

Application No. 15/01808/MFUL

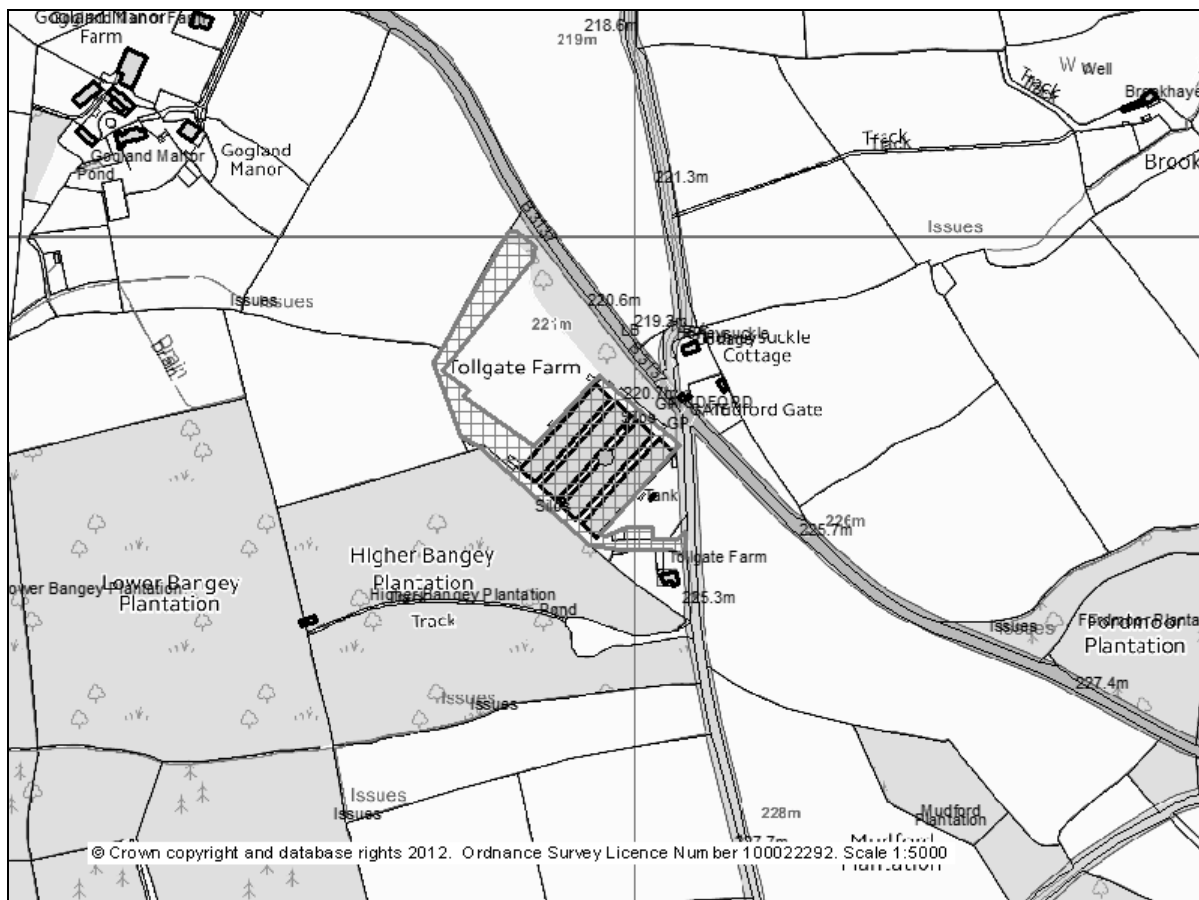
Grid Ref: 112901 : 285916

Applicant: Amber Real Estate Investments Ltd

Location: Land and Buildings at NGR 285916 112901 Tollgate Farm Nomansland Devon

Proposal: Erection of 3 replacement poultry buildings (7071 sq m) following demolition of existing, and provision of associated infrastructure including feed bins and hardstanding

Date Valid: 11th November 2015



REPORT OF THE HEAD OF PLANNING AND REGENERATION - MRS JENNY
CLIFFORD

**15/01808/MFUL - ERECTION OF 3 REPLACEMENT POULTRY
BUILDINGS (7071 SQ M) FOLLOWING DEMOLITION OF EXISTING,
AND PROVISION OF ASSOCIATED INFRASTRUCTURE INCLUDING
FEED BINS AND HARDSTANDING - LAND AND BUILDINGS AT NGR
285916 112901 TOLLGATE FARM NOMANSLAND DEVON**

Reason for Report:

Members of the Planning Committee have requested that this Major application be determined by the Planning Committee.

