

Application Report

Planning, Housing and Health
North Devon Council
Lynton House, Commercial Road,
Barnstaple, EX31 1DG

Application No:	74775
Application Type:	Full application
Application Expiry:	29 July 2022
Extension of Time Expiry:	29 July 2022
Publicity Expiry:	7 December 2022
Parish/Ward:	RACKENFORD/WITHERIDGE
Location:	Land at Stonelands Cross Rackenford Devon
Proposal:	Hybrid planning application to provide an Agricultural-Hub comprising: Area 1: Full Planning Permission for the erection of workshop & storage & distribution uses with ancillary offices, shop & showroom, (sui generis), creation of access and associated works (Phase 1); Area 2: Outline Application for the erection of buildings 1, 2 & 3 for agri-business uses falling under Use Classes Class E (a) retail, Class E (e) medical services, Class E (g) Business, B2 workshop & B8 storage & distribution with appearance & scale to be reserved matters (Phases 2 & 3)
Agent:	Louis Dulling
Applicant:	James Pryce Tractors Ltd
Planning Case Officer:	Mrs D. Butler
Departure:	Y
EIA Development:	
EIA Conclusion:	Development is outside the scope of the Regulations.
Decision Level/Reason for Report to Committee (If Applicable):	Committee

Committee Report Addendum

Reason and scope of addendum:

The application was heard at Planning Committee on the 19th October where it was resolved to defer the application for the following reasons:

- (a) Enable the area of the sequential test to be widened;
- (b) Request an update to be provided on the Urban Extension (Policy TIV1) by Mid Devon District Council;
- (c) Enable a survey to be undertaken on the junction arrangements and potential financial contributions for highway improvements.

This addendum relates solely to these issues and the LPA considers all other issues and conditions to be read as set in the original Committee report.

Sequential Test:

The applicant has provided an updated technical note to expand the sequential test to include Tiverton. The conclusions from this are as follows:

‘Currently there is no land within the Eastern Urban Extension which has been subject to planning approval for employment uses. Nor is there any current applications proposing any employment and the focus has been exclusively in delivering housing.

Although the EUE site benefits from outline permission various pre-commencement conditions have yet to be discharged in full and it is anticipated that any employment floorspace will not be delivered for at least another 5-years’.

The LPA has also carried out some searches regarding commercial units in Tiverton however at time of searching there were no suitable sites available as the units were too small, minimal parking available or did not have the same authorised use classes.

The LPA is therefore still satisfied that there are special circumstances relating to this development and the specific needs and customer base of the existing business and no suitable alternative sites are available.

Mid Devon Eastern Urban Extension:

In relation to the expanded sequential approach the Committee requested a policy updated from Mid Devon regarding their Eastern Urban Extension.

Mid Devon Council have provided the following comments:

“The relevant policies in the recently Adopted Mid Devon Local Plan (2013-2033) are policies TIV1-5. During the lifetime of the Tiverton EUE (first adopted into policy through the AIDPD in 2011) there has been a change in the amount of allocated employment space (AIDPD: 95,000-130,000sqm v Adopted MDLP 2013-2033: at least 30,000sqm) but no change to the area identified through the Adopted Tiverton EUE Masterplan.

Access to the employment land is to be gained via the ‘linking road’ between the constructed (but not yet open) A361 road junction and Blundell’s Road. The linking road is due to open during Spring 2023. That said, the landowner is not currently marketing the employment land indicating that there is not an immediate desire to release it.”

The LPA is therefore satisfied that there is no available units at part of this development.

Highways:

The Planning Committee requested a survey to be undertaken on the junction arrangements and potential financial contributions for highway improvements.

The formal stance of Devon County Council is one of no objection and therefore transport and highways impacts are considered to be acceptable in planning terms the carrying out of additional survey work would be at the applicant’s discretion.

The applicant has provided an updated access plan with improved radii cures and the provision of green backed junction markers but there have not been any updated surveys. The Highway Authority have no objections to these amendments.

The Planning Committee also discussed the opportunity to seek a s106 contribution from the development. This has not been requested by the Highway Authority and has not been offered by the applicant.

The LPA needs to be sure that any financial contribution is reasonable and necessary to make the application acceptable and currently without an objection from the Highway Authority there is no contribution requirement.

Conclusion:

Having reviewed all of the above information in response to the previous planning committee the LPA is still of the opinion that the planning balance is tilted in favour of the development due to the resulting economic, social and environmental benefits.

Recommendation

Approved

Legal Agreement Required: No

END OF ADDENDUM REPORT

**PREVIOUS REPORT AS PRESENTED TO PLANNING COMMITTEE ON
19th OCTOBER 2022 FOLLOWS**

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EIA Development:	
EIA Conclusion:	Development is outside the scope of the Regulations.
Decision Level/Reason for Report to Committee (If Applicable):	Committee – The application constitutes a major departure from the adopted development plan.

Site Description

The site is a relatively level pasture field, bound by the A361 to the north, Bulworthy Knap to the south and the access road onto the A361 to the north-west. There is an existing field access to the south east of the site, off Rackenford Road and a smaller existing field access via the access road to the A361. A continuous hedge and a drainage ditch runs the length of the site's southern boundary. To the site's eastern boundary lies a small copse.

Recommendation

Approved

Legal Agreement Required: No

Planning History

No relevant site history.

Constraints/Planning Policy

Constraint / Local Plan Policy	Distance (Metres)
Advert Control Area Area of Special Advert Control	Within constraint
Landscape Character is: 1F Farmed Lowland Moorland and Culm Grassland	Within constraint
USRN: 27502200 Road Class:A Ownership: Highway Authority	12.18
USRN: 27503303 Road Class:C Ownership: Highway Authority	9.19
USRN: 27504979 Road Class:C Ownership: Highway Authority	5.82
Within 25m of Mid Devon District Council	Within constraint
Within:, SSSI 5KM Buffer in North Devon,consider need for AQIA if proposal is for anaerobic digester without combustion plant	Within constraint
Within:Culm Grasslands, SAC 10KM Buffer if agricultural development consider need for AQIA	Within constraint
SSSI Impact Risk Consultation Area	Within constraint
SSSI Impact Risk Consultation Area	Within constraint
DM01 - Amenity Considerations DM02 - Environmental Protection DM03 - Construction and Environmental Management DM04 - Design Principles DM05 - Highways DM06 - Parking Provision DM08 - Biodiversity and Geodiversity DM08A - Landscape and Seascape Character DM14 - Rural Economy ST01 - Principles of Sustainable Development ST01 - Principles of Sustainable Development ST02 - Mitigating Climate Change ST03 - Adapting to Climate Change and Strengthening Resilience ST04 - Improving the Quality of Development ST05 - Sustainable Construction and Buildings ST08 - Scale and Distribution of New Development in Northern Devon ST10 - Transport Strategy ST11 - Delivering Employment and Economic Development ST14 - Enhancing Environmental Assets	

Consultees

Name	Comment
<p>Arboricultural Officer</p> <p>Reply Received 15 February 2022</p>	<p>The soft landscape proposals are sufficiently detailed and appropriate for the site/surrounding landscape character - as such I have no objection in principal subject to the sustainability officer being content with the LVIA and EclA matters including long term management, monitoring and reporting detailed within the LEMP. (It may be worth querying the BNG calculation with the sustainability officer as it would appear that the habitat value does not deliver the minimum 10% gain policy requirement?)</p>
<p>Councillor J Yabsley</p>	<p>No comments received.</p>
<p>DCC - Development Management Highways</p> <p>Received 22 February 2022</p>	<p>Observations: The application is supported by a transport assessment (TA) which is wholly inappropriate to assess the impact of the proposed development on the local road network, and a travel plan which has limited benefit.</p> <p>The TA relies entirely on a coloured line from Google Maps to show 'typical traffic' as the existing situation, there are no traffic surveys or data provided for the existing volumes, queueing, delay or speed of traffic. No scope for the TA was agreed with the Highway Authority in advance of submitting an application. The TA refers to policy ST10 of the Local Plan, which is for strategic transport. This is particularly relevant to this application in terms of part (1)(a) as it is adjacent to the A361 and there will be significant increases in traffic on the A361 and through the uncontrolled right turn lane at Stonelands Cross. Policy ST10 states: The Transport Strategy for northern Devon will:</p> <p>(1) Provide good strategic connectivity by: -</p> <p>a. ensuring the operational effectiveness of the strategic road network (A361 and A30) and other strategic routes including the A39, linking the area to the national road network (M5 and A30) and to Exeter, Plymouth and Cornwall ;The impact of the proposal onto the A361 and the uncontrolled right turn lane has not been quantified in terms of delay, congestion, queuing or the impact this will have on road safety. Additional policy to consider is from Devon County Council, as on 11th October 2017 Devon County Council's Cabinet approved the following way to apply the National Planning Policy Framework: 3.2.8 When considering development proposals that impact on the NDLR [North Devon Link Road - A361], paragraph 32 of National Planning Policy Framework [now paragraph 111] will be interpreted as follows: Any future development between South Molton and Bideford will provide segregated pedestrian facilities and no uncontrolled right turns on the NDLR; and Due to the concerns about the safety impact of existing junctions between Bolham and South Molton there will be a presumption against any development proposals that have a significant adverse impact on the North Devon Link Road and in particular the impact on uncontrolled right turns. This proposal falls into the second bullet point, being</p>

