

App. No.: **64059** Reg. : **06/11/2017** Applicant: **MR LEN CHAPPELL**  
L. Bldg. : Expired: **01/01/2018** Agent : **DIANA STURLA**  
Parish : **EAST ANSTEY**  
Case Officer : **Miss T Blackmore**

Proposal: **RETROSPECTIVE APPLICATION FOR SITING OF FOUR CONCRETE PADS & ERECTION OF TWO MOBILE POULTRY HOUSES WITH TWO FEED SILOS (PADS 1 - 4)**  
Location: **OAKLANDS POULTRY FARM (PT HILLANDS) EAST ANSTEY EX36 3PH**

**64060 RETROSPECTIVE APPLICATION FOR SITING OF FOUR CONCRETE PADS & ERECTION OF TWO MOBILE POULTRY HOUSES WITH TWO FEED SILOS (PADS 5 - 8)**

**64061 RETROSPECTIVE APPLICATION FOR SITING OF FOUR CONCRETE PADS & ERECTION OF TWO MOBILE POULTRY HOUSES WITH TWO FEED SILOS (PADS 9 - 12)**

**64062 RETROSPECTIVE APPLICATION FOR SITING OF FOUR CONCRETE PADS & ERECTION OF TWO MOBILE POULTRY HOUSES WITH TWO FEED SILOS (PADS 13 - 16)**

**64063 RETROSPECTIVE APPLICATION FOR SITING OF FOUR CONCRETE PADS & ERECTION OF TWO MOBILE POULTRY HOUSES WITH TWO FEED SILOS (PADS 17 - 20)**

## **REPORT UPDATE**

Members will recall that this application was considered by them at a previous Planning Committee Meeting on the 14<sup>th</sup> November 2018. At this meeting members resolved:

RESOLVED (unanimously) that the applications be DEFERRED for a maximum of three cycles to enable the Head of Place to:

- (a) Obtain evidence regarding whether the applications would have an impact on the viability of planning application 55662;
- (b) Have the opportunity to investigate how and where waste was being transported;
- (c) Check whether the site was in a SSSI Impact Risk Zone;

**(a) Obtain evidence regarding whether the applications would have an impact on the viability of planning application 55662.**

North Devon Council have commissioned Lionel Shelly, Development Viability Lead from Plymouth City Council to provide an independent viability review on the impact of the siting of the poultry units on the potential ability of the four open market dwellings to be delivered and sold on the open market (the profits from which will go towards subsidising the 8 affordable units on this site).

The report in its entirety has been appended to this report.

This report does not comment on the actual sales figures of the four open-market dwellings.

Plymouth City Council have been requested to provide an opinion on the potential impact of this development on the sales of these dwellings.. This aligns with Members request to obtain evidence on any potential impact on the viability of planning application 55662.

As part of this viability review a site inspection was undertaken and an assessment of the local market in order to provide informed advice.

The review has taken note of the Authority's Environmental Health comments;

*'Of course, this does not mean that those living in dwellings nearest to the poultry units will never detect odour or see some flies from time to time but I judge that such occurrences are unlikely to go beyond what would normally be expected when living in the countryside within the proximity of various farming activities and operations'.*

The reviewer believes that this observation is an important consideration as follows:

*'A person living in the countryside adjacent to farm animals are aware of manure on the fields, and believe that this is a minor occasional inconvenience, when considering the overall enjoyment of the quiet environment, delightful views and general relaxation of living in the countryside'*

Plymouth City Council understands that future mitigation measures will be the implementation of screening in the form of landscape mitigation measures, which will provide visual screening and filtering of the poultry units from the new housing plots.

This review concludes there is a marginal impact due to the knowledge by any purchaser or occupier of these market units, when constructed of the advantages and issues of buying a property in a rural setting close to the National Park. Furthermore, these four plots are located in an elevated position above the poultry units and the tree planting will partially obscure the poultry units.

Plymouth City Council have reviewed the information submitted regarding viability and concluded that little evidence has been submitted to suggest that the siting of the poultry units would cause the adjacent development of the adjoining four plots to be unviable or non-deliverable.

**This independent review undertaken by Plymouth City Council concludes there is no substantial evidence to suggest that the siting of the poultry units would cause the adjacent development of the four dwellings to unviable and in consequence the affordable housing would not be delivered on the adjacent site.**

**This independent review has concluded there is no evidence to suggest the poultry units would have a negative impact on the delivery of the affordable housing units on the adjacent site. Therefore due to this lack of evidence there would be no evidence or reasoned justification to refuse these applications on this basis.**

**(b) Have the opportunity to investigate how and where waste was being transported.**

The agent has confirmed every five weeks there is a turnaround of birds and as a result of this the waste is removed from the brooder unit and the concrete pads. The applicant has a contract to transport the organic waste to a fellow organic farmer.

Two tractors each with 18 tonne trailers are loaded to remove the shaving, straw and manure waste. This is only transportation required as the combined total of the waste from each cycle doesn't exceed two trailers (36 tonnes).

The trailers are then covered before leaving the site. The tractors proceed along the B3227 towards South Molton; before entering and proceeding along the A361 (North Devon Link Road) before reaching the waste destination to an organic farm in Bishops Tawton.

The agent has confirmed that due to the high importance placed upon chicken manure was there are strict requirement for it to remain within the organic farming system.

The agent has submitted a letter from Jenny Bibb, Senior Certification Officer for the Organic Farmers & Growers to confirm manure produced on organic holdings must not be exported to a non-organic unit or holding. Organic poultry manure has great nutritional benefit to the soil and should remain with the organic farming environment.

**In light of this additional information, the agent has confirmed the waste is being transported in covered trailers and transported on primary/classified roads to another organic farmer in order to adhere to their organic certification. The traffic movements of the waste (occurring every 5 weeks) are not considered to be severe and akin to other agriculture uses in the countryside.**

**(c) Check whether the site is in a SSSI Impact Risk Zone:**

The site is designated as a SSSI impact Risk Zone and for this reason Natural England was formally consulted on these applications being the correct body to consult.

Natural England consultation responded as follows:

*'There is insufficient information to enable Natural England to provide a substantive response to this consultation as required under the Town and Country Planning (Development Management Procedure) Order 2015. In order to use to advice on this case, an initial screening for air quality impacts should be completed by the applicant. Our advice is that all 5 applications should be considered together in a single assessment. In addition, the applicant should also provide a whole farm assessment i.e. include figures for the existing broiler shed as well as the new sheds'.*

**The agent has submitted an air quality report and this has been forwarded to Natural England for their comments. The conclusion of this report is that the overall risk to air quality is not significant and is managed under a controlled programme.**

The consultation response from Natural England will be presented to members at the forthcoming Planning Committee meeting.

**Therefore, in light of the above additional information Officers recommendation of these applications still remains of approval.**

**This development would be of some benefit to the local economy (food supply) and socially due to the provision of employment. Any environmental impact can over time be effectively mitigated, and in this instance the identified harm to the functioning of the highway network from a limited increase in traffic movements**

**does not outweigh the identified benefits and as such, the proposal can be considered sustainable development as outlined within objective 2 of the NPPF as supporting rural economic growth.**

**The Authority's Landscape & Countryside Officer latest consultation response (13.11.18) has agreed a soft landscaping scheme where the adverse landscape and visual impact of the development could be made acceptable though the implementation of the proposed soft landscaping which would have the effect of setting the new buildings into a wooded context when viewed from adjacent properties and in the provision of replacement hedge banks and tree planting adjacent to the highway.**

**The mitigation proposed also has the potential to provide a net gain for biodiversity through the provision of new hedgerows and appropriate management of existing field boundaries.**

## **PROPOSAL**

The proposal as a whole comprises five retrospective planning applications for the construction of a 20,000 bird, organic, free-range broiler production unit.

The proposal is seeking retrospective permission for the erection of 10, mobile broiler units, to allow the birds to free-range, 20 associated concrete pads, 10 feed silos and associated access works, including a hard-core track.

Five separate planning applications have been submitted (Refs: 64059, 64060, 64061, 64062, and 64063). Each application is for 2 mobile broiler units, 2 feed silos and 4 concrete pads. The proposal is to be considered as a single development.

