

Reference No: 20/00594/MFUL
Parish: Cruwys Morchard 20



TOWN AND COUNTRY PLANNING ACT 1990

APPROVAL OF FULL PLANNING APPLICATION

Name and Address of Applicant:

Mr P Lake
Edgeworthy Farm
Nomansland
Tiverton
Devon
EX16 8NL

Name and Address of Agent:

Mr Glenn Crocker
XL Planning Ltd
1A Fore Street
Cullompton
EX15 1JW

Date Registered : 22nd April 2020

Date of Permission : 10th September 2020

Proposal: Erection of 5 poultry units; biomass boiler unit; attenuation pond; access track; hardstanding; landscaping and associated infrastructure

Location: Land at NGR 285042 114106 (Edgeworthy Farm) Nomansland Devon

Site Vicinity Grid Ref: 285047/114125

MID DEVON DISTRICT COUNCIL HEREBY GRANTS FULL PLANNING PERMISSION FOR THE ABOVE DEVELOPMENT

Subject to the following 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. No development hereby permitted shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority:
 - (a) A detailed drainage design based upon the approved Land at Edgeworthy Farm, Nomansland, Flood Risk Assessment & Drainage Strategy, dated 18th November 2019.
 - (b) Infiltration testing to BRE365 should be undertaken at the site and the results used to inform the detailed drainage design.
 - (c) Detailed proposals for the management of surface water and silt run-off from the site during construction of the development hereby permitted.
 - (d) Proposals for the adoption, if appropriate, and maintenance of all aspects of the proposed permanent surface water drainage system.Thereafter the approved drainage scheme shall be fully implemented before any part of the development is occupied, and be so retained.

4. The poultry sheds shall not be brought into use before the improvements to the junction onto the B3171 have been implemented in accordance with drawings Entrance 23, and Swept Path Analysis 1507-53 SP02 REV B.
5. No development shall be commenced until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved Management Plan at all times during the construction phase of the development.
6. No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.
7. There shall be no outdoor storage of any waste materials generated by the development hereby approved, either on the application site and/or on any other land controlled by the applicant.
8. Prior to its first use on the building, details/samples of the proposed material indicating colour and finish to be used on all external roof surfaces across the development hereby approved shall be submitted to, and approved in writing by the Local Planning Authority. The approved material shall be so used and retained thereafter.
9. No development shall begin until there has been submitted to, and approved in writing by the Local Planning Authority, detailed drawings confirming the existing site levels, proposed finished floor levels for the buildings, and the proposed datum levels across the site. The development shall be completed in accordance the approved details thereafter.
10. Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:
 - (a) the timetable of the works;
 - (b) daily hours of construction;
 - (c) any road closure;
 - (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
 - (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
 - (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
 - (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
 - (h) hours during which no construction traffic will be present at the site;
 - (i) the means of enclosure of the site during construction works; and
 - (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
 - (k) details of wheel washing facilities and obligations
 - (l) The proposed route of all construction traffic exceeding 7.5 tonnes.
 - (m) Details of the amount and location of construction worker parking.

(n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work
The development shall be implemented in accordance with the approved CMP.

11. The development shall be carried out at all times in accordance with the recommendations for mitigation and enhancement specified in Section 7 of the Clarkson and Woods Ecological Survey Report dated September 2015 as approved under planning permission 15/01611/MFUL.

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 appropriate measures are taken to manage surface water in accordance with Policies DM1, DM5 and DM20 of the Mid Devon Local Plan Review 2013-2033.
4. To ensure an appropriate access to and from the site for use by heavy goods vehicles, in accordance with Policies S8, DM3 and DM20 of the Mid Devon Local Plan Review 2013-2033 and the National Planning Policy Framework.
5. To ensure the development will not result in unacceptable harm to the amenities of the area, trees hedges, watercourses or wildlife in accordance with Policies DM4 and DM20 of the Mid Devon Local Plan Review 2013-2033.
6. To ensure, in accordance with Policy DM25 of the Mid Devon Local Plan Review 2013-2033 and paragraph 199 of the National Planning Policy Framework (2019), that an appropriate record is made of archaeological evidence that may be affected by the development.
7. To ensure appropriate management of waste resulting from the development in order to protect the local environment and prevent harm to the amenities of local residents.
8. To ensure an appropriate material which would not draw undue attention to the site in accordance with Policies S1, DM1 and DM20 of the Mid Devon Local Plan Review 2013-2033 and the National Planning Policy Framework.
9. To ensure appropriate levels are in place without harm to the rural setting in accordance with Policies S1 and DM1 of the Mid Devon Local Plan Review 2013-2033.
10. To ensure appropriate measures for the management of vehicle movements during the construction of the development hereby approved.
11. To ensure appropriate measures and mitigation are carried out to avoid undue harm to protected species.