Name	Comment
	<p>between Bolham (Tiverton) and South Molton. This information was provided to the applicant at pre-application stage. Devon County Council has recently received £60 million from the Department of Transport(DfT) towards a £67 million scheme for upgrading the North Devon Link Road between Bideford and South Molton. The benefits of these improvements, including safety improvements by removing uncontrolled right turning lanes, cannot be allowed to be undone by the significantly increased use of the right turn lane adjacent to this proposed site.</p> <p>The applicant has not even considered the traffic impact on the A361 as no traffic data regarding the volume of traffic on the A361 using the existing Stonelands Cross junction has been provided, nor has any analysis of the capacity of this junction been provided. Work for the North Devon Link Road improvement scheme, approved by the DfT, showed a need to remove the right turn lanes for safety reasons, and resulted in the above County Council policy being created. The proposal would add large levels of additional traffic through the Stonelands cross junction onto the A361 at peak times and throughout the day. This will result in a significantly increased risk of collisions, which would likely be serious or fatal due to the speed of traffic using this road, and based on similar collisions on this road at uncontrolled right turn lanes. The additional impact of collisions on this road would be the closure of the A361 to all traffic or a significant part of the day, closing off large parts of the economy of northern Devon.</p> <p>The levels of traffic likely to be generated by the proposal have been given in the TA for each different proposed use on the site. This indicates that there would be over 80 additional vehicle movements through the uncontrolled right turn lane junction of Stonelands Cross on the A361 in both the AM and PM peak hours. Based on Devon County Council traffic data this would almost double the existing volume of traffic attempting to use this junction in the AM peak to enter or leave the A361 and be in conflict with over 1700 vehicles using the single carriageway road passing the junction.</p> <p>In the PM peak the proposal more than doubles the level of traffic using the junction to enter or leave the A361.</p> <p>In the future, with the level of growth in traffic expected on the A361, the level of passing traffic is set to increase significantly, and therefore the available capacity for vehicles entering and exiting at this junction will get even worse the current situation. This will result in additional delay to vehicles attempting to use this junction and such delay will result in impatience and drivers attempting to accept smaller gaps in the traffic which will be very likely to result in additional collisions.</p> <p>The level of conflict created, at a right turn lane with very high speed traffic passing, is considered cataphatically unsafe. This is evidenced by the number of fatal collisions on the A361 in recent years, with almost 80% of all collisions on the A361 North Devon Link Road being at right turn lanes.</p>

Name	Comment
	<p>The resulting impact of the proposal is that there would be a likely increase in the number and severity of collisions at the A361 junction Stonelands Cross meaning the proposal is considered to be severely unsafe in highway terms, and with no mitigation offered, the application should be refused.</p> <p>The travel plan and TA makes frequent mention of walking and cycling, and targets an initial 16% of people to walk to the site and 2% to cycle, increasing to 4% for cyclists over the first 5 years of the development. This is despite the travel plan stating: 'there is limited sustainable transport infrastructure that any development proposals would be able to benefit from'; and: 'There are no existing footways in close proximity to the application site associated with the adjacent road network that includes the A361, Bulworthy Knap and the local 'C' road along the western boundary of the site. Given the nature of the development proposals, it is unlikely that the site will generate a material number of pedestrian movements to / from the site.'</p> <p>It is my view that there will not be a highway safety issue for pedestrians or cyclists resulting from the proposal due to the remote nature of the site and the likelihood that 100% of people will access the site by motor vehicle, as a driver or passenger. Devon County Council as Highway Authority does not comment on the sustainability of individual planning applications. However, no other department will comment on these issues and I feel that something must be said on this matter. Both Devon County Council and North Devon District Council have declared a climate emergency and various emerging plans to reduce carbon and decarbonise transport at all levels of government have been issued. The switch away from fossil fuels in transport is underway, with no new petrol or diesel vehicles being sold by 2030. The LPA must therefore consider the proposal in the context of environmental and decarbonisation policies relating to transport, specifically NPPF (2021) paragraphs 104 (d) and 105.</p> <p>Recommendation: REFUSAL FOR THE FOLLOWING REASONS</p> <ol style="list-style-type: none"> 1. The proposal would add significant volumes of traffic to an uncontrolled right turn lane on the A361 North Devon Link Road which does not have the capacity to safely accommodate such additional traffic and will result in an increase in the number and severity of collisions contrary to National Planning Policy Framework (2021) paragraphs 110, 111 and 112 and Local Plan policy DM05. 2. The proposal will result in a detriment to the strategic highway network of North Devon reducing the operational effectiveness of the A361 contrary to Local Plan policy ST10.

Name	Comment
<p data-bbox="177 199 373 338">DCC - Development Management Highways</p> <p data-bbox="177 378 408 483">Reply Received 21 September 2022</p>	<p data-bbox="440 199 1337 450">The applicant's transport consultant has provided additional information regarding the impact of the proposal on the A361 'Stonelands Cross' junction including a detailed capacity assessment of the operation of the junction. This has not been accepted uncritically, despite not being calibrated to existing queues (which are minimal) I find the modelling work acceptable.</p> <p data-bbox="440 490 1401 741">To clarify my previous response regarding the statistic that: 'This is evidenced by the number of fatal collisions on the A361 in recent years, with almost 80% of all collisions on the A361 North Devon Link Road being at right turn lanes.', this is not quite correct. The correct statistic is that approximately 80% of collisions at junctions that are not a roundabout between Tiverton and Barnstaple involved a vehicle making a right turn.</p> <p data-bbox="440 781 1410 1290">The collision history at the Stonelands Cross Junction, and nearby Two Gates Cross junction on the A361, is that there have been no recorded personal injury collisions in the past 5 years of data collected, and none in the previous the five years before that. I therefore have no evidence to suggest that these junctions are inherently unsafe, and as reiterated by the recent appeal decision at Yelland Power Station - technical evidence is needed to support refusal of an application on highway grounds. The additional work by the applicant's transport consultant indicates the likely increase in traffic at the junction would be considered significant and therefore requires the assessment, however the effect and impact of the increase in traffic is not considered to be significantly adverse due to the minimal impact on the capacity of the A361 Stonelands Cross Junction.</p> <p data-bbox="440 1330 1337 1435">Therefore interpretation of the Devon County Council Cabinet 'policy' (below) does not need to be a presumption against the development.</p> <p data-bbox="440 1440 1394 1585">3.2.8 When considering development proposals that impact on the NDLR [North Devon Link Road - A361], paragraph 32 of National Planning Policy Framework [now paragraph 111] will be interpreted as follows:</p> <p data-bbox="440 1626 1374 1731">Any future development between South Molton and Bideford will provide segregated pedestrian facilities and no uncontrolled right turns on the NDLR; and</p> <p data-bbox="440 1771 1401 1951">Due to the concerns about the safety impact of existing junctions between Bolham and South Molton there will be a presumption against any development proposals that have a significant adverse impact on the North Devon Link Road and in particular the impact on uncontrolled right turns.</p> <p data-bbox="440 1991 1382 2096">In regard to the NPPF paragraph 111, the impact of the proposal has been shown not to be significantly adverse, and therefore not 'severe' as is a requirement of the NPPF paragraph</p>

Name	Comment
	<p>111 to refuse the application on highway grounds. The increase in traffic will undoubtedly result in some additional queuing and delay at the A361 Stonelands Cross Junction which will be inconvenient and frustrating to some drivers.</p> <p>I note the comments from the Parish Council regarding the impact of vehicles on the back road to Tiverton –quoted as the C784. There would possibly be an increase in traffic on this road from vehicles accessing the site, however, using this route would take longer than using the A361 at most times of the day on a usual day. However, in order to mitigate potential increases in traffic on this road, particularly larger vehicles, signs must be placed at the exit of the site directing traffic to use the A361 and a travel plan for staff and visitors implemented which shall also direct drivers to use the A361.</p> <p>Regarding sustainability, I have nothing further to add as it is the Local Planning Authorities role to consider the sustainability of the site along with other environmental, economic and social aspects of sustainability. However due to changes in the ability of industrial/employment sites to convert to residential use more easily, I suggest that if approved the permission has permitted development rights removed or is in some way limited to being able to convert to residential development.</p>
<p>DCC - Lead Local Flood Authority</p> <p>Reply Received 3 March 2022</p>	<p>At this stage, we object to this planning application because we believe it does not satisfactorily conform to saved Policy ST03 linking to climate change of North Devon and Torridge Local Plan (2011 - 2031). The applicant will therefore be required to submit additional information in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.</p> <p>The applicant is proposing two attenuation basins to treat the runoff which we are supportive of however we wish to raise the following queries:</p> <ul style="list-style-type: none"> ? The applicant has used the full site area rather than the impermeable area for the calculation of runoff rates. The applicant should revise the runoff rates. ? The applicant has increased the SPR HOST value in the runoff rate calculation which we do not support. The applicant should use the default SPR HOST value of 3. ? The applicant has used FSR rainfall model for the attenuation calculation. We require the FEH rainfall model as FSR data is now 50 years out of date. ? The applicant should confirm that there is an agreeable discharge receptor. It looks like the culverted highway ditch is being proposed as the receptor for the surface water drainage. <p>The applicant should provide evidence that this culverted ditch exists and there is agreement from DCC Highways Authority for the proposed</p>

Name	Comment
	<p>connection. If agreement is forthcoming, we would likely condition a condition / capacity assessment of the culvert.</p> <p>We would be happy to provide a further substantive review if additional information is submitted to the local planning authority.</p>
<p>DCC Waste Management</p> <p>Reply Received 4 March 2022</p>	<p>We note that this is a hybrid application, therefore our comments are as below:</p> <p>Outline application response:</p> <p>Paragraph 8 of the National Planning Policy for Waste and Policy W4 of the Devon Waste Plan requires major development proposals to be accompanied by a Waste Audit Statement. This ensures that waste generated by the development during both its construction and operational phases is managed in accordance with the waste hierarchy, with a clear focus on waste prevention in the first instance. A key part of this will be to consider the potential for onsite reuse of inert material which reduces the generation of waste and subsequent need to export waste off-site for management. It is recommended that these principles are considered by the applicant when finalising the layout, design and levels.</p> <p>This application is not supported by a Waste Audit Statement and it is therefore recommended that a condition is attached to any consent to require the submission of a statement at reserved matters stage to demonstrate all opportunities for waste minimisation, reuse and recycling have taken place.</p> <p>Full application response:</p> <p>Paragraph 8 of the National Planning Policy for Waste and Policy W4 of the Devon Waste Plan requires major development proposals to be accompanied by a Waste Audit Statement. This ensures that waste generated by the development during both its construction and operational phases is managed in accordance with the waste hierarchy, with a clear focus on waste prevention in the first instance. A key part of this will be to consider the potential for on-site reuse of inert material which reduces the generation of waste and subsequent need to export waste off-site for management. It is recommended that these principles are considered by the applicant when finalising the layout, design and levels.</p> <p>It is noted that this application is not supported by a Waste Audit Statement and it is therefore recommended that a condition is attached to any consent to require the submission of a statement in advance of the commencement of development.</p> <p>Devon County Council has published a Waste Management and Infrastructure SPD that provides guidance on the production of Waste Audit Statements. This includes a template set out in</p>

