

PLANNING APPLICATION REPORT

Case Officer: Matthew Barks

Parish: Frogmore & Sherford **Ward:** Allington and Strete

Application No: 0429/18/FUL

Agent/Applicant:

Perraton Partners
Winslade Farm
Frogmore
Kingsbridge
TQ7 2PA

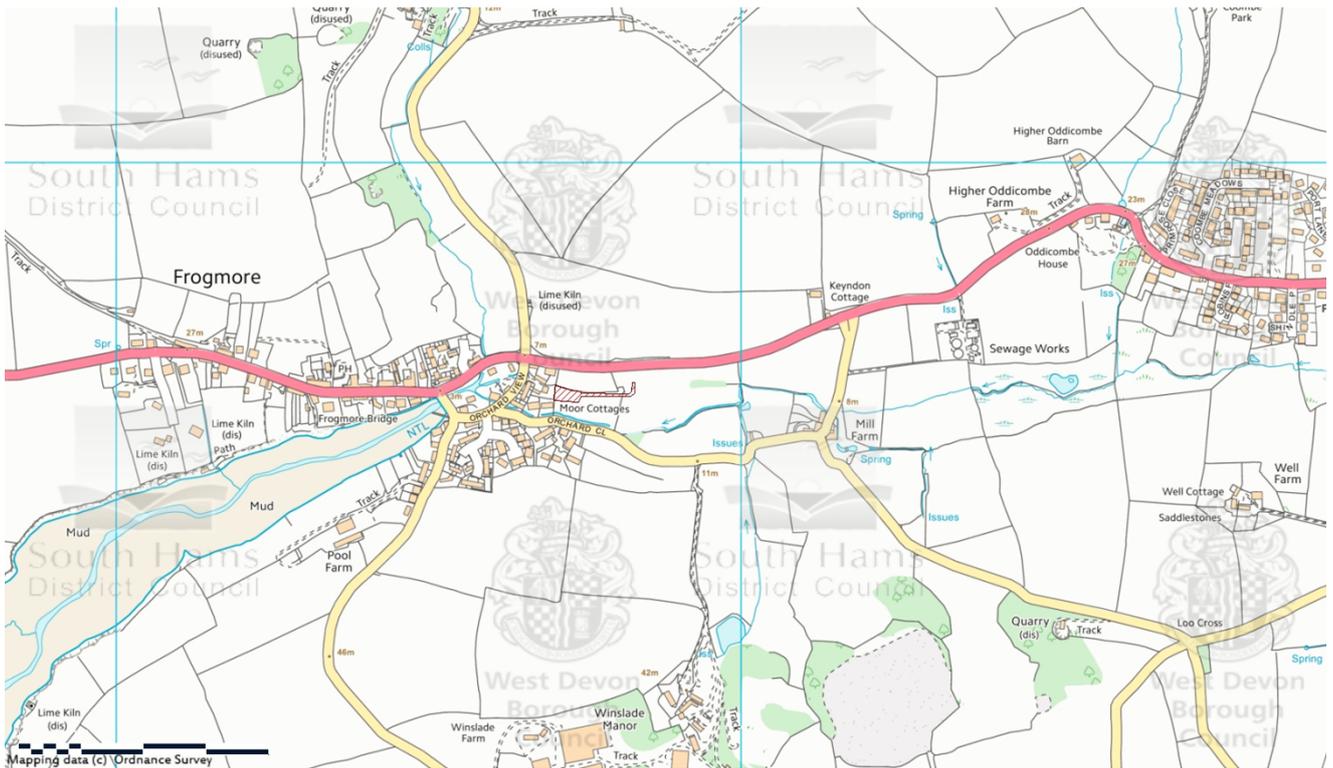
Applicant:

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Kingsbridge
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Site Address: Land At Sx777426, Frogmore, Kingsbridge

Development: READVERTISEMENT (Revised drawing showing reduced height of building by 0.5m) Erection of agricultural storage/transfer building with associated access road and landscaping.

Reason item is being put before Committee: Cllr Richard Foss requests Committee consideration given the representations advanced in respect of the siting and location of the proposed building in relation to the neighbouring residential properties.



Recommendation: Conditional approval

Conditions

Standard time limit

Accord with plans

Materials in accordance with details

Details of colour of external sheeting

Landscaping scheme to be submitted and approved prior to commencement

Drainage details scheme to be submitted and approved prior to commencement

No external lighting to building

Building not to be used for housing of livestock

Removal of building if no longer required for agricultural purposes

Key issues for consideration:

The relevant material planning considerations are the agricultural need for the building, the design, scale and materials, any neighbour impact, landscape impact and drainage matters.