RECOMMENDATION

Grant planning permission subject to conditions

Relationship to Corporate Plan:

Managing the environment

Financial Implications:

Should the application be refused and an appeal lodged with the Planning Inspectorate there is a risk of an award of costs against the Local Planning Authority if it were found to have behaved unreasonably

Legal Implications:

None

Risk Assessment:

None identified

Consultation carried out with:

1. Templeton Parish Council
2. Cruwys Morchard Parish Council
3. Highway Authority
4. Environmental Health
5. Natural England

6. Tiverton Town Council
7. Cadeleigh Parish Meeting
8. Cheriton Fitzpaine Parish Council
9. Puddington Parish Council
10. Poughill Parish Council
11. Thelbridge Parish Council
12. North Devon District Council

1.0 PROPOSED DEVELOPMENT

Erection of 3 replacement poultry buildings (7071 sqm) following the demolition of 4 existing poultry buildings and the provision of associated infrastructure including feed bins and hardstanding at Tollgate Farm, Nomansland.

The four existing poultry buildings provide 155,000 bird places for broiler rearing. It is proposed to demolish these four buildings and erect three new poultry buildings (on the site of the demolished buildings) that will provide 148,000 bird places for broiler rearing. Two of the proposed buildings measure 100.6m x 23.2m and one measures 103.6m x 23.2m. The height of the buildings to ridge is 5.3m and the highest part of the ventilation chimneys on the south western end of the buildings (furthest from nearest off site dwelling) is 8m.

The buildings are proposed to be sited on new concrete slabs and will be timber framed construction, clad with box profile polyester coated steel sheeting. It will be coloured merlin grey on the gable and side elevations and goosewing grey on the roof. On either side elevation, close to the eaves there are a number of small windows fitted with blackout blinds.

Development also includes associated site infrastructure such as clean and dirty water handling facilities, control room, concrete yard areas and feed bins.

The broiler chicken rearing production at Tollgate Farm takes place over a 34-40 day cycle and approximately 7 batches of chicken are reared per annum. There is a 5-7 day clean out period at the end of each cycle. Following the rearing process at Tollgate the chicken are transferred to a facility at Willand for processing. The traffic generation of the 3 new units would be equal to that of the existing 4 units and the Highway Authority have raised no objection.

Although the use of the existing buildings stopped in December 2015, until that time farm litter waste was being transported to the Anaerobic Digester (AD) at Menchine Farm, Nomansland by tractor and trailer (28-35 trips at end of each cycle/crop). Farm litter waste from the replacement buildings will be transported to the AD at Menchine farm. It will be transported to this AD by 26 tonne, 6 wheel, rigid skip lorries that are able to carry 13 tonnes of waste. Approximately 15 trips would be needed per crop of chicken. Traffic generation would therefore be reduced as a result of the development.

Waste water from washing out the buildings would be contained in the dirty water catchment tank in front of the poultry buildings (on south western side of the site). The tank is emptied by specialist contractors when required and taken to registered disposal points. It does not go into an AD.

The site is already registered under Integrated Pollution Prevention and Control legislation with the Environment Agency which ensures controls are met and Best Available Techniques are adhered to at all times.

2.0 APPLICANT'S SUPPORTING INFORMATION

Environmental Statement – chapters included: Background, Details of proposal, farm waste and clean water management, flood risk, airbourne pollution, ecology, landscape, highways, other potential impacts, carbon reduction, alternatives, community involvement

Environmental Statement appendices – Scoping opinion, existing and proposed layouts, Extended Phase 1 Habitat Assessment, Environment Agency Ammonia Screening, Existing IPPC Licence, Flood Risk Assessment, Odour Impact Assessment.