Name	Comment
	<p>Appendix B, a construction, demolition and excavation waste checklist (page 14) and an operational waste checklist (page 17). Following the guidance provided in the SPD will enable the applicant to produce a comprehensive waste audit statement that is in accordance with Policy W4: Waste Prevention of the Devon Waste Plan. This can be found online at: https://www.devon.gov.uk/planning/planning-policies/minerals-and-wastepolicy/supplementary-planning-document</p>
<p>Designing Out Crime Officer</p> <p>Reply Received 23 February 2022</p>	<p>Thank you for this application, I have no objections in principle to either part of the proposal. However, as there appears to be no mention within the Design & Access Statement of security or crime prevention measures per se, it is not known if these key matters have been considered for the scheme or where and how it is proposed they be implemented across the development site. To assist from a designing out crime, fear of crime and disorder perspective please find the following information, advice and recommendations:-</p> <p>Generic site wide advice: Crime and anti-social behaviour are more likely to occur if the following seven attributes of sustainable communities are not incorporated:</p> <ol style="list-style-type: none"> 1. Access and movement: places with well-defined and well used routes with spaces and entrances that provide for convenient movement without compromising security 2. Structure: places that are structured so that different uses do not cause conflict 3. Surveillance: places where all publicly accessible spaces are overlooked 4. Ownership: places that promote a sense of ownership, respect, territorial responsibility and community 5. Physical protection: places that include necessary, well-designed security features 6. Activity: places where the level of human activity is appropriate to the location and creates a reduced risk of crime and a sense of safety at all times 7. Management and maintenance: places that are designed with management and maintenance in mind, to discourage crime in the present and the future, encouraging users to feel a sense of ownership and responsibility for their surroundings can make an important contribution to community safety and crime prevention. Clarity in defining the use of space can help to achieve a feeling of wellbeing and limit opportunities for crime. <p>It is important to consider the crime risks that a large number of commercial buildings might inadvertently create, such as numerous paths behind buildings for emergency exit and large areas set aside for car parking. Legitimate activity on industrial estates for example can be very low at weekends, and at night and this inactivity can attract criminals.</p> <p>It is desirable that vehicular and pedestrian routes are designed in a way that ensures they are visually open, direct, and well used.</p>

Name	Comment
	<p>They should not undermine the defensible space of commercial developments. Design features can help to identify the acceptable routes through a development and appropriate areas for public access, thereby encouraging their greater use and in doing so enhance the feeling of safety.</p> <p>Full Application (Phase 1)</p> <p>In general, the proposed building(s) appear to follow a simple design where recesses and concealed areas are minimised, a good design feature in increasing surveillance opportunities. I note and welcome the secure boundary fencing and assume the gates will be of the same height and material. The inclusion of gates at both general and staff/service entrance points is also welcomed. Given the potential value of equipment and parts, consideration should be given to providing secure internal storage. As a minimum, there must be access control between the public and staff only areas, including offices and staff rooms.</p> <p>It is recommended the roller shutter doors providing access for deliveries and other apertures where no other door is present must be certificated to a minimum of LPS 1175 Issue 8, Security Rating 3 and any roof light aperture be protected by roof lights certificated to LPS 1175: Issue 8, Security Rating 1 or above. Doors and windows should be to PAS 24:2016 as a minimum.</p> <p>Whilst it is recommended CCTV be included as part of the initial build process, it should not be seen as a universal solution to security problems. It can help deter vandalism or burglary and assist with the identification of offenders once a crime has been committed, but unless it is monitored continuously and appropriately recorded, CCTV will be of limited value in relation to the personal security of staff and visitors. That being said, the provision and effective use of CCTV fits well within the overall framework of security management and is most effective when it forms part of an overall security plan. It is therefore recommended an appropriate monitored CCTV and alarm system is installed as part of the overall security package for each unit with any lighting for the site compatible with the CCTV system.</p> <p>Care needs to be taken with regard to planting/landscaping, where applicable, so as to not create hiding places, areas of concealment for vehicle interference or impede surveillance opportunities.</p> <p>External illumination when the buildings are unoccupied is recommended for entrance doors and observable building elevations and be compatible with any CCTV system installed.</p> <p>Outline Application (Phase 2 & 3)</p> <p>Whilst I note the letters of intent from 2 prospective tenants, due to the way in which many industrial developments evolve from inception to completion and the fact that in many instances the intended occupier and the nature of their business either changes or is unknown even beyond completion, it is not possible to prescribe the completely appropriate security standard for any</p>

Name	Comment
	<p>assessed crime risk. However, it is fair to say commercial units can be vulnerable to burglary, theft and unwanted trespass.</p> <p>I recommend any rear access be fenced/gated to prevent casual intrusion but allow for maintenance as required.</p> <p>It is recommended CCTV and intruder alarm provision be included as part of the initial build process. This will enable any future occupants to tailor any system to their specific needs rather than retro fit.</p> <p>As with phase 1, care needs to be taken with regard to planting/landscaping, where applicable, so as to not create hiding places, areas of concealment for vehicle interference or impede surveillance opportunities.</p> <p>Any roller shutter doors providing access must be certificated to a minimum of LPS 1175 Issue 8, Security Rating 3 and any roof light aperture be protected by roof lights certificated to LPS 1175: Issue 8, Security Rating 1 or above. Doors and windows should be to PAS 24:2016 as a minimum standard.</p> <p>There should be no access to areas that are not overlooked to reduce the opportunity for anti-social and criminal activity.</p> <p>There should be no open access to ground floor windows or doors to the sides or rear of the buildings.</p> <p>To deter and prevent criminal, opportunist and casual intrusion, the plots should preferably be securely enclosed by means of appropriate security fencing and gates.</p> <p>The parking areas should be lit to allow safe and secure use during hours of darkness/winter months.</p>
Economic Regeneration Officer	No comments received.
Environment Agency Reply Received 8 April 2022	<p>We have no objections to this development.</p> <p>Reason We maintain our concerns about the suitability of the receiving watercourse for drainage. The applicant has stated they are aware of the need for a permit and are prepared for the possibility of one not being granted.</p>
Environment Agency Reply Received 8 March 2022	<p>We request further information regarding the foul drainage plans on the site and therefore object to this development until this is provided.</p> <p>Reason We require more specific details on the plans for the treated effluent derived from the proposed package treatment plant.</p> <p>The applicant has calculated an estimated 8.500L daily discharge, and intend to discharge treated effluent to a ditch system. This discharge would require an environmental permit, and as a part of that application they will have to demonstrate the ditch is a suitable receiving environment. We would request clarification on the size,</p>

Name	Comment
	<p>flow and whether the ditch carries water year round. We also would require details on a specific discharge point, and the package treatment plant seems to not be marked on the attached plans. We note there is some uncertainty about the discharge volume, but feel there is still an issue with the ditches suitability as a receptor even if the flows are below the general binding rules limit of 5000L.</p> <p>Overcoming our objection We request the applicant provides further information on the foul drainage plans they have for the site, and clarification on the discharge point and receiving environment.</p>
<p>Environmental Health Manager</p> <p>Reply Received 1 March 2022</p>	<p>1 Air Quality Impacts</p> <p>- Construction Phase Impacts I believe the potential impacts on local air quality arising during the construction phase of the development can be effectively dealt with by a scheme of mitigation included in a suitable Construction Environmental Management Plan (see below).</p> <p>- Operational Phase Impacts The Advance Transport Assessment dated 24 January 2022 includes predicted traffic flow data for the development. This data suggests the development will generate significant new traffic flows on local roads. The EPUK & IAQM document: Land-use Planning and Development Control: Planning for Air Quality - January 2017 provides guidance with a view to ensuring air quality is adequately considered in the planning process and Table 6.2 in the document provides traffic flow related indicative criteria for when an air quality assessment may be required. The EPUK guidance document states that, where an air quality assessment is indicated as being required, this may take the form of either a Simple Assessment or a Detailed Assessment. The principle underlying the guidance is that any assessment should provide enough evidence that will lead to a sound conclusion on the presence, or otherwise, of a significant effect on local air quality. I recommend the Applicant be asked to provide additional information with a view to establishing whether the development is likely to cause any significant operational phase effects on local air quality, having regard to guidance contained within the EPUK & IAQM document.. Where any potentially significant effects are identified, proposals for a more detailed assessment of air quality impacts should be included.</p> <p>2 Land Contamination I have reviewed the Advance Phase 2 Ground Investigation Report dated 7 January 2022. The report concludes that no significant sources of contamination have been identified and the site does not pose significant contamination risks to end users or the environment. As such, no specific remedial measures are recommended. However, if any unexpected sources of potential</p>

Name	Comment
	<p>contamination are encountered during development works, further specialist assessment will be required.</p> <p>Given the above, I recommend the following condition be imposed:</p> <p>- Contaminated Land (Unexpected Contamination) Condition Should any contamination of ground or groundwater be discovered during development of the site, the Local Planning Authority shall be contacted immediately. Site activities within that sub-phase or part thereof shall be temporarily suspended until such time as a procedure for addressing the contamination is agreed upon with the Local Planning Authority or other regulating bodies.</p> <p>Reason: To ensure that any contamination exposed during development is remediated in accordance with the National Planning Policy Framework</p> <p>3 Construction Phase Impacts In order to ensure that sensitive receptors in the vicinity of the site are not unreasonably affected by dust, noise or other impacts during the construction phase of the development I recommend the following condition be imposed:</p> <p>- Construction Environmental Management Plan Condition Prior to the commencement of development, including any site clearance, groundworks or construction within each sub-phase (save such preliminary or minor works that the Local Planning Authority may agree in writing), a Construction Environmental Management Plan (CEMP) to manage the impacts of construction during the life of the works, shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt and where relevant, the CEMP shall include:-</p> <ul style="list-style-type: none"> a) measures to regulate the routing of construction traffic; b) the times within which traffic can enter and leave the site; c) details of any significant importation or movement of spoil and soil on site; d) details of the removal /disposal of materials from site, including soil and vegetation; e) the location and covering of stockpiles; f) details of measures to prevent mud from vehicles leaving the site / wheel-washing facilities; g) control of fugitive dust from demolition, earthworks and construction activities; dust suppression; h) a noise control plan which details hours of operation and proposed mitigation measures; i) location of any site construction office, compound and ancillary facility buildings; j) specified on-site parking for vehicles associated with the construction works and the provision made for access thereto; k) a point of contact (such as a Construction Liaison Officer/site manager) and details of how complaints will be addressed. <p>The details so approved and any subsequent amendments as shall be agreed in writing by the Local Planning Authority shall be</p>

