

PLANNING APPLICATION REPORT

Case Officer: Clare Stewart

Parish: Loddiswell **Ward:** Loddiswell and Aveton Gifford

Application Nos:

1570/16/FUL, 1571/16/FUL, 1572/16/FUL,
1573/16/FUL, 1575/16/FUL, 1576/16/FUL,
1577/16/FUL

Agent/Applicant:

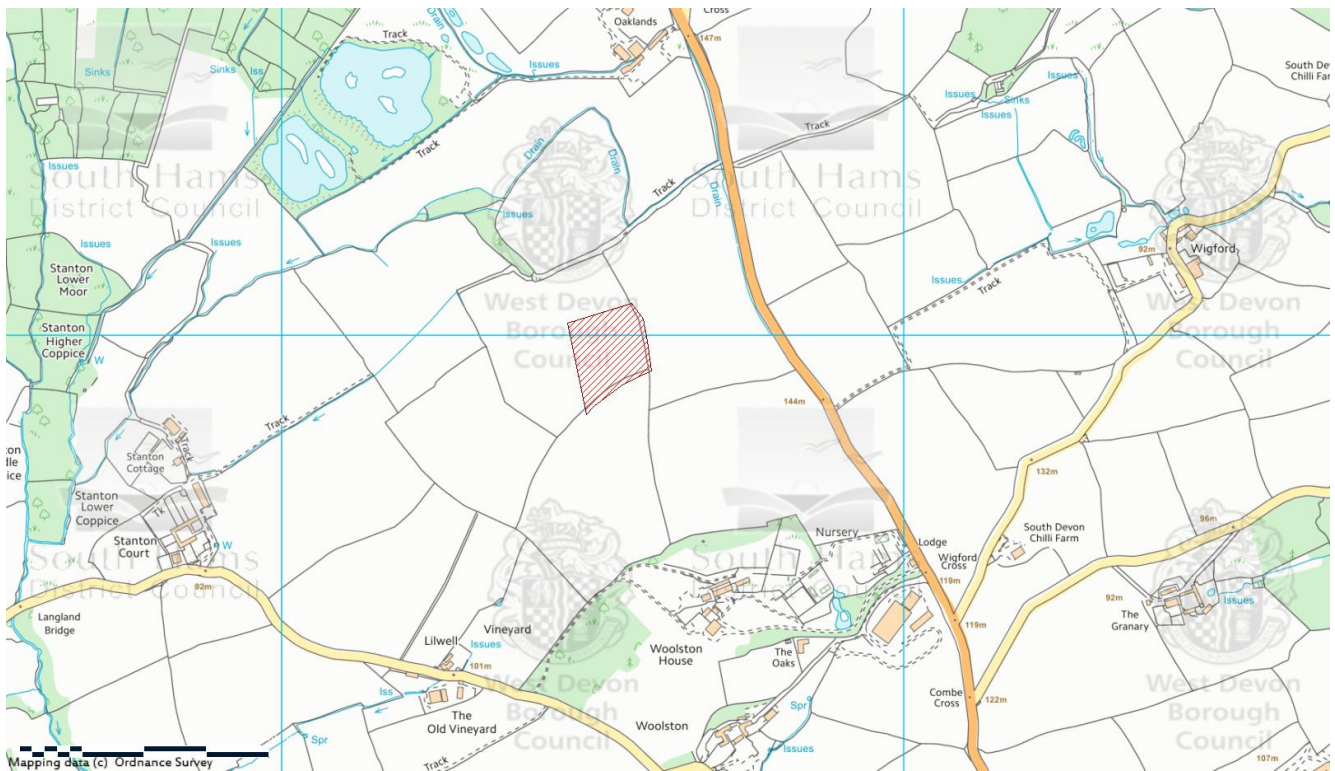
A Burden
Luscombe Maye
59 Fore Street
Totnes
TQ9 5NJ

Applicant:

David and Jenny Merrin
Hendham View Farm
Woodleigh
Kingsbridge
TQ7 4DP

Site Address: Woolston Farm, Loddiswell, Devon, TQ7 4DU

Reason item is being put before Committee: The applications have been brought to Committee by the Development Management Lead, as the cumulative impact of 7 large agricultural buildings on the same site just outside the South Devon AONB needs thorough consideration by the Council.