Design and Access Statement

3.0 PLANNING HISTORY

96/01580/FULL Erection of four 19.8 metres x 100 metres poultry houses with associated feed silos (8 no.), underground slurry storage tanks (2 no.) and associated concrete access, parking and turning area - REFUSE

97/01089/FULL Erection of four new poultry houses and feed silos - PERMIT

11/01350/MFUL Erection of 4 additional poultry buildings and provision of associated infrastructure including feed bins and hardstanding - PERMIT

15/00848/SCR Request for scoping opinion in respect of demolition and rebuilding of poultry buildings - CLOSED

4.0 DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR1 - Sustainable communities

COR2 – Local distinctiveness

COR9 – Access

COR18 - Countryside

Mid Devon Local Plan Part 3 (Development Management Policies)

DM1 – Presumption in favour of sustainable development

DM2 – High quality design

DM3 -Sustainable design

DM4 -Waste management in major development

DM6 – Transport and air quality

DM7 – Pollution

DM8 – Parking

DM22 – Agricultural developments

DM30 – Other protected sites

5.0 CONSULTATION RESPONSES

TEMPLETON PARISH COUNCIL - 30th November 2015

It was felt that although no one would wish stand in the way of better welfare conditions for the chicken housed at Tollgate - the granting of previous applications on this site did not specify all the chicken litter going to Menchine AD as it was not operating.

Now we have a large Application to increase Menchine Farm chicken numbers and two new applications for industrial chicken farms at Edgeworthy and Gibbett Moor Farm. Extreme concern was raised with regard to this chicken litter also going through the small hamlet of Nomansland to access the Menchine Farm AD for disposal.

In particular the increased traffic danger to the residents of Nomansland which has no footpath for pedestrians at all. It was also felt that more detailed information needed to be supplied regarding the volume of chicken litter produced and where and how it will be disposed of in conjunction with the three other applications. Would the Menchine AD presently at 500kw be able to process and safely dispose of all this chicken manure? If to be utilised as fertiliser sufficient safe agricultural land needs to be identified and proper manure records kept.

CRUWYS MORCHARD PARISH COUNCIL - 18th December 2015

I refer to Cruwys Morchard Parish Council's meeting on 10th January where it was unanimously recommended that the above planning application be refused for the following reasons:

The neighbouring residents lives are severely effected by the current operation of Tollgate Farm, Nomansland as follows:

- The smell emitted at certain times is unacceptable together with the dust when the existing buildings are being cleaned out. The proposals for the new poultry buildings states that cleaning out will be staggered which effectively means that the cleaning out process will be continuous.
- When cleaning out there is constant noise which normally goes onto to around 1 a.m. in the morning.
- The current screening is inadequate with the Leylandi trees not being managed properly.
- There was no consultation about the changes with neighbours.
- The current large lorries are not suitable for use of this narrow lane and entrance and exit to the lane is dangerous.
- The planning application does not specify where the chicken manure will be stored and would be hazardous. There are restrictions on when the manure can be scattered on fields and therefore would need to be stored somewhere at certain times

The Campaign to Protect Rural England raise the following the points:

- This would be deemed to be industrialisation/factory farming.
- Too much traffic on a large scale will occur on rural lanes which are not able to cope with the effect.
- It is too close to residential property.

- Consideration must be given to the accumulative effect of all the other chicken houses and proposed chicken houses in what is a relatively small area.

HIGHWAY AUTHORITY - 19th November 2015

The proposed developments a replacement of existing units and the traffic generation of the 3 new units would be equal to that of the existing 4 units Therefore the Highway Authority would raise no objection.

However the applicant is advised to maintain the visibility splay from the junction of the unclassified road onto the B3137 and aim to provide 2.4m back along the centre line of the side road and extend to a point west of the junction on the near side kerb 150m with no obstruction greater than 600mm. This can be achieved by raising the canopy of the evergreen trees to a height of 2.0m above the verge.

In addition the unofficial passing bay on the west verge on the side road between the access and the junction would benefit from being formalised.

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

DEVON & CORNWALL POLICE AUTHORITY - 12th November 2015 - There are no crime and disorder issues that I can identify, If you wish a response from the police could you please be more specific.

NATURAL ENGLAND - 1st December 2015

We have considered the proposal against the full range of Natural England's interests in the natural environment and have the following comments.

Designated sites

Internationally and nationally designated sites – no objection

The proposed development is within 7km of the following designated sites:

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

These sites are special because of their grassland and heathland habitats and their butterflies. Further information can be found at www.magic.gov.uk

Natural England's Impact Risk Zones² have identified the sites as being sensitive to impacts from aerial pollutants, such as ammonia, due to the scale, nature and location of the proposal.

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

The Culm Grasslands Special Area of Conservation (SAC)

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

In advising your authority on the requirements relating to Habitats regulations Assessment and to assist you in screening for the likelihood of significant effects, based on the information provided, Natural England offers the following advice:

- the proposal is not necessary for the management of the European site
- the proposal is unlikely to have a significant effect on any European site, and can therefore be screened out from any requirement for further assessment

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

- ES Appendix 4 Environment Agency Ammonia screening 2015
- Hare's Down, Knowstone and Rackenford Moors Site of Special Scientific Interest (SSSI)

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

Landscape

This proposal does not appear to be either located within, or within the setting of, any nationally designated landscape. All proposals however should complement and where possible enhance local distinctiveness and be guided by your Authority's landscape character assessment where available, and the policies protecting landscape character in your local plan or development framework.