Site Description:

The application site comprises agricultural land set off the A379 within the Area of Outstanding Natural Beauty (AONB). The application site lies just outside the village of Frogmore which straddles the A379.

All land south of the A379, including the application site, lies within the South Devon Area of Outstanding Natural Beauty. The site lies outside of, but adjacent to the Development Boundary of Frogmore.

The area of land associated with the agricultural unit amounts to 101ha, with the site area of the parcel of land on which the development is proposed more than 1ha.

The Proposal:

The erection of an agricultural storage/transfer building with associated access road and landscaping. The proposed building measures some 30.7m in length, 14m in width and 7.45m in height – the height having been reduced by 0.5m through the submission of a revised drawing.

The building is to be located towards the western end of the site and immediately to the south of the tree/hedge belt which runs parallel to the proposed building and for a distance of approximately 90m towards an existing stone building. The related access track also runs parallel to this belt before extending past the stone building and turning to the north to meet with the access and corral area previously approved (but yet to be implemented) under reference 2445/17/FUL.

The building is to be constructed with profile metal sheeting to the sides, grey corrugated fibre cement roof sheets and black uPVC rainwater goods. The proposed track is to be constructed with a 150mm deep clean concrete crushed base overlaid with a geotextile membrane and finished using a 100mm deep permeable road planings surface.

Consultations:

County Highways Authority –

It is noted a new access is proposed onto the A379 when approaching Frogmore from the east. No access drawing is shown for this application on South Hams Planning Website, so it is not possible to comment properly on the application, however it is assumed the design will be same as what previously was submitted for planning application 2445/17/FUL on drawing PHL-201 Rev A.

To recap this drawing showed a visibility splay of 125m x 2.4m x 125m plotted, but the drawing makes no reference to the proposed height of the splay in relation to the carriageway/drive level. It is recommended in the national guidance a splay height of 1.05m is achieved but because of the grass verge in this case a practical height would be 750mm to allow for some vegetation growth. This could either be conditioned or the designer could amend the drawing slightly and re-submit it. No levels are shown on the access drawings. The access must be 1:20 max gradient for 6m and then 1:10 thereafter. This could either be conditioned or the designer could amend the drawing slightly and re-submit it.

As the proposals adjust the public highway verge a Highways Act 1980 Section 171 licence will need to be applied for with Devon County Council. This can be instigated by contacting the Area South Development Management Team.

Frogmore Parish Council – **object;**

It is noted that planning application 2445/17/FUL was granted with conditions on 19th July 2017. This application was for the 'creation of agricultural access with accompanying livestock corral'. Given the limited area of pasture serviceable by the coral, being the few small fields contained between Mill Lane and the A379, agricultural activity would have been light. The Parish Council pointed out that an existing agricultural access was available for this purpose through the Mill Lane amenity ground.

The new application puts the A379 access to another purpose; to service a substantial storage/transfer barn via a new roadway and service apron. It must be assumed that heavy transport usage will be substantially intensified, causing greater noise disturbance, visual intrusion and traffic pollution to a protected AONB area adjoining established residential properties.

The new application differs little from applications 0014/18/AGR and 0013/18/AGR, refused on 31st January 2018. The parish Council concurred with the planning Authority's observations:

'Officers have concern with regard to the proposed siting of the building and concern about the potential visual impact within the sensitive landscape location, the potential impact on neighbouring residential properties and the potential impact on Flood Zones 2 and 3. The application form confirms that the applicants' holding extends to some 101 ha and officers consider it would be appropriate to explore whether there is an alternative location for the building. It is also noted that there is an existing smaller barn on the subject area of land that is in close proximity to the recently approved agricultural access. The proposed building is located some 60m to the west of the smaller barn'.

The difference in the new application is minimal in that the 429m² building is moved just 7.5 metres to the east. The application drawings now indicate proposed tree and shrub planting to the west and southern building perimeters. It is noted, however, that the height of the proposed building is 7.95 metres and thus any planting will be inconsequential to the immediate and long-term overpowering effect of the corrugated metal structure and associated heavy vehicular traffic.

The site is within the AONB and priority must be given to protecting the landscape and the interests of the village community. The structure would have a highly injurious effect on the lives of adjoining residents. It will dominate their properties and take away daylight and their rightful quiet enjoyment. It will also diminish the public's historic enjoyment of Mill Lane, one of Devon's treasured country thoroughfares. It constitutes an unwarranted intensification of the use of the A379 'corral' access granted in application 2445/17/FUL.

