

PLANNING COMMITTEE AGENDA - 18th March 2015

Applications of a non-delegated nature

- | <u>Item No.</u> | Description |
|-----------------|---|
| 1. | <p>14/01915/FULL - Variation of Condition 10 of Planning Permission 14/00575/MFUL to allow for the erection of an Anaerobic Digestion (1,000Kw installed capacity) Facility at Land at NGR 283096 113579 (Menchine Farm), Nomansland, Devon.</p> <p>RECOMMENDATION
Had the Committee had the opportunity to determine the application the application would have been refused.</p> |
| 2. | <p>14/02116/FULL - Erection of retail store, formation of access, car parking and service area, with landscaping and associated works at Land at NGR 303843 111382 (Mid Devon Business Park), South View Road, Willand.</p> <p>RECOMMENDATION
Grant permission subject to conditions.</p> |
| 3. | <p>15/00069/FULL - Creation of new farm entrance at Land and Buildings at NGR 271138 108264(Road from West Barton Cross to Eggesford Cross), Nymet Rowland, Devon.</p> <p>RECOMMENDATION
Grant permission subject to conditions.</p> |

Application No. 14/01915/FULL

Plans List No. 1

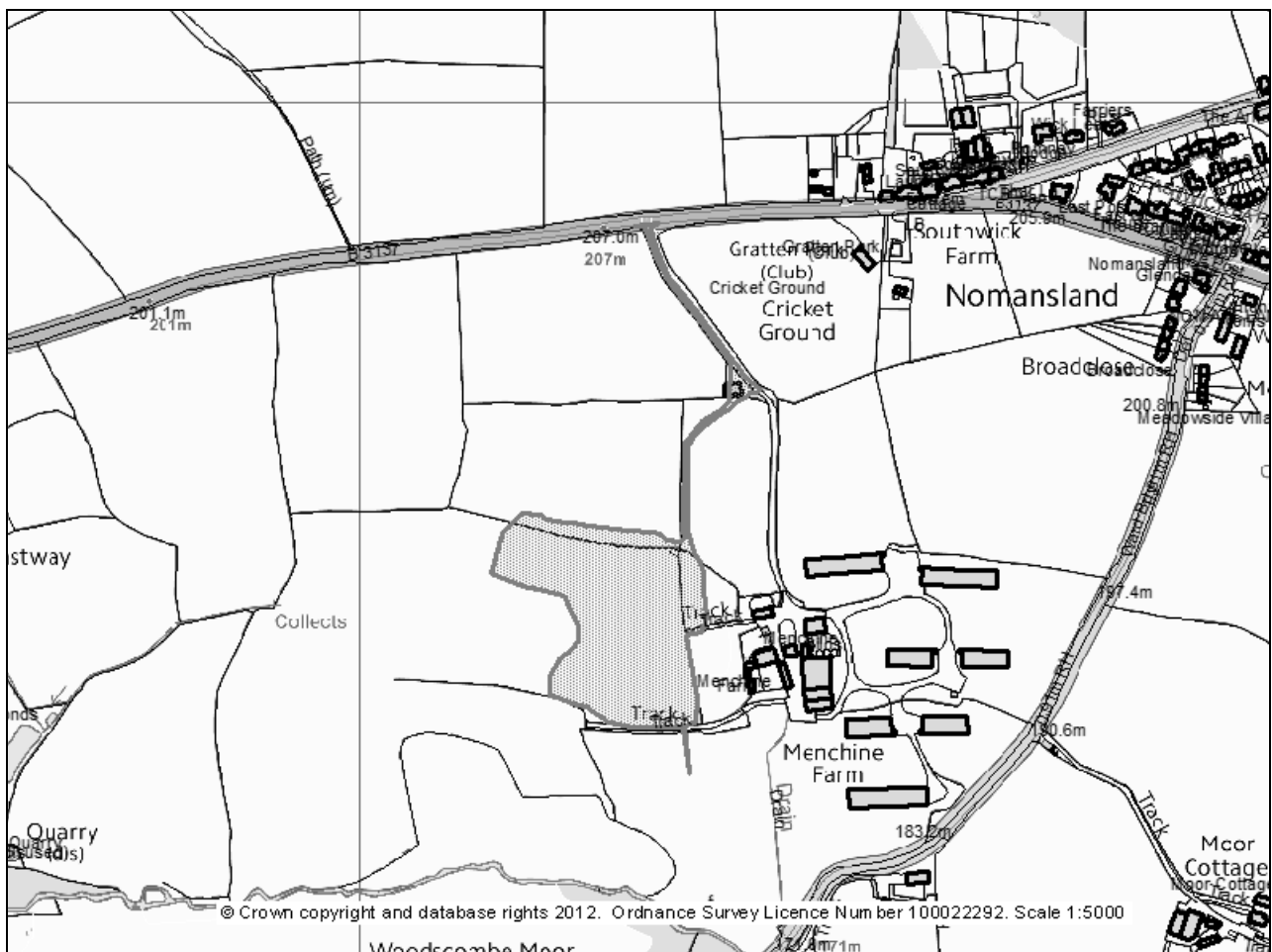
Grid Ref: 283096 : 113579

Applicant: Nomansland Biogas

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

Proposal: Variation of Condition 10 of
Planning Permission
14/00575/MFUL to allow for
the erection of an Anaerobic
Digestion (1,000Kw installed
capacity) Facility

Date Valid: 1st December 2014



Application No. 14/01915/FULL

RECOMMENDATION

Had the Committee had the opportunity to determine the application the application would have been refused for the reasons set out below

REASON FOR REPORT

In order to consider the planning application proposal and arrive at a decision as to what the Local Planning Authority case will be in the appeal given that the applicant appealed on grounds of non-determination by the Council.

Had the Local Planning Authority still been the determining authority that planning permission should be refused for the reason as set out below, and explained in the following report:

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

PROPOSED DEVELOPMENT

This application has been submitted to vary the terms of condition 10 of planning approval 14/01915/FULL to allow for the installation of an Anaerobic Digestion facility with 1,000Kw installed capacity, instead of 500kw as set out below.

10. The development hereby permitted is for the erection of an Anaerobic Digestion (500 Kw) installed capacity and shall be carried out in accordance with the following approved plans: MF/AD/01A, MF/AD/02A, MF/AD/03A, MF/AD/04A, MF/AD/05A, MF/AD/06A.

APPLICANT'S SUPPORTING INFORMATION

Application Form
Supporting Statement and Summary Tables. Relevant information as follows: **APPENDIX 1**

Taking into account natural efficiencies that have arisen from technological developments since planning permission was first granted, the applicant considers that the increased output level of 1000 Kw can be achieved by increasing the annual feedstock quotas by 60%, ie from 9,545 tonnes to 16,100 tonnes which would increase the digestate output from 7,480 tonnes to 11,080 tonnes.

The applicant has clarified where the additional feedstock will be imported from and the additional digestate will be exported to as set out in the table which is reproduced in appendix 1 to this report. They are: Stourdon Farm, Bill Hole, Westway Farm and Cleave Farm, and unspecified local farms in terms of receiving digestate. In addition an updated map of the feeder farms, also reproduced in the appendix, has been submitted confirming that all the locations are within the 6km radius from the site.

The applicant goes on to state that the increase levels of feedstock and digestate can be transported between the site and the feeder farms with only a small variation to the number of traffic movements associated with the operation that were envisaged when the proposed output was set at 500 Kw as follows:

- Delivering Feedstock to the site (arable crop): Using a tractors and trailer arrangement that carry up to 16 tonnes, instead of 10 tonnes.
- Delivering Feedstock to the site (chicken waste): Using Lorry and drag trailer that carry up to 20 tonnes, instead of 10 tonnes. - the applicant suggests this is now a legislative requirement.
- Exporting digestate from the site: Using a tractors and trailer arrangement that carry up to 16 tonnes, instead of 10 tonnes.

Based on this transport strategy the applicant has suggested that on average this would result in daily movements of 9.68 vehicular trips per day. As a comparison the applicant suggests that based on the arrangements envisaged when the appeal scheme was being considered this represents an increase from 9.13 daily movements.

For Members information these calculations are based on a daily average (Monday to Saturday all year round). It also does not take into account existing movements on the local roads associated with delivering digestate to the feeder farms or movements associated with exporting crop.

Further email submissions from applicant dated: 12th February, 22nd January, 15th January, 7th January (plan of the feeder farms which will supply the feedstock), 6th January, 19th December to seek to clarify points relating to transport and movement implications of the proposals:

19th December : The applicant has not entered into agreements with farmers regarding land/acres of additional feedstock required as theoretically the variation of condition may not require any additional feedstock. Using variable calorific feedstock can mitigate against additional traffic movement requirements, as stated throughout it is a variable process which needs fine tuning when the AD plant is up and running. The reason for the variation of condition is to prevent the wasting of gas and renewable energy should the plant exceed performance expectations and the applicant running the site in breach of the condition limiting it to 500kW. The recent additional transport movements on the road have been attributable to construction and harvesting which has resulted in more traffic movements than would be as standard relating to the AD plant. Normal operations will start to commence now but construction probably won't be complete until February. The submitted information relating to the application should suffice in the LPA being in a position to determine the application. The figures as submitted are for a worst case scenario with the traffic movements identified as being the upper threshold of required feedstock/digestate associated movements. Through diligent monitoring, the process will be as efficient as possible and the unnecessary need for additional traffic movements will be obviated wherever possible to ensure maximum efficiency of the process.

6th January:

Question from Case Officer: The 52 movements associated with Cow slurry coming from Cleave are not carried through into the summary table on the sheet that sets out the annual averaged traffic movements. It is therefore uncertain if the summary table is correct.

Answer provided: It's not a summary table but a separate table that analyses from which direction traffic will travel to and from. The figures for the cow slurry did not carry over to this sheet which have now been included, the total figures used do not change so were correct. The table shows that of the 9.68 movements per day, only 3.51 come through Nomansland as most come from the west and pass very few if any properties. This table clearly shows the fact that on average there will less than 2 vehicles a day (1.76) that visit the site which travel through Nomansland. The next table identifies what movements are already occurring, when this is viewed then the net increase over existing movements going through Nomansland is just over 1 vehicle a day (1.07).