Local Sites

Natural England does not hold locally specific information relating to local sites, but we are aware of Witheridge and Great Moor CWS 2km to the north of the proposal. Local sites remain material considerations in the determination of a planning application and your LPA may like to seek further information from the appropriate bodies such as Devon County Council and the Devon Biodiversity Records Centre (DBRC) to ensure your authority has sufficient information to fully understand the impact of the proposal before it determines the application.

Protected Species

We have not assessed this application and associated documents for impacts on protected species. Natural England has published Standing Advice on protected species. You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence is needed (which is the developer's responsibility) or may be granted.

Biodiversity Enhancements

Your authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) of the same Act also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'.

Any design layout for the site should work towards a net gain in biodiversity (NPPF paragraph 9). We welcome the tree planting as part of the proposal and would suggest that if Sustainable Drainage Systems (SUDs) are proposed guidance on the design of SUDs for wildlife by the RSPB is followed.

The guidance can be found at www.rspb.org.uk/sustainabledevelopment

Additional matters

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

THELBRIDGE PARISH COUNCIL - 29th January 2016

At the last meeting of Thelbridge Parish Council the planning proposal 15/01808/MFUL was discussed. Members expressed concern about the over proliferation of chicken litter if the new buildings go up, the augmented traffic which will inevitably result in the greater amount of business and the possible over production of chicken in the area.

6.0 REPRESENTATIONS

Letters of notification were sent to 16 addresses in close proximity to the site and publicity was given to the application via a notice in the Mid Devon Star and erection of site notices both at the gates to the premises and at the nearest cross roads with the B3137. In total 5 letters have been received raising concerns/objections regarding the current application. A summary of the comments made is below:

- Odour/smell from the site is unacceptable;

- Additional traffic generation not acceptable;
- Increased use of Mudford Gate cross roads is unacceptable;
- Noise levels are unacceptable;
- Cumulative impact of chicken farm developments in local area needs to be taken into account;
- Leylandii trees on the boundary of site and not managed and are too high, blocking light;
- Pictures submitted with the ES are unrepresentative;
- NVZ in the area and chicken waste cannot therefore be spread on fields all year round;
- Waste water from the farm has been spread on fields in the past;
- Menchine AD plant may not be able to take all the chicken litter waste;
- Staggering of cleaning out the poultry buildings on local farms will exacerbate problems;
- Improvements to existing buildings would have improved living conditions for nearby residents

7.0 MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main considerations in the assessment of this application are:

1. Relevant planning policies
2. Planning history and current poultry buildings
3. Design
4. Impact on amenity of local residents
5. Highways (deliveries etc and waste removal...location of etc)
6. Visual impact
7. Environmental impact
8. Waste water and surface water drainage

1. Relevant Planning Policies

The key policy used to determine the application is policy DM22 (Agricultural development) of the Local Plan Part 3 (Development Management Policies). This states that agricultural development will be permitted where: *The development is reasonably necessary to support farming activity on that farm or in the immediate agricultural community; 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 the development will not have an unacceptable adverse impact on the environment. The development will not have an unacceptable traffic impact on the local road network.*

Relevant assessment of the policy is given under Sections 3, 4, 5, 6 and 8 of the report.

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

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

The assessment of this policy is made under Sections 3, 4, 5, 6 and 8 of the report.

Policy DM30 (Other protected sites) considers the impact of development proposals likely to have an individual or cumulative adverse impact on important sites including Sites of Special Scientific Interest (SSSI) Ancient Woodland and Special Areas of Conservation.

There are no sites in Mid Devon that are designated at European level for wildlife protection or special conservation, however the proposed development is within 7km of the Culm Grasslands Special Area of Conservation (SAC) and Hare's Down, Knowstone and Rackenford Moors SSSI. Policy DM30 states that planning permission will only be granted where:

The benefits of and need for the development clearly outweigh the direct and indirect impact of the protected site and the ecosystem it provides;

The development could not be located in an alternative, less harmful location

Appropriate mitigation measures have been put in place.

The relevant assessment is set out under Section 5 of this report.

