

PLANNING COMMITTEE AGENDA - 9th March 2016

Applications of a non-delegated nature

**UPDATES**

<b><u>Item No.</u></b>	<b>Description</b>
1.	15/01871/FULL - Erection of a two storey extension at 1 Aspen Way, Tiverton, Devon.
2.	15/01993/TPO - Application to carry out works to 2 Oak trees protected by Tree Preservation Order 02/00005/TPO at Footpath Rear of 3 & 4 Aspen Way, Willand, Devon.
	AGENDA ITEMS
	<p>15/01622/FULL - Erection of an agricultural worker's dwelling and an agricultural livestock building Land at NGR 316711 110152 (Ten Oaks Farm), Clayhidon, Devon Deferred for further information and an <b><u>IMPLICATIONS REPORT</u></b></p> <p><b><u>NB</u></b> – An appeal has been lodged with the Planning Inspectorate. Members are therefore asked to indicate the decision they would have made, had they the opportunity to do so.</p> <p><b>Last line Page 55 – text correction</b> <b>Replace ‘justification’ with ‘jurisdiction’.</b></p>
	<p>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 at Land and Buildings at NGR 285916 112901, Tollgate Farm, Nomansland</p> <p>Part 1.0 Proposed development, page 85 Report states that when the existing buildings ceased being used in December 2015 that litter waste was being transported to the Anaerobic Digester at Menchine Farm by tractor and trailer. The litter waste was actually being spread on nearby farm land. The Environmental Report submitted with the application states that litter waste from the replacement buildings will be transported to an Anaerobic Digester. Having discussed this further with the Agent, the litter waste will either be spread on nearby farm land as was the situation when the buildings were last in use, or transported to an AD via 26 tonne, 6 wheeled rigid lorries. The proposed replacement buildings are still considered to result in a ‘neutral’ change regarding vehicle movements.</p>
	15/01994/FULL - Erection of a covered slurry store (760 sq. m) at Land at NGR 269824 104236, Lower Newton Farm, Zeal Monachorum

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7<sup>th</sup> March 2016 - Revised Design and Access Statement (received 29<sup>th</sup> February 2016) Only change from that previously submitted: reference made to use of Profile 6 fibre cement sheets in anthracite grey. This change is as previously requested by the Local Planning Authority (see below)

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

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

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

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

9<sup>th</sup> March 2016 – Information received from the applicant.

17<sup>th</sup> February 2015

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

6<sup>th</sup> March 2015

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

21<sup>st</sup> May 2015

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

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	<p>Late September 2015 After meeting with 6 neighbours on 19/6/2015 and realising their opposition to the 1<sup>st</sup> planning application, it was withdrawn.</p> <p>16<sup>th</sup> October 2015 The applicants met with his construction consultant to discuss the suitability of the 2 sites suggested in Savills report. Discussed with the landowner the suitability of these sites for the building and he suggested looking at a third site. On measuring the landowners suggested site, it was ruled out owing to the visual impact on the residents at Leigh Cross.</p> <p>3<sup>rd</sup> November 2015 The applicants and the Local Planning Authority Case Officer c met on the proposed site of the second planning application, for a pre app visit. Following that the landowners were visited by the applicants and informed that they would put in an application on the second site and gave them a copy of the proposed layout in the field. Further discussions were held regarding our purchase of lower Newton farm. They were informed that this would happen as soon as the planning application was successful.</p> <p>12<sup>th</sup> November 2015 E mail received from the landowner saying he would like a deposit for the farm by the beginning of February 2016.</p> <p>17<sup>th</sup> November 2015 The applicant spoke to the landowner to ascertain that he would definitely sell them the farm if a 2nd planning application were successful. This was to make sure it was worth while putting this in. The landowner confirmed that he would sell us his farm.</p> <p>Subsequently the 2nd planning application was submitted.</p> <p>Most of the agreement between the landowner and the applicant has been done verbally and on trust.</p> <p>With regards to Condition 7 of the recommendation the reason for Condition 7 should be:</p> <p>Reason: To minimise the impact of the development on the general amenities of the area in accordance with policy DM2 of Local Plan Part 3.</p>
	<p>15/01996/MFUL - Erection of parlour, cubicle and covered feed building (1876sqm) at Land at NGR 269824 104236 (SW of Lower Newton Farm), Zeal Monachorum Devon</p> <p>7<sup>th</sup> March 2016 1. <u>Email from agent (dated 1<sup>st</sup> March 2016)</u> Confirming that 50-60 no. dairy replacement heifers will be housed in the</p>

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existing buildings along with 15 no. beef cattle. These numbers are in addition to the dairy herd. (132 no.) and are considered capable of being reared on the acreage that makes up Lower Newton Farm. The information is considered not to affect the officer assessment or recommendation.

2. Revised Design and Access Statement (received 29<sup>th</sup> February 2016)

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

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

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

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

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

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