Question from Case Officer: The issue about clarification of the local farms receiving 2000 tonnes of dried fibre needs to be clarified to understand the impact - in terms of confirmed destinations as my understanding is these trips will definitely occur given the changes in terms of the proposed operations at the site.

Answer provided: Current regulations only allow it to be used as a fertiliser but technology is overtaking regulation and the applicant is currently talking to the Environment Agency (EA) and DEFRA about being able to use the dried and pasteurised digestate as animal bedding and/or biomass fuel. This extra process has real potential to further recycle animal wastes and get more out of the feedstocks that are being used. 'Local farms' are identified as the recipients because whatever it is used for, it will be used by local farms but definitive farms cannot be identified at this stage due to the regulations. The traffic movements associated will amount to 125 movements a year so only one every 3 days and if it is used for bedding or fuel it will directly replace existing traffic movements that currently deliver those products to local farms so would have a zero net effect.

7th January: The applicant submitted a map of the feeder farm which will supply the feedstock as set out above.

15th January:

Question: How much chicken litter is generated at Menchine Farm.

Answer provided: 'Menchine Farm has 7 sheds and currently has 54,000 chicks placed at day old's and are kept until they are 56 days under a Free Range system. The site has an EA permit to keep up to 93,000 chickens if it wishes.

At the clean out completed we weighed the contents of one shed and calculated the amount produced on the site which came to 178 tonnes. The site has 5.6 cycles per year which come to just under 997 tonnes per year total. In the summer the litter will have a low dry matter content so will weigh less but the biogas potential of the litter as an AD feed stock will remain the same. Same goes for all feedstocks as DM is the key to biogas production.

At present at least half of these movements leave the farm by road to be stored and used on other land but from now on no litter will leave the farm so traffic movements will be nil.'

22nd January: Further comments from the applicant regarding the change in transport movements arising:

As we both attended the initial appeal hearing regarding the 500kW AD plant at Menchine Farm, we are both aware of the conditions imposed on the approval and the discussions which took place regarding additional conditions to ensure that the traffic impact was measured. This is why a condition relating to a record of vehicular movements to and from the site was required. The current application albeit with a revised transport strategy (regarding nature of vehicle and loads) is the same as what can be undertaken on the roads without breaching any condition on the original approval. We feel that if there was a justifiable reason for limiting the approved plant to particular vehicle types and loads then we would have expected this to form part of the control strategy by the appeal officer. The applicant is seeking to double the output of the plant with a nominal increase in traffic movements above that which he can undertake under the current consented plant, the only difference is the vehicle type and loads. Regarding the NPPF and the thrust for renewable energy being material considerations, so long as the harm is (or can be made acceptable) then the application should be approved. Given the previous appeal considerations, conclusion and decision, we feel that the nominal increase in traffic movements and variation of vehicle types would not tip the balance from what is deemed to be acceptable to a position where it was deemed unacceptable. We feel that we have submitted sufficient information to justify the increase in output of plant when weighed against the nominal increase in traffic movements. We do not feel that at this juncture it would be correct to expect the applicant to enter into a S106 agreement regarding site locations for importation of feedstock and exportation of digestate as the variable between this application and the approval appeal are verifiable in so much as they are almost the same. The applicant is harnessing and exploiting the renewable energy available to its fullest potential.

With regards to Mr Bratbys suggestion, the previous transport/feedstock/digestate calculations submitted along with the approved appeal were deemed to be sufficient for the appeal officer to conclude that the impact vs the benefit was not sufficient enough to dismiss the appeal. We do not feel that it is appropriate for Mr Bratby to dictate the way in which the planning unit interpret the application. We will therefore not be addressing Mr Bratbys comments at this time.

12th February

Question from Case Officer: In terms of the feeder farms who will be supplying the chicken litter are you able to confirm if the feeder farms generate chicken litter on site or is it imported to these destinations.

Answer provided: The farms that the litter will come from are all poultry farms so produce the litter on site themselves.

The litter stored in fields at the moment is nothing to do with the AD plant as it will be spread direct to land and will not go to the AD plant. Only litter delivered direct to the plant can be used in the AD plant under waste transfer regulations. Some of it is on the applicants land but the vast majority of it belongs to other farmers.

19 February

Question from Case officer - I would be grateful if you could clarify the following matters.

1. Is the AD plant now operational. If so can your client provide the following details which as you will be aware is an on going conditional requirement of planning consent(s):

The number of vehicles which have entered or left the site (for purposes associated with the operation of the AD plant) on each day since operation commenced, including the size, type and load details, as well as the vehicles point of origin or destination.

2. Has the second CHP (which was submitted for consideration by the LPA as a back- up unit at the time) approved as one of the changes under app 14/00575 been installed.

No specific response to this email at the time of writing.

PLANNING HISTORY

10/00956/DCC County Matter application for erection of anaerobic digestion plant, ancillary equipment and associated works - REFUSAL OF PLANNING PERMISSION 15TH DECEMBER 2010 and subsequent appeal dismissed - This application was refused for 3 reasons, including the increase in traffic and resultant additional hazards that will be caused for existing highway users

12/01659/MFUL: Erection of an Anaerobic Digestion Facility (APPEAL FOR NON DETERMINATION-ALLOWED 26.07.13).

14/00575/MFUL: Erection of an Anaerobic Digestion Facility (Revised Scheme) - this application was considered by committee on the 30th June and approved subject to 10 conditions, including condition 10, as set out above, and to which this current application relates to.

14/01887/FULL: Erection of extension to existing office premises (The cricket barn) and provision of 10 additional parking spaces was permitted on 6th January 2014.

ENVIRONMENTAL IMPACT ASSESSMENT ISSUES

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

Having reviewed the screening opinion with regards to this revised application scheme the Local Planning Authority remain of the same view.

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR9 - Access

COR18 - Countryside

Mid Devon Local Plan Part 3 (Development Management Policies)

DM1 - Presumption in favour of sustainable development

DM5 - Renewable and low carbon energy

DM6 - Transport and air quality

DM7 - Pollution

CONSULTATIONS

MORCHARD BISHOP PARISH COUNCIL - 2nd December 2014

Concerns were expressed about the size and frequency of vehicles passing through Morchard Bishop and the narrow lanes.

CRUWYS MORCHARD PARISH COUNCIL - 15th December 2014

At the Parish Council meeting on Thursday 11th December 2014 Cruwys Morchard Parish Council recommends refusal of this planning application for the following reasons:

1. An increase in traffic to and from the AD facility
2. There would be the use of even larger lorries/tankers delivering the required waste material
3. The country lanes are not suitable for such large lorries, tankers and double trailers
4. There is a extreme detrimental effect on the roads caused by such large vehicles
5. There is already noise produced by these large vehicles, reversing and unloading the waste material and to increase the size will only double the noise being inflicted on the neighbouring residents.
6. The traffic attributable to this AD facility already exceeds what was given in the agreed planning application, so doubling it's size will only further increase the vehicles delivering.
Also, the agreed planning application for this AD had a monitoring condition imposed on it, which the Parish Council are not aware is happening, please confirm when this monitoring has been done and what the results were.

NORTH DEVON DISTRICT COUNCIL - 11th December 2014

It is considered that the proposed alterations to increase the capacity of the Anaerobic Digester would not have any significant impact on North Devon above the existing approved scheme.

WITHERIDGE PARISH COUNCIL - 10 December 2014

Witheridge Parish Councillors were concerned with 1000MW generating capacity on site this could lead to import of feedstock levels over and above that stated in the original proposal; this would increase traffic movement associated with the application.

TEMPLETON PARISH COUNCIL - 22nd December 2014

At a meeting on Tuesday 9th December 2014 Templeton Parish Council unanimously and unreservedly agreed to request Mid Devon District Council (MDDC) Planning to refuse the above for the following reasons:-

1. The doubling of the output of this AD will exceed the stated classification of on-farm AD which we understand to be set at a maximum capacity of 500 kw.
2. The proportion and type of feedstock at present going into the AD has already been changed from original Application with a larger amount of waste crop in the form of slurry being added and less green crops.

3. Qualification for on Farm AD requires the majority of the feedstock to come from the host farm upon which the AD is situated and the majority of the energy produced to be utilised on the said farm. This is not the case.

4. We query whether this Application should now be a Devon County matter.

5. In view of the revision and doubling of capacity of this plant there should be a full Environmental Impact Assessment provided by the Applicants which should encompass:-

- a. Odour assessment.
- b. Noise and vibration assessment.
- c. Full revised Traffic Assessment.
- d. Hours of Operation specified especially as there will be more importing and exporting from the site of waste matter which is not dependent on seasonal harvesting.

6. The list of named farms to both supply feedstock and receive liquid digestate has been changed but no revised map has been supplied.

7. Are the councillors aware that Reed Farms Limited and Partnership are now in administration, Cleave Farm and Crossparks being involved within the operations of this site.

8. No agreements submitted from the listed farms to provide/receive feedstock for AD.

9. The Applicant proposes to double the weights of loads imported to the AD by way of preventing a doubling of vehicle movements incurred. This will be difficult and could entail the breaking of the legal limit for combined weight allowed for tractor/trailer on the highways.

10. As a Parish Council all the roads within our parish are minor C roads and we are continually being told by Highways that they do not have the funding to repair them - with possible closures. In view of the insufficient acreage/hectares at Menchine Farm to service this Industrial AD the proposed increase in vehicle size/journeys will cause a worsening scenario.

11. It is common knowledge that the Environment Agency are already in dispute with the Operators Greener for Life Energy Ltd. and there are no precise Planning controls listed to ensure the stated proportions of green crop to waste are adhered to. The Environment Agency control the type of waste within their Standard Permit and the maximum volume but not the proportion Waste to greencrops.

12. What system has MDDC installed to inspect/monitor/verify the existing condition No. 8 [need for explained under Reasons 8] of the permitting Appeal dated 26/07/14 to regulate the proposed import/export of feedstock to and from Menchine Farm by Greener for Life Energy Ltd.