Policy COR2 of the Mid Devon Core Strategy (Local Plan Part 1) requires development proposals to sustain the distinctive quality, character and diversity of Mid Devon's environmental assets through high quality design and preservation of the distinctive qualities of the natural landscape. Design is also measured under policy DM2 of the Local Plan Part 3 (Development Management Policies).

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

Policy COR9 (Access) of the Mid Devon Core Strategy (Local Plan Part 1) seeks to manage travel demand from development and reduce air pollution whilst enhancing road safety. Significant development must be accompanied by Transport plans.

Policy COR18 (Countryside) of the Mid Devon Core Strategy (Local Plan Part 1) seeks to control development outside of settlement limits in order to protect the character, appearance and biodiversity of the countryside while promoting sustainable diversification of the rural economy but is permissive of agricultural buildings in principle.

2. Planning history and current poultry buildings

The existing poultry buildings have been on the site for 40 + years. Due to the age and condition of the buildings further works to improve them would be unviable and ineffective so it is proposed to demolish them and erect three new buildings.

In 2012 (under application 11/01350/MFUL) planning permission was granted for the erection of 4 additional poultry buildings. The pre-commencement conditions for this permission were discharged and the permission was commenced, although the buildings have not yet been erected. Therefore, there is extant planning permission for the erection of 4 additional poultry buildings at Tollgate Farm. The permission applies to an area of land immediately adjacent to the existing buildings.

Condition 3 of this earlier consent states "None of the new poultry buildings hereby granted shall be brought into first use until such time as the modification and refurbishment works to the existing poultry buildings has been completed in accordance with details that shall have

previously have been submitted to and agreed in writing by the Local Planning Authority and such works shall be so retained”.

Following the grant of this earlier permission it was established that it would be unviable to improve the existing buildings which has led to the submission of the current application.

The proposed poultry buildings would match the external appearance of the 4 additional buildings that were approved in 2012. Following the demolition of the existing (4) buildings and erection of 3 new buildings, plus the erection of the 4 buildings approved under 11/01350/MFUL there would be a total of 7 poultry buildings at Tollgate Farm.

3. Design

The proposed 3 new poultry buildings would utilise the whole of the footprint of the existing buildings to be demolished. The buildings have a utilitarian appearance but they are considered to be appropriate for the intended use of poultry rearing. They match the appearance of the 4 additional buildings approved under 11/01350/MFUL.

The height of the buildings to ridge is 5.3m and the highest part of the ventilation chimneys on the south western end of the buildings (furthest from nearest off site dwelling) is 8m.

The buildings are proposed to be sited on new concrete slabs and will be timber framed construction, clad with box profile polyester coated steel sheeting. It will be coloured merlin grey on the gable and side elevations and goosewing grey on the roof. On either side elevation, close to the eaves there are multiple small windows fitted with blackout blinds. The buildings will not be any more noticeable on the site than the current buildings. There is some existing screening at Mudford Gate cross roads (to north east corner of the site) which help to filter views into the site from the B3137 and Honeysuckle Cottage (nearest off site dwelling at Mudford Gate cross roads

Development also includes associated site infrastructure such as clean and dirty water handling facilities, control room, concrete yard areas and feed bins. These additional elements will sit comfortably alongside the new buildings.

The proposed development is considered to comply with COR2 and COR18 of the Mid Devon Core Strategy (Local Plan Part 1), DM2 and DM22 of the Local Plan Part 3 (Development Management Policies). The application states that surface water will be disposed of through a sustainable drainage system which attracts further policy support from criteria F of Policy DM2.

4. Impact on amenity of local residents

The main issues for consideration are the potential impacts arising from odour, noise, leylandii trees of north east boundary and traffic movements/generation.

Environmental Health have been consulted on the application but at the time of writing this report no response had been received. This section of the report will therefore be updated at the Planning Committee.

Concerns have been raised regarding the smell and odour associated with the operation of the chicken farm at Tollgate. This has been raised by nearby residents as well as by Parish Councils. However, the odour associated with the operation of the site should be significantly reduced as a result of replacing the old buildings with new. The new buildings

will contain modern high speed ventilation fans that help to reduce odours. An odour model submitted with the 2011 application at Tollgate concluded that as a result of the replacement of the old buildings with new, the air quality at the receptors (including Honeysuckle Cottage approximately 65m to the north) would be considerably improved. While the Applicants are not prevented from utilising the existing old sheds, they have chosen to cease their use and to replace the buildings. This is considered to be a positive step in terms of managing odour from the operation of the site as a chicken rearing facility.