In the face of the applicant's ever-changing proposals, the Parish Council note that there appears but a tenuous logistical need for such a facility in this location, remote from the farm when adequate

provision could be made within the curtilage of the applicant's farmstead. The Parish Council expresses its disappointment that the applicant has failed to respond to the Planning Authority's previous recommendations.

In response to the revised drawings, the Parish Council comment as follows:

It was recorded that given the major scale of the proposed building the change in height would be minor and of little consequence. It was further noted that the applicant has not addressed any of the many objections raised against this application.

The Parish Council's objections remain as submitted 22nd February 2018 with endorsement of additional concerns expressed by members of the community as follows:

The Mill Lane brook is subject to regular and increasing flood risk. Roof and hard standing run off from the proposed 429.52 sq.m. floor area barn would add substantially to the existing flood risk.

The use of the building for storage of agricultural crops, fodder and machinery sited adjacent to residential property and the water course gives rise to inevitable spillage and leaching pollution dangers.

Use of the previously consented (2445/17/FUL) livestock coral application for a storage and transfer operation was not contemplated and would generate considerably greater heavy goods traffic generation and road hazards onto the A379.

Representations:

Representations from Residents

Comments have been received and summarised which cover the following points:

- Proposed building is prominent and an eyesore for those living nearby.
- Impact upon homeowners who reside in close proximity through inevitable noise, smells, lack of light and disturbance from vehicular traffic.
- The proposal is likely to increase the flood risk in the field with overflow into the Mill Stream and Mill Lane.
- Concern over highway danger to users of the A379 with the introduction of large delivery and agricultural vehicle movements on the road entering and exiting the site.
- Impact upon AONB when the applicant has other land and buildings available to them that would be more suitable.
- Potential health risk from the storage of hay and fodder causing dust and encouraging vermin.

Representations from Internal Consultees

Landscape Officer – No objection to the proposed location of the building.

Representations from Statutory Consultees

South West Water – Advises that the application should demonstrate that prospective surface water run-off will discharge as high up the hierarchy of drainage options as is reasonably practicable.

Relevant Planning History

0013/18/AGR – Erection of agricultural storage building (Notification of agricultural permitted development). Planning permission required 31/1/18

0014/18/AGR – Formation of road to allow access for agricultural vehicles. Planning permission required 31/1/18

2445/17/FUL - Creation of agricultural access with accompanying livestock corral. Approved 3/1/18.

*1768/16/OPA - Outline Planning application (with all matters reserved) for the erection of 28 dwellings (including affordable/starter homes), creation of community allotments, accesses, highway improvements and associated landscaping – Refusal 17/07/2017. Appeal dismissed 17 August 2018

(*This application principally relates to land south of the application site, however, part of this application site (the access) is included with the site for the residential development)

ANALYSIS

Principle of Development/Sustainability:

The site is located within the countryside where the principle of new agricultural buildings can be acceptable. The main farmstead is located at Winslade Farm which is situated approximately 0.6km to the south from the main A379 via Frogmore Bridge and 'South Pool Hill'. The justification put forward by the applicant for the location of the proposed building is as follows:

'From the main A379 the farmstead is accessed via Frogmore bridge and then via traveling up the narrow and steep 'South Pool Hill'. Given the nature of the hill and current access to Winslade Farm we often encounter difficulties in receiving large vehicles (such as delivery lorries) which when fully loaded struggle to make it up the hill, sometimes requiring myself to pull them up the hill with the use of our own machinery/ tractors. When large vehicles meet oncoming traffic traveling in the opposite direction it becomes a nightmare with congestion and can prevent lorries from making up the hill if they are forced to stop by meeting oncoming vehicles and then cannot get traction again once stopped on the slope.

So the proposed building would act as a storage facility to allow deliveries to be delivered there instead. With the intention that it would allow in particular large vehicles to avoid using South Pool Hill and instead effortlessly turn off the A379 and unload at the storage/ transfer building. (We imagine the resulting reduction in traffic using South Pool Hill would be viewed as a positive by the local highway authority.)