13. How would the quality of life and human rights of the local residents be protected as the said Appeal decision dated 26/07/13 [App/1138/A/13/2193382 25/06/13] clearly recognises the importance of volume/capacity/varying feedstock affecting this site as having a direct impact on both Planning and Permitting controls. Please note [Reasons 8].

CONCLUSION

From what we can ascertain from the unclear and incomplete evidence submitted with this Revised Application, it now exceeds the parameters and concept as understood and approved by the Inspector Mr. Mike Robins [see Appeal App/1138/A/13/2193382 25th June 2013]. Therefore, we feel we have no option but to request MDDC to Refuse this Revised Application - it no longer bears any resemblance to an on-farm AD project and now constitutes a proportional change to waste/energy project relating directly to the previous Plan Application 12/01659/MFULL dated 7th November 2012 which was Refused by MDDC [their decision being upheld by the Inspector in the First Appeal made via Public Enquiry].

ENVIRONMENTAL HEALTH - 15 December 2014

Contaminated Land - N/A

Air Quality - N/A

Drainage - no objections to this variation

Noise and other nuisances - no objections to this variation
Housing Standards - N/A
Licensing - N/A
Food Hygiene - N/A
Private Waste Supplies - N/A

HIGHWAY AUTHORITY - 29th January 2015

The Highway Authority has been made aware of the various concerns raised by members of the public over the traffic generation figures and the email trail between the Local Planning Authority and the applicant. The Highway Authority in viewing the applicants assessment raised concerns over the applicants ability to insist of all the suppliers using larger vehicles to deliver feed stock and take digestate as the applicant is not in control of these farms it would be unreasonable to impose a condition which they have no control over. In addition to gain such control would necessitate the imposition of a section 106 agreement and have all suppliers party to it.

The Local Planning Authority have sought to obtain alternative figures using the existing size of vehicles which the applicant has declined to supply and as a result the figures identified by the Local Planning Authority in their email dated 20 January 2015 will be commented upon. These are that the current approved scheme allows for 3074 trips on the public highway.

This level of traffic was not objected to by the Highway Authority and has consent. The applicants proposals with larger delivery vehicles would have resulted in an additional 10 trips per annum , from the 8 to 10 farms to be used. The Local Planning Authority has calculated that the use of the size of vehicles attributed to the approved scheme will result in a total of 4806 trips per annum an additional trip generation of 1732 per annum from 8-10 farms. Not including weekends and Bank holidays this will deliver an average daily generation on the network of 7 movements per day. Given the previous daily generations along the B3137 such an increase in traffic to the development would not be considered significant or severe. In addition the various points of generation would give rise to less than material increase on the Country lanes. Therefore subject to the conditions previously imposed by the inspector and recommended by the Highway Authority being equally relevant to the application and being imposed on the current proposal The Highway Authority would raise no objections. The Highway Authority would wish to see the new access hard surfaced in a bound material (no loose Stones or Chippings) to avoid mud and debris being taken on the highway. It should be noted that should some of the farms take up the proposed larger vehicles which will be legal vehicles on the highway, particularly with emerging legislation, then the benefits of traffic reduction from worse case scenario above would be enjoyed and the impact would be even less severe.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, HAS NO OBJECTION TO THE PROPOSED DEVELOPMENT

1. The site access road shall be hardened in a bound material, surfaced, drained and maintained thereafter to the satisfaction of the Local Planning Authority for a distance of not less than 10.00metres back from its junction with the public highway.

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

THELBRIDGE PARISH COUNCIL - 5th January 2015

Thelbridge Parish Councillors were unanimous in their objection to this planning proposal on the grounds that the size and frequency of the lorries coming to and from the digester was not suitable for the local road system especially the large tankers and the lorry and drag trailers.

REPRESENTATIONS

37 letters have been received from local stakeholders, expressing concern about the planning application suggesting that it should be refused. Some of the comments that have been submitted raise concerns about the information submitted to support the application, in terms of its accuracy and the way in which it has been set out which has been considered confusing.

The applicant has sought to respond to some of the issues raised by local stakeholders as set out above in the further email responses.

Overall, and with the exception of a single letter of support, there remains very strong local objection to the ongoing activity at the site, and with regards to the current applications proposals, the main areas of concern are as follows:

1. Increase in traffic movements and associated noise pollution on local network.
2. Impact on Nomansland and Withleigh (highway safety implications) arising from the increase in traffic that will arise from the proposed output levels - resulting in a detrimental impact on the amenities of local residents.

One of the letters received stated that on occasions up to 40 vehicles have been witnessed passing through Nomansland to get to the site - although no formal evidence was provided.

3. Increase in size of vehicles travelling on local network - incompatible and will result in damage to local network.
4. Misleading information / traffic data has been provided against which to make a judgement on the proposals.
5. If the applicant has constructed plant that is too large in terms of the allowable levels of energy to be generated, this should not automatically mean that an increase in traffic is should be allowed
6. Similar proposals for 1000Kw have been refused - this one should be no different.
7. The financial benefit arising for the applicant should not outweigh the transport and highway.
8. A positive decision would be contrary to the view and decision expressed by the Inspector who granted permission for the scheme under LPA ref: 14/00575/MFUL.
9. Is there any connection between this application and other is the locality proposed by Greener for Life and its operational partners.
10. The increase in traffic will lead to damage to properties that present to the A3137.
11. No hours of operation for the existing farm.
12. The changes in feedstock levels will further affect amount of land used for traditional farming - ie growing food, and negative associated environmental impacts.
13. The increase in movement of feedstock will increase spread of air borne pathogens - although no evidence provided.
14. Is there any legislation that would prevent the use of tractors and trailer in terms of importing chicken waste to the site.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

Menchine Farm is located off the B3137 immediately west of Nomansland Cross. The part of the farm that accommodates the AD plant comprises an area of approximately 1.95 hectares, and is operated by Nomansland Biogas Ltd and which is owned by the Greener for Life Renewable Energy company.

The AD Plant is located adjacent to the existing buildings on the site, including the on site farmhouse and 7 poultry rearing sheds and associated feed silos.

The main determining factors in this application are set out below:

- 1. Planning history and the principal of the proposed development**
- 2. Transport and highway safety issues**
- 3. General amenity issues for the locality**
- 4. Planning Balance**

1. Planning History and the principal of development at the site.

A summary of the relevant planning history is listed above. Planning permission was granted for the development of an AD plant on the site in 2013 at appeal.

Subsequently the applicant at the time (Mr S Cole) applied to vary the scope of the permitted scheme and permission was granted for a number of alterations, including an additional Combined Heat & Power Unit (CHP), in July 2014. When this application was submitted for consideration the applicant confirmed that the plant size was to generate 500 Kw and the 2nd CHP unit was for back up.

No additional development is proposed as a result of this current application. In arriving at a decision on this current application - discussed at point 2, 3 and 4 below, the following paragraphs of the Inspectors decision (2013) are considered to be relevant:

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

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

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

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

Para 22: The appellant submitted a transport statement in which the location of feedstock and future locations for digestate spreading were considered. While I accept that these locations may be subject to change, I note that letters of intent have been submitted by farmers associated with this activity. In simple terms this assessment concluded that there would be an average requirement of up to 10 movements per

day utilising tractor and trailer units. This, it was suggested, needed to be offset against the existing movements of the silage and poultry litter for other purposes, which would be replaced by the AD proposal.

Para 23. These figures were strongly disputed by local residents, as they considered that the process would be seasonal with a focus of traffic movements associated with harvest time and with periods outside of the Nitrate Vulnerable Zone (NVZ) restrictions. Furthermore, they considered that the movements would take place on the narrow local roads, through villages and near houses, in order to access the relevant farms.

Para 24: I visited a number of the proposed locations and noted that while the B3137 provides a spine route for traffic, and would appear to be operating well within its capacity, there were some smaller rural lanes that would be used by vehicles involved in this scheme.

Para 25: I am satisfied that the volumes of feedstock and digestate lead to the averaged trip movements as set out in the assessment. A clearer statement on the cyclical nature of the business may have allowed a more detailed assessment of movements, although I accept that the peak times for activity would coincide with the peak times associated with the existing transport of silage and poultry litter for distribution and spreading.

Para 26: Nonetheless, even were movements to be clustered into the allowed spreading periods for the NVZ, or centred on the principle harvest period, this may only result in a doubling of trips. While this may mean approximately 20 movements to and from the main farm access and onto the B3137, the actual numbers associated with the individual farms, would be significantly less. Therefore these associated sites, which are all within approximately 6km of the site, would experience much lower numbers of additional movements, and these must be considered in light of the existing movement of poultry litter or of silage. Overall, I consider that this would not represent a significant increase in traffic movements.

Para 27: The previous scheme relied on HGV movements. While these would have carried a greater quantity, they would have to travel significantly greater distances. While tractor and trailer units have increased in size, over the short distances they would travel here, I consider that they would not be materially harmful.

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

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

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

40. There are significant benefits that would arise from this locally centralised AD unit, which include the management of poultry litter, offsetting the use of artificial fertilizers and production of renewable energy of value both on-farm and as a contribution to overall renewable energy generation. These reflect the objectives of the Framework in relation to renewable energy and supporting rural economic growth and the

development and diversification of agriculture. On balance, I consider these benefits outweigh the limited harm to the character and appearance of the area, in accordance with the Framework and with emerging Policy DM/5.

In summary the inspector considered that the:

- o The AD plant as proposed would cause limited harm to the landscape character and visual amenities of the area, but on balance off -set this limited harm against the wider renewable energy benefits, and still concluded that the proposals were compliant with the NPPF and emerging policy DM/5 as it was at the time.
- o The evidence presented by the application suggested 10 vehicular movements per day from the feeder farms. However he also accepted that in reality this may increase to upto 20 movements to and from the site per day to reflect restrictions on silage spreading arising from NVZ designations. He considered the spread of the feeder farms and how this would affect the level of traffic on the highway, and finally the fact the net increase in numbers of movements arising may be lower than in terms of discounting trips that are already on n the highway associated with the removal of chicken litter from the site and silage to the feeder farms.
- o Notwithstanding all the variables that remained following his assessment, and whilst expressing sympathy for local residents in terms of the likely increase in trips on the highway, the Inspector concluded on this matter (Transport) that even using larger tractor and trailer the increase in number of trips would not be materially harmful. He did however draw the distinction between managing the increase in trips on the way using tractor and trailer as opposed to HGV movements.