Name	Comment
	<p>complied with in full and be monitored by the applicants to ensure continuing compliance during the construction of the development. Reason: To minimise the impact of the works during the construction of the development in the interests of highway safety and the free-flow of traffic, and to safeguard the amenities of the area. To protect the amenity of local residents from potential impacts whilst site clearance, groundworks and construction is underway.</p> <p>4 Foul Drainage The proposals include connecting the proposed development to a new private foul treatment system with final discharge to a local watercourse. Such a system appears likely to exceed flow rates allowed under the Environment Agency's General Binding Rules for small sewage disposal systems and is therefore likely to require an environmental permit from the Environment Agency. The system will also need to comply with building regulations.</p> <p>You may wish to seek confirmation from the Applicant that they have established that a viable foul drainage system is achievable at the site, given Environment Agency permitting requirements.</p>
Mid Devon District Council	No comments received.
Natural England Reply Received 8 March 2022	<p>Natural England has no comments to make on this application.</p> <p>Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.</p> <p>Natural England and the Forestry Commission have also published standing advice on ancient woodland, ancient and veteran trees which you can use to assess any impacts on ancient woodland or trees.</p> <p>The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise local planning authorities to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.</p> <p>We recommend referring to our Site of Special Scientific Interest Impact Risk Zones (available on Magic and as a downloadable</p>

Name	Comment
	dataset) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available on gov.uk at https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice
Open Space Officer	No comments received.
Planning Policy Unit	No comments received.
Planning, Transportation & Environment	No comments received.
Rackenford Parish Council Reply Received 8 March 2022	<p>Objects:</p> <p>The objections detailed in this report are so serious that it is not just a case of tinkering with the detail, providing traffic flow data and mediating the effects slightly, it is just a proposal that is of the wrong type and in the wrong place.</p> <p>This Parish Council regrets not being able to support three useful and long established local firms, but this application should be Refused on this basis alone.</p> <p>Highways:</p> <p>1. The application site is described as an undeveloped greenfield site close to the boundary between North Devon and Mid Devon, and which lies to the south of the North Devon Link Road (the A361) and to the north of the C784road (Bulworthy Knap) linking Tiverton to Rackenford. To the west of the site is the road linking Bulworthy Knap to the A361.</p> <p>2. The junction of this road with the A361 is a staggered crossroads with the single-track lane to Stonelands Farm and beyond to the north of the A361. The junction has no slip roads to allow acceleration or deceleration of turning traffic, and the central reservation for vehicles turning across the A361 has no protective bollards. The speed limit for cars on the A361 is 60mph. The junction is notoriously dangerous and thus the safety of all site users (employees and visitors) and of existing users of the A361 is a major concern.</p> <p>3. On highways issues, the proposal would conflict with paragraphs 110, 111 and 112 of the NFPF-2021. It would not provide safe and well-designed vehicular access and egress from the A361 and thus would conflict with Policy DM05 of North Devon and Torrridge Local Plan 2011-2031. It would not ensure the operational effectiveness of the A361 and it would not protect the landscape character along</p>

Name	Comment
	<p>the A361. Thus it would conflict with Policy ST10 of North Devon and Torridge Local Plan 2011-2031.</p> <p>4. The effects on the use of the A361 - the North Devon Link Road (NDLR)</p> <p>The assumption seems to be that traffic will automatically emerge onto the A361, although the lack of information provided on the effects of this are clearly laid out in the Highways Department response.</p> <p>The applicants' planning statement says (para 6.20) "The nature of the proposals would not give rise to significant levels of traffic generation". The Transport Assessment does not provide any information on the current use of the Stonelands exit on to the A361, or any information on the traffic currently generated by any of the three prospective occupants in the form of cars, tractors, vans or HGVs. The companies on the site wish to move to the site in order to expand their businesses. Their forecasts of vehicle movements are based on national averages (TRICS) using very general categories. On this basis the numbers of movements quoted as probable during peak hours 8am- 9am, and 5pm-6pm, are 85 and 87 respectively. Such numbers are certainly not as described in the Design and Access Statement "relatively low." The information provided on the free flow of traffic along the A361 and the adjoining roads (see Figures 7.1 and 7.2 of the TA) at network peaks is described as being for "a typical neutral weekday", ie there is no seasonal information at all about a road which experiences major tourist traffic at different holiday periods.</p> <p>According to the Devon Highways Consultation reply they would be more than double the current usage at the pm peak time and nearly double that at the am peak. This is obviously a significant level of generation.</p> <p>This traffic would add to the waiting times currently experienced by drivers waiting to turn right for Tiverton when attempting to enter the A361 or left to access the C road a little further along, which leads to houses and farms within the parish. This is also a dangerous manoeuvre. Some of the heavy farm vehicles will be driven to and from the site, the A361 is not a good place for these, which will result in such traffic using the C784 instead.</p> <p>The Planning Inspector for the appeal by Pennymoor Timber against the Mid Devon Council (App/Y1138/A/09/2108489) was concerned by conditions at this exit as long ago as 2010, though in the absence of a serious accident record did not feel it could be included in his reasons for dismissing the appeal. During the summer months and especially at weekends these waiting times are already long enough to tempt drivers to take risks. They also cause drivers familiar with local conditions to take the old C road to Tiverton instead.</p>

Name	Comment
	<p>The NDLR is currently being upgraded in parts. The latest element is the dualling north of South Molton which will leave the section around this area the only part that is 3-lane rather than dualled.</p> <p>Any building on this site might compromise the potential future dualling scheme for this section of the NDLR. The parish council believes that it is intended to dual the whole length of the NDLR in the future.</p> <p>Any such dualling will presumably involve the loss of the ability for right turns to and from the entrance. In order to overcome the potentially dangerous increase in traffic attempting to turn right onto the A361, it would be necessary to incorporate very expensive highway works such as a grade-separated junction or roundabout on the A361, which will not be viable for the development to pay for.</p> <p>Doing such major works, particularly a roundabout, would affect the overall strategy for the NDLR and will potentially slow traffic down and create tailbacks. Failure to get traffic from the site for these reasons would presumably mean that it will use the C784, running parallel to the A361.</p> <p>5. The effects on the C784 are not considered properly by the applicants.</p> <p>The Design and Access statement paras 6.58 and 6.59 refers to a pre application meeting with Rackenford Parish Council on 19 August 2021., which did take place The minutes of that meeting make it clear that questions mainly concerned the highway implications. They do not show, as claimed, that councillors agreed that "the traffic numbers would be relatively low"; no numbers were available. They do show that councillors pointed out that a significant amount of the traffic generated would use the C784 road to Tiverton rather than entering or exiting from the A361. This road is wholly ignored in the Transport and Traffic Assessments other than to be described as "Bulworthy Knap", which is a site over 1km to the west of Stonelands cross. Confusingly, this is named as the proposed location for the main entrance to the site. The C784 road runs from South Molton to Tiverton, roughly parallel with the A361. It is used for diverted traffic when there are problems on the A361. Such incidents however, highlight its limitations in width and visibility. At many points two HGVs cannot pass and at others even cars can only do so with difficulty. However, at current levels of traffic it is a lifeline for residents of Rackenford who need to reach Tiverton when the A361 is busy.</p> <p>If the applicants are correct in assuming that all traffic from the site would turn right on to the A361, all of this would at least initially have to cross the C784, where delays are already admitted for the typical neutral weekday of the developers' Transport Assessment. If they are wrong, a number of drivers anxious to avoid any tail back seen building up towards the exit would turn left on to the</p>

Name	Comment
	<p>C784 instead. In either case we believe the impacts would be severe. The matters that become apparent when the C784 is used to relieve the A361 are:</p> <p>Many pedestrians and cyclists use it as their preferred route - not feasible on the A361</p> <ul style="list-style-type: none"> • All local secondary school children have to use the C784 to walk to and wait at the designated bus stops along its length. An increase in HGV traffic makes this dangerous. • There are a number of stables locally that result in the C784 being used for riding which is dangerous with more heavy traffic. • As mentioned above, there are stretches of the C784 that are not wide enough to accommodate two HGVs, or large tractors passing each other. • Is only maintained at the level cognisant of its C category, which is not sufficient for its current level of use. This results in potholes not being filled and flooding not being addressed which will only be made worse by an increase in heavy traffic. <p>6. Other reasons for the Refusal of Permission are: The site is not included in the Local Plan as suitable for commercial development. There is an accepted principle, apparently from the original Public Enquiry for the A361 improvement that ribbon development along the highway is unacceptable. This principle, which has thus far stood the test of time, should remain.</p> <p>There are more suitable sites, with better access and other infrastructure for such commercial activities. There are sites available in Tiverton and South Molton big enough and well served by infrastructure for such a development.</p> <p>There have been several applications for industrial development adjacent to the south side of the A361 near the junction (for example the Tiverton Energy Centre, a milk transfer station and Pennymoor Timber, and all have failed, with highways issues at the A361 junction being a major consideration.</p> <p>The site is not adjacent to any significant community and is not served by any public transport. It is therefore very unlikely that employees at the site would cycle or walk to work, but would travel by private transport, mainly cars.</p> <p>Industrial development at the site would be clearly visible from all three adjacent roads. It would detract, in particular, from the extensive views from the A361, which include Exmoor and Dartmoor, but it would also detract from the local views of the adjacent pastoral landscape. The proposal would not respect the local landscape character and rather than enhancing the local landscape, it would have an adverse impact. It would thus conflict with Policy DM08A of North Devon and Torrridge Local Plan 2011-2031.</p>
South West Water	Asset Protection

