

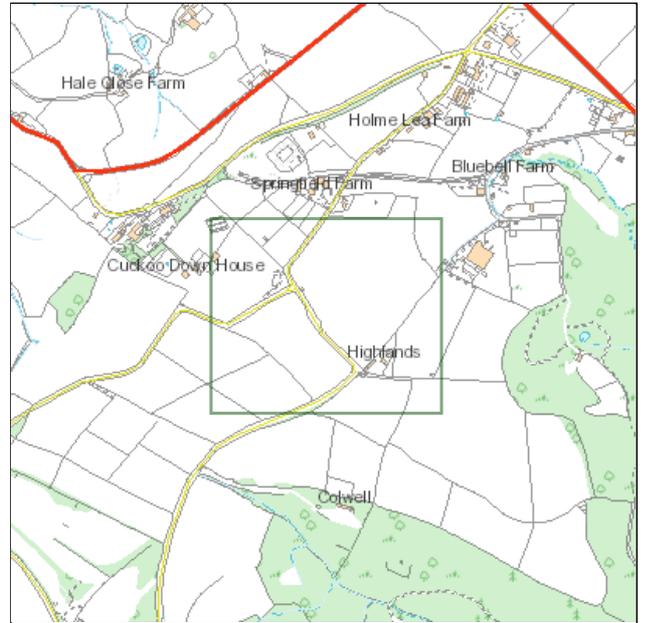
Ward Coly Valley

Reference 21/1798/FUL

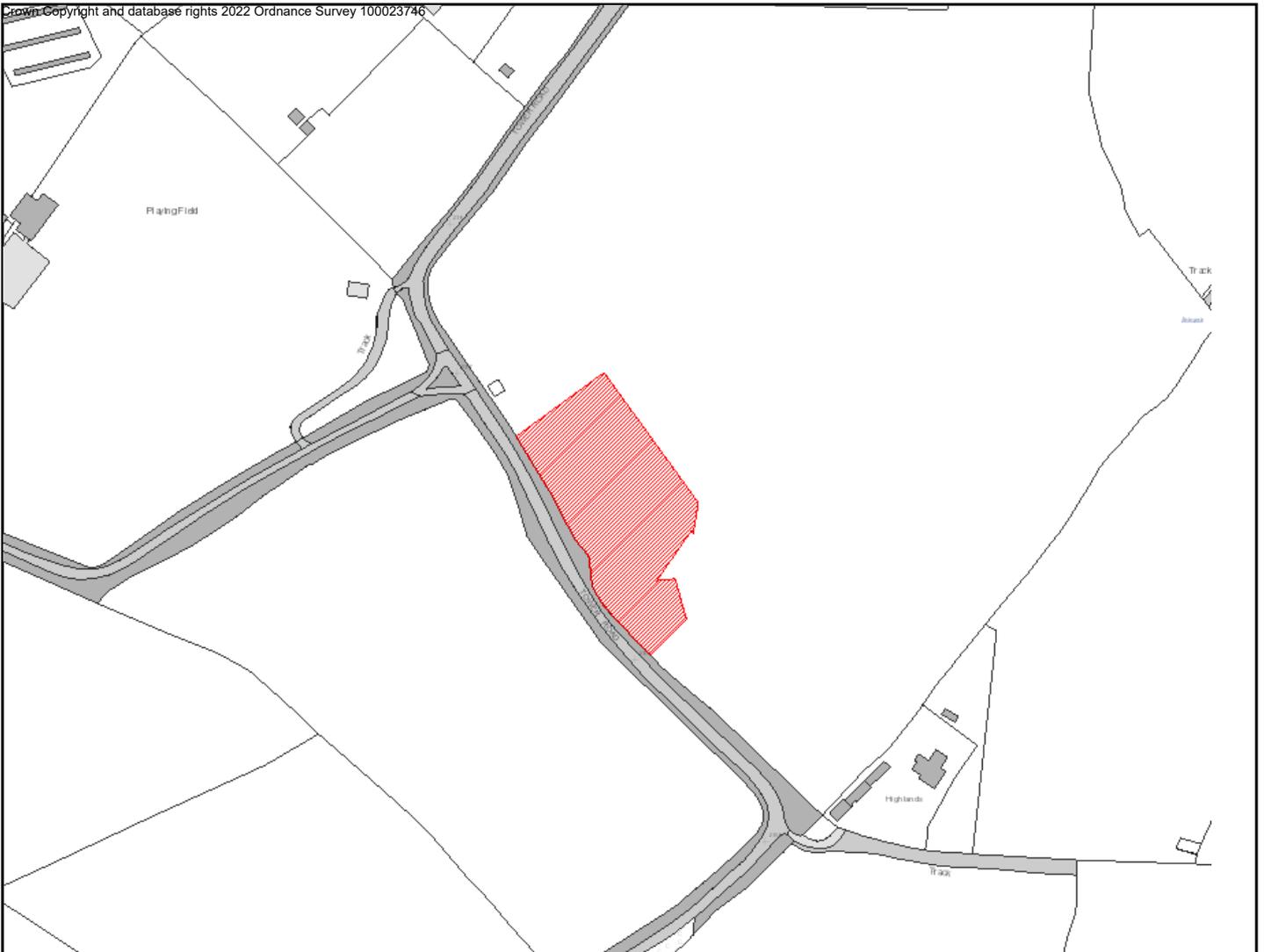
Applicant Stags Estate Agents

Location Land On The East Side Of Tower Road Offwell Honiton

Proposal Change of use of an existing agricultural building and associated works for use as a Livestock Collection Centre.



RECOMMENDATION: APPROVE subject to conditions



		Committee Date: 16th March 2022
Coly Valley (Offwell)	21/1798/FUL	Target Date: 31.08.2021
Applicant:	Stags Estate Agents	
Location:	Land On The East Side Of Tower Road	
Proposal:	Change of use of an existing agricultural building and associated works for use as a Livestock Collection Centre.	

RECOMMENDATION: APPROVE subject to conditions

EXECUTIVE SUMMARY

The application is before committee because the officer recommendation differs from that of one of the ward members.

The site relates to an existing livestock building and adjoining land. It is located in open countryside to the west of the village of Offwell and south of the A35 and within the East Devon Area of Outstanding Natural Beauty. The site is accessed via Tower Road which joins the A35 approximately 1 km to the northeast of the site.

The proposed scheme seeks to re-use the building at the site as a livestock collection centre to replace the recent closure of this service at the Cattle Market in Honiton. The proposed operation would involve local farmers delivering livestock to the site on collection days with a pre-arranged price for their livestock having already been agreed. Later the same day the livestock is collected and transported on (mainly to abattoirs). The collection service has previously operated twice weekly from its current site and similar operation is envisaged from the proposed site, the rest of the time the building would be empty.

Policy D8 of the Local Plan permits the re-use of redundant rural buildings to new uses, subject to a number of specified criteria being met. Policy E5 similarly allows for 'small scale' economic development in rural areas and expansion of existing businesses, including where these involve the conversion of existing buildings. The proposal has been assessed against the relevant criteria of policy D8 and the building is found to be capable of conversion and the method of conversion would involve very little change to the building itself. The remaining site areas around the building would experience some change, largely through re-

surfacing and ancillary works but additional landscape planting to the current open boundaries of the site would screen this in wider views.

There has been considerable local opposition to the scheme, primary amongst these concerns appears to be the impact of the development on the local highway network. It has been suggested that these local roads are not suitable to safely accommodate the traffic that would be associated with the use of the site, in terms of their narrow nature, lack of adequate passing places and the impact of the increased volume and type of traffic (larger vehicles/lorries) on the character of these roads and safety of the other road users. Whilst these genuine concerns are acknowledged there are no objections in this regard from National Highways or Devon County Council as the highways authority, subject to provision of 2 no. passing places being provided by the applicant on highways maintained land. The highways authority has objected to the proposal on the basis of the potential for traffic associated with the site from spreading mud and debris onto the adjoining highway but it is considered that this could be addressed through agreeing the surfacing of the internal access route. It is not therefore considered that, subject to appropriate conditions, that permission could reasonably be withheld on highway safety grounds.

In other regards the proposal would result in some loss of existing hedgebanks in order to facilitate the construction of the required passing places and widening of the site access but replacement planting could be secured and with the additional planting to the other site boundaries, overall there would be a net increase in hedge planting which would help to conserve the surrounding AONB landscape.

Concerns have also been raised with regards to the amenity and environmental impacts of the development. In amenity terms the site is some distance from the nearest residential property and the use would be limited to two operational days per week. In environmental terms there would be limited external changes to the building or site and any loss of hedgebanks required to facilitate the construction of passing bays could be compensated by replacement and additional planting. It is also recognised that the livestock use of the site would be no greater than could currently occur, without restriction.

In other regards the proposal is found to be acceptable or could be made so through the imposition of suitably worded conditions and accordingly is recommended for approval.

CONSULTATIONS

Local Consultations

Coly Valley - Cllr Helen Parr

I have missed the deadline for comments re the above application.

However I have concerns re the suitability of Tower Rd which is narrow and winding, with few passing places, and other minor access roads, as borne out by the DCC Highways objection.

Offwell Parish Council

Most recent comments:

Offwell Parish Council note that a combined revised site layout / block plan P02 REV P11 has been submitted by the applicants showing the two proposed revised passing bays associated with the application for the Livestock Collection Centre and also the proposed revised surfacing of the vehicle circulation route around the building.

With regard to the two passing bays, the Parish Council has taken further advice from the Chartered Engineer who provided the initial critique of the document supplied by Trace Design.

Whilst no dimensions are shown on the block plan, previous information submitted by Trace Design has shown the passing bay adjacent to the proposed collection centre to be 30m long and the passing bay adjacent to Broad Park to be 15m long both additional with splays of approximately 45 degrees.

The 15m bay is wholly inadequate to accommodate a large vehicle.

Furthermore, the design of the entrance splays into the Collection Centre are based on the swept path of articulated lorries and in fact two articulated lorries are shown in parking bays on the block plan PO2 REV P11. Presumably to facilitate maximum size lorries to collect the livestock following their delivery.

The Parish Council attach a computer aided design (CAD) of a passing bay which would be suitable to allow such an articulated lorry to enter and exit from a live carriageway, with splays it measures some 68m long.

Clearly the proposed passing bays are under designed and will not accommodate the type of vehicles expected to use the Collection Centre.

If the passing bays were properly designed in accordance with attached CAD design,, this would involve the destruction of 140m of Devon hedge bank together with the loss of associated oak trees.

The Parish Council would also comment that even if the two passing bays were to be constructed to a proper design, they would not alleviate the passing and other problems along the remainder of Tower Road.

To illustrate the problems that even a rigid lorry, we attach herewith 6 photographs of a rigid body livestock lorry at different points along Tower Road. These photographs together with previous photographs submitted by the Parish Council clearly demonstrate the unsuitability and difficulties of Tower Road as the location for the Livestock Collection Centre. The narrowness of the road in places, the lack of suitable passing places, the lack of adequate visibility at many of the entranceways along the road, the difficult bends with the swept paths for large vehicles and the lack of pavements all contribute to the unsuitability and the highway safety issues associated with Tower Road as the location.

Furthermore, the applicants and their Highways consultants Trace Design have never considered that vehicle traffic travelling to the livestock collection centre from Axminster will in most likelihood exit the A35 onto the minor service lane past the Bishops Tower to Tower Road. Trace Design have not mentioned this lane at all in either their original transport statement or their addendum statement. They have chosen not to address or answer the Parish Council's previously submitted concerns in this respect.

As regards the site layout plan, whilst a permeable surface has been specified on the plan to overcome the problem of mud carried on to the road there is no mention of how the storm water run-off will be dealt with from the roof of the large shed and the concrete road way and although the extra track will be permeable the clay sub soil in this area will not allow the water to drain away.

There needs to be a storm water attenuation tank included in the plans into which storm water is piped and stored, the tank will have a relatively small outlet pipe and a water brake which only allows a regulated amount of water into the local ditches to avoid flooding.

The Parish Council would also point out that the site layout plan is incorrect in that it shows a small barn building which has actually been demolished and does not show the proposed farm dwelling for which planning permission was granted on the 31st March 2021 (Planning Reference No. 20/1039/FUL). The plans and information submitted for that planning application showed that the old field gate entrance at that point was to be used for access to that dwelling only and not for agricultural vehicle access to the field. In view of the fact that the proposed livestock collection centre will be totally enclosed from the field, the question arises as to how the farmer will gain access to the field and the large new replacement barn he is in the process of erecting. This is a material fact which needs to be addressed and answered in the consideration of the planning application for the livestock collection centre.

In conclusion, Offwell Parish Council continues to object to this application.

Comments on amended scheme:

Offwell Parish Council resolved at a meeting on the 8th December 2021 to object again for a second time to this application on the following grounds:-

Highways & Transport Issues

The applicants submitted an addendum to Transport Statement from Trace Design who had been commissioned by them to respond to the objections raised by Devon Highways Authority and Offwell Parish Council. The stated brief of the addendum was to respond and rebut the objections and provide additional information as applicable.

The Parish Council has studied the addendum in detail and do not believe that it rebuts the objections raised by the Parish Council and the Highways Authority.

The Parish Council response to the addendum is by answering/correcting numbered paragraphs in it as follows with the words in italics being Trace Design's (TD's) own words as found in their report:-

2.1 *“Tower Road....allows for two cars passing each other at all times except from a very short section at the southernmost end.”*

This ignores the 10m section adjacent to the drive to Collwell House, the 80m section at Broad Park, and the 50m section at the garden centre. The majority of vehicle movements will be from the A35 at Tower Cross to the site, a distance of some 900m, livestock would be brought to the Collection Centre in cattle lorries or wide trailers often drawn by tractors. Using road widths supplied by Trace Design (TD) the sections of road where a large vehicle and car could pass is at best 41%, but for two lorries only 12%. Whilst there are a couple of errors in TD's survey, they now generally correlate well with the ones supplied by the Parish Council (see Appendix 1 attached), so Trace Designs analyse statement as shown above in italics is incorrect.

2.2 TD state that the single 90 degree bend in Tower Road adjacent to Cuckoo Down Lane is at least 5.5m wide and could *“allow the passing of two large vehicles”* However the swept path of a lorry does not allow any vehicle to pass a lorry at this location.

2.3 TD state that *“The third bend is located closer to the junction with Northleigh Hill Road and has a passing place on it to also allow the passing of two vehicles comfortably”*

This statement is totally incorrect. The bend is extremely difficult to navigate safely for two vehicles to pass particularly when one is a large vehicle or lorry and it is impossible when two large vehicles meet at this bend. On such occasions vehicles often queue up behind on one sides to and around the bend and on the other to the junction and onto Northleigh Hill road. To illustrate this point please refer to the photograph in the attached Appendix 4 showing how just one lorry can totally dominate the road width and prevent any vehicle from passing.

2.6 TD's own definition of a pinch point is given in Paragraph 2.8 of the original TS being 4.4 – 4.5m. Using the road widths supplied by TD the percentage of carriageway less than or equal to 4.5m is 47%, their proposal to create two passing places would therefore provide little benefit.

