

Application No. 17/00501/FULL

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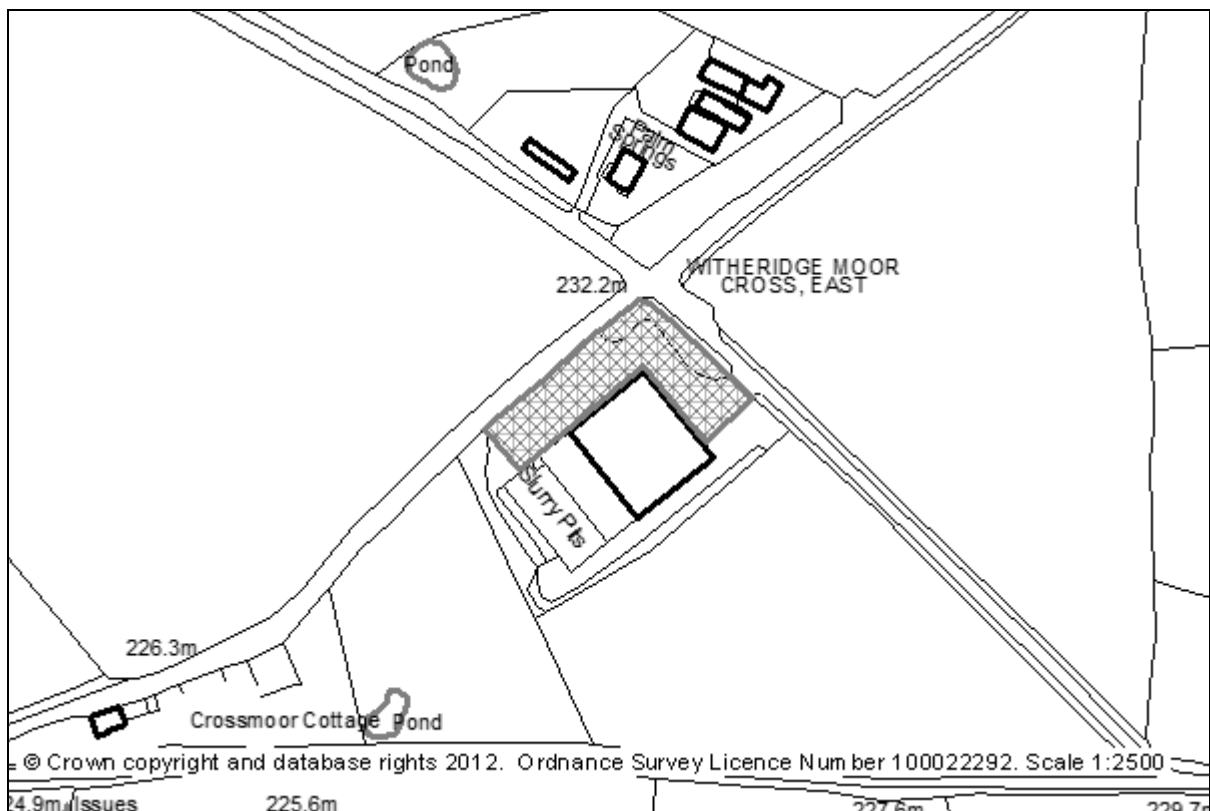
Grid Ref: 286484 : 114715

Applicant: Mr Winston Reed

Location: Land and Buildings at NGR 286484 114715 (Cross Parks Farm)
Nomansland
Devon

Proposal: Erection of an agricultural storage building

Date Valid: 1st June 2017



REPORT OF THE HEAD OF PLANNING AND REGENERATION

17/00501/FULL - ERECTION OF AN AGRICULTURAL STORAGE BUILDING - LAND AND BUILDINGS AT NGR 286484 114715 (CROSS PARKS FARM) NOMANSLAND DEVON

Reason for Report

This application has been called in by Cllr Andrew Moore for the following reason:

1. To ask that the Planning Committee consider whether the development is appropriately-scaled for the proposed traditional farm operation with suitable controls to prevent misuse as part of off-site AD or other large-scale, non-farming operations.