Name	Comment
<p>Reply Received 7 March 2022</p>	<p>Please find attached a plan showing the approximate location of a public 250mm trunk water main, and a 1 ¼ inch communication pipe in the vicinity of the above proposed development. Please note that no development will be permitted within 3.5 metres of the trunk main and 3 metres of the communication pipe. The water mains must also be located within a public open space and ground cover should not be substantially altered.</p> <p>Should the development encroach on these easements, the water main(s) will need to be diverted at the expense of the applicant.</p> <p>www.southwestwater.co.uk/developer-services/water-services-and-connections/building-near-water-mains/</p> <p>Further information regarding the options to divert a public water main can be found on our website via the link below:</p> <p>www.southwestwater.co.uk/developer-services/water-services-and-connections/diversion-of-water-mains/</p> <p>Should you require any further information, please contact the Pre Development Team via email: DeveloperServicesPlanning@southwestwater.co.uk.</p> <p>If further assistance is required to establish the exact location of the water main, the applicant/agent should call our Services helpline on 0344 346 1010.</p> <p>Clean Potable Water South West Water is able to provide clean potable water services from the existing public water main for the above proposal. The practical point of connection will be determined by the diameter of the connecting pipework being no larger than the diameter of the company's existing network.</p> <p>Foul and Surface Water Sewerage Services Please note that South West Water currently does not have any existing public foul / combined or surface water sewers in the vicinity of the site</p>
<p>South West Water</p> <p>Reply Received 7 March 2022</p>	<p>I refer to the above application site and would advise that South West Water has no further comments, no objections</p>
<p>Stoodleigh Parish Council</p>	<p>No comments received.</p>
<p>Sustainability Officer</p>	<p>Site Layout should be revised to remove the eastern entrance if possible in terms of traffic movement. The eastern woodland has been identified as valuable habitat to various protected species and</p>

Name	Comment
Reply Received 09 March 2022	<p>would require significant lighting restrictions to prevent illumination from street lighting and vehicles entering the site.</p> <ul style="list-style-type: none"> · The Ecological Appraisal (EA) has states that initial proposals for significant woodland buffer on the NE boundary to the A361 have been reduced to avoid a negative score for habitat area in BNG Metric. The EA states 'Initial site design aimed to create a significant woodland belt along the north-eastern boundary of the site. However, due to the temporal multiplier within Defra Metric 3.0, this resulted in a 6% loss in habitat units. Alterations were subsequently made to the metric and it was ascertained that changing the entire woodland belt to neutral wildflower grassland would result in a net gain of over 10%. However, whilst the metric scores this particular habitat type highly, neutral grassland supports a lower diversity of species than woodland in the long term. The incorporation of woodland into the site design will create greater long-term benefits for wildlife, despite the habitat scoring lower than neutral grassland on the Defra Metric 3.0. It is therefore considered undesirable to remove all woodland from the landscaping scheme. Instead, a habitat mosaic of a reduced woodland belt and neutral grassland has been proposed, which will provide longer term benefits to a wider range of species than solely creating neutral grassland. The woodland component of the mosaic is of particular importance to this site, given the presence of dormice and the high diversity of bat species identified during the seasonal bat surveys. Specifically, the Annex II species of barbastelle was present and is known to roost in woodland habitats. The mosaic would also benefit nesting and foraging birds, small mammals, reptiles and invertebrate species'. Given the landscape sensitivity of the A361 corridor and the potential significant, long term habitat gains achievable through provision of a more substantive woodland belt I would suggest the applicant pursues their original approach and the LPA accept the significantly reduced Defra metric score. While the stated compromise is supported the nature recover and landscape character benefits associated with significant woodland provision should be maximised. · All EA recommendations for protected species including hibernacula etc should be clearly illustrated on submitted Plans and Elevations. Opportunities for building integrated bat and bird boxes should be maximised. · All proposals for new hedgerows should be in the form of a Devon hedgebank https://devonhedges.org/wp-content/uploads/2015/11/8_Hedge-Creation-1.pdf · A lighting plan including detailed specifications for all external fittings and fixtures informed by https://theilp.org.uk/publication/guidance-note-8-bats-and-artificial-lighting/ should be provided · The submitted LEMP is insufficiently detailed to support a proposal of this scale. More substantive detail is required, particularly with regards to the proposed woodland belt and

Name	Comment
	existing hedgerow enhancements. I would suggest that either the applicant seeks a revised LEMP which would satisfy the LPA's standard condition (below) or that a revised LEMP is secured by condition.
Sustainability Officer Reply Received 20 September 2022	<p>1. Do you feel the size of the proposal and activity anticipated is sufficient justification for a 'secondary existing entrance is solely for staff and deliveries'? I would still suggest that 'infrequent and low use, normally within daylight hours' has the potential to impact on the sensitive habitat to the east.</p> <p>2. Happy to agree to a reduced BNG score in order to deliver the enhanced woodland corridor. It should be stressed however, that a revised Metric in support of the revised proposals demonstrating no net loss must be submitted.</p> <p>3. Lighting specification can be secured via condition although it must be stressed that all boundaries will be treated as dark corridors with lux levels kept below 0.5lux.</p> <p>4. The LEMP must be revised to ensure that monitoring reports are periodically provided to the LPA.</p>

Neighbours / Interested Parties

Comments	No Objection	Object	Petition	No. Signatures
0.00	0.00	9	0.00	0.00

- Highways and access
- Industrial uses on agricultural land
- Landscape impact
- Impact on wildlife

Considerations

Proposal Description

This application seeks a hybrid planning permission to provide an Agricultural-Hub comprising:

Area 1: Full Planning Permission for the erection of workshop & storage & distribution uses with ancillary offices, shop & showroom, (sui generis), creation of access and associated works (Phase 1);

Area 2: Outline Application for the erection of buildings 1, 2 & 3 for agri-business uses falling under Use Classes Class E (a) retail, Class E (e) medical services, Class E (g) Business, B2 workshop & B8 storage & distribution with appearance & scale to be reserved matters (Phases 2 & 3).

The development will be split into the following phases:

Phase 1 - to be occupied by James Pryce Tractors. The business is the supplier of Tractors and Agricultural Machinery, Spare Parts and Servicing across North Devon, Mid Devon and West Somerset. (Total GIA: 2,041 sq.m. Compound: 3,347 sq.m. Showroom: 268 sq.m.)

Phase 2 and 3

Building 1 Veterinary practise (270 sq.m. gross including yard)

Buildings 2 and 3 - A flexible use is proposed capable of accommodating suitable uses focused on serving the rural economy. (1,807 sq.m. gross. Yard 540 sq.m.)

Planning Considerations Summary

- Principle of development and proposed uses.
- Character and appearance
- Landscape
- Ecology
- Amenity Impacts
- Flood Risk and Drainage
- Highway considerations
- Planning balance

Planning Considerations

In the determination of a planning application Section 38 of the Planning & Compulsory Purchase Act 2004 is relevant. It states that for the purpose of any determination to be made under the planning Acts, the determination is to be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for this area includes the Devon Waste Plan and North Devon and Torridge Local Plan. The relevant Policies are detailed above.

The National Planning Policy Framework (NPPF) is a material consideration.

Principle of the development and proposed uses.

Paragraph 84 of the NPPF states that Planning policies and decisions should enable
a) The sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings

Policy ST11: Delivering Employment and Economic Development states that Proposals for economic development and diversification of the rural economy will be supported where they do not conflict with other Local Plan policies.

Employment opportunities will continue to be supported within the rural area of northern Devon including through Policies DM14: Rural Economy. The Local Plan recognises the importance of a robust rural economy which is viewed as a vital component in the maintenance and development of sustainable communities and more widely in supporting an active and prosperous rural area.

Policy DM14: Rural Economy states that in order to support the rural economy, new small scale economic development in the Countryside will be supported on the following basis:

(a) Change of use or conversion of a permanent and soundly constructed building;

Or

(b) Sites or buildings adjoining or well related to a defined settlement or a Rural

Settlement; or

(c) The proposed employment use has a strong functional link to local agriculture, forestry or other existing rural activity; provided that:

(d) There is no adverse impact on the living conditions of local residents;

(e) The scale of employment is appropriate to the accessibility of the site and the standard of the local highway network; and

(f) proposals respect the character and qualities of the landscape and the setting of any affected settlement or protected landscape or historic assets and their settings and include effective mitigation measures to avoid adverse effects or minimise them to acceptable levels.

Compliance with Local Plan Policies:

Small scale economic development is defined as development for employment or commercial purposes of a scale not exceeding 250 square metres gross external floor area or a site area of 0.1 hectares.

The site is a 2.69ha agricultural field with the A361 adjacent to the north boundary outside of any designated or identified settlement as such is considered to be in a countryside location. The proposed development would exceed the parameters of policy DM14 and as such cannot be considered to be small scale. The application is therefore a departure from the Local Plan Policies.

The application is contrary to the Development Plan policy ST07 as the site lies outside the designated development boundary and allocated employment areas as identified in the NDTLP. The Local Planning Authority therefore needs to determine whether there are material considerations which would override the Development Plan in permitting this development in this instance.

The main business, James Pryce Tractors is based on the sale and rent of tractors, parts and services both from site and on farm. The business is currently based in Tiverton with a rented satellite office in South Molton and has outgrown its current base. The other units are to be used for other agricultural uses such as animal care, medicine, retail and business.

Paragraph 85 of the NPPF states that Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable.

Sequential test:

During pre-application discussions it was advised that providing there was sufficient justification for the development and it could be demonstrated that the suitability and availability of potential alternative sites had been considered, the LPA would accept the principle of the development given the type of business and benefits it could generate for the rural community.

The site has been chosen by the applicants for numerous reasons some of which are that it is central to the current client base and has appropriate transport links and access.

The application has been supported by a technical note regarding this issue which has assessed both Pathfields at South Molton and sites at Witheridge as the two closest local centres. Conclusions from this document indicate the following:

“At South Molton sites and premises within the Pathfields Business Park were examined, although this location is remote from the company’s main catchment in and around Tiverton. The expansion of the business park in accordance with Policies ST08 and SMO is subject to various outline and reserved matters applications. A number of plots A-K were identified. However, the majority of these have either been built or are subject to reserved matters applications which propose a range of small, workshop and business units. There are no contiguous sites within this phase capable of accommodating the proposed development as a whole. Land to the west of the existing business park which falls within the allocation defined under Policy SMO does not have outline or detailed approval although permission for the access road linking Hacche Lane with the B3226 has been granted. There is no indication as to when the balance of the allocation will be brought forward which will also require the construction of the internal estate road.

In Witheridge only one site has been identified which comprises the Mole Valley Farmers operation along Church Street. This site is fully operational and includes a large external yard for timber, two warehouses and the main retail outlet. It is not available. Nor is it suitable given its location on the edge of the village and poor access to the strategic highway network.”

The LPA is therefore satisfied that there are special circumstances relating to this development and the specific needs and customer base of the existing business and no suitable alternative sites are available.