We do not just farm land at Winslade, Frogmore. We also farm land to the north of Sherford and more recently to the east at Chillington. Access to these parcels of land by large vehicles is not possible so any associated deliveries for these outlying parcels of land currently need to be delivered to the main farmstead at Winslade. This often results in goods destined for these parcels of land being unnecessarily taken up South Pool Hill (with the difficulties as explained above), just to be taken back down the hill to be distributed to these outlying parcels of land. With the use of the transfer building, as proposed, we could have goods delivered to the building and then distributed as and when required from there, with less effort, cost and in a more sustainable and logical manner.

With regards to the proposed access track to serve the proposed building this would also have other benefits in providing a better, more suitable and all year round agricultural access to the meadow fields and the existing stone barn, utilising the new access off the A379, as already approved.'

Objection to the location of the building, specifically in relation to why it cannot be accommodated elsewhere on land available to the applicant, has been received. Concern has also been raised that the proposal is potentially a pre-cursor to applying for residential properties on the land.

Taking the latter concern firstly, it is an established planning principle that each application must be considered on its own merits and whether or not that is the intention of the applicant cannot be brought to bear in the determination process. However, the planning system can have regard to the necessity of the building and whilst it is considered that the principle is acceptable and its justification is established, it is reasonable to ensure that this remains the case through the imposition of an appropriate condition to ensure that the building is removed in the event it is no longer required for agricultural purposes.

Turning to the former objection, the applicant has set out why this location of all the areas and parcels of land they have available, meets the particular requirements of their agricultural operation. Whilst it may be questioned as to why this requirement has only apparently arisen now, the applicant has explained why alternative sites do not represent the best, most practical or sustainable location for the building given its intended role and this site selection justification is, on balance, considered sufficiently persuasive.

In this context, it is therefore considered that there is sufficient agricultural justification for the proposed agricultural building, both in terms of necessity and location and accordingly it is concluded that the principle of the development is acceptable in planning terms. For the reasons mentioned previously it is, however, considered reasonable and necessary to impose a suitable condition requiring the removal of the building should it no longer be required for agricultural purposes in the future.

Design/Landscape:

The scale and appearance of the proposed building is not considered to be oversized for the scale of the agricultural holding and the nature of the operations that it will serve. It is considered to be of an appropriate design and the use of materials would be typical for an agricultural building.

In landscape terms whilst there is an existing smaller stone barn some 75m to the east of the proposed building, the proposal essentially sits by itself and would not appear as a part of a group or complex of buildings. However, due to the topography of the land which slopes down from the main A379 road, the proposed building would have, in relative terms, a limited landscape impact with it not being readily visible from the main road and, where direct and open views would be possible from Mill Lane (to the south), the building would be seen set in and against the site topography as well as being seen in the context of the adjoining residential properties, along with the existing hedge and tree line that runs to the immediate north of the location of the proposed building.

As the site is located within the Area of Outstanding Natural Beauty, regard must be had to conserving and/or enhancing its special landscape character. In this respect, it is considered that the proposed building for the reasons given above would not amount to an unsympathetic intrusion into the wider landscape and, it is considered, would also conserve the special landscape character of the Area of Outstanding Natural Beauty. Furthermore, the Council's Landscape Officer has no objection to the location of the proposed building in this context.

With regard to the impact of the proposed internal access way and the associated hardsurfacing apron to the building, whilst this introduces additional development into the landscape, it is, by definition of design, a low level impact in terms of visual prominence and similarly is considered to conserve the special landscape character of the Area of Outstanding Natural Beauty and the wider landscape quality and character.

Objection to the size and prominence of the building has been made in terms of its landscape impact, including upon the AONB. However, given it is concluded that the agricultural and site selection

justifications for the building are met, and having regard to the consideration of the landscape impact discussed above, it is considered that these objections are outweighed in the planning balance. However, to provide appropriate and necessary ongoing mitigation in landscape terms, conditions relating to the submission of a landscaping scheme and a restriction on the installation/provision of lighting on the building are considered necessary.

Accordingly, it is concluded that the proposed development is acceptable in both design and landscape terms. It is, however, considered reasonable and necessary to impose appropriate planning conditions to ensure that this is the case, specifically the submission of a landscaping scheme which would have to be submitted and approved by the Council before works began as well as a condition prohibiting the installation/provision of any lighting to the building without the Council's permission.