Therefore in this case the benefits of increasing the output from the AD plant will need to be weighed against the impacts that result when operating at the higher level. Policy DM5 establishes a presumption in favour of permitting proposals for renewable or low carbon energy where they do not have significant adverse impacts on the character, amenity and visual quality of the area, including cumulative impacts of similar developments within the parish or adjoining parishes.

However where significant impacts are identified there will be a need to be a balance of the impact against the wider benefits of delivering renewable and low carbon energy.

2. Highway capacity and safety Issues

Local stakeholders continue to express concern about the vehicular activity on the A3137 and it is alleged that there has been a significant increase of vehicular movements on the networks to coincide with the completion / commencement of operation of the AD plant.

In response to the details submitted with this application a number of stakeholders have confirmed that the information as submitted was difficult to understand, and furthermore is not reflective of what is happening, and therefore should be given little weight in the determination of the application.

In terms of a baseline of acceptability regards movements on the highway arising from the development, the Inspectors decision letter in 2013 (para.26 as referred above) suggested that even allowing for 20 movements a day (tractor and trailer) would not be significant increase in terms of the capacity of the highway and would not result in material harm to local conditions enjoyed by residents.

As stated the main strand to the applicants case is that based on the revised transport arrangements the increase levels of feedstock and digestate can be managed without a significant change to the number of movements on the highway.

The County Council has advised that legislative changes are going through the parliamentary system that would enable a revision to the size of vehicles that could be used in the process of transporting feedstock to the site and digestate away. However even if the changes become law it would not require the use of larger sized vehicles, and therefore to make a decision based on the applicants information would require a control mechanism, either a specific planning condition or a clause within a legal agreement.

Neither option is really considered to be in line with relevant guidance as it would have to involve all the feeder/partner farmers (some of which would be outside the applicants control). Furthermore the applicant has been made aware of this concern, and not supported the use of either approach relying on reference to the condition that the appeal Inspector established in 2013 appeal process and as set out below:

The operator of the development hereby approved shall keep records to include the number of vehicles which enter or leave the site associated with the operation hereby approved. These records shall include the size, type and load details, as well as the vehicles point of origin or destination. These records shall be made available to the local planning authority on request .

Whilst the wording of this condition will provide an up to date record of vehicles arriving at and/or departing from the site, it neither restricts the feeder farms to those indicated, nor does it establish a requirement to use a particular vehicular size in terms of carriable weight load.

As stated by the Highway Authority as set out in their consultation response above the level of control imposed by this condition presents an issue regards the certainty and robustness of the case put forward by the applicant in support of this current application, as set out in the table above and summarised below.

The proposed feedstock levels (16,1000 tonnes) in order to generate 1000Kw output would based on revised transport arrangements generate 1542 proposed trips equating to 3,084.00 separate vehicular journeys on the highway, including the trips associated with exporting the digestate from the site. This would represent a slight increase in the annualised number of trips based on the approved scheme which required 9,650 tonnes of feedstock to generate 500 Kw output which based on approved transport arrangements would generate 1537 proposed trips equating to 3,074.00 separate vehicular journeys on the highway, again , including the trips associated with exporting the digestate from the site.

However given that there are no realistic planning controls that can be imposed to ensure the proposed transport arrangements, your officers in discussion with officers at DCC Highways consider that it is necessary to consider a worst case scenario as set out below. This prediction has been calculated reflecting on the proposed feedstock levels but utilising the transport strategy that was envisaged with the approved scheme:

The proposed feedstock levels (16,1000 tonnes) in order to generate 1000Kw output would generate 2403 proposed trips equating to 4,806 separate trips on the highway, including the trips associated with exporting the digestate from the site. In summary approximately 1732 more trips than estimated by the applicant.

On an annualised basis this would represent 16 additional daily movements on the highway, (44% more than the 20 per day envisaged by the inspector) and 7 more movements than the applicant had estimated would arise with the consented 500Kw scheme. On this basis the Highway Authority are not objecting to this current application as it is not considered by them that an average daily generation of 7 additional movements per day (based on an loads arriving and departing as specified by the applicant Mon -Sat) over and above the level already approved would be considered significant or severe along the B3137. Furthermore given the starting and finishing destination are spread across 17 different locations as highlighted on the plan included in the this report, the Highway Authority do not consider that overall the trip generation levels would give rise to less than a material increase on the Country Lanes off of the A3137.

In summary in terms of highway capacity and safety issues arising for other road users the Highway Authority do not consider that there would be reason not to grant planning permission.

3. General amenity issues for the locality

The level and magnitude of the responses to the consultation on this planning application suggest that there remains considerable objection to the AD plant and to this application proposal to allow an increase in the energy output from the AD plant. Whilst a number of comments have been made that are not relevant to the assessment of this planning application, the impact of the increase in movements on the highway and how it affects the general amenities (noise, odour, congestion and general disturbance issues) of the area is relevant over and above the highway capacity and safety issues as reviewed above.

This matter was acknowledged by the appeal Inspector (ref: para 28 as referred above), and as part of his considerations on this matter he acknowledged that the suggested number of additional journeys may not be spread out across the year as suggested by the applicant because the NVZ spreading restrictions that apply to the feeder farms. Given the lack of evidence available to the Inspector in terms of seasonal variations to the additional traffic generated, it would appear that he based his assessment on this matter by doubling the predicated daily average, and assessing if it would lead to material harm. As set out he concluded that 20 additional trips would not lead to material harm.

Based on the worst case scenario as outlined above this could increase to 32 additional trips. Taking this into account, and given that the size and nature of the vehicular types is significantly different to that envisaged when the Inspector resolved to grant permission, local residents concerns would appear in part justified.

The difficulty with this aspect of the assessment is the lack of robust evidenced to arrive at a conclusion that is reasonable and provides the Local Planning Authority and local residents with a level of comfort that their concerns have been considered and weighed in the planning balance.

Condition 7 of the planning permission for the AD plant (as originally granted by the Inspector and subsequently by the Local Planning Authority (LPA) for the revisions to the on-site infrastructure) requires the applicant to provide information relating to the number of vehicles which have entered or left the site (for purposes associated with the operation of the AD plant) on each day since operation commenced, including the size, type and load details, as well as the vehicles point of origin or destination. Ideally your officers consider the provision of this information over a year period would provide a definitive review of the additional traffic levels from a numerical point of view that the approved scheme generating 500 Kw generates. This time period would also allow a clearer picture to develop as to how the increase in traffic on the local network affects the general amenities of the area.

At the time of writing the applicant has been unable to provide this information, and this is likely to be because the site may not have been become operational yet.

In summary, there remains an inadequate evidence base to firstly accurately predict the number of additional trips on the highway, taking account seasonal variances, that would arise if the restriction on the output from the AD plan of 500 Kw was lifted. In addition the use of a planning condition to impose a level of control on the relevant matters is considered to fail the guidance on the use of conditions as outlined in NPPG, not least from an enforcement point of view. It is considered that the applicant would be able to supply the level of information after the permitted AD plant has been operating for at least 6 months.

4. Planning Balance & Summary

Policy DM5 seeks to balance the benefits of renewable energy developments against their impacts, and indicates that they will be permitted where they do not have significant adverse impacts on the character, amenity and visual quality of the area.

With the approved scheme of development (500 Kw Output) for the site it was concluded by the Inspector that it would have some limited impact to the landscape and visual quality of the area, and although mitigation in the form of native tree planting would address the long term impact it would not mitigate the visual impact in the short term. He did not identify any material harm to the general amenities of the area arising from likely level of vehicular trips that would be generated in terms of transporting feedstock to the site and digestate away from the site. Whilst the Inspector acknowledged that harm to the visual amenities would arise, he resolved to grant planning permission as the overall package of renewable energy benefits outweighed the level of perceived harm that would result from the development.

Since that decision the LPA have approved a revised proposal which included additional infrastructure on the site. This application was submitted on the basis that the predicted energy output, and therefore vehicular movements would remain largely the same as with the scheme that was approved by the Inspector. This included an additional CHP unit which the applicant had advised was for back up purposes.

The assessment as set out above has highlighted various uncertainties regards how many additional trips this variation to the arrangements at the AD plant would generate. Furthermore there is no clear and transparent planning control mechanism that would provide sufficient control regards the proposed transport strategy to serve the development that the applicant is suggesting.

Given that the applicant has lodged an appeal against non -determination against this current planning application, there is little to scope to investigate this matter further with applicant, or to suggest that the application is withdrawn and potentially re-submitted for consideration with operational evidence as to existing transportation impacts in terms of trip numbers once the AD plant has been operating for a minimum period of at least 6 months. This would also provide local stakeholders, including (local residents, the environment agency and the local authority) with a clearer insight as to what impact these additional trips have and the capacity of the local environment for additional trips, and to make a judgement regards balancing the potential harm against the future benefits in terms of renewable/clean energy benefits.

In summary the LPA has no longer has the ability to determine this current applicant which would allow the AD plant to operate so that it could generate 1,000Kw of power. However if it were still the determining authority, on the basis of the application details it is considered that there is insufficient information available to be able to accurately predict, and subsequently control, the likely increase in movements on the highway that would arise, and the nature of the vehicles involved in the transportation process to and from the application site, and how it would affect the environmental amenity of near properties and the local environment (in terms of noise, congestion and general disturbance).

On this basis the application proposals are considered to be contrary to Policies: DM1, DM2, DM5 and DM7 of Mid Devon Local Plan Part 3 (Development Management Policies).