On the basis of the above, on review of paragraph 85 of the NPPF, these are a material consideration which would weigh in favour the departure from Policies ST07 and DM14 in this instance.

Design

Paragraph 84(a) of the NPPF states that decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities (Paragraph 126 of the NPPF). Policy DM04 of the NDTLP supports good design and the integration of new development into the natural, built and historic environment. The updated National Design Guide is a material consideration in the planning decision making process.



Site Plan proposed

The design process has been set out in the applicants Design and Access statement and has taken its layout and form from a farmstead type style with a landscape led layout. The development would be accessed from the south and separated into two sections with the first phase being to the south east as shown in the above site plan.

An example of the proposed elevations is included below and demonstrates a typical rural/industrial styled group of buildings with a mix of dual and mono pitched roof buildings. These buildings together create an interlinked 'L-shaped' building synonymous with agricultural settlements. The palette of materials has been informed by rural agricultural typologies with a mix of metal and timber cladding, some render and hit and miss timber cladding and metal clad roofs. Some examples of the proposed elevations are shown below:



South west elevation and section showing shop/office and workshop



th West Elevation Shop/Office Copy 1

in

North west elevation showing shop/office

The overall design and materials of the buildings will be reflective of the rural area and other commercial buildings. Given the position within the countryside the design and form is acceptable and provides a functional building for the proposed uses.

Amenity

NDTLP Policy DM01 (amenity considerations), requires that development should secure or maintain amenity appropriate to the locality with special regard to the likely impact on neighbours, the operation of neighbouring uses, future occupiers, visitors on the site and any local services. Furthermore Policy DM02 (Environment Protection) requires development to safeguard against hazards; and pollution and DM03 (Construction and Environmental Management) seeks to minimise and manage waste from development.

Environmental issues:

The Environmental Health Officer has provided comments and considers that a condition requiring a CEMP will effectively deal with any construction phase impacts. The applicants have agreed to a prior commencement condition for this document to be provided. This is an accepted approach.

With regard to air quality and the impact from traffic to be generated. The applicants should provide an assessment to establish whether there would be any potential significant effects. Information on Air Quality has not been provided but it is considered that this could be addressed through a condition.

The Advance Phase 2 Ground Investigation Report dated 7 January 2022 concludes that no significant sources of contamination have been identified and the site does not pose significant contamination risks to end users or the environment. As such, no specific remedial measures are recommended. However, if any unexpected sources of potential contamination are encountered during development works, further specialist assessment will be required.

Residential amenity:

The closest residential property is Gibbett Moor 200m to the east however this is on the other side of the A361 and separated with intervening features. There are farmsteads 118m to the west of the site also with intervening features such as a road, hedges, trees and fields. Cob Castle Barton is 200m to the south and this is used as a commercial premises for training purposes for utility companies. Further to the south is Highfield Farm 300m away. Again there are intervening features and additional landscaping at Cob Castle Barton which will help will screening and noise.

The A361 runs directly adjacent to the north of the site which already erodes any tranquillity. Given the separation distances from any residential property the development would not be considered to result in any significant impact on amenity.

Landscape Impact

Policy DM08A of the Local Plan states that development should be of an appropriate scale, mass and design that recognises and respects landscape character of both designated and undesignated landscapes.

The site is not in a designated landscape but is within the Farmed Lowland Moorland and Culm Grassland Landscape Character area. Key qualities and characteristics of this landscape include the following:

- Distinctive Culm grassland habitats and associated birdlife.
- Traditional management regimes (including grazing by North Devon Reds).
- Small field patterns enclosed by thick Devon banks and surrounded by open grazing land.
- Isolated farms and farmsteads.
- High levels of tranquillity and remoteness.

The Landscape strategy and management plan includes the following:

- Protect the farming and land management traditions of the area, continuing to support local farmers to graze the Culm grasslands and lowland moors as integral parts of their farming system.
- Protect the landscape's strong sense of tranquillity and remoteness through avoiding the location of new development on prominent, open ridgelines.

The site is relatively level with around a 1m difference from north to south. There are two existing access points on the south east corner and the North West boundary. As can be seen in the photos below the site doesn't benefit from some of the special qualities such as tranquillity remoteness due to the position directly adjacent to the link road but it is a grazed agricultural field enclosed by mature hedges and trees. The field is cut twice a year.



Picture 1: Site and existing access looking north



Picture 2: Southern boundary



Picture 3: East boundary looking towards the A361



Picture 4: View over site from the west gateway

Landscape and Visual Impact:

There have been numerous objections to the application on landscape grounds and the visual impact from the development. The application has been supported by a landscape assessment included in the Design and Access Statement. This includes photographs of long and near distance views.

Generally the site will be screened due to intervening features such as woodland, hedgerows, trees and buildings. The design of the scheme has been landscape led and designed to be sympathetic to the rural locality. The buildings will be relatively low level and reflective of agricultural barns when viewed from a distance in keeping with the isolated farmsteads that characterise the area.

On site Hard and Soft and Landscaping:

The application is supported by a detailed hard and soft landscaping scheme. The proposed landscape strategy includes the following items:

- New native trees to be planted.
- New wetland/grassland
- New marginal planting
- New Wildflower Grassland
- Grass verges around the roads and parking areas.
- Retention of existing hedgerows (309m)
- Removal of 19m of hedgerow to create new access.
- New mixed native hedgerow (87m)
- New shrub and Herbaceous planting.
- New Woodland whip and standard tree planting along the northern boundary with the A361.



Landscape strategy plan proposed



Proposed visual of the development

The Arboricultural Officer has advised that the soft landscape proposals are sufficiently detailed and appropriate for the site and surrounding landscape. The development seeks to enhance on site landscaping, particularly around the site periphery which would help to assimilate the development into the landscape. On balance it is not considered there would be significant harm to the special qualities of the landscape character and its management plan.

Ecology

Local Planning Authorities have a statutory duty to ensure that the impact of development on wildlife is fully considered during the determination of a planning application under the Wildlife and Countryside Act 1981 (as amended), Natural Environment and Rural Communities Act 2006, The Conservation of Habitats and Species Regulations 2017 (Habitats Regulations 2017).

Policies ST09 and ST14 require the quality of northern Devon's natural environment to be protected and enhanced, and should provide a net gain in biodiversity where possible; through the positive management of an enhanced and expanded network of designated sites and green infrastructure.

Policy DM08 indicates that development should conserve, protect and, where possible, enhance biodiversity and geodiversity interests in a manner commensurate with their status and giving appropriate weight to their importance.

The application is supported by an Ecological Survey and a LEMP. The survey describes the site as a single grassland field bound by species-poor hedgebanks and is dominated by short modified grassland.

The development will involve the removal of the majority of the modified grassland present within the site and a short section of the species-poor hedgebank in order to facilitate access to the site.

Biodiversity:

Mitigation and enhancement measures which have been in-built into the site design include the provision of a 10m wide 'dark corridor' including the planting of a woodland and wildflower buffer along the north eastern boundary adjacent the A361. Additionally, a large area of the site will be managed to encourage an optimum habitat for biodiversity through creation of a neutral grassland wildflower meadow, planting of native trees and SuDS creation.

The EA states that "Initial site design aimed to create a significant woodland belt along the north-eastern boundary of the site. However, due to the temporal multiplier within Defra Metric 3.0, this resulted in a 6% loss in habitat units. Alterations were subsequently made to the metric and it was ascertained that changing the entire woodland belt to neutral wildflower grassland would result in a net gain of over 10%.

neutral grassland supports a lower diversity of species than woodland in the long term. The incorporation of woodland into the site design will create greater long-term benefits for wildlife"

Due to the presence of dormice and the high diversity of bat species identified during the seasonal bat surveys the Sustainability Officer has advised that the applicant pursues their original approach with additional woodland. The landscape sensitivity of the A361 corridor

and the potential significant, long term habitat gains achievable through provision of a more substantive woodland belt would provide greater benefit.

The LPA will accept a reduced BNG score in order to deliver the enhanced woodland corridor subject to a condition ensuring there is no net loss of biodiversity.

Wildlife:

The EA has identified the woodland belt to the North West boundary as being used by various bat species for foraging and commuting. The habitats adjacent to the site on the north east boundary also have dormice present.

Following completion of the EA the following recommendations are provided:

Feature	Recommendation
Badger	A sloping plank should be left in any excavations deeper than 1m which are to remain open overnight, to avoid trapping any badgers that may access the excavation. Alternatively, excavations should be covered or fenced overnight
Bats - Activity	During the construction phase of the development all site works will be limited to daylight hours, at least 15 minutes after sunrise and no later than 15 minutes before sunset, thus ensuring that there will be no requirement for artificial lighting. This will eliminate any potential for light spillage into bat flight lines. These restrictions are to be applied during the bat activity season which is from April to October (inclusive).
Nesting birds	The removal of any vegetation suitable for nesting birds should be undertaken outside the main bird nesting season of March to August (inclusive). This would minimise the risk of potential delays to site clearance works. It should be noted that nesting may extend outside this period; this is often dependent on weather conditions and species.
Dormice	As a precautionary measure it is recommended that hedgerow vegetation is removed outside of the sensitive dormouse breeding and hibernation periods (and nesting bird season) following a hand search for dormice by a licensed ecologist. Vegetation should therefore be removed in September/October. Alternatively, vegetation can be cut to 300mm in height over winter (November to March) and the stumps and roots removed in May.

Habitats:

The proposed development will result in the loss of low quality habitats which are of limited value to wildlife including foraging badgers, bats, birds and dormice. The proposed habitat creation and enhancement associated with the scheme will provide new commuting and foraging habitat and new roosting/nesting opportunities for bats and birds.

Lighting:

Part D of policy DM02 (Environmental Protection) states that Development will be supported where it does not result in unacceptable impacts on light pollution. Particularly in area sensitive to light spill such as tranquil areas of open countryside, in particular areas of nature conservation value and Exmoor National Park's Dark Sky Reserve. This is also an issue raised through Policy DM08 in relation to the light spill and resulting impact on the surrounding habitats and wildlife.

There has been some debate over the provision of the second access to the east and the impact on the adjacent woodland which is considered to be valuable habitat to various protected species. The applicants have advised that this access is to only be used for staff and deliveries, resulting in infrequent and low use, normally within daylight hours. The entrance will be unlit so should have negligible impact on adjacent woodland and wildlife use. The hours of business operation will be 9am - 5pm, resulting in a small window of use of this entrance after dark during winter months only. The site benefits from an alternative access point which could be used by staff and deliveries after dark to fully remove any vehicle light spill at this entrance.