Each mobile broiler unit is 19.5 metres long and 9 metre wide with a ridge height of 2.9 metres. The broiler units sit on a concrete pad measuring 20 metres long and 10 metres wide. The feed silos sit adjacent to the broiler units and are 3.6 metres in height. The broiler unit is constructed from plastic coated steel sheets to the walls and roof, coloured grey. The feed silos are coloured dark green.

Each mobile broiler unit houses 2000 organic, free-range chickens. Each mobile poultry unit requires two concrete pads to enable the unit to be relocated after the unit is emptied and prior to a new batch being introduced.

The operation of the enterprise included the rearing and finishing of organic, free-range chickens. The life cycle of the chicken production involves 10,000 young chicks arriving at the site on day 1 and are put in the brooder unit under heat. The brooder unit was granted planning permission in May 2017 (REF: 62753). Day 15, the heat is turned off so the birds can start to acclimatise in readiness for the rearing sheds. Day 22 the birds are moved to the mobile broiler units with 2,000 birds in each broiler unit. Day 49/50 the birds are rounded up for slaughter and leave the site at a 2.4/2.5 kg weight.

The enterprise is to be operated under an initial 5 year contract under the supervision of Hook 2 Sisters.

## **RECOMMENDATION**

APPROVE (all five applications) subject to conditions

## **SITE AND SURROUNDINGS**

The site consists of approximately 26.55 hectares of agricultural land. The site is owned and run in association with Oaklands Poultry Farm at Burcombe Farm, Rose Ash which is 8 km away.

The site is located to the north of the B3227 which runs adjacent to the southern boundary of the site.

There is vehicle access to the southern boundary of the site which leads onto the B3227. An agricultural track constructed of stone leads from the vehicular gateway and runs along the western boundary leading to the south of the site to the mobile broiler units (the subject of this application).

Planning permission (REF: 62753) was granted on the 8<sup>th</sup> May 2017 for an agricultural building (brooder house) for the rearing of young poultry and associated feed silo and access tracks on site. The brooder house and feed silo has been erected and located to the western boundary of the site.

The River Yeo is approximately 300 metres to the north east boundary of the site.

The site is not within any protected landscape and is within the 'Farmed Lowland Moorland and Cum Grassland' landscape character type.

Exmoor National Park boundary is located approximately 4.2 km to the north east of the site.

The former Blackerton Care Village is located to the south of the mobile broiler units. Blackerton now consists of a number of residential dwellings, holiday units and a training centre. The nearest residential dwellings (within the Blackerton development) to this site include Magnolia House and Acacia approximately 160 metres from the nearest mobile broiler unit. (Measured from the agent's scale of 1:2500 location plan accompanying this application).

## **REASON FOR REPORT TO MEMBERS**

The application has been called to Planning Committee by Councillor Ley to consider the following:

- To consider any adverse impact on the residents of Blackerton;
- The sustainability of transporting significant amount of chicken manure through two communities;
- Landscape impact from the National Park;
- The possible viability effect on the already approved 9 affordable dwellings at Blackerton.

## **POLICY CONTEXT**

The North Devon and Torridge Local Plan has recently been adopted and the following policies are relevant:

### **North Devon and Torridge Local Plan (2011-2031)**

Policy ST01: Principle of Sustainable development  
Policy ST02: Mitigating Climate Change  
Policy ST03: Adapting to Climate Change and Strengthening Resilience  
Policy ST04: Improving the Quality of Development  
Policy ST11: Delivering Employment and Economic Development  
Policy ST14: Enhancing Environment Assets.  
Policy DM01: Amenity Considerations  
Policy DM02: Environmental Protection  
Policy DM03: Construction and Environmental Management  
Policy DM04: Design Principles  
Policy DM05: Highways  
Policy DM08: Biodiversity and Geodiversity  
Policy DM14: Rural Economy  
Policy EAN: East Anstey Spatial Strategy

Any policies from the former North Devon Local Plan quoted in consultation replies below are no longer relevant.

National Planning Policy Framework

## **CONSULTEE RESPONSES**

**East Anstey Parish Council:** The Parish Council strongly recommend refusal of all five applications for the following reasons:

1. By virtue of the separation distance between the mobile poultry houses and the neighbouring properties at Blackerton, the distance between one mobile poultry house and the nearest residential curtilage has been measured at 89.5 metres, the development of the site will result in an unacceptable level of environmental nuisance because of flies, odour, rodents and noise from night time loading of chicken which will take place on a regular basis. This is contrary to Policy DVS3 Amenity Considerations.
2. The prevailing wind is westerly and resident at Blackerton will be subjected to an unacceptable level of odour on a regular basis when the houses are cleaned out. The development site is likely to be subject to climatic inversion.
3. Pollution of the River Yeo from run off from the cleaning of the pads and from the grazing area. At the nearest point the River Yeo is estimated to be only 70 metres from the development.
4. The site is believed to be in a NVZ Zone.
5. This development is on an industrial scale and would result in significant visual intrusion and would result in an unacceptably harmful impact on the open countryside and nearby moorland.

6. There is no area within the development to load poultry to take to the processing plant and it is understood lading will be onto Lorries parked on narrow single track road.

**Knowstone Parish Council:** The Parish Council unanimously agreed to object to the applications for the following reasons:

1. It was felt that at the NPPF's primary aim is to promote sustainable development, transporting the manure from 30,000 chickens approximately 5 miles on a regular basis both day and night, for an indefinite period, does not represent sustainable development. The Council objects strongly to one of its communities, Roachill, being potentially subjected to regular odorous smells.
2. The Parish Council is very concerned that the siting of the chicken farm may jeopardise the affordable housing scheme at Blackerton. The siting of chicken houses so close – 65 metres away, to the planned open market houses will have a severe impact on their value with a potential knock on effect to the number of affordable houses that the development is consequently able to build. The Parish Council believes that an unapproved development of a chicken farm should not risk the approved development of a long awaited local affordable housing scheme.

**Highway Authority:** Object to this application on the following grounds 1) The increased use of the access onto the Class II Country Road, the B3227, resulting from the proposed development will, by reason of the limited visibility from and of vehicles using the access, be likely to result in additional danger to all users of the road.

**Environmental Health Officer (28.11.17) :** The proposals comprise the creation of a poultry business that, at peak capacity, would house 20,000 birds in 10 mobile poultry units.

My comments take account of this scale of operations:

1. Noise  
The proposals do not appear to include forced extraction plant such as roof fans for the poultry houses. Such plant can give rise to significant noise. I recommend a condition be imposed on any permission, requiring the prior approval of the Local Planning Authority for ventilation fans or other external plant that has the potential to produce significant noise.
2. Waste Management  
Poultry units have a potential to generate significant problems associated with flies, odour and rodents. Having a Waste Management Plan is essential at commercial poultry units in order to minimise the likelihood of such problems arising.

Taking account of the location and proposed scale of operations, I do not anticipate any significant impacts on residential neighbours provided the operation is well managed. I therefore recommend the applicant be asked to provide detailed information on how water will be managed, preferably in the form of a Manure and Fly Management Plan.

**A Manure and Fly Management Plan was received on the 7<sup>th</sup> December 2017.**

**Environmental Health Officer (08.12.17):** I have reviewed the Manure and Fly Management Plan dated December 2017. Having regard to the nature and scale of this proposal, this plan addresses the concerns I raised in my previous e-mail concerning waste management. I recommend a condition be imposed that requires implementation of and adherence to this approved plan.

**Environmental Health Officer (22.02.18):** Thank you for providing me a copy of the four additional dwellings (REF: 55662) adjacent to the existing dwellings at Blackerton. Although the location of these dwelling is slightly closer to the poultry houses, I do not think the reduction in distance is sufficient to make any significant difference in terms of likely amenity impacts. As such, my previous comments stand.

**Environment Agency (03.01.18):**

We have no objections to this application provided that there is no storage of poultry manure on site and there is provision of soakaways adjacent to each shed for roof and lightly contaminated water.

Advice to LPA and Applicant:

The application site is situated in a nitrate vulnerable zone (NVZ) and part of the aquifer under the site is indicated to be vulnerable. Groundwater levels are likely to be high, as indicated by numerous springs and ponds in the Area. A brief review of the mapping suggests that the closest water features are springs and ponds located approximately 200 metres down-gradient (NW) and 100 metres down – gradient (N) respectively. The River Yeo is approximately 300 metres E & NE and also down gradient.