2.7 *“however these should not be considered as ‘pinch points’ as two cars can pass each other comfortably”*

None of the pinch points mentioned in the first paragraph above can accommodate two cars.

2.8 TD's on-site measurements compare closely with those already provided by the Parish Council which makes clear that Tower Road is demonstrably not *“more than suitable to accommodate the predicted traffic”*

The TS includes an extract from the Governments Manual for Streets Table 7.

The complete wording provided below that Table in the Manual is “Table 7.1 Illustrates what various carriageway widths can accommodate. They are not necessarily recommendations” conveniently this is omitted by TS.

2.14 *The Highway Authority did not raise an objection to the increase in vehicle numbers to and from the site under planning application reference 20/1039/FUL.”*

The planning application 20/1039/FUL was actually for a farm workers dwelling and the re-siting of a small shed. The Highway Authority quite correctly recognised that the increase in vehicle numbers from a private house would be insignificant.

2.15 *“With an average increase of 5 vehicles per day on a daily basis this is not considered to be severe....”*

Given that the Collection Centre will only be open two days a week the average traffic increase should not be averaged out over a whole week as TS have done but just the two stated days of operation.

2.18 The Parish Council upholds the view regarding the irrelevance of the use of the facility at Zeal Monachorum to predict the theoretical use of the calf rearing unit.

Even if the comparison was accepted the figures contained in Tables 4, 5 and 6 of the original traffic survey do not bear scrutiny. Table 4 shows movements of 6 full time workers who create 12 vehicle movements per day at Zeal Monachorum but the landowner, Mr Bamburger, has obtained planning permission for a farm workers dwelling on the site negating all these daily vehicle movements.

Had the calf rearing operation ever been in operation delivery of straw and removal of manure would surely have mainly come from the farm in Stoney Lane via Cuckoo Down Lane negating a further 10 weekly movements.

The 8 weekly loads of cattle by artic and smaller lorries would also not be required.

The net effect of the foregoing is to reduce the apparent daily movements in Table 6 from 15.03 to just 2.05. Stags provide the vehicle movements in Section 4.16 of the original traffic survey the maximum of which is 65, deduct 2 and the increase over and above the calf rearing unit would be 63.

Taken over a 3 hour period up until 10am *“with the livestock collected and removed from site shortly afterwards.”* As noted by Stags information paragraph 4, lets assume another hour.

Therefore, on a Monday morning there will be 16 vehicle movements per hour or one just under every 4 minutes. Add in commuter traffic between 8 and 9 on to a section of road which is only wide enough for two lorries to pass in 13% of its length and the only outcome will be chaos.

2.26 Trace Designs on site measurements do not show that a large percentage of the road capable of allowing a car and large vehicle to pass the percentage is 41%

Additionally the TS report fails to consider the problems caused by:-

1) lack of adequate visibility from circa 20 property or field entrances on to Tower Road.

2) lack of footways or flat verges to provide refuge for pedestrians, runners, dog walkers, horse riders, cyclists between the A35 and the site.

3) lack of traffic management entering and departing from the garden centre.

4) inadequate highway maintenance funds to deal with the damage which will be caused to the soft edges of Tower Road by large vehicles attempting to pass each other.

5) the effects of agricultural vehicles dragging mud on to the road when the *“compacted earth,”* on the ring road referred to on the site drawings of the livestock collection centre, becomes rain soaked and turns in to a quagmire with all the vehicle movements.

2.26 There is good correlation between the road width information supplied by TD and those attached to the Parish Council response with only a one percent variation. This

confirms that only 41% of Tower Road from the A35 to the site is suitable only to allow a lorry and car to pass and only 13% suitable for two lorries to pass.

Appendix 4 attached provides a selection of photographs showing large lorries and tractor with trailer on Tower Road which clearly demonstrate the lack of space which would be available for a car to pass let alone another lorry.

2.27 Appendix F (not D as stated) shows two passing places, both requiring the destruction of Devon hedge banks, the passing place adjacent to Broad Park is of insufficient length to contain an articulated lorry and only creates the bare minimum for two large vehicles to pass. No dimensions are provided by TD to accurately locate where it is intended to be constructed, and their plans are not drawn to scale. The Parish Council has tried to estimate as best as possible the exact location. Appendix 2 attached shows two possible locations for the passing place adjacent to Broad Park.

Location A assumes the passing bay would be sighted midway between existing trees so they would not be affected by the passing bay construction, however this is in one of the narrowest part of the road and would require the maximum amount of hedge destruction.

Location B Whilst it is always unwise to scale from drawings particularly given that the drawing they supply is not to scale. (Compare the 5.5m road width with the length of the bay 15m it should be approximately 3 times longer but it is not!) This location would be within the root spread of two trees, one being a mature oak and therefore unacceptable.

3.2 The Critical Analysis provided freely by a retired qualified Professional Highways Engineer to the Parish Council was unbiased offering no personal opinion and was professionally written to highlight errors and omissions in the Traffic Survey. In contrast to Trace Design, who were presumably employed by Stags to support their application.

3.3 TD's comments are erroneous and their description of Tower Road and it's usage bears no resemblance to the actual and true facts. Large vehicles and lorries often and regularly use Tower Road causing constraints and difficulties for other road users.

3.4 It is unclear why TD question the Highways Authority's definition of a pinch point when in Paragraph 2.8 of the original Transport Statement, TD define a pinch point as a 4.4 - 4.5m road width The road width data supplied by TD indicate five such locations between the A35 and the site.

3.5 TD's comments are yet again erroneous and bear no resemblance to the true situation. In places there is barely sufficient room for a pedestrian, dog walkers to stand as a large vehicle or lorry passes. The Parish Council wishes to refer the Planning Officer to the comments sent in by many persons which mention the safety hazards and concerns of pedestrians, dog walkers, runners and horse riders. Also the photographs in Appendix 4 attached clearly demonstrate the truth of the Parish Council's statement.

3.6 & 3.7 Again TD's comments are erroneous. There are skid marks and many vehicle drivers do NOT drive at low speeds and do NOT provide a safe environment for pedestrians and others.

3.8, 3.9 & 3.10 The traffic associated with the granted permission for the calve rearing unit is not comparable to the traffic which would be generated by the proposed

livestock Collection Centre and then obviously raises different Highways impacts and concerns.

Tower Road does NOT have the ample capacity to accommodate the additional vehicle traffic generated by the proposed development as claimed by TD.

3.11 Trace Design state that the edge erosion is *“based on a perception from the consultant preparing these comments, which are unjustified and unsupported by evidence.”*

Trace Design’s statement is totally false and demonstrates again that they have not undertaken a true and accurate assessment of Tower road. The evidence of the road edge erosion is clearly shown in Appendix 3 attached with photographs of 18 edge overrun /edge erosion locations identified in Tower Road.

Trace Design go on to explain that *“Devon County Council inspected this road on the 26/07/2021 as shown in **Figure 1** below. There are no improvements proposed on this road by Trace Design is aware of.”*

Figure 1 shown on page 14 is in fact a plan of Cuckoo Down Lane!!! This error together with other questionable conclusions drawn by Trace Design leads one to repudiate the accuracy of their submission in total, Could it have been just a desk top survey?

3.20 The Parish Council has obtained Dept. of Transport data on traffic accidents recorded by Police Officers over the last 20 years. The data showed the proliferation of accidents on the A35 between Devils Elbow and the Mount Pleasant junction and along the length of Tower Road from the A35 to the golf course junction. It is clear from this information that the majority of accidents in this area are concentrated at Tower Cross on the A35 and to a slightly lesser extent at Devils Elbow and Mount Pleasant near the A35 junction to Offwell and minor lane past the Bishops Tower. The other black spot is centred at the other end of Tower Road at its junction with the Northleigh Road together with several accidents in Tower Road itself, particularly at the Tower Road/ Springfield Lane /Unnamed minor lane crossroads junction.

As regards the A35, the Parish Council have previously approached the Highways England to consider imposing a speed limit on this section of the A35 or installing speed cameras due to safety hazards caused by speeding vehicles at junctions such as Tower Cross and the Offwell junctions.

It is Parish Councils overwhelming belief that the accidents statistics will indisputably increase should the Livestock Collection Centre become a reality.

3.12 The development in Zeal Monachorum is of no relevance whatsoever in consideration of this planning application and comparison of the traffic levels for the granted the calving unit with the proposed livestock collection centre.

3.16. 3.17 & 3.18 Whilst TD admit to errors in the Transport Statement they somehow still come to the unbelievable conclusion that the proposed development would result in an increase of less than 1 vehicle trip per day (based on a 7 day working week). This is totally erroneous and misleading particularly with statements by both Stags and TD showing that at present the Livestock Collection centre only operates on two days of the week.

3.22,3.23 & 3.24 The Parish Council totally refute TD’s statements in these paragraphs and how they arrive at their conclusions.

The Parish Council state that the following comments from the Parish Council’s previous critical analysis are still valid and correct:-

The access has had little use over several years save for the grazing of sheep and cultivating crops in the field behind the existing shed.

The proposal requires uprooting a significant length of well-established Devon hedge bank in an Area of Outstanding Natural Beauty.

It has been shown above that the figure of just 5 trips per day is wrong. Stags summary attached to this application details 45,000 head of sheep, 2600 head of cattle and 2000.

Trace Design in their response have completely ignored the concerns expressed by the Parish Council in relation to the minor service road from the A35 past the Bishops Tower to Tower Road. It was not considered in their original Transport Statement or in their response statement. This omission, together with lack of details and the various errors in both documents clearly demonstrates that they have NOT conducted a full and thorough assessment of the local highway network and the impact of the vehicles associated with the planning application.

The detailed documents and responses submitted by the Parish Council clearly show that Tower Road is not a suitable location and that the additional traffic generated by the proposal would create many traffic problems along both Tower Road and the minor service road. These two rural roads are restrictive in width with few passing places which are in the main private entranceways, poor visibility splays and no pavements. Both roads are well used by walkers, joggers, cyclists and horse riders and the additional traffic of large livestock lorries and 4x4 or tractors with livestock trailers would create extra problems and dangers for these users.

Another consideration is that the farmers take their animals to the livestock collection centre in their own vehicles and trailers. Some may take only a few animals, others a lorry full. but there will certainly be a lot of vehicle movements on each of the two mornings taking into account the annual throughput of animals. The applicants have still not produced any evidence and details of the traffic movements in and out of the existing centre over the last 5 years. This information should have been presented with their application as it must be readily available from their records.

East Devon Local Plan 2013-2031

The Parish Council still consider that the application proposal is contrary to: _

Strategy 7 (Development in the Countryside)

Strategy 28 (sustaining and Diversifying Rural Enterprises)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Policy D8 (Re-use of Rural Buildings Outside of Settlements)

Policy RC6 (Local Community Facilities)

TC7 (Adequacy of Road Network and Site Access)

The Parish Council would also add that the permission for the Building of the Calf Unit was only granted in January 2017.

The Planning Officer's report stated that "*Policy D8 of the Local Plan permits new agricultural building subject to demonstration of agricultural need and a number of criteria relating to design and landscape impact; amenity impact; there are no other building that could meet the need; acceptable traffic impact, and; suitable drainage. The building was required to enable the expansion of the calf stock reared on the farm from 200 to 400 and to allow separation of different age groups as well as handling and vehicle movement within the building. A detailed justification statement has been provided in support of the application. Subject to consideration of other issues the proposal is considered to be acceptable in principle under D8.*"

The Building was subsequently constructed in the last 24 months and in June 2020 an application was made by the farmer for a farm workers dwelling which was granted on the 31st March 2021. That planning proposal was within the countryside where isolated dwellings require special circumstances. Special circumstances existing within paragraph 79 of the NPPF and policy H4 of the local plan for the creation of rural workers dwellings where an essential agricultural needs can be established. Focusing this essential need the EDDC Local Plan Policy H4 lays out the criteria relevant for establishing this essential need.

The farmer had to present justification again of the agricultural need/ financial viability of the farming enterprise and the need for an agricultural worker's dwelling onsite for animal welfare reasons. Confidential accounts and documentation was provided to the planning officer to confirm the financial viability of the farming enterprise going forward and the justification for the dwelling.

The present application is now for a change of use to a livestock collection centre by another party (Stags). This is in direct contravention of Policy D8 on a number of matters

The Parish Council is of the opinion that the application does still undermine the granted permission for the calving unit and is contrary to the National Planning Policy Framework (NPPF) and the various EDDC Local Plan policies.

The proposed use will harm the countryside by way of Traffic with an unacceptable increase in traffic on the local highway network which is unsuitable for this increase, and be detrimental to the amenity of nearby residents.

The transport addendum includes the proposal for two passing places to be constructed, both requiring the destruction of Devon hedge banks. The passing place adjacent to Broad Park would almost certainly entail the removal of a large section of Devon bank and would impact on or necessitate the removal of mature Oak trees. These trees and that Devon bank are known to be important and significant feeding habitats for Owls and Bats. Policy D8 clearly states that applications for the reuse of rural buildings should be accompanied by the results of a combined bat and owl survey. This has not been done and should have been done as the proposed passing places will impact on the feeding/roosting habitats of these important wildlife species. In addition Bats are protected by legislation and this includes protection of existing foraging /commuting habitats. Planning authorities have a legal obligation to consider whether bats are likely to be affected by a proposed development. The authority should request that the applicants commission an appropriate bat and owl survey and should not consider the application until sufficient information on bats is available to them.

Environmental Impact

The Parish Council note that an Environmental Impact assessment has not been submitted but are of the opinion that one should be requested for the following reasons:

- 1) The site is in open countryside, outside the Built-Up Area Boundary and within an AONB.

- 2) The proposed change of use will result in detrimental impacts on residential amenity particularly from the extra traffic along Tower Road and the minor service road and the type of vehicles involved. Livestock vehicles and trailers are notorious for the loud rattling noise they create both when loaded with animals and empty.

The applicants state in their Design and Access statement that modern livestock vehicles are equipped with quiet hydraulic ramp systems and that will result in minimal noise arising from loading/unloading animals.

Whilst this may possibly apply for collection lorries, this would not be the case for the farm vehicles with trailers and there would be considerable noise during the unloading of animals.

- 3) The applicants state that they will install a 84,000 litre effluent tank for waste and drainage and that there would be a washout area to allow vehicles to disinfect prior to making a return journey or prior to loading new animals. Also that after each collection day the building and surrounding impermeable areas will be washed down thoroughly with water which will drain into the effluent tank system.

Furthermore, they state the effluent from this 84,000 litre tank system will be spread on the farmland during appropriate periods or tankered away.

However, no assessment has been made of the environmental impact of either a leak of this effluent with it's disinfectant chemicals or from when it is spread on the land.

The Parish Council is particularly concerned about the effluent affecting the water quality in the nearby Offwell Woods and its stream and ponds. These woods and it's water system of streams and ponds are recognised as areas of significant biodiversity and wildlife importance. Any changes in nutrient levels or effects from the disinfectants used resulting from an effluent leakage or from being spread on the land could adversely affect the water quality. The water in the Offwell Woods system originates from the various field ditches around and below the site of the proposed livestock collection centre.