It has been agreed with the LPA and applicant that a lighting scheme shall be conditioned. This will ensure that all boundaries will be treated as dark corridors with lux levels kept below 0.5lux.

It is considered that the proposed measures for habitat and biodiversity enhancement will limit any harm to any protected species and provide a greater benefit than the existing site. It has been sufficiently demonstrated that there would not be any significant harm to ecology or biodiversity from the development.

Highways

Policies ST10, DM05 and DM06 of the NDTLP require development to safe and suitable access for all road users, providing sufficient access to alternative modes of travel to reduce the use of the private car, to safeguard strategic routes and provide appropriate transport infrastructure across the area to ensure the above is achieved. This is further enshrined in chapter 9 of the NPPF.

There have been various objections to the application regarding the impact on the highways and the use of the junction with the A361. Mainly with regard to safety, capacity and the freeflow of traffic.

Access:

Access no. 1 is provided via a gated access point measuring approximately 4.0m in width with an area of hardstanding providing a junction bellmouth circa 30.0m in width suitable for larger agricultural vehicles to enter / exit the site and to remain stationary off the carriageway of Bulworthy Knap

Access no. 2 is also provided via a gated access point measuring approximately 3.0m in width with a grass verge providing separation from the access point and the carriageway of the local 'C' road passing the application site

The main entrance will provide a visibility splay of 2.4m (x) by 215m (y) in both directions as will the staff / service access for James Pryce Tractors. This will be in accordance with the Highway Authority standards.

Parking:

The Landscape Masterplan currently shows areas of parking provided adjacent to the various elements proposed on-site. It is apparent that a total of 41 car parking spaces are currently shown in relation to Units 1, 2 & 3, whilst a further 48 spaces are shown in relation to the elements associated with James Pryce Tractor, totalling 89 car parking spaces across the site. There are no specific parking standards set out in the Local Plan however given the calculations set out in *Table 6.3 Maximum Car Parking Provision on site* of the Transport the LPA is content there is sufficient parking.

Wider Highway Network:

Concern has previously been raised about the impact on the Stonelands Cross T junction onto the A361. The analysis presented above demonstrates that the proposed development would generate a total of the following movements:

AM Peak (08:00 to 09:00 hrs)

- 85 two-way vehicular movements.
- A361(W) = 54 two-way vehicular movements (63%).
- A361(E) = 31 two-way vehicular movement (37%).

PM Peak (17:00 to 18:00 hrs)

- 87 two-way vehicular movements.
- A361(W) = 55 two-way vehicular movements (63%).
- A361(E) = 32 two-way vehicular movement (37%).

This is a combined 172 two-way vehicular trips across both the AM and PM peak periods. This equates to approximately one two-way vehicular trip movement every 42 seconds during the AM peak and one two-way vehicular trip movement every 40 seconds during the PM peak.

Following the original comments from the Highway Authority which raised objections the applicants have provided additional information. This is particularly in relation to the impact of the proposal on the A361 'Stonelands Cross' junction including a detailed capacity assessment of the operation of the junction.

The collision history at the Stonelands Cross Junction, and nearby Two Gates Cross junction on the A361, is that there have been no recorded personal injury collisions in the past 5 years of data collected, and none in the previous the five years before that. There is no evidence to suggest that these junctions are inherently unsafe, and as reiterated by the recent appeal decision at Yelland Power Station - technical evidence is needed to support refusal of an application on highway grounds.

The increase in traffic will undoubtable result in some additional queuing and delay at the A361 Stonelands Cross Junction. In regard to the NPPF paragraph 111, the impact of the proposal has been shown not to be significantly adverse, and therefore not 'severe' as is a requirement of the NPPF paragraph 111 to refuse the application on highway grounds.

The comments from the Parish Council have been noted regarding the impact of vehicles on the backroad to Tiverton –quoted as the C784. There would possibly be an increase in traffic on this road from vehicles accessing the site, however, using this route would take longer than using the A361 at most times of the day on a usual day. In order to mitigate potential increases in traffic on this road, particularly larger vehicles, signs must be placed at the exit of the site directing traffic to use the A361 and a travel plan for staff and visitors implemented which shall also direct drivers to use the A361.

The proposed development by virtue of its scale and traffic generation would not result in a severe impact on the safety and functioning of the highway network and as such a refusal is not justified in relation to highway grounds.

Flood Risk and Drainage

Policy ST03 states that Development should be designed and constructed to take account of the impacts of climate change and minimise the risk to and vulnerability of people, land,

infrastructure and property by locating and designing development to minimise flood risk. Policy DM04: Design Principles part N states that development should provide effective water management including Sustainable Drainage Systems, water efficiency measures and the reuse of rainwater.

The application has been supported by a flood risk assessment and foul drainage assessment and the Environment Agency and Flood Authority have been consulted.

Foul drainage

This is proposed to be dealt with through a package treatment plant. The applicant has calculated an estimated 11,600L daily discharge, and intend to discharge treated effluent to a ditch system.

The applicant has provided additional comments regarding the foul drainage system in response to the EA request for further information. The EA have since confirmed that they have no objections to the development.

They do maintain our concerns about the suitability of the receiving watercourse for drainage. The applicant has stated they are aware of the need for a permit and are prepared for the possibility of one not being granted.

Surface Water Drainage

The applicant is proposing two attenuation basins to treat the runoff which the LLFA are supportive of. The LLFA did request further information in relation to some technical details of the system which the applicant has provided. The LLFA have confirmed that the discharge rate, SPR value and FEH rainfall have been addressed but there are still some outstanding details.

Given that the principle of the drainage scheme is accepted and the issues are around technical details the LPA considers that suitably worded conditions can be included to ensure these are provided and agreed.

Planning Balance and conclusion

The LPA must assess the planning balance and weigh the impact of the development in a countryside location against the 3 dimensions of sustainability as set out in the NPPF.

Economic benefits - The economic benefits of the proposal would be strong, including the creation of jobs, the addition of spending power to the local economy and the support of a long established business and support its growth. The proposals will provide in the order of 25-30 jobs in Phase 1 and a further 16 jobs in Phase 2 of the development. Whilst the future occupier(s) of Units 2 and 3 is as yet undetermined, based upon the initial interest to date and the potential uses proposed for these units we would anticipate in the order of 20 jobs.

Social benefits - would allow for an agricultural hub to be created thereby helping support the local rural community.

Environmental benefits - The associated landscaping and planting will allow for the development to assimilate into the landscape without resulting in any significant harm to wider landscape and provide ecological and biodiversity enhancements,

Given the resulting benefits from the development and lack of significant harm to the surrounding area and local employment centres the recommendation is one of approval subject to the agreement of the final wording of appropriate conditions.

Human Rights Act 1998

The provisions of the Human Rights Act and principles contained in the Convention on Human Rights have been taken into account in reaching the recommendation contained in this report. The articles/protocols identified below were considered of particular relevance:

- Article 8 – Right to Respect for Private and Family Life
- THE FIRST PROTOCOL – Article 1: Protection of Property

Section 149(1) of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it (the Public Sector Equality Duty or 'PSED'). There are no equality implications anticipated as a result of this decision.

Recommendation

Approved

Legal Agreement Required: No

Conditions

1. The full part of 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 :

The time limit condition is imposed in order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The outline part of the development (units 1-3) to which this permission relates must be begun not later than whichever is the later of the following dates

(i) the expiration of three years from the date on which the outline permission was granted : or

(ii) the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason :

The time limit condition is imposed in order to comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

3. The development hereby permitted shall be carried out in accordance with the following approved plans/details:

20084 LHC 00 00 DR L 0105P1 Site Plan received on the 01/09/22
20084 LHC 00 00 DR L 0102P1 Block Plan received on the 09/02/22
20084 LHC 00 00 DR L 9201P3 Landscape Details received on the 09/02/22
20084 LHC 00 00 DR L 9402P3 Landscape Strategy Plan received on the 09/02/22
20084 LHC XX ZZ DR A 0403P1 Site elevations received on the 09/02/22
20084 LHC XX ZZ DR A 0402P3 Workshop Elevations received on the 09/02/22
20084 LHC XX ZZ DR A 0401P3 Shop/Office Elevations received on the 09/02/22
20084 LHC 00 ZZ DR A 0301P3 workshop shop/office Sections received on the 09/02/22
20084 LHC 00 GF DR A 0201P4 Ground Floor Shop-Office received on the 09/02/22
20084 LHC 00 01 DR A 0203P3 First Floor Shop-Office received on the 09/02/22
20084 LHC ZZ 00 DR A 0202P3 Ground Floor Workshop received on the 09/02/22 ('the approved plans').

20084-LHC-00-00-DR-L-9201 Landscape Details
20084-LHC-00-00-DR-L-9401 Planting, Hard Landscape and Boundary Plan_Rev P5.

Response to Consultee comments - 001-C20132-Stonelands Cross_22031 dated

LEMP

Ecological Survey

Sustainability response

Transport Assessment (Rev D)

Flood Risk Assessment

Foul Drainage Assessment

DAS addendum including Secure by Design Statement

Reason:

To ensure the development is carried out in accordance with the approved plans in the interests of proper planning.

4. Approval of the details of the layout/scale/appearance of units 1,2 ,3 and associated parking (hereinafter called the 'reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason:

To ensure adequate information is available for the proper consideration of the detailed proposals.

5. The site shall only be used for the purposes identified within the following use classes as defined by the Town and Country Planning (Use Classes) Order 1987 or any statutory re-enactment or amendment thereof:

Class E (a) retail up to 250m² net sales area only.

Class E (g) business;

B2 general industrial and;

B8 storage and distribution.

Reason: The site is in a rural location and has been justified through its strong links to the agricultural sector and any other use other use would need to meet the sequential tests set out in the National Planning Policy Framework and the provisions

of the development plan in order to protect other allocated employment sites and the local centres..

6. The total retail floorspace hereby permitted in agri-business Units 2 & 3 [Phase 3] shall not exceed than 250 square metres of net retail floor area and shall be used only for the sale of agricultural and/or rural machinery, equipment and supplies including feed, fertilizer and pet/equine and shall not be used for any other purpose including those set out in Class E of the Schedule for the Town and Country Planning (Use Classes) Order Planning 1987 or any Order revoking, amending or reenacting that Order with or without modification".