The applicant proposes to stock 20,000 broilers on site. This operation will not require an Environment Permit from the Environment Agency (the permit threshold for broilers is 40,000 birds). The risk posed to controlled waters from the proposal is considered to be low provided that it is operation in the manner proposed.

We understand that waste (manure, litter and wash down water) will be collected and removed from site. The operator must ensure that the spreading of the wastes off-site will not cause any environmental harm and that the Nitrate Vulnerable Zone Regulations are completed with, included that of record keeping and the export of poultry manure.

As part of the process the applicant should undertake a risk assessment to controlled waters from the proposal. The risk assessment should identify what risks are associated with the site which, accidental, uncontrolled or unintended.

**Exmoor National Park Authority – Senior Landscape Officer (18.01.18):**

**Visual Impact:** The site is clearly visible from the southern extent of Exmoor National Park looking southwards towards the B3227 public road. From distances ranging between 3.5km and 5.5km views are gained of the development from the southern boundary of the National Park at Rhyll Gate Cross leading towards West Anstey, from Ridge Road across East and West Anstey Commons, and from the Two Moors Way. From these key viewpoints with the National Park the development, whilst a small element in the overall landscape, because of its form, location and appearance it does draw the eye. As a consequence, I consider it does not conserve the landscape character and visual amenity of the site and is harmful to the wider setting of this southern area of the National Park.

Mitigation measure could assist in lessening this development impact on the setting of the National Park by the appropriate use of colours, finishes and materials that recede into the landscape, management of lighting, and the use of landscaping and planting that is sensitive to the landscape character.



However, at present the scale, siting and linear layout of the ten units and associated double concrete pads, ten feed silos, access track and associated lighting all contribute a negative impact to the setting of Exmoor National Park. Whilst I acknowledge this may be considered only an element in the wider landscape it is judged out of character with the surrounding elevation enclosed agricultural landscape pattern when viewed from southern extent of the National Park and because of this the resulting impact is harmful.

**Exmoor Parish and Consultative Forum: (20.03.18);**

There is a concern that the siting of the chicken units in proximity with the residential scheme at Blackerton had the potential to adversely affect the amenity of the residents and, in turn, the value of the development. The concern was further explained that if the value of the development was affected by the broiler units that this may undermine the delivery of the affordable units on this site.

**Additional Planning Statement was received on the 14<sup>th</sup> May 2018. This was re-advertised and resulted in the following consultation responses:**

**Highway Authority (25.06.18).** I have reviewed the relevant appendix 7 extract in the planning statement but confirm this does not address highway matters satisfactorily:

1. If the application, as presented is providing visibility improvement at this site access, and in the absence of speed data, this needs to achieve 215 metres x 2.4 metres x 215 metres. This needs to be shown on accurate survey details.
2. A formal speed assessment may reinforce the requirement above or require a greater or lesser improvement.
3. The 'Works' are significantly greater than 'trimming' back the hedge bank and in the absence of survey information is difficult to quantify the extent of the earthworks that may be involved.

**Environmental Health Officer (24.05.18):** I have reviewed the additional Planning Statement provided by Bateman Hosegood. I refer you to the comments I made by e-mail on the 28<sup>th</sup> November 2017, 8<sup>th</sup> December 2017 and 22<sup>nd</sup> February 2018. These comments still stand and I have no further comment.

**Exmoor National Park Authority – Principle Planning Officer (11.06.18):** The Authority has previously provided comments for the 10 poultry units and associated development proposed at Oakland Poultry Farm. These comments are considered to apply notwithstanding the information contained in the planning statement, and the National Park Authority asks that those comments are considered as part of the determination of the acceptability of the proposal.

In addition to that, and by way of specific response to the applicants planning statement, it is noted that the applicant considers that views out of the National Park do not need to be taken into consideration. It is, however, the case that the impacts on views out of and into the National Park are relevant to the planning considerations.

As you will be aware, National Parks (together with the Broads and Areas of Outstanding Natural Beauty) have been confirmed by the Government as having the highest status of protection in relation to landscape and scenic beauty. Each of these designated areas has specific statutory purposes, which help ensure their continued protection. National Park

purposes are to conserve and enhance their natural beauty, wildlife and cultural heritage, and to promote opportunities for the understanding and enjoyment of their special qualities by the public. The National Planning Policy Framework, under paragraph 115, confirms great weight should be given to conserving landscape and scenic beauty in National Parks. The National Parks and Countryside Act places a general statutory duty on all relevant authorities, requiring them to have regard to their purposes. This recognises that a wide range of bodies have a direct influence over the future of these protected landscapes including terms of policy or decisions.

Exmoor National Park's special qualities include a timeless landscape mostly free from intrusive development, with striking views inside and out of the National Park, and where the natural beauty of Exmoor and its dark night skies can be appreciated. Exmoor has a significant variety of landscape scenery within the relatively small area of the National Park. The relatively limited extent of the National Park means that these landscapes can be sensitive to change, including as a result of development affecting the character and appearance of the setting of the National Park and the visual amenities arising from extensive views out of and into the National Park. The impact of development outside of the National Park, but within its setting, and in terms of views out from the National Park, as well as into the National Park, are important considerations and the application proposals need to be assessed in this context and having regard to the comments already provided by the National Park Authority. I would, therefore, be grateful if you could have regard to this when considering these proposals.

**The following consultation responses have been received following the Planning Committee Inspection meeting on Friday 7<sup>th</sup> September 2018.**

**Colin Savage – Rural Housing Enabler (11.09.18):**

I am concerned if approved, this retrospective application will jeopardise the delivery of much needed affordable housing for local people, a scheme which has been in the pipeline for some years, and have been difficult to bring forward. This depends on the successful delivery of open market housing at Blackerton.

**Highway Authority: (12.10.18)**

I appreciate the application has now conducted a formal speed survey which was my requested stating point for consideration of the visibility issue. However, the fact this has been carried out is not a justification to approve proposals that are short of the 'Desirable Minimum' but also short of the 'One step below minimum' standard. The application of the guidance is on the basis I do not consider 'Manual for Streets' to be the appropriate guidance in this instance. Whilst the road is not a trunk road it exhibits speed data far greater than allowed for within 'Manual for Streets'.

The vehicle speeds have been considered in light of the preferred level of visibility, and also, the relaxation the guidance allows for. The 85% ile speeds clearly fall within the category 85-100 kph within table 3 of the guidance (i.e. 52mph-62mph).

Even taking into account the 'relaxed' value of 180 metres and the further relaxation of the guidance allows for at least 160 metres, the proposed visibility still falls short of the requirements. Whilst I have considered the proposals are an improvement over the existing situation, the visibility falls short for this Authority to consider it to be acceptable.

Based on the above the visibility proposed of 112 metres/81 metres falls short of the following:

1. 215 metres (desirable);
2. 180 metres (the highway consultants identified one step below desirable); and
3. 160 metres (one step below desirable as per guidance)."

**Landscape & Countryside Officer (13.11.18):**

It is my view that the adverse landscape and visual impact could be made acceptable though the implementation of the proposed soft landscaping which would have the effect of setting the new buildings into a wooded context when viewed from adjacent properties and in the provision of replacement hedge banks and tree planting adjacent to the highway.

The mitigation proposed also has the potential to provide a net gain for biodiversity through the provision of new hedgerows and appropriate management of existing field boundaries.

**Landscape & Countryside Officer (24.10.18):**

Whilst not entirely dissatisfied with the landscaping scheme submitted I'm not convinced that it provides adequate mitigation for the scale of works and landscape and visual effects that have resulted, as such I would suggest that improvements are still necessary to ensure the development is acceptable in landscape terms.

