

PLANNING COMMITTEE AGENDA - 6th July 2016

Applications of a non-delegated nature

UPDATES

<u>Item No.</u>	Description
	AGENDA ITEM 5
	<p>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 Land at NGR 299621 112764 (Red Linhay) Crown Hill Halberton</p> <p>Reference: Conditions Planning Application 15/01034/MFUL</p> <p>On behalf of Greener for Life Energy, the applicant for the above planning application, I would like to express our objections to the proposed additional planning conditions (Numbers 22, 23 and 24) contained within your report to the Planning Committee 6th July 2016.</p> <p>These additional conditions do not fully meet the tests required for conditions these being:</p> <ul style="list-style-type: none">• Necessary• Relevant to planning• Relevant to the development to be permitted• Enforceable• Precise• Reasonable in all other respects. <p>Condition 22: <i>Within 1 month from the date of approval, details are to be provided in writing to the Local Planning Authority of the location and type of electronic system to be installed to monitor the number and type of vehicles entering and leaving the anaerobic digester site. Such approved system is to be installed and operational prior to the first operation of the anaerobic digester site. Such results of the monitoring system shall be submitted to the Local Planning Authority quarterly or within any other frequency as requested by the Local Planning Authority. The approved system is to be so retained for the duration of the operation of the site.</i></p> <p><i>Reason – In the interest of highway safety and consideration of the impacts on the environment, neighboring residents due to the number of movements to and from the site and in order to accord with policies DM5 and DM22 of the Local Plan Part 3 (Development Management Policies).</i></p> <p>We not feel that this condition meets the necessary or reasonable tests required for planning</p>

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	<p>conditions.</p> <p>The proposed changes to condition 10, which we offered at our site visit on the 16th June 2016 and is contained in your proposed conditions as condition 10, provide full control of the feed stocks arriving into the site and digestate being removed by road - through the use of weighbridge and log book records. These records can be compared to the Triolet weight records (item V condition 10) to ensure that imported tonnage of feed stock match those being processed. In addition the inclusion of the planning statement and transport plan contained in Condition 2 - <i>approved reports and statements listed in the schedule on the decision notice</i> detail the number, type and location of all feedstock and digestate vehicle movements.</p> <p>As such condition 22 is not necessary as conditions 2 and 10 detail and monitor all transport movements. Due to the discussed layout of the site in relation to the farm storage buildings and their operations and the adjacent farmhouse, all of which use the same site entrance and farmyard, the installation of an electronic monitoring system is impractical, onerous and unreasonable to implement.</p> <p>It would not be appropriate to impose such a condition in the determination of the application</p> <p>Condition 23: <i>The permission hereby granted is for a 500kw anaerobic digester only. Power generation from the development shall not exceed 500kw. Records of power generation shall be kept and submitted quarterly in writing to the Local Planning Authority.</i></p> <p><i>Reason - To ensure the power generation from the AD plant is in accordance with that as set out in the application and supporting information and in order to ensure that the impacts of the development are acceptable.</i></p> <p>The condition in our view does not meet the planning conditions; necessary, relevant to planning and reasonable tests. The impacts on the local community are clearly dealt with by the other conditions and the import of feedstock and the disposal of the digestate produced, as such the impacts are identified and controlled.</p> <p>Given that there are no changes in transport movements proposed in this application, from the current consent, the addition of this condition does not control or affect any impact on local amenity.</p> <p>Moreover the condition runs counter to local and national policy on producing energy from renewable sources. The impacts of the development have been identified and controlled, the level of power generation is not a planning consideration. The output of the digester should not be restricted by condition, as its output is effectively controlled by the restrictions on the feedstock materials imported. If on the basis of the agreed feedstock the plant can operate more efficiently and generate more electricity based on the same material being imported then this should be supported as it is a more effective means of creating renewable energy.</p> <p>This and the fact that the condition restricts the commercial viability of the development</p>
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	<p>mean that it does not meet the reasonable test or is it supporting planning policy.</p> <p>Condition 24: <i>The Local Planning Authority shall be afforded access at reasonable times to all on site monitoring systems associated with the operation of the AD plant hereby granted.</i></p> <p><i>Reason - To ensure the AD plant operates in accordance with the parameters and limitations as approved and as set out within the application and its supporting information.</i></p> <p>The reason for the inclusion of this condition is not clear which parameters and limitation it refers to. Given the concerns of local residents and committee members we assume that it relates again to the impact of transport and the output of the plant. The former is monitored, controlled and can be enforced through conditions 2 and 10 (as detailed above) and the later has no relevance to the impact on local residents and is therefore not reasonable to impose. As such this condition represents a further unnecessary and burdensome required on the operator and the local planning authority.</p> <p>Overall</p> <p>With the inclusion of these three conditions (22,23,24) there are a total of 24 attached to this application. Our discussions with Mr Rance have indicated that the Council has a policy of keeping the number of conditions for planning applications a low as possible - generally below 5. Given the relatively small size of this developed this large number of condition is, in our view, unnecessary and onerous on both Greener for Life as an operator and the LPA as the enforcement body. As highlighted in the statement these new conditions duplicate the conditions and controls already proposed and as such are not required.</p> <p>The committee report refers to a recent appeal case (appeal ref APP/T4210/A14/2224754) where both the inspector and Secretary of State concluded that a number of proposed conditions were unreasonable and did not meet all six tests. A number of similar conditions to those proposed in 23, 24 and 25 where rejected because they would be difficult for the local planning authority to monitor and require an intolerable level of supervision.</p> <p>In the committee report it states that officers have been mindful of this appeal decision and the comments within it on conditions in drawing up their recommended list of conditions. However in our view these three additional conditions do represent an intolerable level of supervision and, in places, duplicate other conditions. If conditions 23, 24 and 25 are imposed we will be applying for them to be removed.</p>
	<p>ENFORCEMENT LIST</p>
<p>1.</p>	<p>15/00100/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 at Kerrells, Down Farm Buildings, Burlescombe, Tiverton</p>
<p>2.</p>	<p>13/00036/UDUR – Timber windows replaced with uPVC windows – (Listed Building) – Cullompton Article 4 Direction at 5 Ways Lane Cullompton</p>
<p>3.</p>	<p>15/00042/UNLD – Allegation of untidy land on site on Old Village Hall at land at NGR 295600 102934 Fore Street Silverton</p>