Development: 1570/16/FUL

Erection of agricultural livestock building (no.1)

Recommendation: Conditional approval

Conditions

1. Time limit
2. Accord with plans
3. Drainage details within 3 months of approval
4. Landscape scheme to be submitted within 3 months of approval
5. Landscape management and delivery plan to be submitted within 3 months of approval
6. Landscape inspection by LPA within 1 year
7. Agricultural use only

Development: 1571/16/FUL

Erection of agricultural livestock building (no.2)

Recommendation: Conditional approval

Conditions

1. Time limit
2. Accord with plans
3. Drainage details within 3 months of approval
4. Landscape scheme to be submitted within 3 months of approval
5. Landscape management and delivery plan to be submitted within 3 months of approval
6. Landscape inspection by LPA within 1 year
7. Agricultural use only

Development: 1572/16/FUL

Erection of agricultural livestock building (no.3)

Recommendation: Conditional approval

Conditions

1. Time limit
2. Accord with plans
3. Drainage details within 3 months of approval
4. Landscape scheme to be submitted within 3 months of approval
5. Landscape management and delivery plan to be submitted within 3 months of approval
6. Landscape inspection by LPA within 1 year
7. Agricultural use only

Development: 1573/16/FUL

Erection of agricultural livestock building (no.4)

Recommendation: Conditional approval

Conditions

1. Accord with plans
2. Drainage details within 3 months of approval
3. Landscape scheme to be submitted within 3 months of approval
4. Landscape management and delivery plan to be submitted within 3 months of approval
5. Landscape inspection by LPA within 1 year
6. Agricultural use only

Development: 1575/16/FUL

Erection of agricultural livestock building (no.5)

Recommendation: Conditional approval

Conditions

1. Accord with plans

2. Drainage details within 3 months of approval
3. Landscape scheme to be submitted within 3 months of approval
4. Landscape management and delivery plan to be submitted within 3 months of approval
5. Landscape inspection by LPA within 1 year
6. Agricultural use only

Development: 1576/16/FUL

Erection of agricultural building – general purpose silage clamp (no.6) "building 6"

Recommendation: Conditional approval

Conditions

1. Accord with plans
2. Drainage details within 3 months of approval
3. Landscape scheme to be submitted within 3 months of approval
4. Landscape management and delivery plan to be submitted within 3 months of approval
5. Landscape inspection by LPA within 1 year
6. Agricultural use only

Development: 1577/16/FUL

Erection of agricultural building – general purpose silage clamp (no.6) "building 7"

Recommendation: Conditional approval

Conditions

1. Accord with plans
2. Drainage details within 3 months of approval
3. Landscape scheme to be submitted within 3 months of approval
4. Landscape management and delivery plan to be submitted within 3 months of approval
5. Landscape inspection by LPA within 1 year
6. Agricultural use only

Key issues for consideration:

Consideration must be given to whether there is a need for the development proposed in the location identified, which lies within open countryside and the AONB. Great weight must be applied to the landscape and visual impact of the development on the AONB. Special regard must also be had to assessing any impact on heritage assets. Consideration must also be given to matters of design, highways, ecology, drainage and residential amenity.

Site Description:

The application site lies within open countryside, which is just outside the South Devon Area of Outstanding Natural Beauty (AONB). The site is located to the north of the village of Loddiswell and south west of Blackdown Cross, on the western side of the B3196 (the boundary of the AONB follows the B3196). The application site measures approximately 1.35 hectares in area, and is separated from the B3196 by an adjoining field.

There are existing hedgebanks along the southern and eastern boundaries of the site. the northern and western boundaries are currently open to the rest of a larger field of which the application site forms a smaller parcel. Access to the site from the B3196 is via an existing agricultural track (which was considered to constitute permitted development under Class 6 to Schedule 2 of the GPDO, LPA ref. 1095/16/AGR). There is also a secondary access to the south west which connects to an unclassified road leading to Woolston Farm.