RECOMMENDATION:

Planning permission is granted subject to conditions.

Relationship to Corporate Plan

Environment:
Protecting the natural environment

Economy:
Business development and growth

Financial Implications

Nil - however if members are minded to refuse the application there could be cost implications of defending an appeal. The applicant may make an application for costs on any appeal against the Council and such costs claims are made by demonstrating that there has been unreasonable behaviour. That being the case, Members must be able to clearly justify each and every reason for refusal in line with the development plan and all other material considerations.

Legal Implications

Nil

Risk Assessment

If Committee decide to refuse the application for reasons that cannot be sustained at appeal there is a risk of a successful appeal costs claim against the Council for reasons of unreasonable behaviour.

Consultations carried out with

1. Templeton Parish Council - 22nd June 2017 - Templeton Parish Council object to this application on the following grounds:-

There has been a history of Nuisance with regard to both Odour emissions and Noise from this particular site. At present there is an ongoing problem with residents complaining of emissions from liquid digestate being imported and exported from Cross Parks slurry/digestate pit, which is presently under investigation by your Council's Environmental Department in consultation with Public Health England. Two nearby residences are within 80 metres and approximately 100 metres of the present operating facilities.

It is not clear whether this Application is for servicing Cross Parks itself or as an integral support for the servicing operations we understand this Applicant performs, for 8 Greener For Life Group Anaerobic Digesters across the South West.

If this application refers to Cross Parks only - any additional livestock or storage facility approved will only exacerbate the disproportionate stocking and manure disposal/land ratio required to enable the applicant to adhere to farming "Best Practice" and "NVZ restrictions" on this small 52 Acre holding. Although agent states applicant operates 2000 acres the nearest additional lands to this small holding (Cleave Farm and associated lands are at present in Administration).

If this proposed further addition to the present building complex at Cross Parks is part of the applicants wider operation involving Energy production from the AD's we would point out that we have already raised this as a potential "change of use" case with your Planning Department, presently under investigation. Templeton Parish Council referenced ENF/1,6/00269/NUDRU and the proximity of nearby residences to Pulsards, Pennymoor non-permitted excavated pit about which officers justified the Council's actions as "in order to protect the amenity living condition of nearby residential properties".

Given the size of the bigger operation and the present ongoing problems at this site - should Council consider granting this application, we ask that a full EIA and Odour Assessment is done to ensure the Council are acting in accordance with all relevant Human Rights and Environmental requirements.

Given the existing problems of odour from the liquid digestate on this site - if this Application is granted how will Council prevent proposed building being utilised for storage of digestate fibre which can be classified as an agricultural bedding as well as imposing suitable mitigating conditions to ensure no additional odour nuisance to neighbours?

We respectfully ask Council to be fully aware and pay particular attention to their increased devolved responsibilities with regard to the cumulative disposal/use and effect of industrial farm manures/slurries and digestates being produced in and imported to the Mid Devon District Council area; now that under changes made by central government to EU regulations these former "wastes" no longer come under the remit of Devon County Council but Local Planning Authorities.

We would point out further that these former 'wastes' are only disposable as fertilizers (non wastes) on agricultural land to the benefit of soil and crops which is controlled by voluntary agricultural "Best Practice" with reference to DEFRA Planet programme. Therefore, any operation not utilising manures/digestates as a fertilizer become a "waste disposal operation" requiring a Transfer Operators Licence and various Licences/permits. Finally it seems apparent that with no restrictions on importing/exporting or interchanging between the wider various operations under the numerous companies operated by the applicant; there is a direct relevance to the amount of suitable, sufficient, sustainable land availability upon which to spread the cumulative volume of fertilizer in order to ensure all responsibilities to local communities and the environment.

