

Application Number

P/2012/0865

Site AddressLong Meadow
Blagdon Road
Collaton St Mary
Paignton
Devon**Case Officer**

Mr John Burton

Ward

Blatchcombe

Description

Formation of phase 1 unit for poultry breeding unit with vehicular access and parking

Executive Summary/Key Outcomes

The proposal is for an agricultural use in one of the more rural parts of the Bay. Although the overall business plan is for a large free range poultry unit, the proposal is to be implemented this in phases, and Members are now only being asked to consider phase 1. This will be helpful when coming to consider subsequent phases, as a phased introduction of farming activity can inform subsequent applications for planning permission.

The proposed building is typical of agricultural buildings seen in the countryside, and whilst not a design of beauty, it is functional and typical of buildings one might expect to see of such a use in such a location. The land already has vehicular access and the proposed vehicular use has been planned and tailored to fit in with the location and nature of the access road. Concern has been expressed about the potential impact upon the adjacent primary school, and the views of the Environmental Health Officer will assist in this regard.

However, the Acting Head Teacher and Governors at the school have now visited a similar operation in the vicinity, managed within the same family as the applicant and they have now stated that they have been reassured following their visit.

The proposal seeks an expansion to an existing local business, will provide some extra employment, consists of a use that is commensurate with the rural location and will benefit the locality in terms of food supply.

Recommendation

Site Visit; Delegated Conditional Approval to officers; subject to the views of the Environmental Health Officer, Natural England and the RSPB, and; subject to the

conclusions of a habitat survey and the provision of appropriate mitigation measures. Conditions to be delegated to the Executive Head of Spatial Planning.

Site Details

The site is a long thin parcel of open land, to the north-west of Collaton-St-Mary C/E Primary School, and stretching up to the access road to Blagdon Barton Farm. As open agricultural land there has been little planning history to the site, although in more recent years various owners have tried to establish 'horsiculture' use on the land, through the creation of paddocks and the building of a stable building. In the summer of 2009, the Council successfully defended enforcement action on appeal against unauthorised residential use (caravan) of the land. The land has since been sold to the applicant, a local farmer looking to expand his poultry farming operation.

Detailed Proposals

Permission is sought for an agricultural 'shed' on land off Blagdon Road in Collaton-St.-Mary. The proposal is part of a phased plan for development at the site and will compliment an existing farm business located higher up Blagdon Road and operated by the same family. The shed will have a footprint of approx. 32.6 metres x 17.6 metres and is shown located on the southern side of the field away from the Blagdon Road frontage.

The building would have a single pitched roof measuring 2.2 metres to eaves level and 5.5 to ridge top. Externally it will be finished in green polyester coated steel profile sheeting on a grey block plinth, with green polyester coated steel profile sheeting on the roof. Internal facilities will comprise 540 sq. m. of floorspace for the keeping of the poultry (nesting and feeding), egg collection store, general store and staff area. A new access way is shown into the site finished with hardcore and gravel, with a turning and parking area adjacent to the shed. Existing planting, hedgerows and tree belts at the site are shown as remaining, which will help to screen the new building and limit any potential impact on biodiversity.

The application was submitted without an Environmental Statement, although there is some supporting information and evidence in this regard. In accordance with the Regulations, the L.P.A. has to consider whether it would be necessary for the planning application to be supported by an Environmental Impact Assessment. The proposal falls within the definition of development that may require an E.I.A. as described in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. This is so because it is a type that falls within the ambit of schedule 2, section 1 (Agriculture and aquaculture), part c (intensive livestock installations), and the new floorspace exceeds the applicable threshold of 500 sq. m. (being approximately 572 sq. m.)

The Council has therefore considered, in accordance with regulation 4(6)

whether there is a need for an E. I. A., and in so doing has applied the selection criteria for screening schedule 2 development (as given in schedule 3 of the Regulations). As a result of this exercise, it is the Council's opinion that an Environmental Impact Assessment is not necessary in this case.

Summary of consultation responses

Environmental Health Officer: Observations awaited.

RSPB: Observations awaited.

Natural England: Observations awaited.

Summary of representations

Letters of representation including support, are reproduced at Page P.204.

Main comments against include:-

- increased traffic on a narrow already over-used road;
- potential noise, smell and health risk to children at the school;
- a poultry breeding unit adjacent to a primary school is bound to have an environmental impact; and
- concern about risk of smell from waste products.

Main comments in support of proposal include:-

- The concerns of the school Governor has now been addressed;
- Job creation, including knock on job creation effect to other farms and businesses in the area;
- the land is agricultural land and has remained dormant for many years;
- few traffic movements per week so should be no traffic problems;
- the land has been used for animals in the past;
- the wildlife in this field will not be disturbed by the business;
- will help expand the business of a local farmer; and
- It is in line with Torbay Council's policy of jobs first.