A dry storage building on the site has previously been deemed to benefit from permitted development rights under Class 6 to Schedule 2 of the GPDO (LPA ref. 1217/16/AGR). It has been observed that works to construct the silage clamps which are included in the current proposal have already commenced, along with the adjacent buildings (nos. 4 and 5).

There are no residential properties within a considerable distance of the application site.

Background Information:

The Applicants purchased land at Woolston Farm in 2015 with a view to running the 200 acre holding as a separate beef finishing unit to their main holding at Hendon View (approximately 2.2 miles to the east) to expand their farming enterprise.

The proposed development at Woolston Farm is centrally located within the farm holding and has capacity for the Applicants' farming business and the 600-700 head of cattle they intend to keep on the holding. The Applicants are licenced to take calves from TB restricted farms in the local area. Animals under 10-11 months of age will be housed in the proposed buildings from around October until March (depending on the weather) and then turned out to graze on the 200 acre holding throughout the summer. On reaching 10-11 months of age the animals would be housed until they are finished at 16 months of age.

The Proposals:

Application 1570/16/FUL seeks consent for an agricultural livestock building (no.1)

Building no.1 would be sited to the west of the dry storage building (approved by virtue of 1217/16/AGR). The building would be orientated west/east along its pitch and would measure approximately 27 metres long and 15.2 metres wide, with a floor area of 410.4 square metres. The building would have a ridge height of approximately 6.2 metres and an eaves height of approximately 4.6 metres. The external walls would be constructed in poured concrete at low level with Yorkshire boarding above set under an anthracite grey fibre cement roofing sheets. Steel livestock gates would run the length of the south elevation, with one gate on each of the east and west elevations.

Application 1571/16/FUL seeks consent for an agricultural livestock building (no.2)

Building no.2 would be sited to the north of building no.1 and west of building no.5 (see below). It would be identical in appearance and dimensions to building 1.

Application 1572/16/FUL seeks consent for an agricultural livestock building (no.3)

Building no.3 would be sited to the east of building 2 and south of the dry storage building. It would be identical in appearance and dimensions to buildings 1 and 2.

Application 1573/16/FUL seeks consent for an agricultural livestock building (no.4)

Building no.4 would be sited to the north of building 1 and east of building 5 (see below). It would be identical in appearance and dimensions to building 1, 2 and 3.

Application 1575/16/FUL seeks consent for an agricultural livestock building (no.5)

Building no.5 would be sited to the north of the dry storage building and east of building 4. It would be identical in appearance and dimensions to buildings 1-4.

Application 1576/16/FUL seeks consent for an agricultural building (general purpose silage clamp - "building 6")

Building 6 would be site to the north of buildings 4 and 5 and comprise a 45.7 metre long by 13.7 metres wide silage clamp orientated west/east across the site. 2.9 metre high walls would be constructed on all sides except the west.

Application 1577/16/FUL seeks consent for an agricultural building (general purpose silage clamp - "building 7")

Building 7 would be sited to the north of building 6 and would be identical in appearance and dimensions to building 6.

All 7 applications includes details of landscape scheme which seeks to mitigate the impact of the totality of development proposed. This includes a new hedgebank to the north and west of the proposed buildings.

Whilst the proposal has been split into 7 separate applications the siting is such that they would effectively constitute one large development. Officers have therefore assessed the proposed buildings cumulatively. As noted above, works to construct buildings 4-7 have already commenced on site.

Consultations:

- County Highways Authority – No objections
- Agricultural Consultant – satisfied necessary criteria are met, support subject to clarification on drainage/manure management
- Landscape – No objection subject to conditions
- Drainage – No objection subject to condition
- Loddiswell Parish Council - Objection – increased traffic, smell, flies, pollution, buildings on skyline, position of site and environmental health issues

Representations:

Four letters of objection have been received, with concerns raised summarised as follows:

- Massive development in the AONB
- Skyline development
- Applicants did similar development at Hendham View Farm, now equivalent in area to Churchstow industrial estate
- Runoff to watercourses
- Pollution
- Traffic impact on rural lanes
- Smell/Flies due to volumes of slurry would affect tourism and nearby businesses
- Barns already constructed should be removed, should not affect decision on current applications

Relevant Planning History

- 1217/16/AGR Application for prior notification of agricultural storage building. Woolston Farm, Loddiswell. Agricultural determination details not required: 12 May 16.