REASONS FOR REFUSAL

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

Application No. 14/02116/FULL

Plans List No. 2

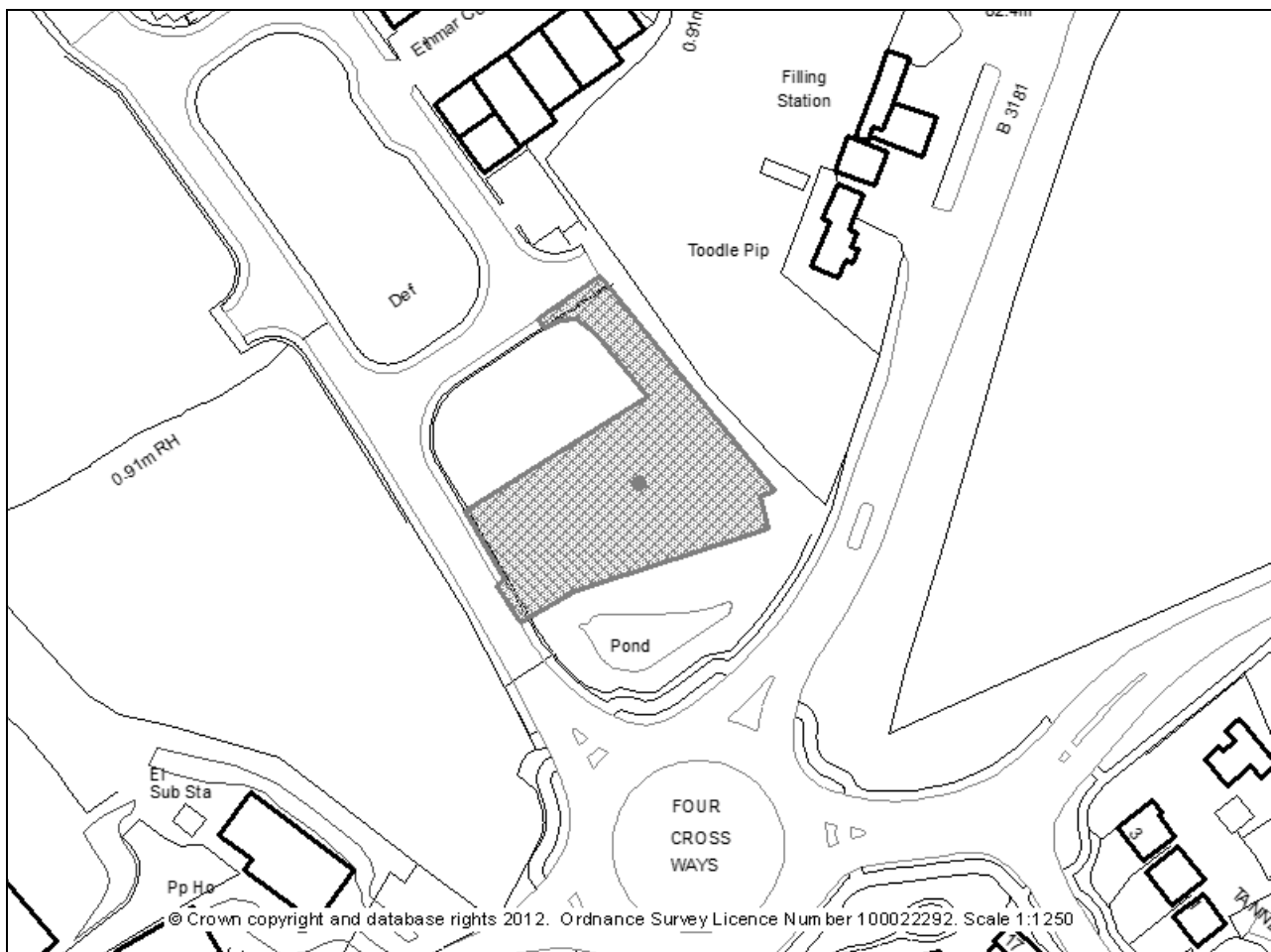
Grid Ref: 303843 : 111382

Applicant: The Co-operative Group Food Limited

Location: Land at NGR 303843 111382 (Mid Devon Business Park) South View Road Willand

Proposal: Erection of retail store, formation of access, car parking and service area, with landscaping and associated works

Date Valid: 23rd December 2014



Application No. 14/02116/FULL

RECOMMENDATION

Grant permission subject to conditions.

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

To consider the concerns around pedestrian access

PROPOSED DEVELOPMENT

The application site is located on the north side of the Four Cross Ways Roundabout on the B3181 at Willand.

This is a full application for the erection of a 410sqm A1 retail store with a net sales area of 232sqm, on currently undeveloped land at the southern most end of the Mid Devon Business Park . The site is accessed from an existing arm of the roundabout which leads onto the service road into the Business Park. Access into the application site itself for service vehicles (deliveries etc) is proposed from an existing service road to the north of the application site with no direct vehicular access to the site from the roundabout itself. The retail unit is shown to be accessed from the main service road running north/south through the site. The site is generally flat and there is an existing SUDS pond and hedgerow between the site and the roundabout and B3181.

The scheme includes the provision of new accesses (as set out above), car parking for approx. 29 vehicles and cycle stands to accommodate 12 bikes. The service area for deliveries and for the provision of refrigeration plant/air conditioning etc is located to the north east of the store and is enclosed by steel fencing.

The application is accompanied by landscaping and drainage proposals

Outside of the site but adjacent to it an existing oak tree subject to a TPO.

The proposed store is a maximum of 5.6m high with a flat roof sloping down to 4.3m towards the service area end of the site. The main elevation of the store is render with a glazed entrance whilst the remainder of the elevations have composite insulated cladding and some timber cladding

APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement

Planning and Retail Statement

Transport Assessment and Travel plan

Phase 1 Ecological Survey

Arboricultural Survey

Drainage Statement

Employment marketing history report (held confidentially)

PLANNING HISTORY

05/02177/OUT - Outline for the development of land for employment within Use Classes B1 (Business), B2 (General Industrial) and B8 (Storage and distribution) - APPROVED

06/01410/arm - Reserved Matters application for highways and drainage for phase 1 of industrial estate following outline consent 05/02177/OUT - APPROVED

n.b. - Application 14/01938/MOUT (Outline application for up to 97 dwellings to include the importation of inert waste to raise land with details of access onto the public highway provided and with all other matters reserved for future consideration) is currently being considered by the Local Planning Authority on the adjacent land).

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR1 - Sustainable Communities

COR2 - Local Distinctiveness

COR11 - Flooding

COR17 - Villages

Mid Devon Local Plan Part 3 (Development Management Policies)

DM2 - High quality design

DM17 - Development outside town centres

DM19 - Rural shopping

DM21 - Protection of employment land

WI1 - Willand Industrial Estate

CONSULTATIONS

HIGHWAY AUTHORITY - 16th January 2015

The Highway Authority has considered the applicants transports statement and while some assumptions have given rise to small changes in transport figures from that of the residential application on the adjacent site the finding are less than 1% different and as an application considered against the Commercial allocation of all the land is acceptable. However the application proceeds an application for a substitution of commercial land to residential land for 97 dwellings and a revised assessments should be submitted taking this into account and demonstrating that the roundabout still retains sufficient capacity which given the calculated figures is likely to be the case.

The Highway Authority is happy with the layout of the site and the parking provision is in keeping with the Local Plan.

The Highway Authority is happy with the location of the access and its visibilities and can confirm that should the road be adopted then the gates will be permanently removed.

The applicant has submitted a travel plan for the site which is welcomed and should be conditional of any consent. The proposed development should consider the application for the residential development in its assessment of the drainage given the likely hard surfaces delivered from the roads and roof coverage. and ascertain whether or not the balancing pond is sufficient or additional attenuation is required.

Therefore subject to approval of amended figures the following conditions should be imposed.

Recommendation:

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

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

REASON: To protect water quality and minimise flood risk.

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

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

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

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

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

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

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

A) The access road has been laid out, kerbed, drained and constructed up to base course level for the first 25.00 metres back from its junction with the public highway

B) The ironwork has been set to base course level and the visibility splays required by this permission laid out

C) The footway on the public highway frontage required by this permission has been constructed up to base course level

D) A site compound and car park have been constructed to the written satisfaction of the Local Planning Authority.

REASON: To ensure that adequate on site facilities are available for all traffic attracted to the site during the construction period, in the interest of the safety of all users of the adjoining public highway and to protect the amenities of the adjoining residents.

6. Where installed as part of the development, the light source of the proposed floodlighting units should not be directly visible to drivers of vehicles using the public highway.

REASON: To ensure that the floodlighting associated with the proposal / proposed illuminated sign does not result in detriment to the safety of drivers using the public highway.

ENVIRONMENT AGENCY - 3rd March 2015

I refer to the above application and my response dated 25th February 2015, additional information was received on the 26th February 2015.

ENVIRONMENT AGENCY POSITION.

We welcome the use of permeable paving on the car park bays as shown on drawing INC-SA[20]0003 Rev P05, 'SITE PLAN AS PROPOSED'. Inclusion of permeable paving would ensure that the surface water scheme would align with that previously agreed.

A finished floor level of 82.35m A.O.D is sufficient to ensure the store would be free from the risk of flooding from the suds pond, for example in a scenario of the ponds capacity being exceeded.

26th February 2015 - This proposal falls outside the scope of applications which we would normally provide comment on.

The information contained with the applicants 'Drainage Statement dated Nov 2014, are somewhat of a departure from the agreed Peter Brett Associates strategy, we advise that the applicant revises the scheme so as to align with that previously agreed. An element of permeable paving must be incorporated into the

design to achieve this, rather than reliance on an underground storage tank. The provision of permeable paving is quite feasible and has been delivered on the existing developed plots within the business park.

The finished floor level of the store should be sufficiently high so as not to be at risk of surface water flooding should the suds schemes capacity, in particular the attenuation pond, be exceeded.

5th January 2015

The site is under 1ha and in Flood Zone 1, therefore standing advice applies.

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

WILLAND PARISH COUNCIL - 13th January 2015

Although the current site is designated as business/employment use for B1, B2 and B8 and the current application relates to A1 use the Parish Council take the practical view that this is still a business use which will provide employment on the site which is designated for employment.