2. Highway Authority - 26th July 2017 - Accepts improved visibility over the site access to the public highway. The junction improvements cannot be required but should be added as an advisory note.
3. Environmental Health - 29th June 2017 - Noise and other nuisances: Recommends it is conditioned that none of the following materials can be stored in the proposed building:
 - Any recycled manure solids
 - Any Anaerobically Digested material
 - Any Composted Bedding MaterialsNo animals are to be housed within the building unless the North West and north east elevations are fully closed of a solid construction.

1.0 PROPOSED DEVELOPMENT

- 1.1 Proposed is the erection of an agricultural storage building, to be used primarily for bedding storage (straw), with a single bay identified as an isolation unit. The building will have a length of 54 metres, a width of 9.14 metres an eaves height of 6 metres and a ridge height of 7.57 metres and will comprise of nine 6 metre bays. The building will have concrete panels to 3 metres and box profile steel sheet cladding on green on the north east, south west and North West elevations. The south east elevation will remain open, with gates to the single isolation pen. The mono-pitch roof will be covered with box profile steel sheets in juniper green.

2.0 APPLICANT'S SUPPORTING INFORMATION

2.1 Plans; Planning Statement; Supporting Emails

3.0 REPRESENTATIONS

- 3.1 Six letters of objection have been received in conjunction with this application, they are summarised as follows:
 - 3.1.1 Object to the storage of digestate whether for bedding or otherwise, would cause further odour problems.
 - 3.1.2 Rural character or junction should not be compromised for the sake of energy production.
 - 3.1.3 Site already in used as an industrial storage facility for liquid digestate from AD's. Concern proposal will be for storage facilities for AD's.
 - 3.1.4 Concern over more HGV and heavy traffic movements.
 - 3.1.5 Noise and nuisance concerns. Including from emissions from vehicles and tractors running for 8 ½ hours a day, including antisocial working hours.
 - 3.1.6 Small site in close proximity of residential properties (80 metres) and will bring the

building within 50 metres of the neighbouring property. The three huge barns are out of character for the area and can be seen for miles.

- 3.1.7 Proposal will block light to the garden of the neighbouring property.
- 3.1.8 Site operations seriously effecting health of neighbours.
- 3.1.9 Additional building will only increase the already disproportionate amount of manure and digestate being stored near to neighbours.
- 3.1.10 Numerous former dairy buildings available at Cleave Farm, including isolation/calving facilities. No point in having an isolation unit which is in close proximity of the present complex.
- 3.1.11 Current site can house 160 cows, not 100.
- 3.1.12 Object to further development of this small site already housing intensive livestock buildings. Any free space should be used for mitigation including landscaping.

4.0 MATERIAL CONSIDERATIONS AND OBSERVATIONS

4.1 SITE DESCRIPTION AND PLANNING POLICY

The site is located in the open countryside and forms part of a small agricultural complex comprising of three buildings, a calving shed, and two cubicle buildings, all attached to one another. Behind the buildings is a feeding yard and beyond that, a slurry pit. The site itself is at Witheridge Moor Cross East, located to the north west of Templeton and is accessed from an unclassified highway. Cross Parks Farm comprises of 62 acres and is used to graze dairy replacement heifers for their first season and over their second winter, they calve at the site before moving on to the applicants dairy enterprise.

Policy COR18 establishes the principle of development within the open countryside and permits the provision of agricultural buildings. More specifically DM22 specifies that agricultural development will be permitted 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.

As such, there is support in principle for agricultural development.

4.2 NEED

The proposed building is required primarily for bedding storage to serve the livestock buildings already on the site. At present there is no storage for straw bedding on the site and therefore whenever bedding is required it has to be brought on to the site from elsewhere, increasing traffic movements and resulting in inefficient working practices. Previously the applicant has obtained straw from Oxfordshire that is trickle delivered when required to a single storage bay available for straw storage at Cleave Farm. However, the applicant is growing 300 acres of corn and wheat this year to produce straw and requires on site storage for the straw to serve this unit. Although the buildings at Cross Parks are currently vacant, this is due to the cows being out at grass over the summer months, as this is a dry cow unit only, the cows will return to the sheds to calve and during the winter months when the weather deteriorates. The buildings at Cross Parks house 150 adult cows. When the cows are housed at Cross Parks there is no space available within the middle calving shed or side cubicles for any bedding storage.

