

**PLANNING COMMITTEE AGENDA - 6th April 2016**

**Applications of a non-delegated nature**

**UPDATES**

<b><u>Item No.</u></b>	<b>Description</b>
	<b>ENFORCEMENT LIST</b>
1.	ENF/15/00075/BRE - Failure to comply with Condition 1 and Condition 4 on Appeal decision in relation to Planning Application 10/00160/FULL. Wiltown Mobile Home, Clayhidon, Cullompton, Devon
2.	ENF/16/00064/UCU - Unauthorised material change of use of land from agriculture to a mixed use of agriculture and use for the siting of a caravan for human habitation Green Acres, Coldridge, Crediton, Devon
3.	Failing to properly maintain land at Corner Close. Wall has collapsed and is now adversely affecting the amenity of the area. Corner Close, Morchard Bishop, Crediton, EX17 6PG
	<b>PLANS LIST</b>
1.	<p>15/01604/MFUL - Erection of 5 poultry units (5040 sq. m) and biomass boiler unit; formation of attenuation pond, access track, and hardstanding; landscaping; and associated infrastructure at Land at NGR 288027 116786 (Gibbett Moor Farm), Templeton, Devon.</p> <p>Four additional objections have been since the report was completed. The further representation raise concern about the proposed passing bay within Nomansland. In response to comment these concerns, the following points are considered relevant for members to consider.</p> <p>Objectors have commented that the proposed passing bay within Nomansland would encourage HGV's to use the village as a cut through for HGV traffic. It is also commented that a passing bay in this location would negatively impact on neighbouring amenity and could create flooding issues. Copies of photographs have been circulated which show the C308 flooded and a lorry stuck within a side ditch.</p> <p>It is not considered that the proposed layby is likely to cause any additional flooding issues, or encourage additional use of the lane by HGVs. It is clear from the representations and submitted photographs that the existing section highway is effectively a narrow part of the network and it is problematic for vehicles to pass safely without using the verge, and on a passing bay in this location is therefore considered to be a beneficial addition to the local road infrastructure. Due to the reasonably low speed of the road, the nature of a passing bay (vehicles will only pull into it temporarily), and the existing location of the road in relation to nearby neighbouring dwellings, it is not considered that the proposed passing bay would have a negative impact the amenity of neighbouring properties. Discussions with the Highways Authority confirm this passing bay is a necessary improvement to the highway, and approval of the proposed scheme with the recommended offsite highways works is advised.</p> <p>Comments have also made regarding the recent appeal decision to refuse planning permission to increase the capacity of the Menchine AD. It is considered by local residents that the existing Menchine AD plant will not have the capacity to utilise the waste as feedstock for the AD plant if 90,000 chickens are grown each cycle. As members are aware the Menchine AD plant was granted planning permission on the basis that the feedstock would be for 6,545 tonnes of arable crop and 3,000 tonnes of poultry litter. The supporting information suggests that each of the new units at Menchine, Edgeworthy and</p>

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	<p>Gibbet Moor will supply on average 820 tonnes of poultry litter, which in conjunction with the litter generated on the existing Menchine unit would be close to this proposed annual figure, however would not exceed the 3000 tonnes. Taking into account this information the existing AD plant at Menchine is deemed to be adequate for the disposal of chicken waste from this proposed unit, and the other applications recently submitted by the applicant and approved..</p> <p>No additional issues have been raised that have not already been considered by the LPA and covered within the officer report.</p> <p>Templeton Parish Council submitted an additional comment on the 04/04/2016. This is set below:</p> <p>We write to confirm our original objections to this above application and to agree with other objectors comments, in that we have no confidence in the authenticity of the additional information supplied by the Applicant's Consultants.</p> <p>Highways/Traffic - No accumulative consideration given to other existing farms whose agricultural traffic is also serviced by the same rural sub-standard roads in both Mid Devon District and North Devon District areas.</p> <p>No accumulative consideration given to traffic servicing other existing businesses in Mid Devon and North Devon for which the same sub-standard infrastructure often defines parish and district boundaries.</p> <p>No account taken of the accumulative residential and service traffic that utilises the affected local infrastructure as the most direct access to Nomansland, Thelbridge, Puddington, Cruwys Morchard, Pennymoor and Witheridge from the 4361 and vice versa.</p> <p>Environmental Protection against pollution of air, water and soil- No effective planning control to prevent the number of chickens kept within the described units being increased from 60,000 to 95,000 per cycle. The applicant has neither assessed nor recognised any consequential increases in manure/waste/traffic/nuisance within the documents provided with this Application.</p> <p>No comprehensive Waste &amp; Manure Plan provided by applicant. Does the applicant have enough access to suitable safe storage/land to facilitate the waste/manure produced by this development? (This is particularly relevant and important as the applicant does not appear to have clear title to the site and associated lands which are in administration). According to this application the disposal of all manures/slurries to be spread as fertilizers, appear to be totally reliant on the availability of rented seasonal/short term agricultural business lets. The disposal of any waste is to go to Menchine Anaerobic Digester (which applicant does not own or operate).</p> <p>Templeton as a Parish Council respectfully request the LPA to pay particular attention to the problems related to Manure/Slurry/Waste disposal as we and some of our neighbouring parishes, have been and still are experiencing numerous and considerable problems with inappropriate storage and over spreading of superfluous Manures and Wastes crossing Parish/District and County borders.</p> <p>Failure to have unambiguous clarity on the responsible and safe disposal of all Industrial/Factory farmed waste/manures creates an unacceptable Bio-security risk for the general well-being of our entire Environment, to include all other livestock farmers.</p>
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We therefore repeat our request that the Planning Committee refuse this application.