Relevant Planning History

P/2003/1190	Improved access and creation of parking, refused 05/09/2003
P/2003/2056	Formation of improved field access and creation of parking area with vehicular access. Approved. 19.05.2004
P/2008/0321	Erection of replacement stable block. Approved. 24.04.2008
P/2008/1123	Construction of replacement stable block (revision of P/2008/0321/PA). Approved. 25.09.2008

P/2009/0505 Retrospective application for the formation of replacement stable block-amendments to previous approval (P/2008/1123/PA). Approved, 30.07.2009.

Not the proposal site but adjacent land:-

P/2012/1037 Development to include 197 residential units, a local centre building, new vehicular access to Totnes Road, internal road layout, car parking, open space, landscaping, ponds, services and infrastructure and all other associated development. (Departure from the Local Plan) on land to the west of Collaton-St.-Mary Primary School And north of A385 (Totnes Road) - concurrent item also on December's Committee.

Key Issues/Material Considerations

Considerations arising from the new National Planning Policy framework (NPPF)

The NPPF and planning law makes clear that planning applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. At the heart of the NPPF is a presumption in favour of sustainable development. This is explained as meaning that Local Planning Authorities should positively seek opportunities to meet the development needs of their area, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF.

To assist in this regard, paragraph 28 of the NPPF states that planning authorities should support economic growth in rural areas in order to create jobs and prosperity. Paragraph 32 reminds LPAs of the need to create safe and suitable access for all people to sites taking advantage of sustainable transport modes. Paragraph 56 clarifies the need for good design as a key aspect of sustainable development. Paragraph 109 talks about the need to enhance the natural and local environment.

It is Officer's opinion that all of these criteria can be met by this application and that therefore there would not be any breach of the national policy framework guidance.

Local Plan Policy

Relevant Local Plan policies support the principle of buildings and development associated with agricultural uses, provided that appropriate mitigation is included. In this case it is considered that the use and the location and design of the building is appropriate in this rural setting. Further report on the specific policy issues of relevance is set out below.

Appearance

The building is large, but is of an agricultural appearance, being grounded on a plinth and with large recessively coloured panels and matching roof above. Although the ridge is high, the walls are low and are linked to the ridge by large sloping roofs. The colour of the building and its position against the tree and hedge belt will help blend the structure into the landscape, thereby minimising its impact. The agricultural feel of the building through design and use of materials, would be in keeping with the rural character of the area. For these reasons, it is considered that the building's appearance and design would be in accordance with the policy stipulations in the NPPF and policies BES and BE1 of the Saved Adopted Torbay Local Plan.

Landscape considerations

The land is situated within an 'Area of Great Landscape Value' as defined by policy L2 of the Saved Adopted Torbay Local Plan and a 'countryside zone' as defined by policy L2 of the Saved Adopted Torbay Local Plan. Neither of these policies prevents development within such areas. However policy L2 states that proposals should maintain or enhance the landscape character of the area.

It is considered that the proposal achieves this objective, as the building has been designed to make it blend in to the landscape by virtue of its position, its design, and its external appearance, including its colour. Policy L4(2) states that agricultural development would be permitted within countryside zones so long as the rural character and wildlife habitats are not adversely affected. As an agricultural building, the rural character of the area would not be unduly affected. Wildlife issues are considered below. Despite these designations given, the land is not of a highly sensitive nature that would require conservation and hence protection from any and all development, the policies clearly provide for certain types of development that is associated with and supports the rural character and economy.

Wildlife considerations

As an undeveloped field outside of the main built up areas of Torbay, it is quite likely that the site could contain species of either fauna or flora that would need protection from development. The proposed development is within the 'sustenance zone and strategic flyway' of the Berry Head roost component of the South Hams Special Area of Conservation (SAC). Under such circumstances, applications should normally be accompanied by ecological information to inform the decision making process.

This application was not submitted with any such information and the applicant has now been asked to provide it. Given that the land is relatively small and located on the edge of the urban envelope, divided from the countryside beyond by hedge and tree belts, it is felt that a phase 1 habitat survey should be sought in the first instance to allow an understanding as to what, if anything might be in, on, under or over the site. If any protected species are found to be in situ or

regularly using the site then mitigation measures would be required which would be suggested/recommended by the habitat survey. It might be that the survey would recommend more detailed investigation into particular species, for example a bat survey, and any delegated approval to officers could be made subject to any required ecological work or alternatively this could be handled by way of condition if the impact is unlikely to be substantive.