Issues that need to be addressed:

i) The proposed translocation of the hedge in relation to the proposed access provides no method statement for the works, no detail in relation to the size of the earth works/hedgebank in revised position, no mitigation for the loss of mature tree and no details in respect of post development management of the newly created verge. Given the inherent difficulties with hedgerow translocation I would suggest that it would be better to show the hedgerow as being removed and provision of a new bank with hedge and tree planning in mitigation. (Using the DEFRA biodiversity impact assessment calculator we would usually expect mitigation via provision double the length of the loss in mitigation and there is scope to provide this elsewhere on site – i.e. the eastern boundaries of the development are where stock fencing is shown).

ii) Post development hedgerow management – whilst I concur with the proposed principle of hedgerow reinstatement and management we have scant detail on the landscape and biodiversity objectives of this work or detail in respect of future management. I would suggest securing this detail as part of the landscape proposal – ie. Hedgerow to be allowed to develop to be taller/thicker and to be managed to encouraging flowering and fruiting of the woody shrubs – ie. Hedges to be subject to an infrequent cutting regime – sides cut at a maximum triennial frequency and hedgerow height to be managed by a hedge laying management routine that maintains the best 'standard' trees at c.15- 20 m centres.

iii) Proposed tree planting – the proposed planting of standard trees at 10m centres will not provide a significant screening effect. It would be preferable to a larger number of smaller trees at a higher density. This would be beneficial in terms of screening, ecology , and likely speed of plant development and planting density would negate the need for conifer planting that is not particularly characteristic of the wider area. The applicants may wish to consider using a graded planting density – i.e. 1.5m spacing at the periphery of the site, graduating to 3m spacing and then to 7 metre spacing around the structures so that in effect they create buildings within a woodland glade over time. It may still be appropriate

to use a limited number of standard trees across the site to add initial impact but generally smaller plants at a higher density would be appropriate. (it may be appropriate to use two woodlands mixes with woodland to the south having a wet woodland species mix.

lv) Post implementation monitoring and review – I would also suggest that the landscape management includes ongoing landscape and ecological monitoring, implementation of any necessary remedial measures, means of reporting of landscape and ecological monitoring results to the Local Planning Authority and provisions for seeking written agreement to any changes to the management actions and prescriptions that may be necessary to ensure effective delivery of the aims and objectives of the scheme.

**Landscape & Countryside Officer: (31.10.18)**

The development proposed obviously result in adverse landscape effects (loss of existing tree and hedge at the proposed access, loss of open pasture to a more intensive use of the land with multiple structure changes in land form) adverse visual effects (loss of existing hedgerow adjacent to a main road and new structure being resulting in an adverse change in the view for nearby properties and ecological effects.

Whist I welcome the revisions to make to the latest landscape strategy in respect to the proposed landscaping and ecological management, it is my view that on balance we have not yet achieved an acceptable landscaping scheme.

**Environmental Health Officer (29.10.18):**

As requested, I have looked again at the specific issue of the 4 open-market closer dwellings approved under REF: 55662 and reached the same conclusion as I did last time. In my judgement significant amenity impacts are unlikely to arise provided the poultry operations are well managed in accordance with normal good practice etc. This conclusion is based on various factors but mainly the scale and type of units and the separation distance of around 100 metres to the nearest pad. The fact that prevailing westerly/south westerly winds would take odours away from the dwelling is also worth noting. Of course, this does not mean that those living in dwellings nearer to the poultry units will never detect odour or see some flies from time to time but I judge that such occurrences are unlikely to go beyond what would normally be expected when living in the countryside within the proximity of various farming activities and operations.

**REPRESENTATIONS**

At the time of preparing this report 37 letters of representation have been received from 28 addresses. Attached are a list of representation names and addresses

The main issues raised are:

- The site is too close to residential properties.
- Concerns over the viability and saleability of the 9 affordable dwelling permitted at Blackerton.
- Noise and smell from the birds has an adverse impact on residential amenity.
- Increase in vermin to the area, in particular flies and rats.
- Increase in traffic movements in Roachill
- Mud spread along the B3227 as a result of traffic on and off the site.
- Run off for the site is a source of pollution to the nearby River Yeo

- Tonnes of material has been imported to make a farm track and now raised above the level of the site.
- A stable and kennels have been erected all without planning permission.
- Visual impact on Exmoor National Park
- Chicken manure is not being cleaned off the concrete pads for up to 7 weeks.
- Concerns regarding welfare and biosecurity of such a large scale poultry enterprise.
- Increase in Bird Flu Virus (Avian Flu) and potential impact on nearby poultry enterprises.

(Copies of all the letters have been made available prior to the Planning Committee meeting in accordance with agreed procedures).

## **PLANNING HISTORY**

Reference	Proposal	Decision	Date
62753	Construction of agricultural building for rearing young poultry.	Approved	08-05-2017
63426	Change of use of land to allow siting of mobile home as temporary agricultural workers dwelling	Not determined	

Planning application 63426 has not been determined as it is reliant on a decision on planning applications 64059 – 64063. The application is premature until these retrospective applications have been determined.

## **Adjoining site's planning history**

Reference	Proposal	Decision	Date
55662	Hybrid application (1) outline planning permission for the erection of 9 affordable house (2) Full Planning Permission for the conversion of residents/staff accommodation to 9 open market dwelling & the erection of 4 open market dwellings with associated access, parking, recreation and amenity area.	Approved	13.01.2014

## **SUMMARY OF ISSUES**

1. Principle of the development
2. Design/Landscape impact of the development
3. Amenity
4. Highways
5. Flood Risk and drainage
6. Ecology

## **PLANNING CONSIDERATIONS**

### **1. Principle of development**

The site is located outside any defined settlement boundaries and therefore falls to be in considered against countryside policies. The National Planning Policy Framework advises that the purpose of the planning system is to contribute to achieving sustainable development and establishes a presumption in favour of sustainable development. One of the core planning objectives is to proactively drive and support sustainable economic development. Sustainable development has three dimensions - social, environment and economic. In terms of the latter the NPPF states that significant weight should be placed on the need to support economic growth through the planning system.

Paragraph 83 of the NPPF seeks to support a prosperous rural economy and supports the sustainable growth and expansion of all types of businesses in rural areas. In particular, planning policies and decisions should support the development and diversification of agricultural and other land – based rural businesses.

Policy ST07 of the North Devon and Torridge Local Plan is the overarching countryside policy which seeks to ensure that development in the countryside will only be permitted where a rural location is required; it provides economic or social benefits and protects or enhances the landscape.

Policy DM14: Rural Economy of the North Devon and Torridge Local Plan states 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 building 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 agricultural, 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.

The site is agricultural and the proposal is similarly agricultural. The site has been granted planning permission for an agricultural building (brooder house) for rearing young poultry (REF: 62753) in May 2017, this permission was recognised to the initial step in the development of an organic, free – range, poultry enterprise. Therefore the proposal has a strong functional link to local agriculture in line with criteria C of Policy DM14 of the North Devon and Torridge Local Plan.

This is a retrospective application for the erection of 10, mobile broiler units to allow the birds to free-range, 20 associated concrete pads, 10 feed silos and associated access works, including a hard-core track.

The buildings sited in this location would not be visually prominent for the adjacent B3227 highway, because of the sloping topography of the site and existing hedge banks. However, it is recognised that building are visible from viewpoints to the north of the site, including distant views visible from Exmoor National Park, again, to the north of the site.

It is accepted that the proposal results a number of new agricultural buildings (10 plus silos) which have a marked visual impact upon the character of the site which changes from undeveloped green fields to a site containing poultry units. The decision to be taken is whether this impact when considered alongside appropriate landscaping mitigation measures is acceptable when balanced against the economic gains in terms of employment and food supply. It is acknowledged that the poultry operation needs to be of a scale which would ensure economic viability. The scale/size/grouping of these agricultural buildings, in particular poultry broiler units is not uncommon in rural areas and the Authority has received and approved many similar applications. The visual impact of the proposal is further explored in the next section of this report.

The above policies indicate there is strong national and local policy support for development of agricultural businesses which can provide employment to support the rural economy and improve the viability of the applicants existing farming business as well as contributing to the nations food supply.

Given the above, it is considered there is sufficient basis to warrant supporting the principle of the development in terms of the economic tests of sustainable development to further expand this established organic, free – range poultry enterprise in line with Policies ST11 and DM14 of the North Devon and Torridge Local Plan.

## **2. Design and Landscape and Visual Impact of the development**

The visual impact on the proposal on the wider landscape is a key consideration. The proposal is seeking retrospective permission for the erection of 10 mobile broiler units, 20 associated concrete pads, 10 feed silos and associated access works, including a hard-core track.

Each mobile broiler unit is 19.5 metres long and 9 metres wide with a ridge height of 2.9 metres. The broiler units sit on concrete pads measuring 20 metres long and 10 metres wide. The feed silos sit adjacent to the broiler units and are 3.6 metres in height. The broiler units are constructed from plastic coated sheets to the walls and roof, coloured grey. The feed silos are coloured dark green.