In response to this consultation, the following comments are considered relevant.

- The highway impacts of the proposed scheme of development are considered with the officer report. An adequate assessment of the vehicle movements associated with this application is considered to have been made, including in relation to cumulative impacts. There will be 54 annual vehicle movements from Gibbett Moor Farm to Menchine AD annually to deliver chicken waste. This is not considered to create any significantly negative impacts on the residents of Nomansland.
- As noted above, the LPA are required to consider the application on its merits. Waste will be disposed of at Menchine Farm AD. The application will be controlled by an environmental permit, therefore if waste disposal arrangements change adequate procedures are in place to prevent any significant environmental impacts.

The LPA maintain a recommendation of approval.

Conditions 3, 4, 5, 6, 12 and 13 have been amended as follows:

#### **CONDITIONS**

3. No development shall be commenced until details of the surface water drainage system based on the surface water being piped to a swale and then discharged as shown on the approved development area plan, have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter the approved drainage scheme shall be fully implemented in accordance with the approved scheme before any part of the development is occupied, and be so retained.

Condition 3 has been amended to include the clause "in accordance with the approved scheme"

4. Prior to the commencement of the development the site accesses and visibility splays shall be constructed, laid out and maintained for that purpose in accordance with drawings which shall have been submitted to and agreed in writing by the Local Planning Authority. The development shall be completed and retained in accordance with the approved details.

Condition 4 has been amended to provide a pre-commencement timescale.

5. Prior to the commencement of the development the site access road shall be hardened, surfaced, drained and maintained thereafter, for a distance of not less than 6.00 metres back from its junction with the public highway

Condition 5 has been amended to include the clause "prior to commencement of the development"

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	<p>6. 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. The approved surface water drainage scheme shall be provided on site prior to the commencement of the development.</p> <p>Condition 6 has been amended to include the clause “The approved surface water drainage scheme shall be provided on site prior to the commencement of the development.”</p> <p>12. Prior to their installation, details of the underground water storage tanks shall be submitted to and approved in writing by the Local Planning Authority. The tanks shall be installed in accordance with the approved details and shall be so retained.</p> <p>Condition 12 has been updated to include “The tanks shall be installed in accordance with the approved details and shall be so retained.”</p> <p>13. No development shall begin until there has been submitted to and approved in writing by the Local Planning Authority, a landscaping scheme which includes details of all existing hedgerows, hedgerow removal, new planting, seeding, turfing or earth reprofiling. The details approved in the landscaping scheme shall be carried out within 9 months of the substantial completion of the development, and any trees or plants which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species. Once provided, the landscaping scheme shall be so retained.</p> <p>The term “(or phase thereof)” has been deleted from condition 13.</p>
2.	15/01822/MFUL - Erection of 45 Extracare apartments and provision of associated communal facilities, car parking and landscaping, renovation of Alexandra Lodge following demolition of former stable block and extensions at Alexandra Lodge, 5 Old Road, Tiverton.
3.	15/01824/LBC - Listed Building Consent for the erection of 45 Extracare apartments and provision of associated communal facilities, car parking and landscaping, renovation of Alexandra Lodge following demolition of former stable block and extensions at Alexandra Lodge, 5 Old Road, Tiverton.
4.	<p>15/02004/FULL - Conversion of redundant building to dwelling at Holes Cottage, Bary Close, Cheriton Fitzpaine.</p> <p>The EH consultation response as set out in the report suggests that the windows in the bedroom do not provide adequate lighting and the staircase is unprotected which therefore does not provide a satisfactory means of escape in the event of a fire. The applicant’s agent revised the plans to address these issues in relation to the planning application proposals.</p>

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	<p>It should be noted that the comments set out raise some matters (internal arrangements) that would be addressed through the building regulations process should planning permission be granted.</p>
5.	16/00030/HOUSE - Conversion of garage to reception room, erection of first floor extension above and erection of detached garage at 6 Blenheim Court, Willand, Cullompton.
	<b>AGENDA ITEM</b>
	15/01034/MFUL - Erection of a 500kW anaerobic digester and associated works with 2 silage clamps. Revised Scheme to include the change of orientation of the layout and installation of 2 driers at Red Linhay Crown Hill Halberton