- 1095/16/AGR Application for prior notification of Agricultural and Forestry development, to provide access with vehicles and animals across land. Agricultural determination details not required: 5 May 16.

ANALYSIS

Principle of Development/Sustainability:

The National Planning Policy Framework (NPPF) is the most up-to-date guidance in relation to the proposal. In addition to this, the National Planning Policy Guidance (NPPG) provides more detailed topic-related guidance. Relevant policies can also be found in the Council's own Development Plan. The full list of relevant policies can be found at the end of this report.

The NPPF provides support for the rural economy. Policy DP15 of the LDF permits development in the countryside where it requires a countryside location and supports the essential needs of agriculture. The location of the site is reasonably sustainable considering its rural context and the need for agricultural development to be in the countryside. The Council's Agricultural Consultant has offered support for the development subject to clarification on drainage/manure management. In their analysis the Consultant comments that the proposed buildings are commensurate with the size of the holding and designed to meet agricultural need, and the siting of the proposal meets the needs of the enterprise.

The principle of agricultural development of the scale proposed can be supported in this location.

Design/Landscape:

The current proposal comprises 7 new buildings split across separate planning applications, which would be sited adjacent to a previously approved agricultural building. The proposed layout is such that the development would read as three very large agricultural buildings sitting parallel to each other, with the two silage clamps sat immediately adjacent to the north. The detailed design of the buildings is clearly agricultural, and fairly typical of modern agricultural buildings seen across the District.

Paragraph 115 of the NPPF gives great weight to conserving landscape and scenic beauty in AONBs. Paragraph 116 goes on to state planning permission for major developments in the AONB should be refused unless there are exceptional circumstances and it is in the public interest. Paragraph 116 does not strictly apply in this case as whilst the cumulative size of 7 applications in a sensitive landscape could arguably be considered major development, the site is actually outside the AONB boundary (contrary to comments made in some letters of representation). However, the NPPG does make it clear that the "duty is relevant in considering development proposals that are situated outside National Park or Area of Outstanding Natural Beauty boundaries, but which might have an impact on the setting of, and implementation of, the statutory purposes of these protected areas." As such great weight still needs to be given to the preserving the setting of the ANOB in considering the development proposed.

The Council's Landscape Specialist has reviewed the submitted details and visited the application site and surrounds. It is acknowledged that a Landscape and Visual Impact Assessment (LVIA) for the proposals has not been submitted (as the development was submitted as 7 separate applications Officers could not decline to validate the applications as it was not technically a validation requirement, and whilst it was sought during the consideration of the applications it has not been forthcoming). Officers have therefore undertaken their own appraisal.

The site has been viewed from a number of viewpoints around the site; these include views from the west, south and north east where topography allows for some inter-visibility between known public receptors. The most sensitive receptor is the Iron age hillfort at Blackdown Ring to the north east, and within the South Devon AONB (approx. 1km distant).

The Landscape Specialists comments note that the site is within an area where farming forms part of the character of the landscape, and this character would broadly be conserved. Whilst there would be some harm arising from the scale and form of development proposed this would not be significant in the wider landscape. The nature of the barns, and positioning on rising ground to the north, limits the impression of ridgeline, with viewpoints to the south seeing the barns against rising land. When viewed from the north the landscape views are expansive across the wider plateau with the cluster of proposed livestock buildings having a limited overall impact which should be further reduced by new strategic planting to break up the roofscape. Due regard has been made to the South Devon AONB Management Plan given the proposal is within the setting of the AONB. It is considered that the proposal does not conflict with the objectives of the AONB Management Plan, with characteristic copse and tree planting achievable through condition to secure some enhancement.

In conclusion the Landscape Specialist raises no objection subject to conditions to secure more comprehensive landscape details. These conditions (which go beyond what is normally requested for agricultural buildings to take into account the scale and location of development proposed) for part of the Officer recommendation and includes details of maintenance and management and a landscaping inspection by the LPA..

Drainage:

Each application includes drainage details which state that new soakways will be constructed to manage surface water from the development. Concern has been raised by third parties regarding the high levels of slurry which would be generated at the site and the potential for water pollution, and the Council's Agricultural Consultant has suggested further details are required in respect of manure management.