In relation to noise, the replacement of the old buildings with modern poultry buildings will not increase noise levels generated via operation of the site. The new buildings are better insulated and the local of high speed ventilation fans on the south western end of the buildings will both assist in reducing noise levels when compared with the use of the existing buildings. This is considered to be compliant with Policy DM7 (Pollution) in the Local Plan Part 3 (Development Management Policies).

With regard to the leylandii trees on the north east boundary of Tollgate Farm, these are tall and would benefit from some management as they now appear a little misshapen. However, these trees do, fairly effectively, assist in screening the existing poultry buildings from Honeysuckle Cottage to the north and partially from the B3137 and adjoining rural lanes. It is acknowledged that the screening from Honeysuckle Cottage could be improved in supplemental planting was carried out to fill gaps between the lower branches of these trees, but additional planting to further screen the site is not considered to be an essential element of the current proposal. Should the applicant wish to provide supplemental screening on this or other boundaries of the site then they would be able to do and this is likely to be welcomed by the occupiers of Honeysuckle Cottage. With regards to the tall leylandii trees, the plans do not include that these trees are to be removed and the Local Planning Authority would not wish to encourage their removal if the site would not then be screened to the same extent as at present. As the existing trees do provide acceptable visual screening it is not considered reasonable to impose a condition requiring their removal and replacement with alternative screening. However, this does not prevent the Applicant's from reaching a private agreement with regards to the management of these trees with the occupiers of Honeysuckle Cottage who have comments that the light levels to their garden and living room would be improved if the trees were reduced in height.

The demolition of the existing 4 poultry buildings and replacement with 3 new poultry buildings will not increase traffic movements to and from the site. Slightly less chicken would be reared in the new building as opposed to the old and chicken waste is proposed to be disposed of (to AD) by lorry rather than tractor and trailer – these changes would help to reduce traffic movements. The Highway Authority have raised no objection to the proposal on the basis that there would be no additional traffic generation. With this in mind and because the site could still be operational without any changes to logistics/traffic movements or type, it is not considered to be reasonable to impose a condition that restricts traffic movements or the type of vehicle that can be used in the operation of the business. There are not considered to be any additional traffic impacts as a result of replacing the existing buildings, and if the use of tractor and trailer to transport chicken waste is replaced by use of lorries then traffic movements should be slightly reduced in number.

While the concerns/objections of local residents have been taken into account, it is not considered that the current proposal will result in any additional environmental impacts that will have a detrimental impact on the amenity of local residents, in particular the residents of Honeysuckle Cottage.

The site operation would remain subject an environmental permit to control impacts on the wider area. The Officer considers that the proposed development would receive support

under Policies DM2, DM7 and DM22 of the Local Plan Part 3 (Development Management Policies).

5. Highways

The Highways Authority have raised no objection to the development as they agree that traffic generation from the 3 replacement units would be equal to that from the 4 existing buildings.

Paragraph 32 of the National Planning Policy Framework relates to development likely to generate significant amount of traffic movement and requires a Transport Statement or Transport Assessment to be submitted. This should take into account whether *improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development*. This goes on to state that: *Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe*.

As the Highway Authority have indicated that the development will not result in additional traffic generation the applicant was not required to submit a Transport Statement or Transport Assessment. The Environmental Statement (ES) submitted with the application does discuss the traffic generation associated with the replacement poultry buildings. This concludes that as the waste from the poultry buildings will be transported from the site by 26 tonne, 6 wheeled rigid skip lorries, instead of by tractor and trailer (as was the case in 2015 when the buildings were last operational), the number of trips generated during the cleaning out phase of the operation of the site will be reduced by approximately 50%. Traffic generation associated with the transportation of chicken, staff arrivals and departures, deliveries etc will not be significantly altered as a result of the development, but will not increase. The traffic generation associated with the proposed development is therefore considered to have a neutral impact.

It is recognised that development of this site has given rise to local concern over transport impacts; however the application is considered to demonstrate that highways impacts from the construction and operation of the site would be acceptable and there would be a reduction in traffic generation during the cleaning out phase of the chicken rearing process. The impact of the development would be less than severe in the context of Paragraph 32 of the NPPF. The proposal is considered to be in accordance with policies COR9 of the Mid Devon Core Strategy (LP1), policy DM8 of the Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework (notably Paragraph 32).

