposal's location within the countryside is acceptable in principle according to Policy COR18 of the Mid Devon Local Plan.

The limited visual harm that the proposal would give rise to would be outweighed by the environmental benefits of allowing it. It is considered that the proposal would not result in unacceptable harm in terms of local and residential amenity; highway safety; surface water drainage arrangements; ecology or in relation to the availability of agricultural land.

## CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. No development shall take place until a scheme to ensure the use of renewable gas has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall detail the measures proposed to ensure that the approved power plant is only fuelled using bio-methane or renewable electricity for battery recharge. Such measures shall include enrolment in the "Renewable Energy Guarantees of Origin" scheme and the "Green Gas Certification Scheme", and a system of rigorous documentary recording, to demonstrate to the Local Planning Authority on request, that all of the gas being used is in accordance with the above schemes. The development shall be operated at all times in accordance with the approved scheme, for the life of the development.
4. Prior to the first use of the development hereby approved, the bio-methane outflow infrastructure connecting the proposal to the neighbouring Anaerobic Digester facility, and depicted on the approved plans, shall be fully installed and thereafter retained for the life of the development.
5. Prior to the first operation of the development hereby approved, a scheme of hard and soft landscaping, including specimens to be retained, shall be submitted to and approved in writing by the Local Planning Authority. All planting, seeding and turfing comprised within the approved scheme shall be carried out in the first planting season following the commencement of development and any trees or plants, including existing specimens to be retained, which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next available planting season with others of a similar size and the same species. The approved hard landscaping shall be provided within four weeks of the development being brought into use, and shall be retained for the life of the development.
6. The installation or construction of all plant, equipment, and buildings shall be undertaken using a colour scheme which has previously been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be retained in accordance with the approved colour scheme.
7. The development hereby approved shall not be brought into use until the surface water drainage arrangements, including the sub-surface storm water attenuation depicted on the approved plans, have been provided in full. The approved measures shall thereafter be retained for the life of the development.

8. Prior to the first operation of the development hereby approved, sufficient on-site space shall be provided to allow for the parking of vehicles at the site and to allow for manoeuvring so that vehicles can exit the site in a forward gear, in accordance with details which shall previously have been submitted to and approved in writing by the Local Planning Authority. Once provided, these approved elements shall be retained for the life of the development.
9. No development shall take place until a detailed scheme of ecological mitigation and enhancement measures, in accordance with the recommendations of the submitted Ecological Appraisal (Dated September 2018), has been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include proposals for protective measures during the construction process; external lighting; and planting, including a timetable for implementation. The development shall thereafter be undertaken in accordance with the approved details.
10. Boundary fencing, CCTV apparatus, and external lighting at the site shall be installed in accordance with details which shall previously have been submitted to and approved in writing by the Local Planning Authority and shall thereafter be retained as such.

#### **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 is for the development of renewable energy, so that it accords with Policy COR18 of the Mid Devon Core Strategy (Local Plan Part 1).
4. To encourage synergies between the proposal and the neighbouring anaerobic digester facility and to encourage the use of renewable gas in the approved facility so that it accords with Policy COR18 of the Mid Devon Core Strategy (Local Plan Part 1).
5. In the interests of local character, and in accordance with Policies DM2 and DM5 of the Mid Devon Local Plan Part 3 (Development Management Policies).
6. In the interests of local character, and in accordance with Policies DM2 and DM5 of the Mid Devon Local Plan Part 3 (Development Management Policies).
7. In the interests of sustainable drainage and in accordance with Policy DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).
8. In the interests of highway safety and amenity, and in accordance with Policy DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).
9. In the interests of biodiversity and in accordance with Policy DM5 of the Mid Devon Local

Plan Part 3 (Development Management Policies).

10. In the interests of local character, and in accordance with Policies DM2 and DM5 of the Mid Devon Local Plan Part 3 (Development Management Policies).

## **INFORMATIVES**

### Protected Species

All bats are protected by law. If bats are found, works must immediately cease and further advice be obtained from Natural England and / or a licensed bat consultant. Works must not resume until their advice has been followed. Nesting birds are also protected by law. During site clearance and construction works, suitable safeguards must be put in place to prevent threat of harm to legally protected species, including nesting birds and reptiles all of which are protected under the Wildlife & Countryside Act 1981 (as amended). Where works are to involve cutting or clearance of shrubs, hedges or other vegetation, which can form nesting sites for birds, such operations should be carried out at a time other than in the bird breeding season (which lasts between 1 March - 15 September inclusive in any year). Further details can be obtained from a suitably qualified and experienced ecological consultant, or please refer to published Natural England guidelines for protected species.

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.