The Parish Council would request that the applicants be requested to submit an ecological report on the impact of the proposal. Also that EDDC Planning notify the Forestry Commission (the owners and managers of Offwell Woods) of the planning application and request them to comment.

Site Re-Location of the Livestock Collection Centre

The Parish Council are aware that the existing Livestock centre has to be relocated from it's existing Honiton Silver street location but are of the opinion that the proposed application site on Tower Road is totally unsuitable.

Whilst the Parish Council acknowledge the importance of the existing livestock collection centre to farmers within the East Devon, South Somerset and West Dorset, it should be relocated to a more suitable site.

The applicants state in their Design and Access statement that since 2019 they have investigated and considered multiple alternative sites but that none were found to be suitable. The proposed site in Offwell was considered in their opinion to be the most suitable site.

They have now provided some brief details of their search for an alternative site and the reasons why other sites (other than the proposed site at Offwell) were considered to be unsuitable.

Due to lack of knowledge of the other sites, the Parish Council are unable to comment on those other than the Honiton Showground site.

The Parish Council are sceptical of their statements about the unsuitability of that site for the following reasons:-

1) A parishioner has spoken to Mr Ben Moore, the Chair of the Association who said that the Association had not been formally approached by Stags to explore and fully discuss the possibility in detail the possibility of the Collection Centre relocating to the Showground Site.

2) Stags state that there is no existing building or infrastructure and no services or drainage and that the costs were prohibitive

Whilst the Parish Council accept that there is no existing building on the site and the costs would be substantial, Stags cannot have given serious consideration to these matters if they dismissed this potential site without having held formal discussions with the Association.

Whilst the costs of a new building would be substantial, surely Stags as a large multi-million Company should be prepared to invest in a new site for one of their commercial business operations. Any such investment could have been accompanied by asking their 450 vendors who use the existing site to be part of a Cooperative investment in the new site. (a sum of £500 from each vendor would raise in excess of £225,000). This coupled with an investment from Stags itself and the possibility of available grants would easily have provided the funding for the new building and associated costs.

3) One would reasonably assume that as part of their consideration of the Showground site that they would have spoken to Honiton town Council to seek their assistance.

However, when the Parish Council contacted Honiton Town Council about this application, it was surprised to learn that the applicants had never contacted the Town Council to advise them that they were searching for a new site and to seek the Town Council's assistance.

4) The Parish Council is of the opinion that the ideal location for the Collection Centre is the Honiton Showground. It is ideally located with excellent access off the A30. It and both the surrounding minor service road network and A30 are fully capable of safely handling a large number of vehicles including large lorries and vehicles with trailers. This is clearly evidenced on and around the date of the annual Honiton Show when it has many hundreds of vehicles of all types and sizes to safely accommodate.

The Showground site is a 140 acre site owned by the Honiton & District Agricultural Association who purchased it in 2003. The Association is a registered Charity with charitable objectives inclusive of the aims to promote Agriculture, and industry in Agriculture and industry in general.

Whilst there is no existing suitable building on the site, it is possible that one could be built subject to planning permission being approved, which would be beneficial for not only Stags but also the Association as it would provide a regular income.

Stags in addition to their additional information statement also provided plans of the proposed Livestock Collection Site. These plans were clearly not correct as the new Farm Storage Barn for which permission had been granted and was presently being constructed was not included on the plans when in fact it's position impinged into the area of the site. The Parish Council on sight of the plans immediately drew the Planning Authority's attention to this matter and at their request Stags subsequently submitted a revised plan. However, this demonstrates the lack of information and correct detail associated with the submission of this planning application.

Stags have also made reference to the fact that the Collection Centre would have to comply with certain legislation and be annually licensed by both the AHDB and the local authority animal health department. The legislation contains certain requirements and Parish Council request that the Planning Authority seek confirmation from both these statutory bodies that the submitted proposed site plan would meet these requirements. In this respect the Parish Council are concerned about the following matters:-

a) As regards that no external/other livestock can be located on or immediately adjacent to the site. The landowner has previously grazed sheep on the field and there is no mention as to what the field will be used for and what purpose the farm storage barn which is immediately right next to the site will be used for. There is no mention if that building would have any form of communication entry into the site.

Also another farmer who owns the field immediately opposite the entranceway to site regularly grazes cattle in that field.

b) The plan shows that the one way vehicle circulation around the building within the site will be a compacted earth field perimeter access track. This as mentioned by both the Highways Authority and the Parish Council will turn into a muddy quagmire when it is rain soaked. The Parish Council are concerned about mud being transferred onto the Highway but also the possible bio security hazards of disease transmission from vehicle to vehicle as they travel through the same mud. Surely this vehicle circulation route should be concrete in order to minimise/eliminate this risk and be capable of being washed down. If so, this could produce more effluent , surfacing run off and washing off water being produced necessitating more tankering way journeys and/or more spreading on the land at appropriate times.

c) Also the lorry washout is situated at the start of the circulation route. Surely it should be situated at the other side of the building on the exit side.

Finally, the Parish Council wish to say that it recognises that Offwell is a rural parish and has always been supportive of the farming community within and immediately surrounding the Parish.

In fact, the Parish Council supported the planning application for the erection of the Calf Rearing Livestock Building and only made constructive comments in relation to the planning application for the erection of the replacement farm storage building.

It appreciates the importance of the Livestock Collection Centre to the farming community within East Devon, South Somerset and West Dorset but must object to this planning application as Tower Road is an unsuitable location for all the above mentioned reasons.

Original comments:

Offwell Parish Council resolved at a meeting on the 26th July 2021 to object to this application on the following grounds:

Highways & Transport Issues:

The applicants submitted a Transport Statement from Trace Design who they had commissioned to prepare a technical statement to support the planning application.

The Council do not believe that Trace Design fully considered and assessed the roads which would be affected by the proposed application and the traffic generation issues and impact on other road users and the local community.

The Council were concerned by the lack of detail in some respects, interpretations of the proposed vehicle trip generation and the total omission of the minor service road from the A35 past the Bishops Tower to Tower Road. This narrow lane is used by many vehicles from the Axminster direction as a quicker access route off the A35 to get on to Tower Road.

The Council were so concerned that they asked a professionally qualified local resident to conduct a critical analysis of the Trace and Design Transport Statement and also a survey of the road widths in both the above minor service road and Tower Road from the A35 to the proposed site taken at 20 metre intervals. The resident has been a Chartered Civil Engineer for 39 years and has been involved in the design, construction and maintenance of highways and structures for most of his career having worked for Devon County Council for 23 years and South West Highways Ltd for 20 years.

The Council were also concerned that Trace and Design had not properly assessed the existing amount of traffic along Tower Road, instead merely stating that it was lightly trafficked. The Council felt that this was an important consideration and therefore organised a detailed traffic count on both the above mentioned minor service road and Tower Road.

This was conducted on Monday, 2nd August 2021 for a 8 hour period from 8.00am to 4.00pm.

The survey showed that there were :-

427 traffic movements in the 8 hrs along Tower road averaging 53 per hour.

164 traffic movements in the 8 hours along the minor service road averaging 20 per hour

(the movements are inclusive of vehicles, pedestrians, cyclists and horse riders)

It should be noted that these two traffic counts took place on the School Holiday period and also on the first week of the main Summer holidays period and as such the level of traffic was less than that normally experienced on this particular minor road network.

We attach herewith copies of the following documents :-

- a) Critical Analysis of the Trace and Design Transport Statement
- b) Road Width survey of Tower Road and the Minor service road.

These documents clearly show that Tower Road is not a suitable location and that the additional traffic generated by the proposal would create many traffic problems along both Tower Road and the minor service road. These two rural roads are restrictive in width with few passing places which are in the main private entranceways, poor visibility splays and no pavements. Both roads are well used by walkers, joggers, cyclists and horse riders and the additional traffic of large livestock lorries and 4x4 with livestock trailers would create extra problems and dangers for these users.

Another consideration is that the farmers take their animals to the livestock collection centre in their own vehicles and trailers. Some may take only a few animals, others a lorry full. but there will certainly be a lot of vehicle movements on each of the two mornings taking into account the annual throughput of animals. The applicants have not produced any evidence of the traffic movements in and out of the existing centre over the last 5 years. This information should have been presented with their application as it must be readily available from their records.

East Devon Local Plan 2013-2031

The Parish Council consider that the application proposal is contrary to: _

Strategy 7 (Development in the Countryside)

Strategy 28 (sustaining and Diversifying Rural Enterprises)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Policy D8 (Re-use of Rural Buildings Outside of Settlements)

Policy RC6 (Local Community Facilities)

TC7 (Adequacy of Road Network and Site Access)

The Parish Council would also add that the permission for the Building of the Calf Unit was only granted in January 2017.

The Planning Officer's report stated that 'Policy D8 of the Local Plan permits new agricultural building subject to demonstration of agricultural need and a number of criteria relating to design and landscape impact; amenity impact; there are no other building that could meet the need; acceptable traffic impact, and; suitable drainage. The building was required to enable the expansion of the calf stock reared on the farm from 200 to 400 and to allow separation of different age groups as well as handling and vehicle movement within the building. A detailed justification statement has been provided in support of the application. Subject to consideration of other issues the proposal is considered to be acceptable in principle under D8.'

The Building was subsequently constructed in the last 24 months and in June 2020 an application was made by the farmer for a farm workers dwelling which was granted on the 31st March 2021. That planning proposal was within the countryside where isolated dwellings require special circumstances. Special circumstances existing within paragraph 79 of the NPPF and policy H4 of the local plan for the creation of rural workers dwellings where an essential agricultural needs can be established. Focusing this essential need the EDDC Local Plan Policy H4 lays out the criteria relevant for establishing this essential need.

The farmer had to present justification again of the agricultural need/ financial viability of the farming enterprise and the need for an agricultural worker's dwelling onsite for animal welfare reasons. Confidential accounts and documentation was provided to the planning officer to confirm the financial viability of the farming enterprise going forward and the justification for the dwelling.

The present application is now for a change of use to a livestock collection centre by another party (Stags). This is in direct contravention of Policy D8 condition 5 in that it will undermine the viability of an existing agricultural enterprise (the ongoing viability and need of which has only just been proven to the planning authority) or require a further replacement building to fulfill the same function.

The Parish Council also feel that the proposed change of use and loss of the permitted calf rearing unit for an existing viable farming business would be contrary to the National Planning Policy Framework (NPPF)

Environmental Impact

The Parish Council note that an Environmental Impact assessment has not been submitted but are of the opinion that one should be requested for the following reasons:

1) The site is in open countryside, outside the Built-Up Area Boundary and within an AONB.

2) The proposed change of use will result in detrimental impacts on residential amenity particularly from the extra traffic along Tower Road and the minor service road and the type of vehicles involved. Livestock vehicles and trailers are notorious for the loud rattling noise they create both when loaded with animals and empty.

The applicants state in their Design and Access statement that modern livestock vehicles are equipped with quiet hydraulic ramp systems and that will result in minimal noise arising from loading/unloading animals.

Whilst this may possibly apply for collection lorries, this would not be the case for the farm vehicles with trailers and there would be considerable noise during the unloading of animals.

Also the applicants do not state how early in the morning, the farmers would start arriving at the site. This information should have been provided.

3) The applicants state that they will install a 25,000 litre effluent tank for waste and drainage and that there would be a washout area to allow vehicles to disinfect prior to making a return journey or prior to loading new animals. Also that after each collection day the building and surrounding impermeable areas will be washed down thoroughly with water which will drain into the effluent tank system.

Furthermore, they state the effluent from this 25,000 litre tank system will be spread on the farmland during appropriate periods or tankered away.

However, no assessment has been made of the environmental impact of either a leak of this effluent with it's disinfectant chemicals or from when it is spread on the land.

The Parish Council is particularly concerned about the effluent affecting the water quality in the nearby Offwell Woods and its stream and ponds. These woods and it's water system of streams and ponds are recognised as areas of significant biodiversity and wildlife importance. Any changes in nutrient levels or effects from the disinfectants used resulting from an effluent leakage or from being spread on the land could

adversely affect the water quality. The water in the Offwell Woods system originates from the various field ditches around and below the site of the proposed livestock collection centre.

The Parish Council would request that the applicants be requested to submit an ecological report on the impact of the proposal. Also that EDDC Planning notify the Forestry Commission (the owners and managers of Offwell Woods) of the planning application and request them to comment.

Site Re-Location of the Livestock Collection Centre

The Parish Council are aware that the existing Livestock centre has to be relocated from its existing Honiton Silver street location but are of the opinion that the proposed application site on Tower Road is totally unsuitable.

Whilst the Parish Council acknowledge the importance of the existing livestock collection centre to farmers within the East Devon, South Somerset and West Dorset, it should be relocated to a more suitable site.

The applicants state in their Design and Access statement that since 2019 they have investigated and considered multiple alternative sites but that none were found to be suitable. The proposed site in Offwell was considered in their opinion to be the most suitable site.

However, they have produced no documentary evidence to support their statement of them making an arduous search for an alternative site.

The Parish Council are sceptical of their unsupported statement for the two following reasons:-

1) One would reasonably assume that in their searching for a site that they would have considered available sites in and around Honiton such as on the Heathpark Industrial Estate and land sites West of Hayne Lane.

It would also be reasonable to assume that as part of their search, they would have spoken to Honiton Town Council to request their assistance in locating a new suitable site.

However, when the Parish Council contacted Honiton Town Council about this application, it was surprised to learn that the applicants had never contacted the Town Council to advise them that they were searching for a new site and to seek the Town Council's assistance.

2) The Parish Council is of the opinion that the ideal location for the Collection Centre would be on the Honiton Showground. It is ideally located with excellent access off the A30. It and both the surrounding minor service road network and A30 are fully capable of safely handling a large number of vehicles including large lorries and vehicles with trailers. This is clearly evidenced on and around the date of the annual Honiton Show when it has many hundreds of vehicles of all types and sizes to safely accommodate. The Showground site is a 140 acre site owned by the Honiton & District Agricultural Association who purchased it in 2003. The Association is a registered Charity with charitable objectives inclusive of the aims to promote Agriculture, and industry in Agriculture and industry in general.

Whilst there is no existing suitable building on the site, it is possible that one could be built subject to planning permission being approved, which would be beneficial for not only Stags but also the Association as it would provide a regular income. Obviously, funding for the building costs would have to be found.

A parishioner has spoken to Mr Ben Moore, the Chair of the Association who has said that the Association has not been approached by Stags but would welcome such an approach in order to explore the possibility of the Collection Centre relocating to the Showground Site.

The Parish Council would request that the Planning Authority ask Stags to submit full documentary evidence of their arduous search for an alternative site. Also that they are requested to contact the Honiton & District Agricultural Association to discuss and fully explore the possibility and opportunities afforded by the Livestock Collection Centre relocating to the Showground site.