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4.	11/00034/UCU – Unauthorised material change of use of land from nursing home to a mixed use including the siting of caravans at Langford Park Ltd, Langford Road, Langford, Newton St. Cyres
5.	16/00132/LIS – Without listed building consent the execution of works for the alteration and extension to the listed building namely the erection of a single storey extension and alterations to the exterior of the building at Barn Orchard, Higher Furzeland, Copplestone, Crediton
	PLANS LIST
1.	16/00588/HOUSE - Erection of first floor extension with juliet balcony, detached garage and formation of new access to replace existing at 22 Turnpike, Sampford Peverell, Tiverton.
2.	16/00665/HOUSE - Erection of single storey rear extension at 11 Chinon Place, Tiverton, Devon.
3.	16/00712/HOUSE - Erection of a single storey rear extension at 5 St Johns Close, Tiverton, Devon.
4.	16/00756/FULL - Erection of gates across existing drive entrance at Old Bartows, Bartows Causeway, Tiverton.
5.	16/00757/LBC - Listed Building Consent for erection of gates across existing drive entrance, installation of ground floor window, and other internal alterations at Old Bartows, Bartows Causeway, Tiverton.
	AGENDA ITEMS
12.	<p>16/00180/FULL – Erection of 2 dwellings following demolition of existing dwelling (Revised Scheme) at 19 Exeter Road, Silverton</p> <p>MDDC Conservation: The character is one of transition between the rural fields and the denser housing of the historic village. The house itself has no historic merit and I have no objection to its demolition. The plot is not large and fitting two properties into the site along with parking creates negative impacts, especially on the street scene. Because the majority of the low boundary wall and hedging will be removed to create parking spaces, a large open frontage with ‘porous tarmac’ as a surface creates a very suburban feel and leads to a loss of enclosure. Whilst other properties on the row have visibility splays they also have a hard boundary - with fencing and planting or the small hedge banks which helps create character. I therefore think that the frontage / open boundary is a negative impact and does not preserve or enhance the setting of the conservation area. The house design is reasonable but I do think that the gable end facing the road brings the sense of height and dominance a lot closer to the boundary – other properties have ridges running parallel to the road and set further into the plot. My feeling is that the resulting appearance will therefore look more dominant and ‘busier’ in the plot than</p>

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	<p>is ideal. Orchard Jeffreys is a very good quality property in the conservation area lying to the north. It faces towards this plot and whilst it is a reasonable distance away from the boundary I think that the proximity of the new house to the boundary along with the additional height and a very plain elevation with one obscured window will detract from its setting, albeit a private one.</p> <p><u>Summary</u> The plot is not in the conservation area but I find that the development proposed does not 'preserve or enhance' it's wider setting and in fact creates a degree of less than substantial harm. For that reason I recommend refusal.</p>
13.	<p>05/02315/OUT – Outline for the erection of an agricultural worker's dwelling (Re submission) at Land at NGR 316000 114353 (adj Shalom), Caller's Lane, Clayhidon, Cullompton EX15 3PH</p>
14.	<p>14/00881/MOUT – Outline application for a mixed use development comprising up to 700 dwellings, 22,000 square metres of B1/B8 Employment land, care home, primary school and neighbourhood centre with associated access including a left in left out junction on the westbound A361 and access and egress onto Blundells Road at land east of Tiverton, South of A361, and both north and south of Blundells Road, Uplowman Road, Tiverton</p> <p>Correspondence received from Bilfinger GVA on behalf of Blundell's School :</p> <p>I would like to formally request that agenda Item No. 14 regarding application 14/00881/MOUT be deferred for the reason that Blundell's School and those presenting them have not been consulted on the changes. The changes, potentially, have a fundamental impact on the safety and operation of the School. There does not appear to have been any robust review of the impacts that might arise from these changes. Given the sensitivity of traffic impact we have provided previous comments and technical evidence in response to this and the other EUE developments. We have raised concerns previously regarding the lack of consideration to the School's comments in the lead up to the previous committee in 2015. Furthermore we issued a specific request in my attached letter of October 2015 to be involved and consulted on any changes or discussions regarding conditions and section 106 matters that would impact upon the School.</p>
15.	<p>13/01616/MOUT – Outline for the development of up to 330 dwellings together with public open space, associated infrastructure and other works including vehicular access, pedestrian/cycle links and highway improvements at land at NGR 298671 113603, Uplowman Road, Tiverton</p>