It will provide another retail outlet in the village which will make up for the fact that at least two other retail outlets promised on earlier developments in the village did not materialise and developers were permitted to build market housing on the sites instead.

The Parish Council support this application provided attention is given to the following concerns/observations:

1. There are local observations and concerns in relation to drainage and surface water from the site of the Business Park causing issues to nearby properties. The suggestion of importation of inert waste on areas of the Business Park to raise ground levels adds to this concern. Satisfactory drainage provisions which will reassure local residents on this point are sought/required.
2. Pedestrian access to the site from any existing housing will require people crossing one or two busy roads each of which only has a pavement on one side. Parish Council would urge conditions to enhance the pedestrian crossing provision on the roundabout to either have full Zebra or Light controlled crossings. Apart from the daily heavy commercial traffic this roundabout features heavily in diversions from the M5 when there are closures.
3. Consideration is given to any illuminated sign advertising the business being proportionate to a village location and not 'overpowering' the area or aggravating light pollution or road safety issues.

In supporting this application for a retail shop the Parish Council wish it to be noted that under no circumstances should this be seen as in any way supporting or indicating approval, in any form, of the proposed housing on the rest of the Business Park as it is totally opposed to that application.

MID DEVON DISTRICT COUNCIL - TREE OFFICER - 26th February 2015

I am still not quite sure what is happening with the ditch.... I haven't had a chance to look properly, if there is to be no alterations to the ditch and the car park is being built on the other side of it I see no problems, if the ditch is being filled in and car parking put immediately under the tree that is something a little different....

ENVIRONMENTAL HEALTH - 9th March 2015 -

Contaminated land - I have no objections to this proposal

Air quality - I have no objections to this proposal

Drainage - I have no objections to this proposal

Noise and other nuisances - I have no objections to this proposal

Housing standards - N/a

Licensing - No comments

Food hygiene - No objections

Private water supplies - N/a

Health and safety - No objections

HALBERTON PARISH COUNCIL - 16th January 2015

No objections to the proposed application subject to suitable safe pedestrian walkways being provided from the existing housing development (Unanimous)

REPRESENTATIONS

8 letters of objection have been received summarised as follows:

- Designated for B1, B2, B8 use - A1 flies in face of policy and previous outline consent
- 4 existing outlets, another store is not necessary
- Timing of application is cynical - consultation period falling over Christmas
- The new store will reduce choice for customer as one or more existing outlets in village will close, so will actually mean more people travelling out of village and this disadvantages elderly and those without cars
- Business park not land for retail or housing
- Only 5 min drive to Cullompton shops
- Existing development on Business Park has caused considerable damage to sewerage systems of neighbouring properties by blocking watercourses and building up ground level affecting water table
- Noise nuisance from early morning and late night deliveries and on-site bakery - refrigerated units, reversing warning siren, metal cages being dragged along, back-up generator noise.
- How will pedestrian safety traverse through the 5 spur roundabout to reach the site?
- Need for hydrology report with any future applications
- TV signal has already been interrupted by existing units on site and generators - this application would compound the problem
- Run the risk of losing the Post Office, making life difficult for elderly residents

1 letter of support has been received summarised as follows:

- Convenience of cycling up the road to shop rather than travelling to Cullompton
- Business Park has been empty so this is a good community use

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The primary material considerations in the determination of this application are:

- a) Is the development of non B-class use on an allocated employment site acceptable?
- b) Is a main town centre use acceptable in this location?
- c) Highway safety
- d) Impact on the amenity of nearby residents
- e) Other issues

- a) Is the development of non B-class use on an allocated employment

The site is located within the defined settlement limit of Willand and is allocated (policy WI1) within the Mid Devon Local Plan Part 3 (Development Management Policies) for B1, B2 or B8 uses. More specifically, Policy WI1 states:

A site of 11.7 hectares is allocated for Business, General Industry and Storage and Distribution uses (classes B1, B2 and B8), subject to the provision of;

- i) Adequate access into the site for existing units immediately adjacent to the proposal; and
- ii) Provision of a cycle link from Muxbeare Lane to the existing Industrial estate; and
- iii) Provision of a footbridge along the north side of the South View Road bridge over the former railway line

In the case of the current application the proposal is one which will generate in the region of 20-25 jobs. Paragraph 3.13 of LP3 (under the heading 'Employment development within settlement limits') states that whilst employment development has traditionally been taken to mean Use Classes B1, B2 and B8, there is also scope for other uses to be considered as 'employment' if they provide jobs and that the council will accordingly take a 'flexible approach' towards the meaning of employment within Mid Devon. Policy DM21 states that other uses will be permitted, subject to a number of tests, where there is no prospect of employment coming forward. However, given the application falls within the broader definition of

employment it is not considered that the provisions of DM21 need to be met, and accordingly the proposed use is acceptable on employment land.

Furthermore, the application area is 0.21 hectares (ha), of a total allocation of 11.7ha, and the development for an alternative employment generating use would not substantially negate opportunities for B-class employment on the remainder of the site. Also, even if the allocated site is reduced in size as per the proposal within the emerging Local Plan Review, there would still remain 2ha undeveloped for future employment development. It is considered that the application is capable of being considered under policy WI1 as employment development. The remaining parts of the Policy (i - iii) are considered further under 'Highway Safety'.

b) Is a main town centre use acceptable in this location?

The proposed retail unit falls within the Use Class A1, which is categorised as a 'main town centre use'. National and local policy requires a sequential test to be undertaken for main town centre uses in edge of centre or out of centre locations. Willand is a designated village within the Core Strategy, and does not have a defined town centre, with the nearest being at Cullompton. The applicant states that the purpose of the facility is to meet local needs, with a proposed catchment which primarily covers Willand and some of the surrounding area. It would be an illogical application of the sequential test to require a facility designed to meet local needs to justify why it should not be located elsewhere, e.g. in Cullompton. National planning guidance also notes that certain main town centre uses also have specific market and locational requirements which mean a town centre location is inappropriate. This point would apply to this case. Retail applications are often required to be accompanied by an impact assessment to examine impact on other similar uses within the catchment area, and on town centre viability and vitality. However, the application, falls below the policy threshold of 500 gross square metres and therefore no assessment can be required. DM19 states that retail development will be permitted within defined villages, providing it meets local needs and is accessible to a range of transport modes. In considering the former point reference can be made to Mid Devon's Retail Study. This was commissioned in 2012 to provide an evidence base to assist in plan-making and decision taking. The study focused primarily on the retail function of the three towns of the district, and did not specifically consider any of the villages. The study divided the district into retail catchment areas, Willand being within Zone 7, along with Cullompton. In examining retail expenditure within Zone 7 it presents a number of findings. About 54% of both main and top up shopping by residents of Zone 7 is undertaken in Cullompton. Only 1% of main shopping is undertaken at stores within the district's villages, this being 29% for top up shopping. These findings indicate that there is scope for increasing opportunities for main shopping at other locations within Zone 7, to draw back trips being lost to Cullompton or elsewhere. This indicates the scope to provide a new retail offer within Willand, not currently available with existing provision, but one which can still cater primarily for local needs. Furthermore, the fact that the proposal falls below the relatively low threshold for examining impact (the threshold is 500 sqm in local policy, whereas the default threshold for national policy is 2,500) is a further indicator of the modest scale and likely impact of the proposal. With regards to the location of the site and its access to a range of transport modes, the Mid Devon Business Park is located within an easy walking distance of bus stops on 2 different bus routes with a regular service. There are designated cycle routes to and from the Four Cross Ways roundabout serving Tiverton Parkway Station and Willand Old Village. The site is also in close proximity to a residential housing estate and industrial estate where residents and employees will be able to travel on foot to the proposed shop facility. The Highway Authority have not raised any objection on the grounds of available transport modes. Accordingly, it is considered that the application is acceptable in terms of national and local planning policy with regards to main town centres uses.

c) Highway safety

Concern has been expressed by Willand Parish Council and in some letters of objection regarding the safety of pedestrians crossing the roads leading to the Four Cross Ways roundabout, to access the site. There is also a suggestion that further enhancements be made (such as zebra crossings) to assist pedestrians. The Highway Authority have not indicated that they have any concerns regarding pedestrian safety and in fact, each arm of the roundabout (including the one in to the Business Park itself) has a dropped curb with tactile paving and a central pedestrian bollarded refuge area. There are pavements right up to and around the roundabout and therefore on this basis, it is considered that pedestrians are adequately catered for. However, at the time of writing this report, a response was awaited from the Highway Authority on this particular issue and it is anticipated an update on this can be provided at committee.

On the South View Road arm of the roundabout, a pedestrian walkway has recently been provided (as required by policy WI1 III) which enables pedestrians to reach the Business Park from South View Road, without the need to walk on the road. With regard to the remainder of the provisions of policy WI1, the application does not prevent but nor could it assist with 'Adequate access into the site for existing units immediately adjacent to the proposal;' (as required by criteria I) of WI1 and 'Provision of a cycle link from Muxbeare Lane to the existing Industrial estate' (as required by criteria II) of WI1. Subject to no adverse comments being received on pedestrian safety from the Highway Authority, the proposal is considered to be acceptable. An update on this will be provided to committee

d) Impact on the amenity of nearby residents

Concern has been expressed about the impact of the development, particularly from the noise of deliveries etc, on the amenity of local residents. The functioning of a retail unit will undoubtedly necessitate early morning and late night deliveries, reversing sirens, customer vehicles arriving and departing, refrigeration units, air conditioning units, metal wheeled delivery cages being pulled across the service yard etc. The closest residential property to the site is 'Toodle Pip' which is 35m away to the north east. After that, the nearest residential properties are those in Campion Court on the opposite side of the roundabout at 91m distant. It is accepted that there will be noise associated with this development but consideration needs to be given to the level of noise generated, the type and times of noise generated and whether any suitable measures can be put in place to mitigate against any adverse impact of them on the occupiers of neighbouring residential properties. The consultation comments from Environmental Health on this specific issue were awaited at the time of writing this report and an update will be provided to planning committee.

e) Other issues

There is an existing substantial oak tree adjacent to (and outside) the southern eastern corner of the site. The Tree Officer has advised that there is unlikely to be any adverse impact from the development works on the tree itself given the large drainage ditch located between the base of the tree and the edge of the site. Concern has been expressed that the provision of this additional retail facility in the village may result in the closure and loss of existing retail facilities. However, this is a 'competition' issue and is not a material planning consideration which carries weight in the consideration of this application. Concern has been expressed that existing developments at the Business Park have resulted in 'considerable damage to sewerage systems of neighbouring properties'. However, it is proposed that the application scheme is linked to the existing mains drain and there are no proposals to block existing watercourses or raise the land, with site and floor levels being subject of a pre-commencement condition.