Finally, the Parish Council wish to say that it recognises that it is a rural parish and is supportive of the farming community within and surrounding the Parish. In fact, the Parish Council supported the planning application for the erection of the Calf Rearing Livestock Building and only made constructive comments in relation to the planning application for the erection of the replacement farm storage building. However, the Parish Council objects to the present application for the Change of Use to a Livestock Collection Centre, as the site on Tower Road is totally unsuitable for all of the above mentioned reasons.

Attachments

No 1

Proposed Animal Collection Centre, Tower Road, Honiton
Critical Analysis of the Transport Statement prepared by
Trace Design commissioned by Stags

The following notes have been prepared to question certain details contained in the above statement which has been prepared in support of the proposal to install an animal Collection Centre in an Area of Outstanding Beauty on the outskirts of Honiton. The proposal will generate additional traffic on a rural minor road which threads its way through the hamlet of houses adjacent to the Bishop's Tower at Tower Cross. The numbering system refers to the paragraphs in the statement.

1.5 States that the report is considered to be a 'fair and unbiased appraisal of the traffic and highways issues arising due to the proposed developments' However, the first paragraph of the Summary, 5.1, on page 29 also states that the report was 'commissioned by Stags to prepare a Transport Statement (TS) to support a planning application' Clearly the report is, in parts, misleading and could have been based on more factual information.

2.5 Tower Road carries large vehicles such as those which supply hay to the Donkey Sanctuary facilities just beyond the golf course and at Weston near Sidmouth. It provides a convenient short cut for all forms of transport from the A35 to the A375 and the A3052 coast road via Farway Common.

2.8 The report omits the fact that there are 8 pinch points less than 4.8m wide (suitable for only one lorry to pass) between the A35 and the proposed site, the narrowest being just 3.8m wide.

2.10 Tower Road has become a popular walking and cycling route. In places there is barely sufficient room for a pedestrian to stand as a lorry passes by.

2.31 The accidents statistics can only be accumulated from reported accidents; it is reasonable to assume that they only represent a proportion of the number of actual accidents which take place. There is no mechanism for recording near misses. Whilst the recording of near misses is a requirement in industry by the HSE this does not apply to the public highway. The proliferation of skid marks on Tower Road bear witness to many unrecorded near misses.

2.33 The site is midway between two blind bends, the opportunity to gather speed at the section of road near the site is limited.

3.7 The Highway Authority were unlikely to object because the site has never been used as a calve rearing unit.

3.10 Whilst the composition of the traffic using the site may be related to agriculture, the fact that the site has rarely ever been used means that any future development would lead to a significant increase in traffic.

3.11 The negligible impact refers only to the site entrance not to Tower Road as a whole.

3.22 The carriageway width on Tower Road from the A35 to the site averages just 4.8m and will be significantly affected by extra journeys. Furthermore, there are several lengths of soft verges which are currently subject to overrun by large vehicles, this in turn leads to erosion of the unsupported edge of the road construction exacerbated by lorries attempting to pass each other where no metaled road surface exists.

4.4 If it is alleged that Tower Road is considered to be only lightly trafficked then the extra vehicle movements will have a greater impact.

4.7 The development in Zeal Monachorum bears no relation to this proposal it was for beef fattening and sheep farming. Both agricultural enterprises requiring feeds and slurry clearance over a period of months. This proposal is a commercial in nature to facilitate the transfer of animals bought and sold elsewhere, their stay at the site amounts to short stays only, the comparison is erroneous.

4.15 Under the sub heading of Proposed Development the vehicle traffic generated varies from 45 to 65 trips in main season to 30 to 35 trips per day in the off-season.

4.19 In Table 7 the last line of Existing use should read 105 however net impact figure should be zero not -105 therefore Net Impact is 111 weekly trips which approximates with the maximum trips in 4.15 above.

4.20 Inexplicably, the figure in Table 7 is reduced to 31 from 36 and then divided by 6 working days to give a figure of just 5 vehicle trips a day?? Clearly, this should be 111/2 giving 55 trips per a factor of ten adrift. Crucially the incorrect figure of 5 trips per day is carried forward to the Summary in 5.16.

5.5 The study refers to accidents where personal injury is involved there must be more incidents where personal injury is not involved. The analysis on the A35 is limited to a small area around the crossroads at Tower Cross however there are many serious accidents at the sharp bend immediately to the north of the junction known locally as Devil's Elbow. These accidents are often caused by queuing traffic backing up from Tower Cross. To the south the junction at Mount Pleasant has seen several bad accidents over the years.

5.8 The access has had little use over several years save for cultivating crops in the field behind the existing shed.

5.9 The proposal requires uprooting a significant length of well-established Devon hedge bank in an Area of Outstanding Natural Beauty.

5.16 It has been shown above that the figure of just 5 trips per day is wrong. Stags summary attached to this application details 45,000 head of sheep, 2600 head of cattle and 2000 head of calves per year, giving a weekly number of 900 sheep 52 cattle and 40 calves. It is highly unlikely that nearly a thousand animals would generate just 5 trips a day.

In summary

Between the A35 and the proposed site there are 20 points of vehicle access on to Tower Road plus one footpath. They consist of a minor crossroads at the end of Springfield Lane and a minor lane leading up from the A35, main road traffic often use this lane when approaching from the Axminster direction coming off the trunk road at speed into a lane that only measures 2.8m wide over a considerable length. A traffic count took place between 8am and 4 pm on 2nd August. Tower Road carried a total of 427 vehicles and the minor road from Mount Pleasant carried 131, (See spread sheets of traffic movements). This minor lane has three private entrances all with insufficient visibility, farmers approaching the Centre from Axminster are quite likely to use this short cut. Both this lane and Springfield Lane have inadequate visibility on to Tower Road.

There is tee junction at the end of Cuckoo Down Lane which is located adjacent to a blind bend in Tower Road. There are 7 field entrances, 5 driveways to private houses, 2 accesses to farms, an entrance to a South West Water reservoir, an entrance to a popular garden centre where there is inadequate visibility and the road is just 4.4m wide, and finally an entrance to a Caravan Club site adjacent to Springfield Farm. Many of these driveways are used as pull ins by vehicles to allow oncoming traffic to pass.

The traffic count carried out by Trace Design will not have included customers to the garden centre but they obviously they do use the lower end of Tower Road and the junction on to the A35.

Based on the requirement to have reasonable visibility from a point 2.4m back from the edge of the road there is only one field entrance adjacent to the A35 junction which would conform to this requirement the other 19 entrances on to the road have inadequate visibility. (See Spread sheet attachment showing road widths between the A35 and the proposed site).

Between the proposed site and the junction with the Farway Road which again has insufficient visibility to the right, there are two significant pinch points, one at the entrance to Colwell House and the other adjacent to the golf club just beyond a sharp blind bend. From the junction with the Farway Road there are entrances to Honiton Golf Club property on each side of the road, only metres away.

This proposal refers to the current situation which clearly Stags wish to develop in the future, it is quite conceivable their Agricultural Sales also would be moved to this location as well. Currently Stags use the Honiton Show Ground for such sales this would seem an ideal location to place the new Collection Centre, it enjoys excellent access off the trunk road network via two-way roads, it would not affect private property and is nearer the town centre. The Honiton and District Agricultural Association whose logo is 'Where farming comes first' would benefit from the income derived from the Centre and would satisfy it's aim to 'promote agriculture and associated industries' The safety of the travelling public whether on foot, cycle or vehicle together with the residents in Tower Road and their visitors will be severely compromised by this ill thought-out proposal.

Steve Guilbert BSc. CEng. MICE

The author of this report has been a Chartered Civil Engineer for 39 years, he has been involved in the design, construction and maintenance of highways and structures for most of his career having worked for Devon County Council for 23 years and South West Highways Ltd for 20 years. Currently he is employed by a piling and rock drilling company as a part time health and safety adviser.

No 2

Surveys of road widths and accesses on Tower Road A35 to Collection Centre and on the Minor Service Road

This attachment is being submitted separately by email to EDDC Planning

Adjoining Parish (Honiton Town Council)

Most recent comments:

Honiton Town Council CONTINUES TO OBJECT to the application for the following reasons:

- o The amended plans received do not alter Honiton Town Council views on the application.
- o Honiton Town Council agrees with the objections raised by Offwell Parish Council and Devon County Highways.
- o Honiton Town Council notes that planning application 20/2410/MFUL - Demolition of existing structures and redevelopment to form 57 retirement living apartments for older persons including communal facilities, parking and landscaping - Honiton Cattle Market, Silvert Street, Honiton has been refused on appeal by the Planning Inspectorate.
- o As such Honiton Town Council is of the view that this application is no longer justified.

Technical Consultations

Devon County Highway Authority

Most recent comments:

22.02.22

I'm very happy with the proposed Highway Conditions 4 and 5. Thank you.

Earlier comments:

10/02/2022

The CHA has been re-consulted on the 24/01/2022 with amended plan P02 Rev P11. This plan also highlights the position of the proposed Passing Bays in blue.

I have also been sent the most recent Consultee Response from the Parish Council including a CAD drawing of:

P02 Revision P11

This plan still shows half of the Vehicle Circulation Route to be of a permeable surface and the position of Lorry Washout facility to be logically at the wrong location.

If the permeable surface is still proposed to be compacted soil this surface would still be likely to be tracked out onto the highway which could make the highway unsafe.

The proposed Lorry Washout facility is located at the start of the Vehicle Circulation Route, it should be located near or just before the exit from the site so that any (compacted mud) can be washed off before re-entering the highway. I do not think that lorry drivers will reverse into the washout facility where it is proposed.

Consultee Response from the Parish Council:

I have read the Parish's response and I'm afraid I cannot agree with their proposed CAD plan for a passing bay. Their plan shows what would be required for an off-line 'Parking Bay' and not what is normally required as a 'Passing Bay'.

Passing bays on country roads normally take the form of widening's in the road to allow for a large vehicle to pass or be passed by another vehicle coming in the other direction. These often take the form of widening's at existing accesses to fields or properties or can be engineered (as proposed) where there are particular narrowing's or pinch-points in the existing highway. They are usually informal in nature and not intended to be places where vehicles can park, as the Parish's CAD plan.

Conclusion

The plans before me do not change my recommendation in that the proposed compacted earth (permeable or not) and the location of the proposed vehicle washout in the wrong place will lead to mud and detritus being dragged onto the highway, this is contrary to NPPF 111 that could lead to an unacceptable impact on highway safety.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, RECOMMENDS THAT PERMISSION BE REFUSED FOR THE FOLLOWING REASONS

1. NPPF 111 Development should be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.

Comments on amended scheme:

18/11/2021

The CHA has been consulted on Amended Plans and an Addendum to Transport Statement (published 15/Nov 2021), and has the following comments:

Addendum to Transport Statement

"It is also worth noting that a car and a large vehicle can pass each other for well over 50% of that length and that wider sections of the road and a number of passing places allow for two vehicles passing each other."

1.1 This indicates that for up to 50% of Tower Road may not be suitable for a car and a large vehicle to pass each other. While there are wider sections of the carriageway and a number of informal passing places, these wider sections do not have a road marked centre-line nor are any of the passing places marked as such.

"It is worth noting that there are three bends along the whole extension of Tower Road, with only one of them on the section between the A35 and the site access, with a carriageway width of 5.5m which would allow the passing of two large vehicles and comfortably that of a large vehicle and a car"

1.2 As the CHA has already stated and it is agreed by the applicant that Tower Road is subject to the National Speed Limit of 60mph. Two of the bends on the road are close to the application site. The most southerly bend does not have any warning sign for vehicles approaching it from the south, although it does have a warning bend sign for traffic approaching from the north, past the site. The other bend near the site does not have any bend warning signs, although there is evidence of vehicle overrunning the verge on its approach from the north and the presence of road edge markers indicates the hazard of the roadside drainage gully. The applicant comments that there is only one bend between the site and the A35

however, there is no proposed routing for traffic using the site so large vehicles can approach from either direction. The carriageway width of 5.5m at this bend is assumed to be sufficient for two large vehicles to pass each other on this road however, the 5.5m assumption is taken from Figure 7.1 in Manual for Streets 1 that "illustrates what various carriageway widths can accommodate. They are not necessarily recommendations". 7.2 Street Dimension 7.2.2 of MfS 1 says "Carriageway widths should be appropriate for the particular context and uses of the street. Key factors to take into account include: the volume of vehicular traffic and pedestrian activity; the traffic composition; the design speed; the curvature of the street (bends require greater width to accommodate the swept path of larger vehicles)". Whilst the CHA does not consider that this bend should be widened it contends that it would be difficult for two large vehicles to pass each at this point.

1.3 The applicants Highway Consultant still does not seem to understand that 'Vehicle Speed Measurement on All purpose Roads' DMRB TA 22/81 is not the current advice for the measurement of vehicle speeds on the highway. It is not the case that DMRB TA 22/81 has been superseded by DMRB CA 185, which they say is only for trunk roads, it is the fact that DMRB TA 22/81 has been done away altogether and therefore even though DMRB CA 185 is specifically for trunk roads it is the only advice available for all roads.

The CHA does not wish to over-labour this distinction because in performing the second traffic speed survey they have now conformed with the new guidance in DMRB CA 185.

1.4 The TA now puts forward two number passing bays for consideration and the CHA thinks that these will help large vehicle passage at the locations proposed and it believes that works to achieve these passing bays can be done within the confines of the highway and proposed that they are conditioned within any planning consent. The applicant however will have to enter into an appropriate agreement with CHA to formalise these additions to the highway.

1.5 The access visibility splays have now been defined and the CHA agrees that they are suitable for the recorded traffic speeds on Tower Road and withdraws its previous recommendation (1) for refusal.

1.6 The TA now puts forward detailed measurements of Tower Road and the CHA withdraws its previous recommendation (2) for refusal.

30/11/2021

The CHA has been re-consulted with regard to amended plans P01 REV P4 and P02 REV P7. The CHA is content with P01 REV P4 but has issues with P02 REV P7.

The block plan P02 REV P7 shows a clockwise vehicular circulation route comprising of compacted earth field perimeter access track with the hard surfaced lorry washout facility at the beginning of the circulatory route. This means that vehicles would pass the lorry washout to access the unloading bays and then continue to exit the site, unless they reversed into the lorry washout which seems highly unlikely. Clearly this arrangement needs reconfiguring so that the lorry washout is last on the route before exiting the site. I also have concerns that the compacted earth will in times of inclement weather mean that the track will disintegrate into a muddy quagmire and vehicles will deposit mud and detritus onto the highway.

The CHA believes in respect of the above proposed compacted earth circulation route construction and placement of vehicle cleaning apparatus the application does not conform to the NPPF Paragraph 111 and that this will lead to an unacceptable impact on highway safety in the form of mud and detritus being shed onto the public highway.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, RECOMMENDS THAT PERMISSION BE REFUSED FOR THE FOLLOWING REASONS:

1. NPPF 111 Development should be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.

Officer authorised to sign on behalf of the County Council
30 November 2021

Original comments:

Observations:

The County Highway Authority (CHA) has visited the site, surrounding county highway network and studied the proposed plans, D & A Statement and Transport Statement. It has the following comments:

Location:

The site is located on Tower Road which is a rural country road without any footways, which runs from the A35 Honiton to Axminster Trunk Road in the north to Lower

Marlpits Hill road in the south near the Honiton Golf Course and links back into the centre Honiton via Church Hill.