The site is within an the Farmed Lowland Moorland and Culm Grassland (1F) Landscape Character type as defined in the Joint Landscape Character Assessment for North Devon & Torridge 2010. Key characteristics of this area include gently undulating landform, in some place of a plateau like character, open areas of Culm grassland and patches of heath surrounded by regular pattern of medium-scale post – medieval and modern fields, with some earlier fields of medieval origin with curving boundaries.

The site is located to the north of the B3227 and consists of a sloping site, from south to north, due to the sloping topography and distance from the B3227 (approximately 350

metres) and hedge banks, the buildings will not be overly visible from view points along the highway.

The site is visible from the southern extent of Exmoor National Park, from distances ranging between 3.5k and 5.5k. There are views are gained of the development from the southern boundary of the National Park at Rhyll Gate Cross leading towards West Anstey, from Ridge Road across the East and West Anstey Commons and from the Two Moors Way.

The site visit allowed Planning Committee Members to assess this retrospective development from key viewpoints within/adjacent to Exmoor National Park and from the Ridge road across the East and West Anstey Commons.

Although the development is visible from these viewpoints, the low level of the buildings and the restricted/partial views are such that the development is not considered to dominate or detract from the overall scenery.

It is acknowledged that this development is for a substantial extension to the existing poultry enterprise being run from this site and results in some adverse landscape effects, such as the loss of existing trees and hedges and loss of open pasture land to a more intensive use of the land with multiple structures changes in land form.

As such substantial landscape mitigation works are required in the form of the planting of new native trees and new hedgerow planting to mitigate this impact to an acceptable level, both visually and cumulatively. The existing screening on site is not considered adequate in relationship to the scale of the development on site and as such this further strengthens the requirements for landscape mitigation measure.

A Landscaping Strategy was submitted in support of this application in September 2018. The Authority's Landscape & Countryside Officer has reviewed this landscaping strategy and advised that although not entirely dissatisfied with the landscaping scheme he is not convinced that it provide adequate mitigation for the scale of work and landscape and visual effects that have resulted. As such he has suggested that improvements are made to the landscape strategy to ensure the development is acceptable in landscape terms. These landscape improvements include the planting of a larger number of smaller trees at higher density. This would be beneficial in terms of screening the development given the likely speed of plant development of smaller more numerous species. Details of the future management of the hedgerows is also required. The agent has confirmed the willingness of the applicant for further landscape mitigation works to address the Authority's Landscape & Countryside Officers comments.

A full landscaping mitigation scheme has been requested and will be presented to Members at the Planning Committee Meeting.

With consideration to the above, and further landscape mitigation measures, it is acknowledged that the development could be partially assimilated into the countryside without causing substantial harm to the character and appearance of the area. As such landscape harm can be mitigated by conditions which would mean that a refusal would be difficult to substantiate.

Given the available distant public views of the development, the undulating topography, existing and proposed planting, and character of the buildings, it is considered that the



landscape impact of the proposal is within acceptable limits in accordance with Policies DM04 and DM08 of the North Devon and Torridge Local Plan.

### **3. Amenity**

The main issues that have been raised by local residents are in relation to amenity including problems of smell, noise and vermin associated with poultry.

Policy DM01 of the North Devon and Torridge Local Plan recognises the importance of protecting residential amenities from the effects of development. Development will not be permitted where it would harm the amenities of neighbouring uses or the character of the surrounding area by virtue of the following; loss of daylight, noise or unpleasant emissions.

There has also been concerns regarding the impact and viability of the permitted affordable dwellings under planning permission (REF: 55662) on the Blackerton Care site. The former Blackerton Care village is the south east of the site. These building have now been converted to residential dwellings, holiday units and a training centre. The closest residential dwellings (within the Blackerton development) to this site include Magnolia House and Acacia approximately 160 metres from the nearest mobile broiler unit. (Measured from the agent's scale of 1:2500 location plan accompanying this application).

The scheme has not been delivered in its entirety in that the site of the four open market units that sit next to Acacia have not been delivered. These plots are required to cross subsidise the delivery of the affordable 'new build' dwelling which are to be provided at the site entrance to the south of Blackerton. The open market plots will be around 150m from the nearest broiler unit. The uncertainty around the poultry unit means that the site owner will not commit to finalising his development plans.

During the course of this application a Manure and Fly Management Plan has been submitted in order to address these matters. The Authority's Environmental Health Officer has raised no objections to this proposal and recommended that a condition be imposed that requires implementation of and adherence to this plan.

There have been a series of complaints raised by existing residents at the adjacent Blackerton Care site to the Environmental Health Unit on the grounds of odour, flies and noise from vehicles going in and out of the site.

As a result of these complaints, the Environmental Health Unit commenced an investigation. As part of this investigation there were a number of visits to the site (including unannounced visits) to identify the source of the odour and rodent/fly complaints. The Environmental Health Officer has confirmed she did not witness any odour nuisances during her visits to the site. It was discovered as part of this investigation that recent significant odour issue was down to a neighbouring local farmer (on adjacent farm land) spreading chicken faeces on farmland. The EH Officer has advised residents that farmers are able to spread slurry or farm manure on agricultural field between the 1<sup>st</sup> February and 15<sup>th</sup> October on this Nitrate Vulnerable Zone (NVZ) without requiring any form of permission.

The Environmental Health Officer has confirmed the applicant has a pest control contract and the last visit in April confirmed there was no evidence of rodents. The EH Officer has requested the applicant to instruct their pest control advisors to ensure that appropriate

deterrents were in place inside and outside the building and to ensure there is a record kept of fly monitoring, these measures have been put in place.

The Environmental Health Officer has confirmed that the noise from vehicles every 5 weeks is not frequent enough to constitute a statutory nuisance.

There have been no further complaints from residents; therefore the Environmental Health Units have closed their investigation in September 2018. They have however; advised residents to contact them again, if any future problems arise and this will be re-investigated.

The Environmental Health Unit investigation concluded there were no breaches in respect to the running of this poultry business in respect to odour, rodents or noise to constitute a statutory nuisance.

The Planning Committee site visit identified the relationship between these nearby existing residential properties and the proximity of the permitted four open market dwellings (55662) from this development.

Planning Committee Members were particularly concerned about these proposed dwellings and the proximity to the broiler units and the impact this may have on the development of this site and in particular whether this would compromise the affordable units being provided. For this reason, the Authority's Environmental Health Unit were requested to re-examine their finding on this element.

The Authority's Environmental Health Officer has confirmed the following to the case officer:

*'I've looked again at the specific issue of the 4 approved closer dwellings and reached the same conclusion as I did last time. In my judgement significant amenity impacts are unlikely to arise provided the poultry operations are well managed in accordance with normal good practice etc. This conclusion is based on various factors but mainly the scale and type of units and the separation distance of around 100 metres to the nearest pad. The fact that prevailing westerly/south westerly winds would take odours away from the dwellings is also worth noting. Of course, this does not mean that those living in dwellings nearer to the poultry units will never detect odour or see some flies from time to time but I judge that such occurrences are unlikely to go beyond what would normally be expected when living in the countryside within the proximity of various farming activities and operations'.*

Given the detailed response of the Environmental Health Office and the conclusions of the Environmental Health investigation, the proposal is considered to accord with Policy DM01 of the North Devon and Torridge Local Plan subject to a condition requiring the adherence to the approved Manure & Fly Management Plan.

#### **4. Highways**

Paragraph 109 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residential cumulative impact on the road network would be severe. Policy DM05 of the

North Devon and Torridge Local Plan requires safe access for all users and will only permit development where there is no impact on the functioning of the highway network.

There is an existing vehicle access to the site onto the B3227 county highway. This existing vehicle access serves the brooder unit (for the rearing of young poultry) granted planning permission (62753) in May 2017. At the time of this application, the Local Planning Authority considered that the proposal utilising this existing access was not considered to have any adverse/severe highway implications.