Reason:

For the avoidance of doubt and to safeguard the vitality and viability of the South Molton Town Centre and the retail strategies of the District and the sequential tests of the National Planning Policy Framework.

7. As part of the reserved matters application/s for units 1,2 and 3, scaled drawing(s) showing existing levels on the site and proposed finished floor levels of the proposed employment units shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved drawings.

Reason:

To ensure that the landscape quality of the area is not adversely affected by reason of the size and scale of the proposed development in accordance with policy DM08 of the North Devon and Torridge Local Plan.

9. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation or the substantial completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 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 variations.

Reason :

To assimilate the development into the landscape and to safeguard the appearance and character of the area in accordance with Policies ST04, ST14, DM04 and DM08A of the North Devon and Torridge Local Plan.

10. No development shall take place (including demolition. ground works and vegetation clearance) until a construction environmental management plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include the following:
 - a) measures to regulate the routing of construction traffic;
 - b) the times within which traffic can enter and leave the site;
 - c) details of any significant importation or movement of spoil and soil on site;
 - d) details of the removal /disposal of materials from site, including soil and vegetation;
 - e) the location and covering of stockpiles;

- f) details of measures to prevent mud from vehicles leaving the site / wheel-washing facilities;
- g) control of fugitive dust from demolition, earthworks and construction activities; dust suppression;
- h) a noise control plan which details hours of operation and proposed mitigation measures;
- i) location of any site construction office, compound and ancillary facility buildings;
- j) specified on-site parking for vehicles associated with the construction works and the provision made for access thereto;
- k) a point of contact (such as a Construction Liaison Officer/site manager) and details of how complaints will be addressed.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To minimise the impact of the works during the construction of the development in the interests of highway safety and the free-flow of traffic, and to safeguard the amenities of the area. To protect the amenity of local residents from potential impacts whilst site clearance, groundworks and construction is underway in compliance with Policies DM02, DM05, and DM08 of the North Devon and Torrridge Local Plan.

11. Prior to the development hereby approved being brought into use, the biodiversity net gains as indicated on the approved plans, including a widened woodland corridor adjacent to the A361, shall be provided in full and maintained and retained thereafter. The development shall ensure there is no net loss in biodiversity.

Reason:

To achieve net gains in biodiversity in compliance with Policies DM08 and ST14 of the North Devon and Torrridge Local Plan and paragraph 174 of the National Planning Policy Framework.

12. The development shall be carried out in accordance with the recommendations as detailed in the Ecological Appraisal prepared by Devon Wildlife Consultants dated January 2022.

Reason:

To safeguard protected species and their habitats and to achieve biodiversity net gains in accordance with Policies ST14 and DM08 of the North Devon and Torrridge Local Plan, natural environment objectives of the National Planning Policy Framework at Chapter 15, and to meet the statutory duties of the Wildlife and Countryside Act 1981 (as amended), Natural Environment and Rural Communities Act 2006, The Conservation of Habitats and Species Regulations 2017 (Habitats Regulations 2017).

13. The development shall be carried in accordance with the details set out in the LEMP and document labelled Response to Sustainability Officer. This shall include the provision of monitoring reports to the LPA within the life of the LEMP and remedial action agreed with the Planning Authority when and if required.

Reason:

In order to protect and enhance biodiversity on the site in accordance with the aims of Policies ST14 and DM08 of the North Devon and Torridge Local Plan and paragraph 170 of the National Planning Policy Framework.

14. No development in any phase hereby permitted shall be completed past damp proof course level until the following information has been submitted to and approved in writing by the Local Planning Authority for that phase: A lighting scheme that addresses the concerns of the sustainability officer in terms of excessive lighting and light spill onto the adjacent hedgerows and wider area. This shall treat all boundaries as dark corridors with lux levels kept below 0.5lux. The development shall then be carried out in accordance with these details and no further lighting shall be installed unless otherwise agreed in writing with the Local Planning Authority.

Reason: Further information is required in order to ensure there is no harm to any wildlife or amenity of the wider area in accordance with policies DM02 and DM08 of the adopted North Devon and Torridge Local Plan.

15. No work shall commence on any individual plot until the following information has been submitted to and approved in writing by the Local Planning Authority:

To be confirmed by the LLFA

Reason:

The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG. The conditions should be pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed.

16. Should the proposed foul drainage system not be achievable given the given Environment Agency permitting requirements an alternative solution shall be submitted to the LPA and agreed in writing. The drainage details shall thereafter be carried out and completed as agreed prior to the occupation of any of the parts of the site to which they relate.

Reason:

The above conditions are required to ensure the proposed foul water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG. The conditions should be pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed.

17. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls, details of which shall have previously been submitted to the Local Planning Authority for approval. The volume of the bunded compound should be at least equivalent to the capacity of the tank

plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%; or 25% of the total volume which could be stored at any one time, whichever is the greater. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground where possible, and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

Reason:

To prevent pollution of the water environment in accordance with policy DM01 of the North Devon and Torridge Local Plan.

18. No raw materials, finished or unfinished products, parts, crates, packing materials or waste shall be stacked or stored on site except within the buildings forming part of the development or in a suitably screened area details of which shall have been agreed in writing by the Local Planning Authority prior to the occupation of the specific plot.

Reason:

In the interests of visual amenity of the locality and to ensure that car parking and turning areas remain unobstructed for their intended use in accordance with policy .

19. Prior to the commencement of development on phase 1, and as part of the reserved matters for phases 2 and 3, a Waste Audit Statement shall be submitted to and approved in writing by the Local Planning Authority, in conjunction with the Waste Planning Authority, to demonstrate how the construction and operational phases of the development will minimise the generation of waste and provide for the management of waste in accordance with the waste hierarchy. The development shall be carried out in accordance with the details approved. For guidance please visit [https://www.devon.gov.uk/planning/planning-policies/minerals-and-waste\[1\]policy/supplementary-planning-document](https://www.devon.gov.uk/planning/planning-policies/minerals-and-waste[1]policy/supplementary-planning-document).

Reason:

To ensure suitable waste management measures in accordance with Policy W4 of the Devon Waste Plan.

20. Prior to the first use of the site by members of the public visibility splays shall be provided, laid out and maintained for that purpose at the site accesses in accordance with the approved plans.

Reason:

To provide adequate visibility from and of emerging vehicles and to allow for the future improvement of the road in accordance with Policy DM05 of the North Devon and Torridge Local Plan.

21. The site access onto the public highway shall be hardened, surfaced, drained and maintained thereafter to the satisfaction of the Local Planning Authority for a distance of not less than 20 metres back from its junction with the public highway.

Reason:

To prevent mud and other debris being carried onto the public highway in the interest of highway safety in accordance with Policy DM05 of the North Devon and Torridge Local Plan.

22. Provision shall be made within the site for the disposal of surface water so that none drains onto the highway.

Reason:

In the interests of public safety and to prevent damage to the highway in accordance with Policy DM05 of the North Devon and Torridge Local Plan.

23. Prior to the site being used by any of the approved uses signage shall be installed at the site exits directing all traffic towards the A361 Stonelands cross.

Reason: To ensure appropriate routes are taken by all traffic in accordance with policies TRA6 of the North Devon Local Plan.

24. The eastern access shall be used solely for the purposes of staff and deliveries and not for general use by members of the public and customers.

Reason: In order to limit the amount of traffic, noise and light to be generated by the continued use of this access along the eastern edge to minimise any harm to the adjacent habitats and wildlife that use the site edges in accordance with policy DM08 of the North Devon and Torridge Local Plan.

25. Should any unexpected contamination of soil or groundwater be discovered during development of the site, the Local Planning Authority should be contacted immediately. Site activities within that sub-phase or part thereof, should be temporarily suspended until such time as a procedure for addressing any such unexpected contamination, within that sub-phase or part thereof, is agreed upon with the Local Planning Authority or other regulating bodies.

Reason:

In the interest of human health in accordance with Policy DM02 of the North Devon and Torridge Local Plan.

26. Prior to commencement of works on any phase an air quality assessment shall be provided and agreed with the LPA. This should demonstrate that there are no significant operational phase effects on local air quality, having regard to guidance contained within the EPUK & IAQM document. Where any potentially significant effects are identified, proposals for a more detailed assessment of air quality impacts should be included. The development shall then be carried out in accordance with any mitigation methods required.

Reason: To ensure there is no adverse impact on air quality in accordance with policy DM01 of the North Devon and Torridge Local Plan

Informatives

1. The proposals include connecting the proposed development to a new private foul treatment system with final discharge to a local watercourse. Such a system appears

likely to exceed flow rates allowed under the Environment Agency's General Binding Rules for small sewage disposal systems and is therefore likely to require an environmental permit from the Environment Agency. The system will also need to comply with building regulations. You may wish to seek confirmation from the Applicant should be sought to show that a viable foul drainage system is achievable at the site, given Environment Agency permitting requirements.

2. Planning Practice Guidance defines reserved matters as:
'Appearance' - the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.
'Layout' - the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.
'Scale' - the height, width and length of each building proposed within the development in relation to its surroundings.

3. For the purpose of interpreting the restriction expressed in condition 6 of this consent, the Use Class referred to is defined as:

CLASS E

E(g)(i) Offices to carry out any operational or administrative functions,

E(g)(ii) Research and development of products or processes

E(g)(iii) Industrial processes

CLASS B2 GENERAL INDUSTRIAL

Use for the carrying on of an industrial process other than one falling within Class B1, or within classes B4 to B7.

CLASS B8 STORAGE OR DISTRIBUTION

Use for storage or as a distribution centre

4. The above consent requires the submission of further details to be approved either before works commence or at identified phases of construction.

To discharge these requirements will mean further formal submissions to the Authority on the appropriate forms, which can be completed online via the planning Portal www.planningportal.gov.uk or downloaded from the Planning section of the North Devon Council website, www.northdevon.gov.uk.

A fee may be required [dependent on the type of application] for each separate submission [if several or all the details are submitted together only one fee will be payable].

Further details on this process are available on the Planning section of the Council's website or by contacting the Planning Unit at Lynton House, Commercial Road, Barnstaple.

5. Statement of Engagement
In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission. This has included

consideration of the principle of the development, access, highways, landscape impact, amenity, drainage, ecology and biodiversity.

END OF REPORT