The Council's Drainage Specialist has advised that the final drainage scheme can be dealt with by condition. As development forming part of the applications has already commenced on site, it is recommended that details be required within 3 months of the date of any approval. The Agent has clarified that the calves would be housed on straw bedding which would then be spread directly onto the land. The site will only produce dung and no slurry. Officers are satisfied that no further details in respect of dung/manure management are required from a planning perspective. (There are other regulations outside the planning process which the Applicant needs to comply with in respect of such matters.)

Ecology:

The applications subject if this report did not individually trigger the need for a Preliminary Ecological Assessment in accordance with the Council's Local Validation Checklist. The whole development would take place in what is currently an agricultural field, and does not include the breaking of any existing hedgerows. The submitted landscape scheme includes details of new planting which provides the potential for biodiversity enhancement within the site. Overall it is considered there are no ecological grounds for refusal of the application.

Neighbour Amenity:

There are no residential properties within the immediate vicinity of the application site. There has been some concern raised regarding the impact of traffic arising from the development on residents in the locality. As the site can be accessed via a main road, the Council's Environmental Health Officer has verbally advised that they do not consider the hours of operation of the business could reasonably be restricted on residential amenity grounds.

Highways/Access:

Following initial concerns being raised by Devon County Highways regarding visibility, turning and the intensified use of the site with size of vehicles to be used, the Agent submitted a Traffic Statement. This

statement how the site would previously have been used for arable farming in terms of traffic movements compared with livestock farming, and considers that the proposal would not actually result in a significant increase in traffic movements associated with the site. Devon County Highways subsequently removed their objections from all 7 applications.

Concerns have been expressed by third parties regarding the impact of large vehicles using the rural lanes around the site (citing experience of the growth of the Applicant's farming business at Hendham View). In the absence of an objection from the County Highway Authority, it is considered objection to the development on highways grounds could not be sustained.

Heritage:

The applications were not formally advertised as affecting the setting of any heritage assets, however the issue has still been given appropriate consideration. The closest asset which could potentially be affected is the fort at the Blackdown Rings (which is a Scheduled Ancient Monument). Upon visiting the site and surrounds Officers are satisfied there is no clear inter-divisibility between the application site and the fort due to the distance and intervening topography. Views of the site from the monument are glimpsed and distant. The proposal would not result in harm to the setting of any heritage assets.

Other Matters:

Some concern has been expressed by third parties regarding smells/flies arising from the development. The Council's Environmental Health Officer has verbally advised that such matters could be appropriately dealt with under statutory nuisance legislation should any problems arise.

It has been commented in letters of representation that development works have commenced on site, and this should not prejudice the Council in its decision making. As detailed above a dry storage building and access track to the site have previously been confirmed as permitted development so commencement of these elements would not require planning permission. Officers did note when visiting the site that the silage clamps and Buildings 4 and 5 have already been constructed. Whilst the applicant was advised not to carry out any further development works that that did not benefit from planning consent, it would not have been expedient to take any further action whilst the current applications were under consideration. If the applications were refused by the DM Committee, the Council would still have the option to take enforcement action to secure the removal of the unauthorised development works.

The Planning Balance:

Whilst the site is located just outside the AONB, having regard to the scale and nature of development proposed great weight has still been given to the impact of the proposal on the character of the landscape. Subject to conditions to secure additional details, the proposals are considered acceptable in landscape and visual impact terms. The development would not result in harm to the setting of any heritage assets. Other technical matters can be appropriately and proportionately addressed by condition. Notwithstanding concerns raised by third parties regarding traffic impacts, the County Highways Authority has raised no objection. The proposals are considered acceptable in all other planning respects.

Overall it is considered the proposals accord with the provisions of the development plan and national guidance, and as such all 7 applications referred to in this report are recommended for approval subject to conditions (which are set out in full at the end of this report).

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004 and with Sections 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Planning Policy

NPPF

NPPG

South Hams LDF Core Strategy

CS1 Location of Development

CS7 Design

CS9 Landscape and Historic Environment

CS10 Nature Conservation

Development Policies DPD

DP1 High Quality Design

DP2 Landscape Character

DP3 Residential Amenity

DP5 Conservation and Wildlife

DP6 Historic Environment

DP7 Transport, Access & Parking

DP15 Development in the Countryside

South Devon AONB Management Plan

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.