Devon County Council Highway Authority have been formally consulted on this proposal and have raised concerns and have requested the following:

- 1) If the application, as presented, is providing visibility improvements at the site access and in the absence of speed data, this needs to achieve 215 metres x 2.4 metres x 215 metres. This needs to be shown on accurate survey details.
- 2) A formal speed assessment may reinforce the requirements above or require a greater or lesser improvement.
- 3) The works are significantly greater than 'trimming' back the hedge bank and, in the absence of survey information, is difficult to quantify the extent of the earthworks that may be involved.

A traffic speed assessment has been undertaken in respect to criteria 2 & 3 above, to inform the requirement of the visibility splays to serve the access to this site. The traffic speed assessment confirmed the 85 percentile speed along this highway was 56mph.

The agent has submitted a plan with a revised visibility splays of 112 metres and 81 metres, which is an increase to the current existing visibility which only provides 36 metres in each direction.

The DCC Highway Engineer has confirmed whilst he appreciates the access and visibility splay are improvements to the existing vehicle access, they still fall short of visibility standards, taking into account the demonstrated speed within the vicinity. Whilst there is fewer concerns with capacity issues on the road, at this location, the Highway Authority still maintain their highway objection in that appropriate levels of visibility cannot be met.

The applicant is some distance from meeting the visibility requirement and the applicant does not control sufficient land frontage in order to meet this visibility requirement.

Based on the visibility proposed of 112m/81 metres, the distance falls short of the following:

1. 215 metres (desirable);
2. 180 metres (one step below desirable); and
3. **160 metres (one step below desirable as per guidance).**

Therefore the DCC Highway Authority maintains a highway objection in that the existing vehicle access does not meet the required visibility standards in the technical guidance.

Information provided by the agent indicates that traffic movements for the poultry enterprise are as follows:

- (i) 1 feed delivery lorry (6 wheeler) every week;

- (ii) 1 lorry delivering chicks every 5 weeks;
- (iii) Exe Valley Pest Control every 6 weeks.
- (iv) Traffic associated with cleaning out the units at the end of the cycle

The site visit provided Members an opportunity to look at the existing vehicle access on to the B3227 which serves the site.

The existing vehicle access already serves the permitted poultry brooder unit, the agent has confirmed that there is very limited increase in traffic movements and the mobile broiler units will only generate one-two more movement's a week over and above that which the applicant already has permission for on this site..

The key issues is whether the highway issues identified in this report would significantly and demonstrably outweigh the benefits of the proposal when taken as a whole. Paragraph 109 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe.

The additional traffic movements (1-2 movements per week) have been considered in the context of this application. The applicant is offering some visibility improvement to the existing vehicle access onto the B3227, however, it is noted this does not remove the highway objection.

It is recognised that DCC Highway Authority have maintained an objection to this revised application but highway matters are one of many considerations that have to be balanced within a recommendation. It is concluded that the development would cause some harm to highway safety.

## **5. Flood Risk and drainage**

Local concerns have been raised regarding the close proximity of the River Yeo, approximately 300 metres north-east from the development and the potential for contamination by the development, in particular chicken waste (manure) run off and entering the stream.

The site visit identified the location of the River Yeo and the location of the soakaways for each broiler unit

The response from the Environment Agency confirmed they have no objections to the proposal in respect to pollution control, however, requested that a condition be attached to any permission stating that no poultry manure should be stored on site following the clean out of the poultry units and that the provision of a soakaway for each unit should be provided.

The EA have confirmed that an enterprise of this scale will not require an Environmental Permit from the Environment Agency (the permit threshold for broiler is 40,000 birds). The risk posed to controlled waters from the proposed is considered to be low provided that it is operated in the manner proposed. The EA understand that waste (manure litter and wash down water) will be collected and removed from site. The operator must ensure that the spreading of the wastes off-site will not cause any environmental harm and that the Nitrate vulnerable Regulations are complied with, included that of record keeping and the export of poultry manure.

The agent has confirmed that no poultry manure will be stored on site. The applicant has spoken the Environment Agency and it has been agreed that each concrete pad will be protected by a French Drain style soakaway which is to be constructed parallel to the concrete pads. This form of surface water soakaway will capture surface water run-off protecting existing watercourses.

Planning conditions can be imposed in relation to drainage to prevent any pollution of the water environment.

## **6. Ecology**

The application has been submitted without an ecological assessment report as part of the application. The agent did not consider that an ecological assessment was required as the concrete pads and mobile broiler units are on a grass field with no impact on any trees or hedge banks.

The vehicle access improvements will requires the partial removal of the hedge bank to improved the visibility splay to the site entrance. It is considered an ecological report will be required to support these works to ensure that any impact on biodiversity is managed and mitigated.

In terms of bio- security, as part of the contract with Hook 2 Sisters, the applicant is required to comply with Government guidance on biosecurity methods and DEFRA's code of recommendation for the welfare of broiler birds. The applicant has experience of running such an enterprise on a different site.

## **CONCLUSION**

The site has a current authorised use for the rearing of young poultry with a brooder house and feed silo having been granted planning permission in May 2017. This proposal is seeking retrospective permission for the erection of 10 mobile broiler units to allow the enterprise to include the rearing and finishing of organic, free-range chickens.

By virtue of the number, size and scale of the building there is some visual impact upon the character of the site and wider landscape, but such building are not uncommon in rural areas. Members of the Planning Committee will have noted from their site inspection; the buildings are less noticeable from longer view point, for example, from view points within Exmoor National Park where the development blends in with other rural buildings which are similarly visible from Exmoor and with other development in the locality.

It has been acknowledged that the change in the landscape character can be effectively mitigated over time. This is on the basis of amended landscaping mitigation measures being put forward and agreed by the Authority's Landscape & Countryside Officer that could reduce the adverse effects of the proposal, such that the overall effect on the landscape is neutral.

The additional traffic movements (1-2 movements per week) have been considered in the context of this application. The applicant is offering some visibility improvement to the existing vehicle access onto the B3227, however, it is noted this does not resolve the highway objection.

It is recognised that DCC Highway Authority have maintained an objection to this revised application but highway matters are one of many of the considerations that have to be balanced with a recommendation. It is concluded that the development would cause some harm to highway safety.

There is local concern regarding the amenity and environmental impacts of this proposal. This includes existing residential dwellings at Blackerton and the site of the proposed four open market units that have not been delivered.

Having regard to all the issues discussed above, it is considered that the impact of the proposal could be effectively controlled by conditions and good management practices. A series of monitoring visits have been undertaken by Environmental Health Officer, including unannounced visits where there was no evidence of any odour nuisance or rodents. This investigation was closed by Environmental Health unit in September 2018. No objections have been raised by the Authority's Environmental Health Manager, subject to such controls, and in these circumstances there are not considered to be grounds to justify refusal of these applications. Should the operation not be run effectively and give rise to further complaint, further recourse is available through environmental protection legislation or through a Breach of Condition Notice.

This development would be of some benefit to the local economy (food supply) and socially due to the provision of employment. Any environmental impact can over time be effectively mitigated, and in this instance the identified harm to the functioning of the highway network from a limited increase in traffic movements does not outweigh the identified benefits and as such, the proposal can be considered sustainable development as outlined within objective 2 of the NPPF as supporting rural economic growth.

## **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

## **DETAILS OF RECOMMENDATION**

In that the Planning Committee are dealing with five separate planning applications the recommendation is that all five be APPROVED. These are namely application:

64059 RETROSPECTIVE APPLICATION FOR SITING OF FOUR CONCRETE PADS & ERECTION OF TWO MOBILE POULTRY HOUSE WITH TWO FEED SILOS (PADS 1-4).

64060 RETROSPECTIVE APPLICATION FOR SITING OF FOUR CONCRETE PADS & ERECTION OF TWO MOBILE POULTRY HOUSES WITH TWO FEED SILOS (PADS 5 - 8)

64061 RETROSPECTIVE APPLICATION FOR SITING OF FOUR CONCRETE PADS & ERECTION OF TWO MOBILE POULTRY HOUSES WITH TWO FEED SILOS (PADS 9 – 12)

64062 RETROSPECTIVE APPLICATION FOR SITING OF FOUR CONCRETE PADS & ERECTION OF TWO MOBILE POULTRY HOUSES WITH TWO FEED SILOS (PADS 13 - 16)

64063 RETROSPECTIVE APPLICATION FOR SITING OF FOUR CONCRETE PADS & ERECTION OF TWO MOBILE POULTRY HOUSES WITH TWO FEED SILOS (PADS 17 - 20)

With delegated authority given to the Head of Place to apply the following draft conditions and any others to address any issues within the report:

**APPROVE:**

(1)The development hereby permitted shall be carried out in accordance with NDC001 (Location Plan), NDC002 (Site Plan), NDC003 (Elevations), Design and Access Statement received on the 6<sup>th</sup> November 2017, the Manure & Fly Management Plan dated December 2017, the Additional Planning Statement received on the 14<sup>th</sup> May 2018 and NDC005 ( Visibility splay improvements) received on the 13<sup>th</sup> July 2018.