Concern has been expressed that television reception to one property has been affected since the development of the Business Park and it is claimed, relates to the use of generators. However it is not considered that this is a material planning consideration which carries weight in the consideration of this application. Back in 2009/10 a series of meetings were held with the landowner, residents, elected members, parish council and Environment Agency (EA) regarding the concerns of residents of Muxbeare Lane about changes to the water table etc since the site has been developed. This is an application where the Environment Agency usually advise the Local Planning Authority to consider their standing advice. However, a bespoke response on this proposal has been requested and at the time of writing this report the applicants were seeking to address the concerns raised by the Environment Agency in that response.

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 surface water drainage scheme together with details of how it will be managed and maintained post-construction have been submitted to and approved in writing by the Local Planning Authority. Unless it is demonstrated that it is unfeasible to do so, the scheme shall use appropriate Sustainable Urban Drainage Systems. The drainage scheme shall be designed so that there is no increase in the rate of surface water runoff from the site resulting from the

development and so that storm water flows are attenuated. The development shall be carried out, managed and maintained in accordance with the approved scheme.

4. In accordance with details that shall previously have been submitted to, and approved in writing by the Local Planning Authority, provision shall be made within the site for the disposal of surface water so that none drains on to any County Highway.
5. . The site access road shall be hardened, surfaced, drained and maintained thereafter to the satisfaction of the Local Planning Authority for a distance of not less than 6.00 metres back from its junction with the existing Mid Devon Business Park estate road.
6. The proposed estate road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins, For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.
7. No part of the development hereby approved shall be commenced until:
 - A) The access road has been laid out, kerbed, drained and constructed up to base course level for the first 25.00 metres back from its junction with the existing Mid Devon Business Park estate road
 - B) The ironwork has been set to base course level and the visibility splays required by this permission laid out
 - C) The footway on existing Mid Devon Business Park estate road frontage required by this permission has been constructed up to base course level
 - D) A site compound and car park have been constructed to the written satisfaction of the Local Planning Authority.
8. Where installed as part of the development, the light source of the proposed floodlighting units should not be directly visible to drivers of vehicles using any public highway.
9. All planting, seeding, turfing or earthworks comprised in the approved details of landscaping as shown on the submitted plans, shall be carried out within 9 months of the substantial completion of the development, (or phase thereof), whichever is the sooner; and any trees or plants which within a period of five years from the implementation of the scheme (or phase thereof) , die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
10. No development shall commence until existing and proposed site levels and finished floor levels have been submitted to and approved in writing by the Local Planning Authority. Work on site shall thereafter be carried out in accordance with the agreed details.

REASONS FOR CONDITIONS

1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of proper planning.
3. To protect water quality and minimise flood risk.
4. In the interest of public safety and to prevent damage to the highway.
5. To prevent mud and other debris being carried onto the public highway.
6. To ensure that adequate information is available for the proper consideration of the detailed proposals.

7. To ensure that adequate on site facilities are available for all traffic attracted to the site during the construction period, in the interest of the safety of all users of the adjoining public highway and to protect the amenities of the adjoining residents.
8. To ensure that the floodlighting associated with the does not result in detriment to the safety of drivers using the public highway.
9. To ensure that the development makes a positive contribution to the character and amenity of the area in accordance with Policy DM2 of the Local Plan Part 3 (Development Management Policies).
10. To ensure that there is no raising of levels on site which may affect the overall drainage strategy for the site but to ensure the building is sufficiently high so as not to be at risk of surface water flooding should the SUDS schemes capacity, in particular the attenuation pond, be exceeded.

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The site is allocated (policy WI1) within the Mid Devon Local Plan Part 3 (Development Management Policies) for B1, B2 or B8 uses. Whilst employment development has traditionally been taken to mean Use Classes B1, B2 and B8, there is also scope for other uses to be considered as 'employment' if they provide jobs and accordingly the LPA have taken a 'flexible approach' towards the meaning of employment within Mid Devon. The principle of this development which will create in excess of 20 jobs is considered to comply with policy WI1. Mid Devon's Retail Study indicates the scope to provide a new retail offer within Willand, not currently available with existing provision, but one which can still cater primarily for local needs. Furthermore, the proposal falls below the relatively low threshold for examining impact (the threshold is 500 sqm in local policy, whereas the default threshold for national policy is 2,500) indicating the modest scale and likely impact of the proposal. Highway safety and amenity together with other issues raised in letters of objection and consultee responses have all been considered and with appropriate conditions, the Local Planning Authority consider that any significant adverse impacts may be mitigated. Consequently the proposal is considered to comply with policies COR1, COR2, COR11 and COR17 of Mid Devon Core Strategy (Local Plan 1) and policies DM2, DM17, DM19, DM21 and WI1 of Mid Devon Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework

Application No. 15/00069/FULL

Plans List No. 3

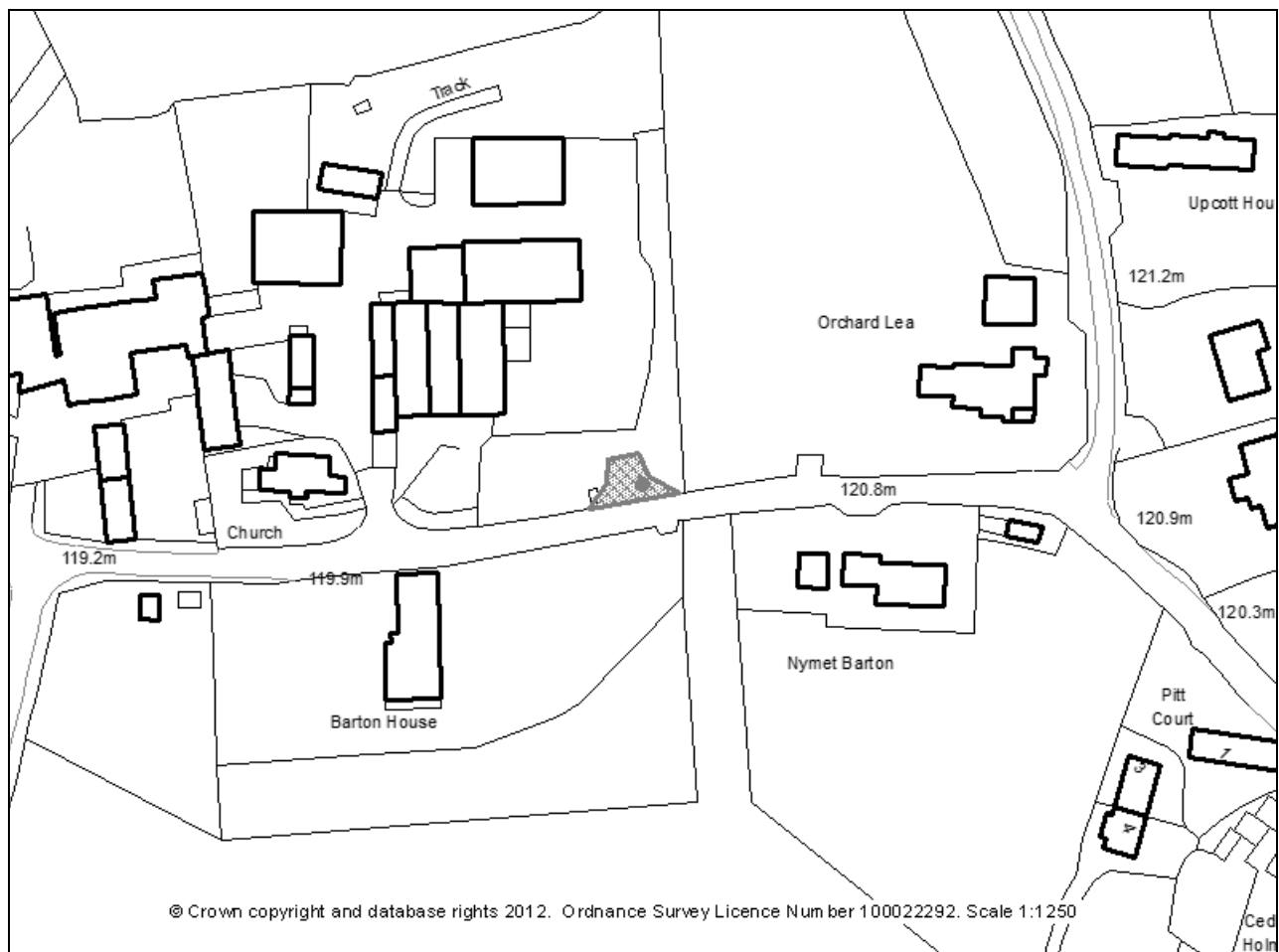
Grid Ref: 271139 : 108264

Applicant: Mr W Dawe

Location: Land and Buildings at
NGR 271138
108264(Road from
West Barton Cross to
Eggesford Cross)
Nymet Rowland Devon

Proposal: Creation of new farm
entrance

Date Valid: 19th January 2015



Application No. 15/00069/FULL

RECOMMENDATION

Grant permission subject to conditions.

PROPOSED DEVELOPMENT

The development proposed is the creation of a new farm entrance on the road from West Barton Cross to Eggesford Cross, Nymet Rowland (NGR 271138 108264).

Nymet Rowland is a small village mainly set along the class 3 highway from West Barton Cross to Eggesford Cross and continuing south east towards the A377. The farm is located to the western edge of the village, adjacent to the grade 1 listed St Bartholomews Church.