Although the Highway Authority have raised no objection to the development they advised that the visibility splay from the junction of the unclassified road onto the B3137 should be maintained and suggest this could be achieved by raising the canopy of the evergreen trees to a height 2m above the verge. They also suggest that the unofficial passing place on the west side of the unclassified leading from the site access to Mudford Gate cross roads would benefit from being formalised.

6. Visual Impact

The application site already contains 4 poultry buildings and planning permission has previously been granted for an additional 4 buildings on land to the north west. The visual impact of the 3 replacement buildings must therefore be considered in context. The 3 replacement buildings currently proposed will result in a visual change to the site. However, the opportunities for public vantage points into the poultry unit are very limited. The new buildings will include ventilation chimneys and fans on the south western ends. These are

higher than the ridge heights of the main part of the buildings. While this has potential to slightly increase the visibility of the buildings, this taller section is on the end furthest away from the roads and nearest residential property. The ventilation chimneys are not considered to detrimentally affect the overall appearance of the buildings.

Views into the site are limited due to the screening on the perimeter of the site and the surrounding field and roadside hedgerows which help to filter views.

There are some views into the site entrance and of the southern side of the proposed buildings when approaching from Two Post Cross to the south. Views from the south will not be significantly altered following the construction of the 3 replacement buildings. The buildings will look different and new but will not be significantly more visible than the existing buildings.

The trees and hedgerow on the north east and east boundaries of the help to filter views of the poultry buildings from the B3137 and from the nearest off site dwelling, Honeysuckle Cottage at Mudford Gate cross roads (approximately 60 metres to the north east of the site). The occupiers of this property have raised concern about the management of the trees that currently screen the site and it is understood that they wish to seek some agreement from the applicant with regards to the long term management of the boundary screening. In visual terms, the existing boundary trees and hedgerow do assist in limiting the visual impact of the current poultry buildings and would offer the same level of screening for the replacement buildings.

There are no public footpaths crossing the site or close enough to the site to provide views of the proposed buildings.

While there would be a few vantage points within the local area from which there would be short range views of the poultry buildings, it is not considered that the replacement buildings would result in any significant additional visual harm over and above any harm currently caused by the existing buildings. With regard to the visual impact of the development, the application is considered to be in accordance with Policies COR2 of the Mid Devon Core Strategy (Local Plan Part 1), DM2 and DM22 of the Local Plan Part 3 (Development Management Policies).

7. Environmental Impact Assessment (EIA)

An EIA scoping request was submitted to the Local Planning Authority 28th May 2015, and a response issued on 23rd June 2015. The scoping opinion set out the topics to be addressed in the Environmental Statement (ES). An Environmental Statement was required as the development represents **Schedule 1** development as defined in Circular 2/99:

Environmental Impact Assessment. The main environmental impacts likely to arise from the proposed development were identified to be from odour, noise, ammonia, dust and methane and from the production of waste in the form of poultry manure and dirty water. It was noted that this could impact nearby occupants but also the Culm Grassland SAC, and the Haresdown Knowestone and Rackenford Moor SSSI.

When assessing impacts upon the natural environment and habitats, Natural England guidance states that where the effects of development cannot be excluded, an appropriate assessment is required to reach a conclusion as to whether an adverse effect on the integrity of the site can be ruled out. The developer has submitted an ammonia screening report in conjunction with the Environmental Statement, which considers the likelihood of significant environmental impacts.

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

Natural England has confirmed that the proposal *is unlikely to have a significant effect on any European site, and can therefore be screened out from any requirement for further assessment.*

Having regard to the pre-application Environment Agency ammonia screening response, the Local Planning Authority considers that sufficient information has been provided to determine the likely effects upon the Culm SAC and SSSI sites in the area. It is considered that there are sufficient measures set out within the ES to conclude that the development (in construction and operation) would have an acceptable environmental impact without significant harm to the local setting or to protected sites.

It is also concluded that the benefits arising from the development would outweigh the direct and indirect impact of the Culm Grassland SAC and SSSI designations, that the development could not be reasonably located in an alternative, less harmful location and appropriate mitigation measures are proposed to make the development acceptable, in accordance with COR2 of the Mid Devon Core Strategy 2000 and Policy DM30 of the Local Plan Part 3 (Development Management Policies).