Recommended Conditions for application 1570/16/FUL:

Please note – there will be 7 separate decision notices. The conditions would be the same except for the standard time limit for implementation (which would not need to be applied to applications 1576/16/FUL and 1577/16/FUL as works have already commenced to implement these works), and the accord with plans condition would refer only to the specific drawings relating to each application.

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 number(s) Location Plan, Site Plan: Application 1, Proposed Cattle Shed - Building 1: Floor Layout Plan and Elevation Drawings, Drainage Details received by the Local Planning Authority on 9th June 2016; Traffic Statement received by the Local Planning Authority on 22nd July 2016; Design and Access Statement with Agricultural Justification (May 2016 - Revised September 2016) received by the Local Planning Authority on 16th September 2016.

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. Notwithstanding the details submitted, within 3 months of the date of this decision details of the final drainage scheme shall be submitted to and agreed in writing with the Local Planning Authority. The details shall include:

1. Percolation testing in accordance with BRE digest 365 will be required to support the use of soakaways. The report should include the trial logs and calculate the infiltration rate.

2. SuDS to be designed for a 1:100 year event plus 30% for climate change.

3. If the Local Planning Authority concludes that the method of drainage approved as part of this permission is undermined by the results of the percolation tests, a mitigating drainage alternative shall be agreed with the Local Planning Authority

The drainage scheme shall be installed in strict accordance with the approved plans, maintained and retained in accordance with the agreed details for the life of the development.

Reason: To ensure surface water runoff does not increase to the detriment of the public highway or other local properties as a result of the development.

4. Notwithstanding the details submitted with the application, within 3 months of the development commencing, full details of a hard and soft Landscape Scheme have been submitted to, and approved in writing by the Local Planning Authority. The Landscape Scheme shall be prepared by an appropriately qualified professional and shall include:

- (a) a Landscape and Visual Impact Appraisal which informs any necessary mitigation to ensure the proposed landscape treatment conserves and enhances the special qualities of the setting to the AONB and responds to the landscape character of the area;
- (b) arrangements for stripping, storage and re-use of top soil;
- (c) details of earthworks associated with the development, including volumes of cut and fill and arrangements for disposal of any excess excavated material or importation of material;
- (d) details, including design and materials, of ancillary structures such as water storage and signage;
- (e) details of lighting including function, location, design and intensity;
- (f) details of new ground profiles including earth bunds and banks; (g) materials, heights, levels and extent of hard landscape treatment, including access points, tracks, roads and any hardstanding areas; (h) the location, number, species, density, form and size of proposed tree, hedge and shrub planting necessary to mitigate the scheme;
- (i) the method of planting, establishment and protection of all new tree, hedge and shrub planting, and existing hedgerows;
- (j) a timetable for the implementation of all hard and soft landscape treatment.

All elements of the Landscape Scheme shall be implemented and maintained in accordance with the approved details unless otherwise agreed in writing by the local planning authority. All work shall be completed in accordance with the timetable agreed.

Reason: In the interests of public amenity and local landscape character.

5. Notwithstanding the details submitted with the application, within 3 months of development commencing a schedule of landscape management and maintenance for a minimum period totalling 15 years shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for all maintenance of new planting areas, including weed control, replacement of dead, diseased or damaged trees, hedges and shrubs, protection and management thinning to 15 years. Development and future management shall be carried out in accordance with the approved schedule.

Reason: In the interests of public amenity and local landscape character.

6. Within 1 year from the date of this decision notice, the applicant/developer shall convene a meeting with the Local Planning Authority on site to inspect completed landscape works as detailed in Condition 5 - SUBMISSION OF LANDSCAPE SCHEME.

Reason: In the interests of public amenity and local landscape character.

7. The development hereby permitted shall be used solely for the purposes of agriculture or horticulture as defined under Section 336 of the Town & Country Planning Act 1990.

Reason: To ensure that the development hereby permitted is used solely for the purposes of agriculture and horticulture.