Tower Hill is a fairly narrow road (typically 4.5 metres to 5.5 metres in width), there are some passing places on this road but they are not marked or signed as such.

Tower Road has some sharp bends on it, it is unlit and is subject to the National Speed Limit of 60 mph throughout.

Site Access:

The site access proposed is at the existing substandard vehicular access, albeit with enlarged radii to 15 metres on both sides of the access.

Local Traffic and Road Width Knowledge:

The CHA has been contacted by and is aware of the concerns raised and put to the LPA by local residents and is grateful for their input into the planning process by pointing out to the LPA recent local unofficial traffic counts and where there are pinch points on the highway. Whilst it has not been able to verify each and every pinch point location, it generally agrees with the picture this type of information paints for the LPA.

Traffic Speed Data:

Because the road is subject to the National Speed Limit of 60 mph and the existing access is substandard in terms of visibility for the speed of traffic authorised for the road, the applicant's highway consultant has taken it upon itself to supply its own traffic speed data however, it has not corroborated or sought advice with the CHA on which method of speed measurement would be acceptable to it.

The methodology used by the Highway Consultant and put forward in the TA (Department of Transport Technical Advice Note TA 22/81), is unfortunately out of date as it was superseded by 'Department of Transport DMRB CA 185 Vehicle Speed Measurement' in Nov 2019.

Therefore the CHA does not accept the speed data put forward as the method of its capture does not conform to National Guidance.

The use of this out of date method of traffic speed measurement has influenced the design of the proposed entrance and the visibility required for safe use of the access, subsequently and as a consequence, the CHA recommends that the application is rejected on this point.

Development Impact:

The CHA did not object to Planning Application reference 20/1039/FUL because it was concerned with increasing the number of calf stock reared on the farm from 400 to 800 and while this would likely increase the number of away movements from the site, it would not necessarily increase the number of inwards movements as the cattle could be born and bred and reared on the farm.

On the other hand, this proposal would definitely increase the number of traffic (lorry) movements to and from the site.

Granted Developments:

The applicant's transport consultants have used an example of a planning application granted in West Newton, Zeal Monachoram, Mid Devon to illustrate the likely traffic movements from this site, which the CHA does not understand. The applicant Stags, as the former proprietor of the existing Livestock and Collection Centre in Silver Street, Honiton, must have more relevant and local knowledge of the transport impact and movements which that site attracts or attracted rather than somewhere else in the county and the CHA rejects the numbers shown in the TA because they are not relevant to the locality.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, RECOMMENDS THAT PERMISSION BE REFUSED FOR THE FOLLOWING REASONS:

1. The proposed development would be likely to result in a material increase in the volume of traffic entering and leaving the County Road through an access which does not provide adequate visibility from and of emerging vehicles, contrary to paragraph 111 of the National Planning Policy Framework where the proposed access would lead to an unacceptable impact on highway safety.
2. The roads giving access to the site are by reason of their inadequate width are unsuitable to accommodate the increase in traffic contrary to paragraph 111 of the National Planning Policy Framework where the proposed development would lead to an unacceptable impact on highway safety.

Officer authorised to sign on behalf of the County Council
4 August 2021

National Highways

Comments on amended scheme:

Thank you for consulting National Highways on proposed amendments to the above application. We offered no objections to the original submission of application 21/1798/FUL as set out in our planning response dated 15 July 2021.

The amendments relate to the proposed layout of the site only, and are unlikely to result in any changes to the predicted traffic generation of the development. As such are satisfied that the amendments are unlikely to result in an adverse impact on the safe operation of the strategic road network, and offer no objections to the amended application.

Original comments:

Referring to an application referenced above, seeking permission for the change of use of an existing agricultural building and associated works for use as a Livestock Collection Centre (relocation from Honiton Cattle Market, Silver Street, Honiton), at land on the east side of Tower Road, Offwell, Honiton, notice is hereby given that Highways England's formal recommendation is that we:

a) offer no objection

Highways Act Section 175B is not relevant to this application.

This represents Highways England formal recommendation and is copied to the Department for Transport as per the terms of our Licence.

Should you disagree with this recommendation you should consult the Secretary of State for Transport, as per the Town and Country Planning (Development Affecting Trunk Roads) Direction 2018, via transportplanning@dft.gov.uk

Annex A - Highways England recommended No Objections:

HIGHWAYS ENGLAND ("we") has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

We have undertaken a review of the relevant documents supporting the planning application to ensure compliance with the current policies of the Secretary of State as set out in DfT Circular 02/2013 "The Strategic Road Network and the Delivery of Sustainable Development" and the MHCLG National Planning Policy Framework (NPPF).

This response represents our formal recommendations with regard to the planning application reference 21/1798/FUL, and has been prepared by Sally Parish, Planning Manager for Devon.

Statement of Reasons:

The application seeks full planning permission for the change of use of an existing agricultural building and associated works for use as a Livestock Collection Centre at land on the east side of Tower Road, Offwell, Honiton. The proposal will result in the relocation of the existing Stags Livestock Collection Centre from Honiton Cattle Market, Silver Street, Honiton, to the site east of Tower Road.

The 3,540sqm site is located approximately 350m south of the A35 trunk road, with access taken via the A35/Tower Road junction 800m to the north east.

A Transport Statement (TS) dated May 2021 has been submitted in support of the application by Trace Design, on behalf of the applicants, Stags.

Traffic Impact:

It is noted that due to the nature of the proposed use the traffic generated by the site will vary from week to week depending on the season and time of year, for example on calf collection days it will generate circa 50% of the vehicular traffic generated on the main day of operation.

Based on traffic surveys of the existing livestock centre and the current operation of the proposed site the development will result in a net daily increase of 79 two-way trips on the 'main' operation day, 32 additional two-way trips on the 'second' day and a net reduction of 15 two-way trips on the remaining 5 days of the week (a net increase of 36 two-way trips per week). Whilst the TS does not set out the number of trips which are forecast to occur during the network AM (0800-0900) and PM (1700-1800) peak hours, based on similar operations it is assumed the majority will occur outside of the highway peak periods.

As such, and noting the proposal will result in an offset of traffic from the previous Silver Street site, we are satisfied the development is unlikely to result in an unacceptable safety impact on the safe and efficient operation of the strategic road network, as defined by NPPF.

Recommendation:

Highways England has no objection to application 21/1798/FUL.

East Devon AONB

Site/Reference: "Change of use of an existing agricultural building and associated works for use as a Livestock Collection Centre". Land on the East Side of Tower Rd, Offwell, Honiton

Application Reference: 21/1798/FUL

Nature of response: Consultation

Background to comments, site description/context (a summary of the National, County and District character assessments):

This application is to relocate Stags Livestock Collection Centre from Honiton Cattle Market, Silver Street, Honiton EX14 1QN. The site is located immediately to the north/east of Tower Rd, Nr Offwell, and falls within National character area (NCA)147 The Blackdowns, Devon County landscape area East Devon Central Ridge and East Devon District landscape character type Open inland planned plateau LCT 1A. Footpath 16 (Offwell) runs to the eastern side of the field.

Natural England National Character Area Assessment:

NCA No: 147

NCA Name: Blackdowns

Key Statements of Environmental Opportunity relevant to this site:

SEO 4: Protect the relatively unsettled, rural character of this nationally important landscape, maintaining open skylines and historic settlement form.

Reflect the local vernacular and geodiversity in new development and encourage provision of high-quality green infrastructure.

- o Promoting the use of landscape character guidance and other landscape tools to ensure that the key characteristics are protected and reinforced through land management and development.
- o Promoting and supporting the significance of historic landscape character in development management. Encourage the management and sustainable development of the dispersed historic settlement pattern of farmsteads, hamlets and larger village settlements.
- o Protecting locally distinctive building styles and the use of local materials, where appropriate and sustainable, and encouraging their integration into new development as well as sustainable technologies.
- o Softening the edges of urban areas to incorporate development into the landscape setting and minimising the impact of lighting and noise to maintain and enhance tranquillity and dark skies.

Devon Landscape Character Area Assessment:

DCA Name: East Devon Central Ridge

Key management guidelines relevant to this site:

- Protect:

- o Protect the sparse settlement pattern of clustered hamlets, villages and farmsteads maintaining the settlements' characteristic form and peaceful character.
- o Protect traditional building styles and materials, particularly local chert with red brick detailing, utilising the same styles and materials in new development wherever possible (whilst seeking to incorporate sustainable design).

Landscape Character Assessment details:

LCT No:1A

LCT Name: Open inland planned plateau

Key Characteristics of relevance:

- o Settlement generally comprises isolated farmsteads and clusters of buildings at crossroads.

Landscape Guidelines:

- o Respect the general pattern of settlement, comprising dispersed farms and dwellings, and hamlets around crossroads.
- o Any expansion of larger settlements/ developed areas should include strengthening of development edges through sympathetic planting (e.g. beech hedgerows and avenues).
- o Promote sensitive conversion of redundant farm buildings to appropriate new uses (e.g. affordable housing; small business units; tourist accommodation).

Further Comments:

The National Planning Policy Framework calls for valued landscapes to be protected and enhanced (NPPF 174a) with the greatest weight being given to conserving landscape and scenic beauty in National Parks and Areas of Outstanding Natural

Beauty (AONBs) (NPPF 176). There is a presumption against major development in protected landscapes (NPPF 177).

The NCA and district level LCA's reinforce the need to maintain the sparsely settled and tranquil character in this area of the AONB. Whilst the existing building has a striking impact on the character of the area it has remained little used since its construction so there has been little impact upon the tranquillity of the area. Some consultees have questioned the estimated traffic movements, the accuracy of these estimates are likely to influence the extent that the proposed use would have upon the tranquillity of the area. Should the proposal be approved extensive landscaping of the site would be highly desirable and consideration given to the installation of acoustic fencing to contain much of the on-site noise. A traffic management plan limiting hours of operation might also help reduce its impact on the tranquillity of the area.

East Devon AONB Partnership Plan Strategy Policy Reference(s):

P2- provide advice and support on planning policy and development to enable the special qualities of the historic and landscape character of the AONB to be protected, conserved and enhanced.

RES1- Encourage the principle of local markets and sustainable local produce where it adds value to the local economy and contributes to the AONB purpose of designation

Further references:

- Landscape Character Assessment & Management Guidelines for NCA, Devon and East Devon
- East Devon AONB Partnership Plan (2019)
- National Planning Policy Framework (NPPF)

EDDC Landscape Architect - Chris Hariades

With reference to the above scheme I have made a quick site visit this morning and reviewed the recently submitted block plan, rev. P11, and make the following observations:

The block plan does not accurately show the location of the existing roadside hedge which is separated from the carriageway by a verge and drainage ditch (see attached photo). A revised plan should be submitted which accurately shows the current and proposed alignment of the hedge and ditch and the extent of the existing tarmac apron to the site entrance.

The site is within the East Devon AONB. The proposals will entail the loss of some 17m roadside hedgerow in order to create a wider entrance and accommodate visibility splays. There will also be an increase in on-site activity and associated traffic on the narrow winding country lane which serves as access from the A35 on the days it is operational. There is, however, opportunity to provide screen planting around the perimeter of the site which could enhance local landscape character and bio-diversity value in accordance with Strategy 3 of the East Devon Local Plan.

Should the application be approved a condition should be imposed requiring the submission and approval of a landscape scheme to include:

- o New boundary hedgebanks a minimum of 2m wide around the perimeter of the site planted with native mixed hedgerow with trees and the inclusion of additional trees within or adjacent to the existing roadside hedge.
- o A specification to cover ground preparation, planting, 5 year establishment maintenance programme and 10 year hedgerow management plan.
- o A 1m grass verge should be provided to the site side of boundary hedges and a post and wire stock-proof fence should be provided to each side.

The approved landscape scheme shall be completed no later than the first planting season following first use of the site. Maintenance shall be undertaken in accordance with the approved details. Any plating or grass areas which fail within five years of completion of planting works shall be replaced with plants of similar size and species.

Environmental Health

I have considered the application and do not anticipate any environmental health concerns.

EDDC Trees

I have no arboricultural concerns in relation to this change of use application.

Other Representations

The application has elicited 87 representations of which 44 are in support of the scheme and 42 raise objections, the reasons for support/objection are summarised below:

Reasons for Support:

- Considered to be limited traffic, noise or visual impact resulting from the proposal
- It is vital that EDDC do all they can to facilitate a new livestock centre
- The proposed site has the benefit of removing all of the heavy traffic from the town centre with resulting environmental benefits
- Less travelling time for animals represents welfare improvements
- It is imperative to continue to provide a local market to serve Honiton and environs otherwise there would be a need to travel to Bridgwater or Exeter
- The proposal could represent an opportunity to improve the nature and increase the width of the local approach roads
- The proposals will support job retention both directly and indirectly
- This is a rural farming community and farming should be put first for the good of the countryside as a whole.
- The existing town centre site works without complaint of noise/smell and where there is closer proximity to residential properties, so there is no reason to suggest the proposed site should cause such issues.
- The proposal would provide improved access compared with the existing town centre site.

Objections:

- Increased volume of traffic and inadequate nature of local road network to accommodate this, including lack of/inadequate passing spaces
- Damage to existing road and verge as a result of increased traffic movements and type of vehicles used
- Loss of the existing market is a major blow to Honiton where there is a continued need for a livestock market to serve the town
- Poor junction with the A35 likely to result in delays/congestion
- There are other more suitable sites i.e. Honiton Show ground
- This is not an allocated employment site.
- Impact of increased traffic on local residents amenity and highway safety including pedestrians, cyclists and horse riders.
- Impact on local tourism businesses as result of traffic, activity, smell etc.
- The nature of the proposed traffic (HGVs) is inappropriate on the local roads that access the site
- Inadequacy of/ errors with transport statement provided
- Inadequate parking provision within the site to cater for the traffic likely to be attracted to the site
- Impact on the surrounding Area of Outstanding Natural Beauty
- Impact of run-off from vehicle wash downs on Offwell Woods
- Concerns over publicity of the application
- No details provided of waste storage and collection or for dealing with foul sewage
- Impact of surface water run-off from increased yard areas and circulation route
- Vehicles using the site will bring debris from the proposed tracks on to the local road creating danger to vehicles
- The submitted traffic survey does not provide an accurate picture of the use of the approach roads
- Increased noise and smell associated with the livestock use of the site
- Permission has only recently been granted for agricultural worker's accommodation for a calf rearing business – how does the application affect this?
- Impact on water supply to nearby residential properties and local areas of ecological sensitivity
- The consideration of alternative sites is questioned and sites within Honiton for what is considered to be a commercial operation should be looked at first.
- The proposal is contrary to policies of the East Devon Local Plan
- The appeal decision on the existing cattle market site means this remains available for its current purposes and the applicant should seek to renegotiate their lease or look to purchase that site.
- The proposed use undermines the viability of the existing agricultural unit as the calf-rearing unit can no longer operate from it
- No Environmental Impact Assessment has been submitted with the application
- There is insufficient evidence of need for the proposal
- Impact of increased large vehicle movements on the amenity of residential along the access route

- Impact of increased large vehicle movements on the structural integrity of buildings (including historic/listed buildings) due to vibrations caused

PLANNING HISTORY

Reference	Description	Decision	Date
16/1925/FUL	Erection of livestock shed and widening of access	Approval with conditions	27.01.2017
19/1533/FUL	Erection of agricultural storage building (retrospective).	Approval with conditions	23.09.2019
20/1039/FUL	Proposed erection of a farm worker's dwelling and erection of a replacement farm storage building.	Approval with conditions	31.03.2021

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 7 (Development in the Countryside)

Strategy 3 (Sustainable Development)

Strategy 28 (Sustaining and Diversifying Rural Enterprises)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

D2 (Landscape Requirements)

D7 (Agricultural Buildings and Development)

D8 (Re-use of Rural Buildings Outside of Settlements)

EN5 (Wildlife Habitats and Features)

E4 (Rural Diversification)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

RC6 (Local Community Facilities)

E5 (Small Scale Economic Development in Rural Areas)

Government Planning Documents

NPPF (National Planning Policy Framework 2019)

National Planning Practice Guidance

Site Location and Description

The application site relates to an existing livestock building and adjoining land. The building is currently vacant and is cut in slightly to the site with adjoining land to the southwest side and beyond this the local road set at a higher level. The building is finished in light grey metal clad roofsheets with vertical timber boarding above concrete panels to the elevations. There is an existing concrete access track from the southeast side of the building to the junction with the local road and other areas of gravelled surfacing to the north and south of the building. To the south of the building another storage barn is under construction, this however falls outside of the application site. The boundary with the road to the southwest is formed by a native hedge and grass verge but the other boundaries of the site are undefined.