Neighbour Amenity:

The proposed building would be sited approximately 12m away from the boundary of the nearest residential property, 'Sunnyside', which is located immediately to the east, and approximately 25m from 'building to building'. 'Little Acre', which is located to the south west of the proposed building would be approximately 16m away ('building to building' at the nearest points. Whilst the building is approximately 7.5m in height (having been reduced from 8m), it is considered that there is sufficient separation distance between it and the residential properties, including their gardens, to ensure that there would be no materially harmful impact to residential amenity through loss of daylighting or overshadowing. Furthermore, whilst objection has been raised to the potential for noise generation through vehicular movements, these movements will most likely principally occur both within the building and at its eastern end, where the opportunity for significant noise impact to the adjoining residential properties is likely to be reduced because of the distance from these properties.

In relation to the height of the building it is also worth being in mind that under agricultural permitted development rights a relevant building could, in theory, be erected up to 12m in height. The justification for the height in this case is the need to ensure that suitable equipment and machinery can access the building and that reasoning is accepted by the Local Planning Authority.

Concern has also been raised that the building may be used for livestock purposes and whilst the applicant has confirmed that this is not the intention, it is still considered reasonable and necessary to impose an appropriate condition specifying that it cannot be used for this purpose because of the potential harmful impact to residential amenity that such a use, consolidated within the building, would engender.

Accordingly, it is concluded that the proposed development is, on balance, acceptable in neighbour amenity terms. It is, however, considered reasonable and necessary to impose an appropriate planning condition to ensure that the building is not used for livestock purposes without the Council's permission.

Highways/Access:

The proposed development would be served by the access approved under 2445/17/FUL; this permission remains extant, but has not yet been implemented. As outlined above, the County Highway Authority have commented on this proposal in relation to the access onto the A379. However, this element does not form part of this application with the applicant instead relying upon the earlier grant of permission which includes an appropriate condition responding to the points raised by the County Highway Authority on this submission.

Objections to the proposal on the basis of traffic generation and the dangers being posed to users of the busy A379, including cyclists, with the introduction of regular large delivery and agricultural vehicle movements on the road entering and exiting the site have been raised, however, the County Highway Authority have previously considered the access to be suitable (subject to conditions) and it would not have been possible to stipulate the type and frequency of vehicular traffic that could use that access in any event. This would mean that even without the proposed building on the land, it would be possible

for the access permission to be implemented with farming and other agricultural machinery of any size, shape and form enjoying the ability to access and egress the land without further control.

In that context, and having regard to the absence of objection from the County Highway Authority, it is concluded that the development proposal is acceptable in highway terms.

Other Matters:

Whilst not located within them, the proposed building is nearby to Flood Zones 2 and 3, along with proximity to Mill Stream. The applicant has indicated the inclusion of a SuDS system to serve the development, although precise details have not been submitted at this stage. As there is considered to be sufficient land available to be able to implement a suitable SuDs system and to mitigate any potential risk to flooding from the proposal given its location it is considered reasonable and necessary to impose an appropriate condition requiring the submission and approval of a drainage scheme before any works are commenced.

Similarly, and in relation to ecology and bio-diversity matters the applicant will be reminded of their legal obligations towards protected species by way of an appropriate planning informative.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004.

Planning Policy

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

The relevant development plan policies are set out below:

South Hams LDF Core Strategy

CS1 Location of Development
CS7 Design
CS9 Landscape and Historic Environment

Development Policies DPD

DP1 High Quality Design
DP2 Landscape Character
DP3 Residential Amenity
DP7 Transport, Access & Parking
DP15 Development in the Countryside

South Hams Local Plan (please delete as necessary)

SHDC 1 Development Boundaries

Emerging Joint Local Plan

The Plymouth and South West Devon Joint Local Plan (the JLP) will replace the above as the statutory development plan once it is formally adopted.

Annex 1 of the National Planning Policy Framework (the Framework) provides guidance on determining the weight in relation to existing and emerging development plan policies.

- For current development plan documents, due weight should be given to relevant policies according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
- For the JLP, which is an emerging development plan, the weight is to be determined by the stage of its preparation, the extent to which there are unresolved objections, and its degree of consistency with the Framework.

The JLP is at a relatively advanced stage of preparation. The precise weight to be given to policies within the JLP will need to be determined on a case by case basis, having regard to all of the material considerations as set out on the analysis above.

PLYMOUTH AND SOUTH WEST DEVON JOINT LOCAL PLAN -: PUBLICATION (as considered by the Full Councils end Feb/Early March 2017)

SPT1 Delivering sustainable development
TTV31 Development in the Countryside
DEV1 Protecting amenity and the environment
DEV2 Air, water, soil, noise and land
DEV15 Supporting the rural economy
DEV20 Place shaping and the quality of the built environment
DEV24 Landscape character
DEV27 Nationally protected landscapes
DEV28 Protecting and enhancing biodiversity and geological conservation
DEV30 Trees, woodlands and hedgerows

Neighbourhood Plan

The development proposal is not located within a Neighbourhood Plan area.