An objection has been made about the availability of other buildings at Cleave. However, the applicant has confirmed that Cleave is currently being prepared for dairy cows to return. The buildings at Cleave comprise of one storage shed which is in use and at capacity, a vehicle maintenance shed, silage clamp, milking parlour and the remainder of the buildings are cubicles used for housing cows. There are no buildings reasonably available or suitable for additional straw storage at Cleave. In addition, the two buildings granted planning permission in 2009 for cattle isolation and general agricultural uses have not been built or implemented. In any case, the dairy unit at Cleave has a separate isolation need to the type of isolation need applied for in this instance.

Overall, it is your Officer's opinion that the proposed building is reasonably necessary to support the farming activities on the holding.

4.3 DESIGN AND LOCATION

The proposed building has been designed for the storage of straw, with easy access to each of the bays for machinery to take straw from the building. In addition, there is a gated bay for livestock isolation that is ventilated by virtue of its open elevation and enclosed by gates to securely house livestock when isolation is required. The materials used for the building have been guided by the comments of Environmental Health. Enclosing the north east, south west and North West mitigate noise and odour impacts of the livestock housing element on the occupiers of the neighbouring properties.

In respect of the isolation element, this is to isolate cows who have had a difficult birthing in the main open barn, so they can recover whilst isolated from the remainder of the herd. The proposal will therefore improve animal welfare provision on the holding. As such, there is not a need for the isolation unit to be a distance from the main building, as it is not used to prevent the spread of disease.

In terms of the buildings location, this site has been proposed as it will ensure the new building is contained within the existing agricultural yard complex. The building will be viewed within the context of the existing agricultural buildings on the site. The proposed site ensures that the agricultural development remains contained, and limits the visual impact of the proposal. The alternative sites available are in more visually prominent positions and would result in the sprawl of built form from this unit into open fields surrounding the site. The site boundaries comprise of mature hedgerow and trees that will help to screen the proposal within its surroundings.

Overall the design of the building is considered to be suitable for its proposed purpose and the location contains the development within the existing agricultural complex, reducing the visual impact of the proposal.

4.4 HIGHWAYS

The Highway Authority does not object to the proposed application and consider that the proposal is not likely to result in any increase in the total traffic movements to and from the site due to the existing arrangements for trickle delivering of straw to the site when needed. The bulk delivery of straw to the building and movements to collect and distribute the straw is considered to be acceptable, subject to improvements to the site access to ensure adequate visibility in both directions. A condition is suggested to ensure adequate visibility is in place prior to the first use of the building.

Whilst the Highway Authority recognises that the junction improvements to Witheridge Moor Cross East is desirable, this would result in the removal of a substantial amount of hedgerow

which screens the site from the road and the neighbouring properties. The junction improvements whilst desirable are not required to facilitate the current proposal and are therefore not conditioned. The Highway Authority have requested that the junction improvements are included as an advisory note.

4.5 IMPACT ON RESIDENTIAL AMENITY

The existing agricultural complex is within reasonably close proximity of two neighbouring properties, and will bring the proposal within approximately 36 metres of Palm Springs to the north and in excess of 100 metres from Crossmoor Cross Moor Farm. It is accepted that the proposal will result in agricultural development in closer proximity of the neighbouring property Palm Springs, however, this area is currently functioning as an agricultural yard area with calves in temporary buildings. The comments made by Environmental Health have been addressed by changing the design of the building so that the sides are full closed and of a solid construction to protect the residential amenity of the occupiers of the neighbouring properties from noise and odour associated with livestock housing. In addition, the isolation bay has been moved to the south western end so that the livestock housing area is further away from the closest property.