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The proposed development comprising 5 poultry sheds, attenuation pond and associated development is considered to be without significant detrimental impacts upon the living conditions of local residents arising from odour and additional vehicle movements from Edgeworthy to Menchine. The application provides sufficient information to determine the environmental impact upon the local setting as well as the Culm SAC and designated SSSI sites. It is concluded that whilst the development will result in some minor visual impact, this is not considered to be to the

detriment of the wider landscape character, because there are only short and medium range views across this part of the countryside without the disturbance of prominent views from public vantage points, bridleways and the public highway. Furthermore the cumulative visual impact of the development in association with the existing farm buildings, Anaerobic Digester and Wind turbines is found to amount to minimal harm. Cumulative impacts arising from vehicle movements, noise and odour, in conjunction with development of existing and poultry sites at Menchine Farm and Gibbet Moor Farm are not considered to be substantial or to warrant refusal of the application. The application is considered to comply with Policies S1, S8, S9, S14, DM1, DM2, DM3, DM4, DM5, DM20, DM28 and DM30 of the Mid Devon Local Plan Review 2013-2033.

Statement of Positive Working

In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, in determining this application the Local Planning Authority has worked proactively and positively with the applicant to ensure that all relevant planning considerations have been properly resolved. This has included discussions with the applicant and the submission of additional plans.

In accordance with the National Planning Policy Framework, the Local Planning Authority has also involved the community in the consideration of this application.

DEVELOPMENT PLAN POLICIES:

Mid Devon Local Plan Review 2013 – 2033

- S1 - Sustainable development priorities
- S6 - Employment
- S8 - Infrastructure
- S9 - Environment
- S14 - Countryside
- DM1 - High quality design
- DM2 - Renewable and low carbon energy
- DM3 - Transport and air quality
- DM4 - Pollution
- DM5 - Parking
- DM20 - Agricultural development
- DM28 - Other protected sites

Relevant Plans

The plans listed below are those approved. No substitution shall be made.

Plan Type	Reference	Title/Version	Date Received
Site Location Plan	11843-001 REV B		16/04/2020
Site Location Plan	11843-002 REV C		16/04/2020
Proposed	2205-001	Shed Elev's & Plan View	16/04/2020
Proposed	2205-010	Site Office	16/04/2020
Proposed		Biomass Plant Room	16/04/2020
Proposed	SP02 REV B	Swept Path Analysis	18/08/2020
Proposed	23	Entrance	18/08/2020

A copy of the approved plans will be available on Mid Devon's online planning facility.

Website: <http://www.middevon.gov.uk/planning>

Signed:

**Mrs Jenny Clifford
Head of Planning and Regeneration**

Date: 10th September 2020

**THIS DECISION IS NOT A DECISION UNDER BUILDING REGULATIONS AND SEPARATE
CONSENT MAY BE REQUIRED. PLEASE CONTACT OUR BUILDING CONTROL
DEPARTMENT FOR MORE INFORMATION.**

Please refer to notes attached

NOTE – Failure to adhere to the details of the approved plans or to comply with the above conditions constitutes a contravention of the Town and Country Planning Act, 1990 in respect of which enforcement action may be taken.

TOWN AND COUNTRY PLANNING ACT 1990

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice and you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and you want to appeal against your local planning authority's decision on your application, then you must do so within:
28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.
- If you want to appeal against the Local Planning Authority's decision then you must do so within 6 months of the date of this notice.
- If this is a decision for a minor commercial application and you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- If this is a decision for the display of an advertisement and you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of receipt of this notice.
- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at www.planningportal.gov.uk/pcs.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

Purchase Notices

- If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.
- In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable is set out in Section 114 of the Town and Country Planning Act 1990.