Considerations under Human Rights Act 1998 and Equalities Act 2010

The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report.

Conditions in Full:

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason: To comply with Section 91 of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall in all respects accord strictly with drawing numbers 3139.113 Revision A – red edged site location plan, 3139.114 Revision A – site plan as proposed received by the Local Planning Authority on 7 February 2018 and 3139.115 Revision B – Plans and elevations as proposed received by the Local Planning Authority on 6 June 2018

Reason: To ensure that the proposed development is carried out in accordance with the drawings forming part of the application to which this approval relates.

3. The materials to be used in the development shall be in accordance with those details outlined in the application details as received by the Local Planning Authority on 7 February 2018 and 6 June 2018.

Reason: To ensure that the development is in character with its surroundings.

4. The colour of the external sheeting shall be dark grey or such other dark colour as shall be agreed in writing by the Local Planning Authority prior to commencement of development.

Reason: To assimilate the development into the landscape and to preserve the appearance and character of the area.

5. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the site and details of any to be retained, together with measures for their protection in the course of development. All planting, seeding, turfing or hardsurfacing comprised in the approved landscaping scheme shall be carried out by the end of the first planting and seeding seasons following the occupation of the buildings or completion of the development, whichever is the sooner. 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 unless the Local Planning Authority gives written consent to any variation. The landscaping scheme shall be strictly adhered to during the course of the development and thereafter.

Reason: To ensure the provision of an appropriate landscaping scheme in the interests of the visual amenities of the locality and to assimilate the development into its surroundings.

6. Prior to the commencement of the development, details of the surface water design including percolation test results and supporting calculations shall be submitted to and approved in writing by the Local Planning Authority. Details of maintenance and management responsibility for the drainage system shall be submitted to and approved in writing by the Local Planning Authority prior to commencement on site. Such approved drainage details shall be completed and become fully operational before the development is first brought into use. Following its installation the approved scheme shall be permanently retained and maintained thereafter. Surface water drainage systems design and installation shall be accordance with CIRIA C697 The SuDS Manual and CIRIA C698 Site Handbook for the Construction of SuDS.

Reason: To safeguard the amenities of the locality and environment and to ensure that the development is adequately drained. A pre-commencement condition is considered necessary to safeguard the environment in the interests of the amenities of the area.

7. Notwithstanding the details provided, there shall be no external lighting unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the countryside from intrusive development.

8. The building hereby permitted shall not be used for the housing or accommodation of livestock, whether on a temporary or permanent basis, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect the amenities of the adjoining residential properties.

9. Where the development hereby permitted ceases to be used for the approved purpose of agriculture within ten years from the date of this permission and planning permission has not been granted authorising development for purposes other than agriculture within three years of the permanent cessation of the agricultural use, and there is no outstanding appeal, the development must be removed unless the Local Planning Authority has otherwise previously agreed in writing.

Reason: Development is strictly controlled within the countryside and the Local Planning Authority wishes to ensure that the development is used solely for the purposes hereby permitted.

Informatives:

1. This authority has a pro-active approach to the delivery of development. Early pre-application engagement is always encouraged. In accordance with Article 35(2) of the Town and Country Planning Development Management Procedure (England) Order 2015 (as amended) in determining this application, the Local Planning Authority has endeavoured to work proactively and positively with the applicant, in line with National Planning Policy Framework, to ensure that all relevant planning considerations have been appropriately addressed.
2. The responsibility for ensuring compliance with the terms of the approval rests with the person(s) responsible for carrying out the development. The Local Planning Authority uses various means to monitor implementation to ensure that the scheme is built or carried out in strict accordance with the terms of the permission. Failure to adhere to the approved details can render the development unauthorised and vulnerable to enforcement action.
3. If your decision requires the discharge of conditions then you must submit an application for each request to discharge these conditions. The current fee chargeable by the Local Planning Authority is £116 per request. Application forms are available on the Council's website.
4. You should note that certain wildlife habitats and species are subject to statutory protection under the Wildlife and Countryside Act 1981 (as amended) and/or the Habitats Regulations 1994. It is a criminal offence to breach the provisions of these legal constraints and if your development impacts upon such sites or species you are advised to take advice from a competent ecologist who has experience in the habitats/species involved and, as necessary, any relevant licenses from Natural England.