The site is located in open countryside to the west of the village of Offwell and south of the A35 and within the East Devon Area of Outstanding Natural Beauty. The site is accessed via Tower Road which joins the A35 approximately 1 km to the northeast of the site.

Proposed development

Planning permission is sought for the change of use of the building to use as a livestock collection centre and for associated works. Those associated works include:

- construction of a vehicle collection/drop off route around the periphery of the building
- creation of a vehicle washdown area to the southwest side of the building
- Lorry/vehicle parking area to the south of the access
- Installation of 84,000 litre effluent tank for waste and drainage

Background

The applicants are seeking permission to relocate to this site from the site they currently and have historically operated from, Honiton Cattle Market. The supporting statement explains that the cattle market has operated as such since 1910 and that Stag's have operated there since 1995. It goes on to state that as a response to the Foot and Mouth disease outbreak in 2001 the operation of the market changed from that of a traditional livestock market to that of a 'livestock collection centre' which allowed for the continued movement of livestock during the outbreak. Following the Foot and Mouth outbreak this method of operation has continued.

A livestock collection centre differs from a traditional livestock market with the supporting statement referring to the method as a 'drop and go' system. It is

understood that buyers are advised in advance of the price for various livestock and then they are able, on the operational days, to bring their stock for collection and weighing prior to it then being sold on and the livestock transported on (mainly to abattoirs).

Whilst the applicant advises that the current system works well, with the guaranteed price suiting buyers and sellers alike, they are under notice to vacate from their current site and as such have been searching for a suitable site to allow continued operation of the centre.

The current cattle market site has been the subject of a proposed redevelopment scheme to provide 57 no. retirement living apartments and associated facilities under application 20/2410/MFUL (hereinafter referred to as the 'Cattle Market Scheme'). Whilst that scheme was refused and dismissed at appeal a Judicial Review of the Inspector's decision has determined that the appeal should be re-determined, this process has not yet taken place. The Planning Inspectorate has previously requested that they are notified of the outcome of the decision on the current application should this occur prior to determining the 'Cattle Market' appeal, as that appeal is being reconsidered this requirement remains.

The Cattle Market scheme was dismissed on the basis that the Inspector at the time found that the proposal would result in harm to business and employment opportunities in the area as the continued use of the site for such purposes, including for its current use, had not been fully explored. The Inspector however acknowledged that ultimately it is for the land owner to determine what they do with their land but within the constraints of planning law which control the use of land.

The applicants have, in relation to the potential for the continued use of the cattle market site, advised that the appeal decision for that site does not alter the fact that they have no control over the current site and are required to vacate it by the end of January 2022. It should be noted that the appeal decision has been challenged and has been sent back to the planning inspectorate for re-determination, the outcome of the appeal into the loss of the existing livestock collection centre therefore remains undetermined with no dates at present for the likely second Public Inquiry.

Whilst it is the case that the existing cattle market site does not have permission for any alternative use and its continued use for its current purpose would appear to be a logical solution, this is not a matter over which the applicant appears to have any control, as such they are seeking to continue the livestock collection centre use from this alternative site. On this basis the application remains to be considered on its own merits in relation to its suitability to accommodate the proposed use. It is not considered that approval of this permission would undermine the appeal on the Cattle Market site as Local Plan policies seek the retention of that site for employment purposes regardless of any re-location of the existing occupier.

In terms of the planning history of the application site, the existing building on site was granted permission in 2017 under application (16/1925/FUL) as a livestock building for a proposed calf rearing enterprise, improvements to the site access were approved at the same time. The building has been built out as approved but it is understood that it has not yet been used for livestock housing. Subsequently permission

(19/1533/FUL) has been granted for extension of a smaller agricultural storage building on land to the northwest but outside of the site and which had been partially constructed. Most recently permission was granted for an agricultural worker's dwelling again on land to the northwest of the site (partially on the site of the barn relating to application 19/1533/FUL) and which included a replacement for this barn on land to the southeast of the application site (20/1039/FUL). The storage barn is under construction but at the time of writing no works had commenced on the agricultural dwelling.

Procedural Issues

The applicant has provided a recent amendment to the site plan seeking to address the comments of the Council's Landscape Architect in respect of the alignment of the existing hedgerow along the roadside boundary of the site and clarifying the extent of existing hard surfacing at the site access.

ANALYSIS

The main issues in the determination of the application area as follows:

- Principle and policy compliance
- Impact on the character and appearance of the area/Wider Landscape Impact
- Economic Impact/Benefits
- Highways and Access Issues
- Amenity Impact
- Environmental Impact
- Other Issues

Principle and policy compliance

East Devon Local Plan 2013-2031

The Development Plan for the area currently consists of the East Devon Local Plan 2013-2031. There is currently no neighbourhood plan for the parish nor has a draft plan been produced for consultation.

In policy terms the site lies in open countryside and therefore falls to be considered under Strategy 7 Development within the Countryside.

Strategy 7 is quite specific by stating,

'Development in the countryside will only be permitted where it is in accordance with a specific Local or Neighbourhood Plan policy that explicitly permits such development'

And goes on to say

'and where it would not harm the distinctive landscape, amenity and environmental qualities within which it is located'.

There are a number of strategies and policies which might, in principle, support a business use in the countryside these include strategy 28 (Sustaining and Diversifying Rural Enterprises) and policies D8 (Re-use of Rural Buildings Outside Settlements), E4 (Rural Diversification) and E5 (Small scale economic development in Rural Areas). The proposal is considered below in relation to each before other material considerations relating to the principle of the proposal, including compliance with the National Planning Policy Framework, are explored.

Strategy 28 seeks to support developments that will help sustain and diversify agricultural and traditional rural enterprises and add value to rural produce. The strategy specifically makes reference to the reuse of rural buildings to provide jobs and accommodate business startups or expansion. The pre-ambule to the strategy at para. 15.26 states:

“Farming and allied trades and businesses remain integral to the present and future of East Devon. Furthermore with an increasing onus on food security, local produce and reducing 'food-miles', it is important to establish policy for a productive countryside. The Council will seek to work with partners to secure a viable agricultural sector and promote development that will help retain and enhance farming, including cases where development, diversification and business activity would add value to agricultural, forestry or other rural practices.”

It is considered that the nature of the livestock centre is such that it provides a valuable service to the farming community and helps to support the local agricultural economy. In principle the strategy is therefore considered to be supportive of the development. However Strategy 28 is a strategic policy which is not considered to provide the specific and explicit policy support required under Strategy 7.

Policy E4, is a more specific criteria based policy that relates to rural diversification proposals and could potentially offer support to proposals that are of an appropriate scale and location and subject to a number of other listed criteria. For a proposal to find support under this policy it must be complementary to or compatible with agricultural operations in the area and be operated as part of an overall farm holding. Whilst the proposed use could be argued to be compatible with agricultural operations in the area and would provide an additional income stream for the farm business it is not considered to represent a diversification proposal and would be operated as a separate business as such this policy is not considered to provide specific policy support for the proposal.

Policy E5, relates to Small Scale economic Development in Rural Areas. The policy does not clarify what is considered to be small in this context. In terms of employment numbers this could be argued to be small whereas in relation to floor area, and envisaged traffic movements the proposal could be considered to go beyond this. The policy permits such development including through the conversion of existing buildings and where the listed policy criteria are met. The application form indicates that the proposal would result in 1.5 FTE (full-time equivalent) posts, however these are understood to be existing posts that would be transferring to the site as opposed to new roles, nevertheless there is some benefit to be derived from securing these existing posts which might otherwise be lost. In terms of additional criteria these

require a safe highway access and the highway network being capable of accommodating any additional traffic as well as being acceptable in landscape, amenity, wildlife and historic terms. Subject to consideration of these criteria the proposal finds some support under this policy.

Policy D8 of the Local Plan provides a framework by which to consider the suitability of the proposed conversion scheme. It seeks to support proposals for the re-use of redundant rural buildings where a number of criteria are met. Those criteria are set out below followed by consideration of the proposal against them:

- 1. The new use is sympathetic to, and will enhance the rural setting and character of the building and surrounding area and is in a location which will not substantively add to the need to travel by car or lead to a dispersal of activity or uses on such a scale as to prejudice village vitality.*

The proposed use would largely not affect the character of the building in that it is a large modern livestock building and where the proposal would continue to see it used for housing livestock. In terms of the building's setting some removal of existing hedgerow is proposed alongside some additional landscaping but this would be limited in its extent. The nature of the use would though result in increased activity at the site which would be focused on collection days, further intensifying any impacts during those periods. This increase in traffic is a major focus of objections to the proposal particularly given the nature of the local roads that serve the site. These highway issues are considered in detail below.

In terms of increasing the need to travel in relation to the proposal whilst vehicle movements at the site would increase these would largely be displaced from trips to the current cattle market site as opposed to additional trips. There is potentially some loss of linked trips where attendees to the current cattle market site might also take the opportunity to attend to other business or leisure interests in the town but the nature of the trips associated with the site i.e. delivering or collecting livestock are ones that already occur at the current site and as such the proposal would not substantively add to the need to travel by car. As the proposal relates to a highly specific business use it is not of a nature that would prejudice village vitality by attracting trade away from existing local businesses.

- 2. The building is structurally sound and capable of conversion without the need for substantial extension, alteration or reconstruction and any alterations protect or enhance the character of the building and its setting;*

The subject building is of modern design and construction and the limited nature of the proposed works would not adversely affect its character or appearance.

- 3. The form, bulk and general design of the building and its proposed conversion are in keeping with its surroundings, local building styles and materials;*

These aspects of the building are as existing and in terms of the appearance of the building itself no additional impact would arise from the proposed development

- 4. The proposed use would not harm the countryside by way of traffic, parking, storage, pollution or the erection of associated structures;*

Considered separately below.

- 5. The proposal will not undermine the viability of an existing agricultural enterprise or require replacement buildings to fulfil a similar function.*

Considered separately below.

The additional criteria relating to residential proposals are not relevant.

The supporting statement makes reference to support to be found under policy RC6 of the Local Plan. This policy deals with proposals for Local Community Facilities and offers support for these on sites within or adjoining Built-up Area Boundaries and subject to a number of criteria being met. Whilst the proposal looks to provide a facility for the wider farming community it does not propose a facility to meet the specific needs of the local community, nor is the site within or adjoining a built-up area boundary, as such the proposal finds no support under this policy.

National Planning Policy Framework (NPPF)

Paras. 84 and 85 of the NPPF aim to support a prosperous rural economy.

Para. 84 states that planning policies and decision should enable: the sustainable growth and expansion of all types of business in rural areas, including through the conversion of existing buildings, and; the development and diversification of agricultural and other land-based rural businesses.

Para. 85 recognises that sites to meet local business and community needs may have to be found adjacent to or beyond existing settlements and in locations not served by public transport. However in such circumstances proposals should not have an unacceptable impact on local roads and should exploit any opportunities to make a location more sustainable. The policy also encourages the use of previously developed land, and sites that are physically well-related to existing settlements, where suitable opportunities exist.

Overall in relation to the principle of development there is considered to be some support for the scheme through policies of the Local Plan, in particular policies E5 and D8 and by extension Strategy 7. Such support is though qualified and dependent on the proposal being acceptable in relation to other specific criteria including landscape, highways and amenity impacts. National planning policies in the NPPF are also considered to provide in principle support.

Impact on the character and appearance of the area/Wider Landscape Impact

The application site lies within the designated East Devon Area of Outstanding Natural Beauty.

Strategy 46 of the EDLP reflects the requirements set out at para. 176 and 177 of the NPPF and the need to give great weight to conserving and enhancing landscape and scenic beauty within AONBs, and; refusing applications for major development other than in exceptional circumstances. For the purposes of the application of para. 177 it should be recognised that ‘major’ development in this sense does not carry the same definition as major development for planning application purposes as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015. In relation to para. 177 footnote No. 60 clarifies that,

“For the purposes of paragraphs 176 and 177, whether a proposal is ‘major development’ is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.”

In this regard the physical development proposed is limited in scale to some limited levelling works immediately adjacent to the building to form the lorry wash off area and some surfacing works around the building. There are no changes proposed to the building itself and as such the landscape impact of this would not change.

The site falls within Landscape Character Type (LCT) 1A-Open inland planned plateau, as defined in the East Devon and Blackdown Hills Landscape Character Assessment (2019). The East Devon AONB Management Team have responded to the application and highlighted that settlement within this character type generally comprises isolated farmsteads and clusters of buildings at crossroads and that landscape guidelines are to:

- o Respect the general pattern of settlement, comprising dispersed farms and dwellings, and hamlets around crossroads.
- o Any expansion of larger settlements/ developed areas should include strengthening of development edges through sympathetic planting (e.g. beech hedgerows and avenues).
- o Promote sensitive conversion of redundant farm buildings to appropriate new uses (e.g. affordable housing; small business units; tourist accommodation).

The comments of the AONB team are noted in relation to the lack of use of the building to date, however permission exists for its use for livestock housing purposes and were the building to be used in line with its permitted use this would, setting aside the impacts of any traffic movements, represent a similar use to that proposed i.e. housing of livestock. There are concerns expressed that increased traffic movements would impact on the tranquillity of the area however in landscape terms the proposal would result in only some localised changes to provide improved visibility at the access and off-site highway improvements. The application drawings indicate proposals to provide a hedgerow to the perimeter of the site, this would help to contain and define the site and provide some landscape and biodiversity benefits. Subject to controlling signage and lighting and securing landscape planting to the site’s periphery it is not considered that objection on the grounds of landscape impact could be sustained.