Reason:

To confirm the drawings to which the consent relates and to ensure the development accords with the approved plans and details.

(2)The operation of the poultry enterprise within the application site shall be carried out at all times in accordance with the Manure and Fly Management Plan dated December 2017

Reason:

To safeguard and protect the amenities of occupiers of nearby properties from flies and odour that might arise from the operation of the poultry house within the site and in accordance with Policy DVS3 of the adopted North Devon Local Plan and Policy DM01 of the emerging Local Plan.

(3) All planting, seeding or turfing comprised in the approved details of landscaping shown on \*\*\*\*\* 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.

(4) Prior to their installation details of any mechanical ventilation fans or other external plant that has the potential to produce significant noise affecting neighbours shall be submitted to and approved in writing by the Local Planning Authority and shall thereafter be installed in accordance with agreed details.

Reason:

To ensure that the amenities of the occupiers of properties in the locality are not adversely affected.

(5) The visibility slays shall be provided and maintained in accordance with drawing number NDC005. Details of any potential ecological impact of translocating or cutting back the hedge to achieve the required visibility shall be identified within an Ecological Report which shall also inform the timing of the works and shall detail any replacement hedge planting needed to retain the visibility splays and the land to the rear. The report, phasing details and planting works shall be submitted to and agreed in writing by the Local Planning Authority within 3 months of this decision and thereafter the works shall be undertaken on site in accordance with the agreed programme. Any replacement hedgerow planting shall be carried out in the planting season following the completion of the access works. 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 provide increased visibility to the existing site access from and of emerging vehicles.

(6) The site must be drained on a separate system of foul and surface water drainage, with all clean roof and clean surface water being kept separate from foul drainage. All foul drainage, including foul surface water run-off, must be disposed of in such a way as to prevent any discharge to a well, borehole or spring or any watercourse, including dry ditches with a connection to a watercourse.

Reason:

To prevent pollution of the water environment.

(7) No external lighting shall be installed without the prior formal consent of the Local Planning Authority.

Reason:

To enable the Local Planning Authority to consider matters not contained in the application and to safeguard the dark skies around the site.

## NOTES TO APPLICANT

1. The Environment Agency would draw your attention to the advice contained within their Pollution Prevention Guidance for poultry houses:

- i) Clean water systems must not be contaminated; the site drainage must ensure that surface water and foul water are kept separate.
- ii) Surface water may be contaminated by dust from the ventilation system. The operator must ensure that dust is cleared and the yard kept visibly clean, or to direct yard drainage to suitable treatment, which may include grassed areas, swales or collection pits.
- iii) All washwater and effluent from the poultry houses is considered to be slurry and must be contained in a slurry store. All new and substantially reconstructed or substantially enlarged slurry storage systems, must conform with the technical measures detailed in the Control of Pollution (Sludge, Slurry and Agricultural Fuel Oil) Regulations 1991. The Regulations include the requirement to notify the Environment Agency before a new store



is used. The slurry store must be adequately sized to contain the expected volume of effluent and meet the minimum storage requirements under the Nitrate Pollution Prevention Regulations. The volume must also allow for a freeboard of 300mm (or 750 mm if an earth banked construction).

iv) Oil storage on site must comply with Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) Regulations 1991, specifically oil stores should have secondary containment to include all pipe work and sufficient volume to contain 110% of the tank contents.

Other relevant guidance is available from their website via the following link:

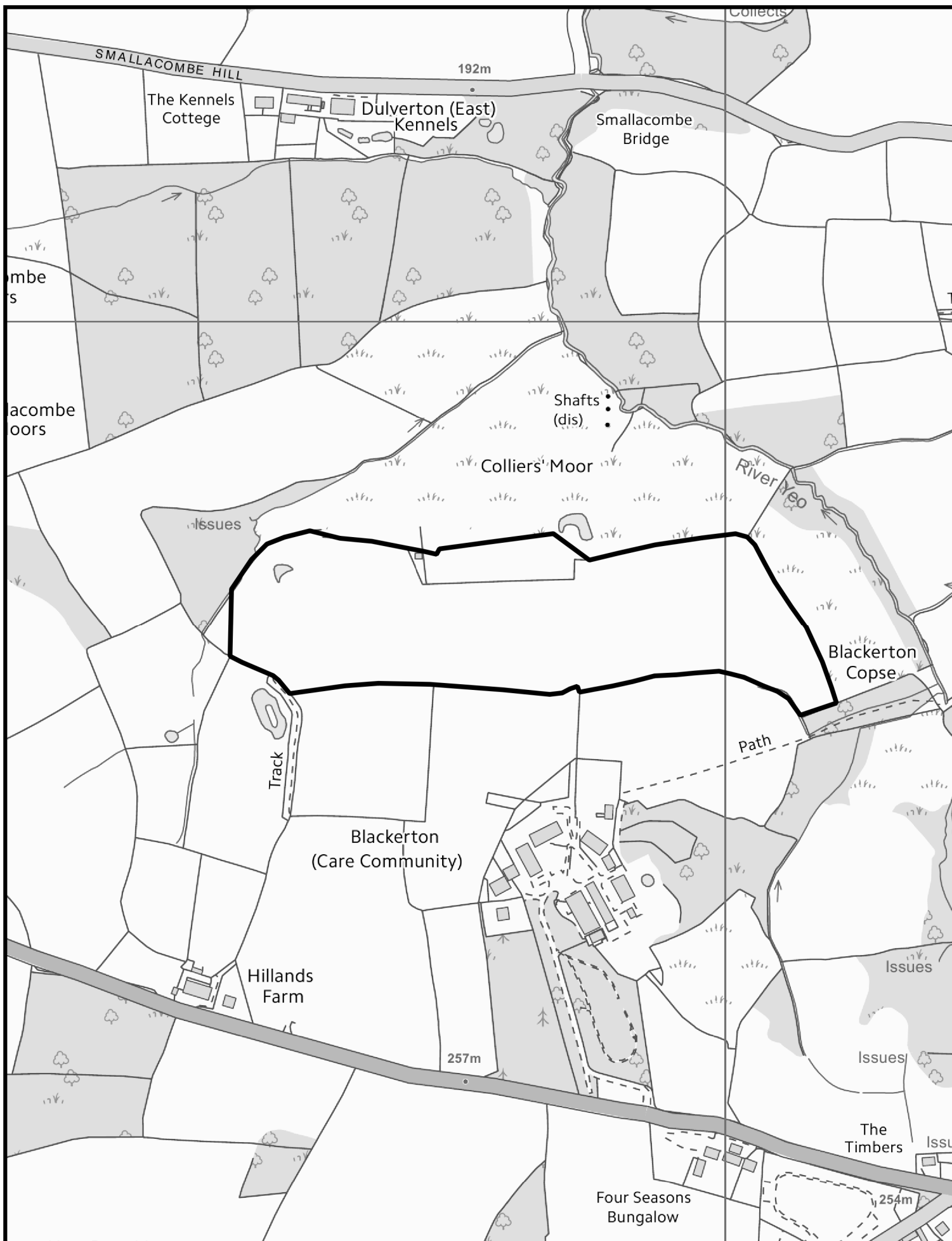
<http://www.environment-agency.gov.uk/static/documents/Leisure/GEHO0206BKHC-e-e.pdf>.