The agricultural unit comprises a combination of traditional buildings and more modern agricultural buildings used for the housing of livestock and general agricultural storage, and a large open yard area directly adjacent to the highway. The current access to the farm is immediately adjacent to the listed Church. The proposal is to create a new farm entrance from the class 3 highway.

APPLICANT'S SUPPORTING INFORMATION

Plans

PLANNING HISTORY

15/00069/FULL Creation of new farm entrance - PCO

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR2 - Local Distinctiveness

COR18 - Countryside

Mid Devon Local Plan Part 3 (Development Management Policies)

DM1 - Presumption in favour of sustainable development

DM2 - High quality design

DM22 - Agricultural development

DM27 - Development affecting heritage assets

CONSULTATIONS

HIGHWAY AUTHORITY - 25th February 2015

Happy with plan and condition, make sure there is a condition to hard surface the access for 6.0m in a BOUND material that is all , and advise them that they need to apply for a licences from the Highway Authority under section 184 of the Highways Act

10th February 2015 - I have no objections to the proposed access and the width and alignment of the access as shown on the plan are acceptable. The applicants details on drainage and concrete construction are welcomed and I would be happy to comment on them. The access should demonstrate and should be conditioned to provide visibility splays 2.4m back along the centre line of the access and extending to a point 25m to the nears side kerb line to the west and 25m to the centre of the road to the east with no obstruction greater than 600mm. You may wish to ask the developer to show these on the plan as well.

21st January 2015 -standing advice applies www.devon.gov.uk/highways-standingadvice.pdf

NYMET ROWLAND PARISH COUNCIL - 20th February 2015

Nymet Rowland Parish Council feel we are unable to support the application in the current format.

The following valid issues were raised at our meeting and we feel they need to be addressed or investigated further. Consequently we would be pleased to comment on a revised and enhanced application.

Points raised:

1. Current drainage from existing entrance frequently allows effluent/slurry to spread all over the road, occasionally blocking drains and presenting problems to pedestrians and neighbours. New drains and grading of road required to avoid this occurring in both existing entrance, and new one if approved.
2. Loss of Devon bank and associated flora and fauna. Although it has been said that this bank would be put back on either side of the new splayed entrance, there will still be a loss of several metres of mature beech hedge, possibly along with a very old American Oak tree and Yew tree. How can these be moved and reinstated successfully?
3. The size and level of the required concrete base at the new entrance will most likely cause more effluent/slurry/mud to end up on the road surface unless new drainage and grading of road is done see item 1.
4. There is only one lane which allows articulated lorries and large rigid based trucks entry to the village. This is a turning off from the road to Winkleigh from Morchard Road, the B3220. This is a single width lane with no suitable passing places for large commercial vehicles. Will or how would this problem be addressed if there is an increase in these larger vehicles delivering goods to this farm? All three other lanes into Nymet Rowland are unsuitable for long vehicles or HGV's, as is noted and signed by the Highways Department.
5. Last but not least there is the fact that the last application for a new entrance further along this road was turned down in part because of the closeness to the 15th century listed Church building. This new entrance would be even closer.

It is noted that a planning application to erect a new fodder and machinery building on this site has now been withdrawn.

Therefore after considering all these points we wonder why the existing entrance cannot be modified to fulfil the requirement of the applicant.

REPRESENTATIONS

11 letters of representation have been received and are summarised below;

- The previous planning decision for proposed alteration to the existing field entrance and new domestic driveway at the immediately adjacent property was refused on the basis that it would result in unnecessary alteration harming appearance and character of this part of the countryside.
- An 18m opening within the hedgerow would have an extremely detrimental effect on the rural character of the village and result in the loss of wildlife
- The proposal would destroy one of the original village water wells and an old pump house.
- There will be a considerable increase of disruptive and destructive heavy vehicles through the village on roads which are not suitable.
- There may be alternative ways of securing improvements to the existing access into the site, which is considered by local stakeholders to be acceptable for most vehicles.
- The proposal would have a detrimental impact on the setting and foundations of the listed church.
- The present deliveries are made by lorries outside of the gate of Barton House where they are taken off to the farm with a forked loader, which has not caused any great inconvenience.
- The new concrete driveway will act as rainwater, surface water catchment area, with "run off" to the existing highway, which already floods and presents an unsatisfactory situation on the highway.

- The proposals will result in greater noise and disturbance to neighbours.
- The farmyard is just a yard with outbuildings for storage and livestock, and is generally in a poor state and conditions. The applicants live out of the village and as such will be unaffected by such a change.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

Policy DM22 permits agricultural development where;

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

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

A) The existing access is situated adjacent to the church and due to the siting of traditional farm buildings, it is increasingly difficult for long goods vehicles that deliver fertiliser to the farm to manoeuvre into the farm yard to the east of the farms main storage buildings. This results in the road outside the farm being blocked. The proposed access is required to provide a suitable access that can accommodate the farm traffic and allow unloading of larger vehicles within the site, as opposed to on the highway.

B) The proposed access is sited approximately 40m from the existing access which is adjacent to the grade 1 listed church. The church is clearly delineated from the surrounding buildings and road by a combination of stone wall and mature hedging. A number of representations have been received which raise concern on the impact of the new access on the setting of the church. At the closest point, the proposed access is 44m from the boundary of the church. The proposed access would alleviate pressures on the existing access which is directly adjacent to the church by providing an alternative access away from the immediate setting of the church. The Conservation Officer has viewed the proposal and is satisfied that the proposed access would not have a harmful impact on the setting of the listed building.

Two of the representations highlighted a previous planning application at the neighbouring domestic property, Orchard Leigh, which included alterations to the field access to provide new access and driveway, and which was refused for the following reason;

"the proposed alterations to the existing field entrance and the provision of a new domestic driveway across the paddock adjoining the existing residential curtilage of the dwelling to which the application relates would result in unnecessary alteration harming the appearance and character of this part of the countryside..."

There are a number of access points along the highway, mainly residential. Although the provision of this new agricultural access will change the appearance of this immediate area, the impact is not considered to be harmful to the rural nature and character of the area. Subject to details to be provided by condition, the proposed access would be surfaced and drained to prevent surface water discharge onto the highway, thus preventing concerns in terms of slurry/water running onto the highway and therefore improving the amenity of users of this stretch of highway.

C) A section (20m) of hedging is to be removed to allow for the new proposed access, the largest tree will remain but some smaller species will be removed. Local residents have expressed concern in terms of how the proposals will affect the hedgerow in terms of ecological impact. Clearly the hedgerow could provide nesting and sheltering opportunities for birds and small mammals and is a possible commuter route for bats. Removal of this small part of the hedge line is not considered to cause significant fragmentation of the surrounding hedge network due to the relative short length that is to be removed, and presence of other hedges. An advisory note is set out accordingly.

D) The access would be from the class 3 highway that runs along the south of the site. There are a number of accesses on either side of the highway, including the existing farm access approximately 40m from this proposed entrance. A number of representations raised concerns with regard to the nature of the

country lanes around the site, lack of passing places and general unsuitability to accommodate the large traffic associated with the holding that the proposed access is required to accommodate. It should be noted that the Local Planning Authority have no control over the existing use of the highway by large traffic that is already delivering to the site and the applicant's agent has advised that there will be no increase in traffic to the farm as a result of the proposed entrance. The Highway Authority has raised no concern in terms of the impact the proposed new entrance would have on the local road network and the safety of highway users, provided that sufficient visibility is achieved. The land to either side of the proposed entrance is within the applicant's ownership and the required visibility has been demonstrated on the block plan (drawing number 2014.057.01). Having regard to the speed of the traffic and the intended use of the access it is not considered that the provision of the access will cause harm to the safe operation of the highway.

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. The visibility splays shown on the approved plan shall be constructed prior to the first use of the access hereby permitted. There shall be no obstruction to visibility within these splays over 600mm above adjoining road level, and such visibility splays shall be so retained.
4. No development shall take place until a strategy of surface water drainage for the site using sustainable drainage methods has been submitted to and approved in writing by the Local Planning Authority, the details of which shall ensure that the proposals does not result in flooding on the highway. The approved development shall be implemented in accordance with the approved strategy prior to the use of the new access hereby approved.
5. The site access shall be hardened, surfaced in a bound material, drained and maintained thereafter for a distance of not less than 6.00 metres back from its junction with the public highway.

REASONS FOR CONDITIONS

1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of proper planning.
3. In the interest of highway safety to ensure adequate visibility at the point of access and egress from vehicles entering or leaving the site.
4. To prevent surface water run off onto the highway.
5. In the interest of highway safety.

INFORMATIVE NOTE

1. The applicant is advised that wild birds and common species of reptile are legally protected under the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2010. If any hedgerow removal works are to take place during the bird nesting season (March to September), works should only be undertaken immediately following an inspection by an ecologist to minimise the risk of killing or injuring reptiles and to confirm the presence/absence of nesting birds.
2. The applicant is advised that they will need to apply to the Highway Authority for a license under section 184 of the Highways Act.

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The creation of a new farm entrance at this site is considered to be reasonably necessary in order to provide an alternative and more suitable means of access for visiting traffic to the holding. The proposed access, whilst in reasonable proximity to the grade 1 listed church is not considered to have a harmful impact on the setting of the church which is clearly defined by its boundary walls. The proposed access will change the appearance of the immediate area however there are a number of accesses along the road and it is not considered that the proposed access would have a harmful impact on the wider street scene. The proposal would result in approximately 20m of hedgerow being removed, however from an assessment point of view it is not considered that this aspect of the proposal, given the overall context and length of hedge, would have an unacceptable adverse impact on the overall character of the area or on potential of the area as a wildlife habitat. The submitted plan demonstrates that sufficient visibility can be provided, and overall it is therefore not considered that the application scheme would have an adverse impact on the local road network.

On this basis the application scheme is considered to be in accordance with the following policies; Mid Devon Core Strategy (Local Plan part 1) COR2 and COR18, Local Plan part 3 (Development Management Policies) DM1, DM2, DM22 and DM27 and Government advice in the National Planning Policy Framework.

Jonathan Guscott
Head of Planning and Regeneration