In relation to impact on the character of the area, change could arise as a result of intensification or change in the way the building is being used and/or as a result of activity (including traffic movements) associated with that use. The existing building

was originally granted to allow expansion of the site owner's calf-rearing and beef enterprises and to allow calves to be kept separate from the main herd to prevent the spread of disease/infection. It is unclear whether the building has ever been put to use for these purposes but it is certainly vacant at present. Nevertheless, there is no planning restriction on the type or number of livestock that could occupy the building, periods when the building could be occupied for such purposes or restriction on movements of such livestock. This being the case, the impact of the proposed livestock use of the building, which is self-limiting in terms of the size of the building, is not in itself considered to represent any additional harm. It is though recognised that on operational days that the increased noise and activity associated with the proposed use is likely to give rise to some harm to the tranquil character of the area.

The amended transport statement indicates proposals to provide passing places on the approach road to the site. The locations for such passing bays are indicated within the appendices of the statement and on the amended block plan but do not form part of the application site and are not within the control of the applicant but fall on highways land. The provision of such bays would involve the creation of 15 and 30 metre bays on the east side of the road on the section of highway between the site and the property known as Broad Park. Such provision would require the removal or significant reduction in the width of hedgerow in these locations, however there do not appear to be any significant hedgerow trees that would be likely to be affected and the Council's arboricultural officer has confirmed that there are no objections in this regard. In addition, the proposed improvements to visibility splays and access arrangements at the site entrance would require the removal of between 10 and 15 metres of native hedgerow.

The loss of hedgerow as proposed would have a harmful impact which would weigh against the proposal both as a result of the hedgerow loss and the effect on the character of the approach road. The applicant has indicated that the landowner would be willing to provide replacement hedgebank provision (or translocation of existing hedgebanks) within land in their control and adjacent to the areas where laybys are proposed. A letter has been provided from the applicant confirming their agreement to such provision which provide continuation of the existing roadside hedgebanks, albeit set back slightly from the road to the rear of the laybys. Overall these changes would have some limited and localised harmful impact on the character of the approach roads particularly until the replacement hedgebanks were to become established. However, as the analysis of road widths by various parties indicates, there is already some variety in the width of the road and laybys within rural roads such as this is not uncommon. The provision of new sections of native hedgerow are also proposed to the site boundaries and which in terms of length alone would be significantly greater than the length lost, however these would be less publically visible. Overall though the impact of hedgerow loss is considered to be localised and limited and taking into account proposed additional/replacement landscaping the character and appearance of the surrounding AONB landscape would be conserved. In order to secure the provision of the replacement hedgerow planting a scheme for provision of such would need to be secured by a Grampian condition requiring their provision prior to the commencement of any 'on-site' works.

The proposed hours of operation may result in requirements for external lighting at certain times of the year and where such lighting could in itself have an impact on the

character and appearance of the area. No details of lighting have been proposed but this could be controlled by condition to ensure it is properly considered to minimise the impacts of any potential light spill.

The impact of the proposed used in terms of potential for increased noise/activity and traffic movements are considered under the amenity and highways sections respectively.

Economic Impact/Benefits

The reason for the application is to provide an alternative site for the livestock collection centre currently operated by the applicant's out of the Cattle Market in Honiton. The need for relocation is set out in the Background section of the report above and is not reiterated here. Whilst there has been significant objection to the proposal there is also a similar level of support from members of the wider community who utilise the existing site. Amongst a number of the objectors, including the parish council, there is also recognition of the need to find a suitable alternative site to allow the continued operation of the business. However objectors that take this stance consider the current application site to be inappropriate and have suggested that there has been limited details provided of alternative site searches that have taken place. In particular, the Honiton Showground, which lies to the north of the A30 to the southwest of the town, has been pointed to as a more suitable and accessible alternative.

The applicant has responded by providing some limited details of alternative sites that have been considered and why these have been dismissed. The reasons for dismissal of alternatives sites range from reasons including lack of existing infrastructure and prohibitive development costs; inability to secure agreement with landowners and proximity to existing unrelated livestock buildings. They have also pointed out that there is no policy requirement for them to provide details of alternative sites that have been considered. This is acknowledged the application is required to be considered against the relevant policies of the Local Plan and other material considerations, and in this instance consideration of alternative sites does not need to be demonstrated, only whether the application proposal is acceptable in its own right and when measured against the relevant polices and other considerations.

In terms of economic benefits that might arise, the application form indicates that the proposal would provide for 1.5 FTE jobs at the site. However, it is unclear whether such posts are additional to any existing or would represent a transferral of those posts from the existing site. In either scenario the direct employment creation at the site is small in scale and can be given only very limited weight. There are though considered to be wider economic benefits to the scheme in securing the continued provision of the livestock collection service to the wider farming community and where it is advised that the next nearest such facilities are in Exeter or Bridgewater. There is a significant level of support from the local farming community on this basis. As well as securing the continued provision of this service within East Devon and close to its present base it would also result in reduced travelling times and distances to alternative benefits, these would represent time and cost savings to customers as well as reduction in vehicle journeys, such benefits weigh in favour of the scheme.

In terms of the loss of the existing building to the existing agricultural enterprise the landowner has been asked to confirm that the proposal would not undermine the viability of his farm business, in response he has advised that:

“The unit was built for two reasons, firstly we have endemic pneumonia in the current unit, and have no ability to separate animals of different age groups causing welfare issues and calf loss.

Secondly, in a unit of this size we would obviously be rearing calves on contract as well as our own. This would generate extra income for the farm, thus helping to insulate from fluctuating milk prices.

With the unit as a collection centre we would have a rental income that was guaranteed thus generating the extra income needed to insulate from the milk price fluctuation, and without the associated risks in rearing livestock. We therefore have security in the rent received for the unit as a collection centre and will diversify our business in this way away from the volatile livestock market.

We will not require an additional building for calf rearing purposes to replace this building being lost as we no longer intend to pursue this enterprise of the business.

A proportion or all of the home bred calves can be sold soon after birth and older beef cattle and dairy replacements purchased as required, this increasing flexibility within the farm.”

On this basis the proposed use is considered to represent an alternative ‘agricultural based’ use to the previously intended use of the building as a calf-rearing enterprise and that as an alternative rather than being in addition to it would not require replacement buildings to fulfil a similar function and that criteria 5 of policy D8 would be met.

Highways and Access Issues

The application site is located where it is physically isolated from other development and where the local approach roads that serve the site are typically narrow and without footways. Tower Road passed the site links with the A35 to the north and Northleigh Hill Road/Lower Marl pits Hill to the south, the road varies in width along its route and for up to 50% of the route is too narrow to allow a large vehicle and car to safely pass, there are however wider sections and a number of informal passing areas.

National Highways has been consulted in relation to the potential impact on the strategic road network particularly through increased use of the junction of Tower road with the A35, they have raised no objection.

In terms of the impact on the local highway network this is an area that has elicited significant concern from the parish council and a significant number of local residents. Those concerns centre of the following issues:

- i. The suitability of the site’s location to serve the proposed development
- ii. The narrow nature of Tower road and the ability for vehicles to safely pass

- iii. Increase in traffic movements associated with the site
- iv. Inaccuracies in the submitted transport assessment

These issues are discussed in further detail below. In terms of the site itself, the development seeks to utilise the existing highways access but with upgrades and improvements to this to provide suitable visibility in both directions. Devon County Council, as the county highways authority (CHA), has raised no objection in relation to the suitability of the proposed access to safely accommodate the traffic related to the development.

However the CHA has objected to the development on the basis of the internal circulation route and surfacing of this and to the positioning of the vehicle washout area which they consider would make this facility unlikely to be used. As such they suggest that vehicle movements associated with the use would result in mud and debris being shed onto the public highway creating an unacceptable impact on highway safety. They have recommended the application is refused on this basis.

The applicant has been given the opportunity to address the comments raised by the highways authority through the submission of amended plans and whilst the latest plans indicate hard surfacing to the second part of the perimeter circulation route the first part is shown to remain as permeable surfacing and the vehicle washout area has not been relocated. The CHA has maintained its objection and continues to recommend refusal of the application.

The concerns of the CHA are recognised in that were the first part of circulation route to remain as compacted earth, as opposed to some other permeable surfacing, then over time and in inclement weather the surface would become churned up and vehicles leaving the site, would be likely to drag debris onto the adjoining carriageway. However, were a suitable hard but permeable surface to be provided to this part of the site this would appear to prevent mud and other debris from being picked up from the site and deposited on the highway. It is understood that the washout facility is provided primarily to allow the inside of vehicles to be cleaned out as opposed to a facility for washing down the outside of vehicles. The surfacing of this part of the site could be controlled by a suitably worded condition and subject to this it is considered that the concerns of the CHA could be overcome.

The suitability of the site's location to serve the proposed development

The existing building occupies a rural site at a distance of approximately 2 miles from Honiton where the existing livestock collection centre is located. It is not located where it could be sustainably accessed by a variety of modes of transport and in this regard there is some conflict with policy TC2 of the Local Plan. However, it is also recognised that the nature of the proposed use is such that those accessing the site will invariably be doing so by vehicle and where these movements represent a displacement of vehicle movements from the current site in the centre of Honiton as opposed to new movements. It is further acknowledged that the nature of the proposed use is such that it would be attracting traffic from multiple locations across the district, as would be the case with the operation from the current site in Honiton and in this regard there are limited opportunities to maximise sustainable transport solutions.

As discussed above it has been suggested that there are other sites that would be more suitable to serve the proposed development and that insufficient evidence of the efforts undertaken to explore such alternatives sites and why these have been dismissed have been submitted. However, in this regard it is only the suitability of the site itself that needs to be considered. Whilst a site closer to or within the built-up area boundary of a settlement might be preferable and would allow potentially for some linked trips it is not in this instance and given the nature of the application considered that the location itself is unacceptable subject to other considerations.

The narrow nature of Tower road and the ability for vehicles to safely pass

There has been detailed analysis of the access route to the site between the junction of Tower road with the A35 and the site entrance by both the applicant's highways consultants and an individual advising the parish council. Whilst there are some areas of disagreement in general there is consensus that the approach road contains a number of narrow sections which would restrict the ability of two vehicles to pass. There is however disagreement on the number and nature of such pinpoints and whether these would permit two cars to pass or a car and a larger vehicle (lorry) to pass. The parish council and local objectors consider that there are fewer passing places than suggested and that there would also be issues with vehicles passing each other at several bends along the route. As a result they consider the approach roads to be unsuitable to accommodate the type of traffic likely to be attracted to the site and that as a result the proposal would increase highway safety danger for all users.

The CHA has considered the additional analysis of road widths prepared by the applicant together with that of the parish council, they have also taken into account the proposed provision of two passing bays that the applicant is proposing could be created within highways controlled land. These passing bays are indicated just to the north of the site access and on the stretch of Tower Road to the southwest of the property known as Broad Park. The CHA has indicated that following submission of more detail on the road widths serving the site and on the satisfactory provision of the passing bays as indicated that their previous objection in relation to the inadequate road widths of the approach roads serving the site would be overcome. Notwithstanding any visual/character impact of their provision (discussed separately) The provision of passing bays within highways land, as proposed, could be secured by a Grampian style condition requiring these to be provided and made available for use prior to the initial use of the site.

Increase in traffic movements associated with the site

The anticipated trip generation associated with the proposal amounts to 141 trips over the course of an average week, this is based on known trip generation associated with the current site in Honiton. The applicant's transport consultants in comparing this with the number of trips estimated to arise from the current consented use of the site have suggested that over the course of a week (7 days) there would only be a net increase of 6 trips overall. The parish council and some objectors have however pointed out that this averages out the trips occurring on only two days across the whole week, whereas on the busiest operational day there is likely to be significant increased vehicle movement (94 trips are indicated on a Monday). On the busiest day and over an 8 hour period this would equate to just under 12 two way trips per hour.

The Parish council has carried out its own traffic count along this section of road to understand the background level of traffic. The count took place on a Monday in the school holiday where they suggest traffic levels would be lower than normal. The count showed 427 traffic movements in the 8 hrs along Tower Road averaging 53 per hour. These movements were stated to include pedestrian, equestrian and cyclist movements. If all of the movements associated with the proposed use involved vehicles travelling the section of road between the site and the A35 in both directions (and this wouldn't necessarily be the case as some traffic might approach or leave the site from the other direction) the use would average around a 50% increase in traffic on one day a week over background levels. However the impacts are likely to be concentrated in a shorter period of time and where they are likely to be more noticeable.

The CHA has not raised objection on the basis of the number of traffic movements and subject to the provision of passing bays appears to be satisfied that such movements could be safely accommodated on the local road network. There is no doubt that on operational days, and in particular on Mondays that the proposal would represent a significant increase in traffic movements and that during these periods there may be a noticeable change in the character of traffic on the road which may influence the behaviour of other road users, however the CHA is satisfied that these movements could be safely accommodated and the operation of the site in terms of days/hours of operation could be controlled. On this basis it is not considered that the increase in traffic movements of itself would warrant refusal of the application.

Inaccuracies in the submitted transport assessment

The parish council and local objectors have sought to highlight what they perceive as errors and inaccuracies within the submitted transport assessment, many of these relate to matters considered above in relation to the width of approach roads, nature and volume of traffic and ability for vehicles to safely pass along parts of the approach road, there is also concern that the assessment fails to address the increased use of the minor service road from the A35 past the Bishops Tower to Tower Road. There is no doubt that the Parish Council has significant concerns with the application itself and with details of the submitted documentation however, the Local Planning Authority is reliant on Devon County Council as the County Highways Authority to provide technical guidance on the suitability of development proposals from a highway safety perspective. In this instance although the CHA has highlight some areas of disagreement of their own in relation to evidence presented they have nevertheless not objected to the proposal on the basis of the adequacy of the approach roads, subject to provision of passing bays.

Amenity Impact

The application site itself is surrounded by agricultural land and as such does not lie immediately adjoining any residential property, there are however residential properties within the vicinity of the site and which could be impacted by the proposed development. The nearest residential property to the site is Highlands, located approximately 150 metres southeast of the site, to the north Broad Park and Springfield Farm are located approximately 200 metres from the site. There are other

properties in the surrounding area and along the principal access route to the site from the A35.

A significant number of objections have been received to the scheme, in terms of amenity impacts these concerns primarily appear to relate to the impact of the increased vehicular movements likely to result from the development and the nature of this traffic. However there have also been concerns raised with regards to noise/smell from livestock that would be using the site and from associated waste management and on the impact of private water sources from spreading of waste material on the land.

In relation to vehicle movements the highways impact of these are discussed in the previous section of this report this sets out the envisaged journeys associated with the proposed use and based on the operation of the site at the same level as the current livestock collection centre i.e. twice a week. In relation to the amenity impacts resulting from this traffic, this is most likely to be from noise impacts and from potential for inconvenience to residents from, for example, vehicles blocking their access points or using these as informal passing bays. The proposed hours of operation of the collection centre are not specified but the additional statement from the applicant states (para. 4.2) that,

'The livestock are delivered to the site for 3 hours in the morning on Monday up until 10 am, with livestock collected and removed from site shortly afterwards.'