An extended phase 1 habitat and protected species survey by Eco-Check Consultancy Ltd was submitted as part of the ES. The survey identified that the development area is dominated by concrete aprons and buildings with some improved and semi improved grassland to the south east and tall rural vegetation across an earth bank to the north. The site is bordered by raised earth banks topped with trees and hedgerows to the north-east and south west and improved and semi improved grassland to the north-west and south east. The most ecologically valuable features of the site are the hedgerows, boundary trees and adjacent woodland, all of which are proposed to be retained. The survey indicated that certain protected species are considered present or likely to occur on the wider site including nesting birds, bats, reptiles and badger. A Construction Ecological Management Plan was produced as part of the 2012 permission for 4 additional buildings. This is to be extended to cover this area of Tollgate farm site, and will be required via a planning condition. With a suitable Construction Ecological management Plan it is considered that the development will not have a detrimental impact on protected species in accordance with Policy DM2 of the Local Plan Part 3 (Development Management Policies).

8. Waste water and surface water drainage

The flood risk assessment submitted with the application identifies that the land around the poultry buildings is fairly impermeable and that an infiltration system approach for surface water is not viable. It is therefore proposed to construct an attenuation tank to manage surface water. Surface water will be piped into the attenuation tank and then discharge controlled by hydro brake into either a ditch on the western boundary of the site or directly into one of the small streams in land to the west (subject to agreement with landowners). The surface water runoff rate will not increase as a result of the development.

Waste water from washing out the buildings would be contained in the dirty water catchment tank in front of the poultry buildings (on south western side of the site away from road and off site residential property). The tank is emptied by specialist contractors when required and taken to registered disposal points. It does not go into an AD.

The provision of surface water drainage system and the waste water catchment tanks is considered to be acceptable under Policies COR2 and DM2, and will mitigate risk of pollution of watercourses, in accordance with Policy DM7 of the Local Plan Part 3 (Development Management Policies).

SUMMARY

The proposed development comprising 3 replacement poultry sheds, attenuation tank and associated development is considered to be without significant detrimental impacts upon the living conditions of local residents. The application provides sufficient information to determine the environmental impact upon the Culm SAC and designated SSSI sites. It is concluded that the development will not have any additional visual impact on the surrounding area. There will be no increase in traffic generation as a result of the replacement of 4 existing poultry buildings with 3 new buildings and slightly less chicken will be reared in the buildings than currently possible. The replacement modern buildings will be an improvement to the current buildings that are 40 + years old and in need of significant improvement to meet modern standards. Chicken waste will be disposed of to a nearby AD plant and this is acceptable. Waste water will be collected and disposed of in accordance with regulations. A suitable surface water strategy can be devised for the site. The application is considered to comply with Policies COR1, COR2, COR5, COR9 and COR18 of the Mid Devon Core Strategy (Local Plan Part 1) and Policies DM1, DM2, DM3, DM4, DM7, DM8, DM22 and DM30 of the Local Plan Part 3 (Development Management Policies). Planning Permission is recommended subject to conditions.

INFORMATIVE

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

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three* years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. No development shall be commenced until details of the surface water drainage system based on the surface water being discharged to a ditch on the western boundary of the site as detailed in the Environmental Statement, have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter the approved drainage scheme shall be fully implemented before any part of the development is occupied, and be so retained.
4. A management plan, setting out the long term management responsibilities and maintenance schedules for the Sustainable Urban Drainage Systems (SUDS) including pipes, swales, detention areas, and associated flow control devices, shall be submitted to, and approved in writing by, the Local Planning Authority prior to any of the buildings first coming into use. The SUDS approved shall thereafter be managed and maintained in accordance with the agreed details.

5. No development shall be commenced until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved Management Plan at all times during the construction phase of the development.
6. The development shall be carried out in accordance with the recommendations set out in the mitigation section of the Phase 1 Habitat survey completed by Eco-Check Consultancy Ltd in July 2015.

REASONS

1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of proper planning.
3. To ensure appropriate measures are taken to manage surface water in accordance with Policies DM2, DM7 and DM22 of the Mid Devon Local Plan Part 3 (Development Management Policies).
4. To ensure an appropriate access to and from the site for use by heavy goods vehicles, in accordance with Policies COR9 of the Mid Devon Core Strategy (Local Plan Part 1), DM6 and DM22 of the Mid Devon Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.
5. To ensure the development will not result in unacceptable harm to the amenities of the area, trees hedges, watercourses or wildlife in accordance with Policies DM4, DM7 and DM22 of the Mid Devon Local Plan Part 3 (Development Management Policies).
6. To ensure the development will not result in unacceptable harm to protected species in accordance with Policy DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies) and habitat regulations.

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| Circulation of the Report | Cllr Richard Chesterton Members of Planning Committee |