It is extremely unlikely that a full 'Ecological Impact Assessment' would be required as these are reserved for development on or near SSSI's, SAC's, Special Protection Areas (SPA's) RAMSAR sites, or other internationally prescribed wildlife designations. This does not apply in this instance.

Under the circumstances of not having the ecological information up front with the submission, if Members are minded to approve the application, it is requested that approval is delegated to officers subject to the completion of the phase 1 habitat survey and the provision of any necessary mitigation within the final decision. Any difficulties in respect of dealing with protected species that might be found at the site would be referred back to Members for consideration.

Highways and traffic implications

The main source of traffic that would be generated by the proposal is egg collection lorries. The applicant already has a farm further up Blagdon Road and he has agreed with the egg collection firm that they will collect the eggs from both farms at the same time as there is sufficient capacity in the vehicles to do so. In this way there would be little or no increase in traffic arising from the proposal. The current operation at the other farm caters for 3 collections per week, but the applicant has agreed with the operator that this should be reduced to 2 if permission were granted for this current proposal. On this basis, there would in fact be a reduction in lorries using Blagdon Road.

Given this positive change in operation, the very low volume of lorry visits that would occur in any event, and the fact that collection currently occurs before school opening hours anyway (and will continue as such), there is no need for a traffic impact assessment. Indeed there is not considered to be any adverse highways impacts arising from the proposal. The current difficulties along Blagdon Road referred to in some of the letters of representation arise mainly due to parents taking and collecting children from the school. As the egg collection trips take place outside of school dropping off hours, there would be no clash with the busy usage time for this section of Blagdon Road.

Environmental protection

The views of the Environmental Health Officer are still awaited, but it is likely that any requirements to meet with current health and safety legislation could be met, and indeed would already be put into practice at the applicant's other premises further up Blagdon Road. It is unlikely that there would be any environmental health impacts arising from this proposal that would justify refusal on planning

grounds. Nevertheless, the formal views of the Environmental Health Officer will be reported to Members at their meeting. It is anticipated that Environmental Health requirements could be dealt with by way of condition.

Economy -

The proposal (including all phases) will eventually provide 4 new jobs to the local economy. More importantly there will be knock on effects to the Torbay economy in terms of feed requirements, bedding materials and packing. There is also the issue of reduced road miles for delivery given that this new unit would be able to provide for the local food market(s).

S106/CIL -

All new development has the capacity to place an additional burden on public sector services and hence generate the need for a financial contribution under s106 of the Town and Country planning Act. In this instance there could be no waste management contribution as this would have to be conducted by a private specialist operator and could not be conducted by the Local Authority. Affordable housing, loss of employment, stronger communities, education, and lifelong learning simply are not relevant to the development. There is no need for any green space/recreation contribution for a farming proposal. This just leaves sustainable transportation.

However, given the very low staff requirements of the proposed operation, the very low traffic generation of such an operation, and the fact that it would utilise existing collection vehicles anyway, it is not considered appropriate or justifiable to request a contribution towards sustainable transportation. The appropriate SPD does not in any event have a calculated category for farming activities. In fact the proposal is likely to be a benefit to the local economy rather than a drain that would require some recompense. Therefore it is quite clear that this proposal should not attract a Planning Obligation under s106 of the Town and Country Planning Act.

Conclusions

The proposal is for a poultry farming operation and given that it is located outside of the built up area of Torbay would be appropriate in principle in this location. Such an operation close to existing road networks and utilising existing vehicle collection movements would be entirely appropriate. The landscape would not be harmed by the proposal as the building has been designed to fit into the surroundings. There could be some impact upon wildlife, and this has yet to be determined. However, any potential impact upon this small plot of land is likely to be capable of amelioration or mitigation. Natural England and the RSPB have been asked for their comments and these will be reported if available, otherwise it is requested that the application is delegated to the Executive Head of Spatial Planning to resolve any wildlife mitigation requirements, with a report back to committee in the event of any difficulties arising.

Possible impacts upon the nearby school are a valid consideration and the Environmental Health officer has been asked to comment. It is likely however that current legislation would safeguard against any perceived risk. There have been some objections received, but it is noted that most of the issues raised have now been overcome or countered in any event. The proposal does provide new employment opportunities, albeit quite low in number. Nevertheless, the expansion of any local business should be welcomed. For all of these reasons, Officers are of the opinion that the proposal should be recommended for delegated approval.

Condition(s)/Reason(s)

01. Any condition and/or recommendation arising from the consultation process with Natural England/RSPB
02. Any condition and/or recommendation arising from the consultation process with the Environmental Health Officer.
03. Access and parking provision, including surface treatment, to be controlled by condition.
04. Details of the proposed external materials and colour of the building to be controlled by condition
05. Any condition and/or recommendation arising from the phase 1 habitats survey.

Relevant Policies

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