The statement goes on to set out a similar pattern on Thursday, although this time starting later in the day with deliveries between 10 am and 1 pm. The statement confirms that the site would remain vacant for the remaining 5 days a week. On this basis the traffic associated with the proposed use would be concentrated over just two days a week with the earliest deliveries being from 7 am on Mondays. On these days the increased traffic movements would equate to approximately 1 additional trip each way every 5 minutes (If all of the movements associated with the proposed use involved vehicles travelling the section of road between the site and the A35 in both directions, this wouldn't necessarily be the case though as some traffic might approach or leave the site from the other direction). It is not considered that from an amenity point of view and subject to the local highway network being able to safely accommodate this traffic that this increase in vehicle movement would warrant refusal of the application.

The noise and activity at the site itself could potentially have amenity impacts associated with the loading and unloading of livestock and their temporary housing within the building. However given the separation distance to neighbouring residential properties and the existing lawful use of the building for the permanent housing of livestock 7 days a week, again impacts in this regard whilst again concentrated into a smaller timeframe would not be so harmful as to warrant refusal.

With regards to property damage resulting from the number and type of vehicle movements taking place on the adjoining highway no evidence has been provided to demonstrate that this is currently an issue or that subject to provision of appropriate passing places there would be any reason to withhold permission on the grounds of potential impact on properties along the access route to the site.

Finally it has been suggested that the development could impact on local private water supplies with the spreading of effluent arising from the use of the site on the surrounding land, this and other potential environmental impacts are considered below.

Environmental Impact

The scheme includes the proposed installation of a below ground effluent tank for collection of liquid waste. This would provide for approximately 16 weeks of storage and would seek to ensure compliance with The Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) Regulations 2010.

The tanks would collect slurry and washout from the building and from the vehicle wash area on the corner of the building. It is suggested that this slurry would either then be collected by a contractor on a regular basis, as would also be the case with any solid waste or would be spread on adjoining land when conditions permit.

The parish council and a number of local residents have raised concerns in relation to the potential impact of surface water run-off and spreading on the local environment and in particular to Offwell Woods which lies at a lower contour to the northeast of the site. As set out above the control over the spreading of slurry is subject to control under separate legislation and where para. 188 of the NPPF states,

“The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively.”

It should also be recognised that the building in question has permitted use as a livestock building where there is no planning control over the amount of livestock that could be housed within the building or periods of use. As such, were the building to be utilised for its original intended purpose, as part of a calf rearing enterprise or for other livestock housing this could be 24 hours a day 7 days a week, 365 days of the year this would have the potential to give rise to significantly higher levels of effluent which would need to be managed. The current proposal would only involve livestock using the building for 2 days per week and in this regard the impacts from storage and any spreading of effluent would be less than.

In a similar vein it has been suggested that an Environmental Impact Assessment should be required for the development. However, as discussed above the development does not increase the size of the building or its stocking capacity, in fact a lower stocking rate would occur when averaged out across the week. In addition the site area itself falls below the threshold set out in schedule 2 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 where screening is required. Potentially the most significant impact resulting from the development is the increased traffic related to the proposed use and this is covered by the submitted transport information.

Other Issues

The site lies approximately 70 metres to the north of a below ground mains gas pipeline that crosses the land from northeast to southwest. As such an assessment of the potential impact of the development has been undertaken using the Health and Safety Executives online self-assessment tool (planning advice web app). This considers the proposed uses of the site and access to it and the potential safety risks associated with this. The results of the assessment is that the Health and Safety Executive – ‘Do not advise against; the development. The advice also recommended consulting the pipeline operator (Wales and West Utilities) this has been done but no comments have been received.

The proposal primarily involves the re-use of an existing building for alternative livestock housing purposes and includes some resurfacing works to the immediately surrounding land. In addition there is a requirement for some limited hedgerow removal works at the site entrance to facilitate improved access arrangements and elsewhere to facilitate the construction of new access laybys. These works have the potential to result in some loss of wildlife habitat. On the other hand, the application includes proposals for replacement hedge planting of much greater length and thereby offering compensatory habitat creation and potential for biodiversity net gain. Were the application otherwise considered to be acceptable it would be possible to impose a condition requiring an ecological assessment report covering the affected sections of hedgerow, controlling the timing of any works and securing any mitigation measures to ensure that there is no net loss of habitat and to ensure the favourable conservation status of any protected species.

The proposal would increase impermeable areas on the site through the creation of extended areas of hard surfacing, a drainage plan has been provided indicating how it is intended to manage surface water run-off and to keep this separate from foul drainage. This plan indicates a below ground attenuation tank within the site to its southeast corner with outfall to an existing field drain, such an arrangement is considered appropriate in principle but further details of this to ensure sufficient capacity is provided to ensure outfall can be kept to greenfield run-off rates should be conditioned in the event of an approval.

The Parish council has raised concern with the impact that livestock housed at the site may have on the ability to keep livestock on adjoining land. It is understood this concern stems from comments in the applicant’s additional information statement as follows,

‘There is also government legislation in place to ensure the welfare standards of animals at these premises under Animal Welfare Act 2006, Welfare of Animals at Markets Order 1990 (WAMO) and Welfare of Animals at Markets (Amendment) Order 1993. One of the requirements states that no external/other livestock can be located on or immediately adjacent to the site making existing farm buildings on active farms impracticable.’ (para. 2.2)

The applicant has been asked to clarify these comments and their implications. They have advised that the regulations relate to the dedicated site area and not to adjoining land and that as long as animals on the dedicated site are contained and do not come into contact with adjoining animals then the regulations would be met. As all animals

at the site would be contained within the building and from where they would be loaded and unloaded then they would not come into contact with animals on adjoin land. They have also suggested these comments were made in relation to the choice of the Offwell site as opposed to other buildings/sites where such separation would not be possible.

The parish council make reference to perceived inaccuracies in the site layout plan which show a small barn to the north of the site which has been demolished and where a new farm dwelling has previously been granted. The site layout plans are based on Ordnance Survey base maps which may not have been updated to show this barn no longer exists. However it lies outside the site and is unaffected by the proposed development as such this is not considered to be relevant. The permission for the dwelling included permission also for the erection of a storage barn which is indicated to the south of the application site. Whilst the storage barn appears to be under construction as part of the earlier permission this does not mean that the dwelling will necessarily be built out, if it is and this prevents agricultural access to adjoining land then it will be for the landowner to address this matter at the time, including where required through a separate application for planning permission.

CONCLUSION

The application seeks the re-use of an existing agricultural livestock building for an alternative use as a livestock collection centre. Whilst the use represents a loss of the building to the existing agricultural enterprise it represents an alternative 'agriculturally related' use that would provide an alternative and diversified revenue stream to the wider farm business. In addition, the proposal would support the retention of the existing direct employment posts related to the operation of the livestock collection business and where these might otherwise be lost. Though the direct job retention is small and can be attributed only limited weight it is also noted that the proposal appears to benefit from widespread support from the local farming community who value the service it provides. The loss of the service would require local farmers to travel greater distances to alternative collection centres therefore putting additional time and cost constraints on their businesses and increasing transport journeys with the associated negative environmental impacts. The proposal therefore provides wider economic benefits to the agricultural economy which weigh in its favour.

To be weighed against these benefits are any impacts arising from the scheme. In this respect the significant weight of local objection to the scheme is noted and where the traffic impacts of the proposal appear to be primary amongst those concerns. The proposal will undoubtedly result in increased traffic movements along the local roads during the periods when the collection centre is operating and the nature of the traffic attracted to the site would also be of larger vehicles. This change in character of traffic will be discernible and have some impact but the highways authority has not objected to these movements in highways safety terms and subject to conditions to require the provision of the indicated laybys prior to the commencement of the proposed use and for agreement to the surfacing of the circulation route around the building it is considered the proposal can be made acceptable in highway terms. It is also pertinent that the centre is only proposed to operate on two days a week and it is suggested that were permission to be granted it should be restricted as such, as the impact of the scheme have been assessed only on this basis. In other regards, in relation to

environmental impacts the proposal would require the loss or translocation of significant extents of hedge bank but this would be replaced or translocated and additional hedge planting provided, resulting overall in biodiversity net gain. It is also recognised that in terms of wider environmental impacts the traffic movements associated with the proposed use are already occurring and where in the absence of the proposed collection centre longer journeys would be required to further afield centres. In other respects the proposal is considered to be acceptable or its impacts could be made so by conditions.

The concerns of the local community and parish council are recognised and understood however the proposal needs to be assessed on its planning merits and where refusal of the application on the reasons put forward could not be substantiated. On balance, the identified benefits are found to outweigh any harm and approval is recommended.

RECOMMENDATION

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
3. The use hereby permitted is restricted to that of a livestock collection centre only and for no other purpose and shall be restricted as follows:
 - a) The operation of the site for the purposes of the delivery and collection of livestock shall be restricted to no more than 2 days per week and shall exclude operation on Saturdays, Sundays and Bank Holidays.
 - b) For the avoidance of doubt there shall be no auctions carried out at, or direct sales from, the site, nor any public access to the site related to the business use other than for the purposes of the delivery or collection of livestock.

(Reason - In order to define the permission, in the interests of the rural character and amenity of the area and the location of the site, where options for accessing it by alternative modes of transport are extremely limited, in accordance with Strategies 5B (Sustainable Transport) & 7 (Development in the Countryside) and policies D8 (Re-use of Rural Buildings Outside Settlements), E5 (Small Scale Economic Development in Rural Areas) and TC2 (Accessibility of New Development) of the East Devon Local Plan 2013-2031 and guidance contained in the National Planning Policy Framework and associated Planning Practice Guidance.)

4. The use of the site as a livestock collection centre shall not commence until the 2 no. passing bays on the approach road to the site, as identified on approved drawing no. P02 rev.P13, have been provided and made available for use in accordance with a scheme for their delivery and ongoing maintenance that has previously been submitted to and approved in writing by the Local Planning Authority in association with the County Highways Authority. Such a scheme shall include details of:
- The construction and finished surfacing of the passing bays;
 - Drainage details;
 - The long term maintenance of the bays;
 - Provision for the translocation, or replacement, at back edge of the proposed passing spaces, of the existing sections of hedgebanks affected by the construction of the passing bays to ensure a continuation of the existing roadside hedgebank;

Once completed the passing bays and adjoining sections of hedgebank shall thereafter be retained and maintained for that purpose.

(Reason - To ensure adequate provision is made for the type of traffic associated with the use of the site in the interests of highway safety and to ensure that such provision does not harm the character and appearance of the area and conserves the natural beauty of the designated AONB landscape, in accordance with Strategies 7 (Development in the Countryside) and 46 (Landscape Conservation and Enhancement and AONBs) and policies D2 (Landscape Requirements) and TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan 2013-2031 and guidance in the National Planning Policy Frameworks and associated Planning Practice Guidance.)

5. The use of the site as a livestock collection centre shall not commence until the vehicle circulation route around the outside of the livestock building, as identified on approved drawing no. P02 rev.P13, has been constructed and surfaced in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority in association with the County Highways Authority. Once completed the circulation route shall thereafter be retained and maintained, in accordance with the approved details.

(Reason - In the interests of highway safety and to ensure that the vehicle circulation route is appropriately surfaced to avoid the potential for vehicles using it to drag mud and detritus onto the adjoining highway and with policy TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan 2013-2031 and guidance in the National Planning Policy Framework and associated Planning Practice Guidance.)

6. No development shall take place in relation to hedgerow removal until an ecological assessment report, of the section of hedgebanks affected by the construction of the passing bays and access improvements has been carried out, by a suitably qualified person and the findings and recommendations of such an assessment (including any necessary mitigation measures, together with a timetable for their implementation and monitoring) has been submitted to and

approved in writing by the Local Planning Authority. Development shall then proceed in accordance with the approved details.

(Reason - To ensure that appropriate mitigation measures are considered prior to development commencing and in the interests of biodiversity and to ensure the conservation of wildlife habitats and features which may be present, in accordance with policy EN5 - Wildlife Habitats and Features of the East Devon Local Plan 2013-2031 and guidance in the National Planning Policy Framework and associated Planning Practice Guidance.)

7. No development shall take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority; such a scheme to include:
- Confirmation of whether replacement hedgebanks or translocation of existing Hedgebanks are proposed adjoining the approved passing bays;
 - Where new sections of hedgebank are to be provided typical cross-section details of these showing how the new sections would tie in with and match the adjoining retained sections of hedgebank, as well as details of planting layout, species mix, plant size and numbers;
 - Where translocation of existing hedgebanks is proposed details of the means of achieving this to ensure the repositioned hedgebank would tie in with and match the adjoining retained sections of hedgebank;
 - Details (including species mix, layout, number and size of plants) of other areas of hedge planting/hedgebank creation around the northwest, northeast and southeast site boundaries as indicatively shown on the approved site plan P02 rev P13.
 - Details of a minimum 1 metre wide grass verge to the site side of existing and proposed boundary hedges
 - Details of post and wire stock-proof fence to new sections of hedge planting
 - Specification to cover ground preparation, planting, 5 year establishment maintenance programme and 10 year hedgerow management plan.
 - Details of any external lighting proposed (including location, type and hours of operation).
 - Details of any signage proposed in relation to the use of the site hereby proposed.

With the exception of the hedgebanks adjoining the proposed passing bays, which shall be completed and planted up prior to the initial use of the site for the purposes hereby approved, the landscaping of the site shall be completed no later than the first planting season following commencement and shall be maintained in accordance with approved details. Any planting or grass areas which fail within five years of completion of planting works shall be replaced with plants of similar size and species in the next planting season.

(Reason - To ensure that the details are planned and considered at an early stage in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Strategies 7 - Development in the Countryside, 46 - Landscape Conservation and Enhancement and AONBS and Policies D1 - Design and Local Distinctiveness and D2 - Landscape Requirements of the East Devon Local Plan 2013-2031 and guidance in the National Planning Policy Framework and associated Planning Practice Guidance.)

8. Notwithstanding the details provided on the Drainage Strategy plan drawing P05 rev. P3 and prior to commencement of development, other than that related to the provision of the passing bays, further details of the surface water drainage strategy and methods of attenuating surface water run-off, to mimic greenfield run-off rates, shall be submitted to the local planning authority for their written approval. Development shall then proceed in accordance with details as agreed. (Reason - To ensure surface water drainage is appropriately managed within the site in accordance with policy EN22 (Surface Run-off Implications of New Development) of the East Devon Local Plan 2013-2031 and guidance set out in the National Planning Policy Frameworks and associated Planning Practice Guidance.)

Plans relating to this application:

P04 Rev P4: Combined Plans Elevations		15.11.21
P01 rev P6	Location Plan	09.02.22
P02 rev P13	Block Plan	10.02.22

List of Background Papers

Application file, consultations and policy documents referred to in the report.