Concerns have been raised about the use of the building for the storage of digestate material, specifically, recycled manure solids as bedding for cattle. Environmental Health has requested the imposition of a condition restricting the items that can be stored in the building, specifically excluding:

Any recycled manure solids

Any Anaerobically Digested material

Any Composted Bedding Materials

A condition is suggested below on this basis.

In addition, the applicant has made clear that the digestate produced on the wider landholding is cross species digestate. Therefore, the digestate produced does not meet with the 19 conditions specified by DEFRA that must be complied with in order for recycled manure solids to be used as cattle bedding. As such, the digestate produced at the current time cannot be used as animal bedding, and so the building proposed cannot be used for this purpose.

Overall, despite the proximity, it is not considered due the design and proposed use of the building that it will have an unacceptably adverse impact on the living conditions of local residents.

4.6 ENVIRONMENTAL IMPACTS

It is not considered that the development will have an unacceptable adverse impact on the environment. Surface water associated with the proposed building will be disposed of via a soakaway.

Concerns have been raised about the storage of digestate and the spreading of materials including manure on the small land holding. The proposal will not result in an increase of waste produced by the unit over and above the existing levels, as the livestock housing element of the proposal is for the isolation of cows, when required, that would normally occupy the main buildings on the site. The proposal will therefore not result in any increase to the livestock numbers on site.

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. Prior to the first use of the building hereby approved access visibility of 2.4m back along the centre line of the access and extent to a point 45m to the east and 25m to the west with no obstruction greater than 600mm above the road surface shall be provided. A plan showing the access visibility shall be submitted to and approved in writing prior to the visibility splays being provided, the visibility splays shall be provided in accordance with the approved plan and retained and maintained as such thereafter.
4. The building hereby approved shall not be used for the storage of any of the following materials at any time:
 - .Any recycled manure solids
 - Any Anaerobically Digested material
 - Any Composted Bedding Materials
5. The building shall only be used to house livestock in the bay identified in the submitted floor plan, drawing number 4.2 received by the Local Planning Authority on the 17th of July.

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 ensure adequate visibility for those using the site entrance, in the interests of highway safety.
4. In order to safeguard the residential amenity of the occupants of the neighbouring properties in accordance with policy DM22.
5. To safeguard the amenity of the occupiers of the neighbouring residential properties in accordance with policy DM22. In addition, the application has been considered on this basis only and the waste associated with additional animal housing has not been considered.

INFORMATIVE NOTE

1. At the junction the applicant should seek to provide 2.4m back along the highway from the give way lines and extend to a point on the nearside kerb edge of 45m in both directions on each of the approaches with no obstruction greater than 600mm. This will necessitate removal of bank and hedge row but will provide significant benefit to all road users and avoid conflict with the agricultural vehicles.

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The proposed erection of an agricultural storage building to include an isolation unit is considered to be acceptable in policy terms, subject to the conditions imposed. The overall design and scale of the building is acceptable given its context, and the proposed building is considered reasonably necessary for the purposes of agriculture and it is not considered that it would adversely affect the visual amenities of the area. Given the site location in relation to its surroundings, it is not considered the application scheme would result in unacceptable adverse impacts to the privacy or amenity of the occupiers of any neighbouring properties. It is not considered that the application scheme will adversely affect any ecological interests that may be present at the site, nor would it result in an unacceptable traffic impact on the local road network. As such the proposal is considered to comply with policies COR2 and COR18 of the Mid Devon Core Strategy 2007, DM2, DM22 of the Local Plan Part 3 (Development Management Policies) and Part 3 of the National Planning Policy Framework.

Author and Contact for any more information

Miss Hannah Cameron Planning Officer
Tel 01884 234218

Background Papers

Local Plan, NPPF

File Reference

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Circulation of the Report

Cllrs Richard Chesterton
Members of the Planning Committee