2. The applicants attention is drawn to DEFRA's good practice guidance for protecting water, soil and air which can be found at

<https://www.gov.uk/government/publications/protecting-our-water-soil-and-air>

#### INSERT(S) TO FOLLOW OVERLEAF

1. OS Location Plan
2. List of Representations names and addresses
3. Independent Viability Review - 23<sup>rd</sup> February 2019



Lynton House, Commercial Road,  
Barnstaple, EX31 1EA

## 64059 etc. - Oaklands Poultry Farm, East Anstey

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Report

Scale: 1:5000  
Date: 07.09.2018

# Neighbour Representations List for Application No 64059

## 36 LETTER(S) OF OBJECTION

CLAIRE WARNE	MERLIN EGGS EAST ANSTEY	<i>Date Received:</i> 06-Feb-18 <i>Date Received:</i> 29-Nov-17 <i>Date Received:</i> 18-Dec-17 <i>Date Received:</i> 17-Jan-18
D MUGRIDGE	HIGHER ALLSHIRE EAST ANSTEY	<i>Date Received:</i> 30-Nov-17
MR D & MRS P WYNN	DAVLOURO EAST ANSTEY	<i>Date Received:</i> 30-Nov-17
DAVID BARBER	FOXPARK WADDICOMBE	<i>Date Received:</i> 30-Nov-17
MR & MRS D HOLMAN	BIRCH HOUSE BLACKERTON CROSS	<i>Date Received:</i> 01-Dec-17
SHARON JEWITT	OAK HOUSE BLACKERTON	<i>Date Received:</i> 01-Dec-17
MR & MRS STANLEY	HOLLY HOUSE EAST ANSTEY	<i>Date Received:</i> 04-Dec-17
SUSAN HOLDEN	MAGNOLIA HOUSE BLACKERTON	<i>Date Received:</i> 04-Dec-17
HEATHER WARNE	STABLE LODGE EAST ANSTEY	<i>Date Received:</i> 04-Dec-17
RICHARD GIBSON	NETHER WOODBURN FARM EAST ANSTEY	<i>Date Received:</i> 04-Dec-17
DIANE DEACON	ACACIA BLACKERTON CROSS	<i>Date Received:</i> 06-Dec-17
LUCIE MOORE	THE CLASSROOM EAST ANSTEY	<i>Date Received:</i> 20-Aug-18 <i>Date Received:</i> 24-Jan-18 <i>Date Received:</i> 06-Dec-17
HELEN WEBB	JUNIPER BLACKERTON	<i>Date Received:</i> 06-Dec-17 <i>Date Received:</i> 12-Dec-17
TONY FRIENDSHIP	BLACKERTON COTTAGE EAST ANSTEY	<i>Date Received:</i> 06-Dec-17
JEFF HOUGHTON	THE PADDOCK EAST ANSTEY	<i>Date Received:</i> 08-Dec-17
ROBERT & JANICE GRIFFIN	CHICOMA HOUSE EAST ANSTEY	<i>Date Received:</i> 11-Dec-17
MR & MRS N H P VEREKER	THE OLD RECTORY EAST ANSTEY	<i>Date Received:</i> 11-Dec-17
IAIN NOON	ROOTHINGS EAST ANSTEY	<i>Date Received:</i> 11-Dec-17

# Neighbour Representations List for Application No 64059

PETER EDWARDS	THE OLD RAILWAY STATION EAST ANSTEY	<i>Date Received:</i> 18-Dec-17
H D KING-FRETTS	ANSTEY FARM EAST ANSTEY	<i>Date Received:</i> 19-Dec-17
IAIN BEW	BARTON CROSS BARNS EAST ANSTEY	<i>Date Received:</i> 22-Dec-17 <i>Date Received:</i> 24-Jan-18
MS H PEARCE	JUNIPER BLACKERTON	<i>Date Received:</i> 26-Jun-18 <i>Date Received:</i> 24-Jan-18
MR J WARNE	SENT BY EMAIL	<i>Date Received:</i> 23-Jan-18
DAVID MORGANS	ROACHILL HOUSE ROACHILL	<i>Date Received:</i> 28-Feb-18
MR C JEWITT	OAK HOUSE BLACKERTON	<i>Date Received:</i> 23-Jan-18
COLIN WILKINS	LYDEARD HOUSE WEST STREET	<i>Date Received:</i> 26-Feb-17
VICTORIA AND JAKE WARD	BLACKERTON HOUSE BLACKERTON	<i>Date Received:</i> 10-Jan-18
RICHARD HENSHAW	OBO COLIN WILKINS FLAXHOLME	<i>Date Received:</i> 14-Nov-18

## 3LETTER(S) OF COMMENT

CLAIRE WARNE	MERLIN EGGS EAST ANSTEY	<i>Date Received:</i> 03-Apr-18 <i>Date Received:</i> 25-Jan-18
MR IAN AND MRS CAROL DRUMMO	WILLOW EAST ANSTEY	<i>Date Received:</i> 20-Dec-17



23<sup>rd</sup> February 2019

Tracey Blackmore  
Principle Planning Officer  
North Devon Council  
Lynton House  
Barnstaple

Dear Mrs Blackmore

**Oakland's Poultry Farm, East Anstey, North Devon**

North Devon Council has requested that Plymouth City Council provide an independent viability comment as part of the report to Planning Committee relating the retrospective application for the operation of 10 mobile poultry houses at East Anstey.

**Background**

We have been advised that the relevant Policy ST07 of the North Devon and Torridge Local Plan is the overarching countryside policy which seeks to ensure that development in the countryside will only be permitted where a rural location is required; it provides economic or social benefits and protects or enhances the landscape.

*Policy DM14: Rural Economy of the North Devon and Torridge Local Plan states 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 building 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 agricultural, 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.*





## Potential Impact on viability

The National Planning Policy Framework advises that the purpose of the planning system is to contribute to achieving sustainable development and establishes a presumption in favour of sustainable economic development. One of the core planning objectives is to proactively drive and support sustainable economic development. The NPPF states that significant weight should be placed on the need to support economic growth through the planning system.

In this note, PCC provides an opinion on the impact of the siting of the poultry units on the potential ability four plots to be sold on the open market. Therefore we have taken advice from the officers at NDC, undertaken a site inspection, and assessed the local market in order to provide informed advice.

## Commentary

In the 'planning considerations' of the Officer's report comments:

*The scheme has not been delivered in its entirety in that the site of the four open market units that sit next to Acacia have not been delivered. These plots are required to cross subsidise the delivery of the affordable 'new build' dwelling which are to be provided at the site entrance to the south of Blackerton. The open market plots will be around 150m from the nearest broiler unit. The uncertainty around the poultry unit means that the site owner will not commit to finalising his development plans.*

Therefore PCC are not concerned with the viability issues relating to the subject site, but with the impact on the site of the four market houses located approx. 160m from the nearest poultry unit. Specifically the issue of delivery of the affordable housing, as described in the signed S.106.

As mentioned in the Officer Report, there are a number of issues that are outlined, relating to policy, environmental health, the countryside and National Park, and we have taken note of the Authority's Environmental Health Officer comment:

*'Of course, this does not mean that those living in dwellings nearer to the poultry units will never detect odour or see some flies from time to time but I judge that such occurrences are unlikely to go beyond what would normally be expected when living in the countryside within the proximity of various farming activities and operations'.*

PCC believe that this observation is an important consideration. A person living in the in the countryside close adjacent to farm animals are aware of manure on the fields, and believe that this is a minor occasional inconvenience, when considering the overall enjoyment of the quiet environment, delightful views, and general relaxation of living in the countryside.

I also understand that a further measure will be the implementation of a condition attached to the application through the landscape mitigation measures, which will provide visual screening and filtering of the poultry units from the new housing plots.

64059 – Retrospective application for siting of mobile poultry units, East Anstey, N. Devon.



## **Conclusion**

We have not commented on the actual figures that may be realised that the development of the four houses. We have been requested to provide an opinion on the potential impact of the sale of these units as part of the agreement with the developer of the adjacent development to provide the affordable housing units on this site.

PCC believe there is a marginal impact due to knowledge by any purchaser or occupier of these market units, when constructed of the advantages and issues of buying a property in a rural setting close to the National Park.

Furthermore these four plots are located at an elevated position above the poultry units, and we understand that the tree planting is underway, thus the location of the sheds will be obscured when the units are completed and occupied.

As outlined above, we have reviewed the information submitted regarding viability and conclude that little evidence has been submitted to suggest that the siting of the poultry units have caused the adjacent development of the adjoining four plots would be unviable to be non-deliverable.

We trust that this letter is satisfactory for your purposes, but should you require any further information or clarification, please do not hesitate to contact us.

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