

**Ward** Yarty

**Reference** 21/2747/FUL & 21/2748/FUL

**Applicant** Ellis

**Location** Alston Farm Alston Axminster EX13 7LG

**Proposal** 21/2747/FUL - Detailed application for the erection of a livestock building.

21/2748/FUL - Detailed application for the erection of a livestock building and installation of 4 no. rainwater harvesting tanks.



#### **RECOMMENDATIONS:**

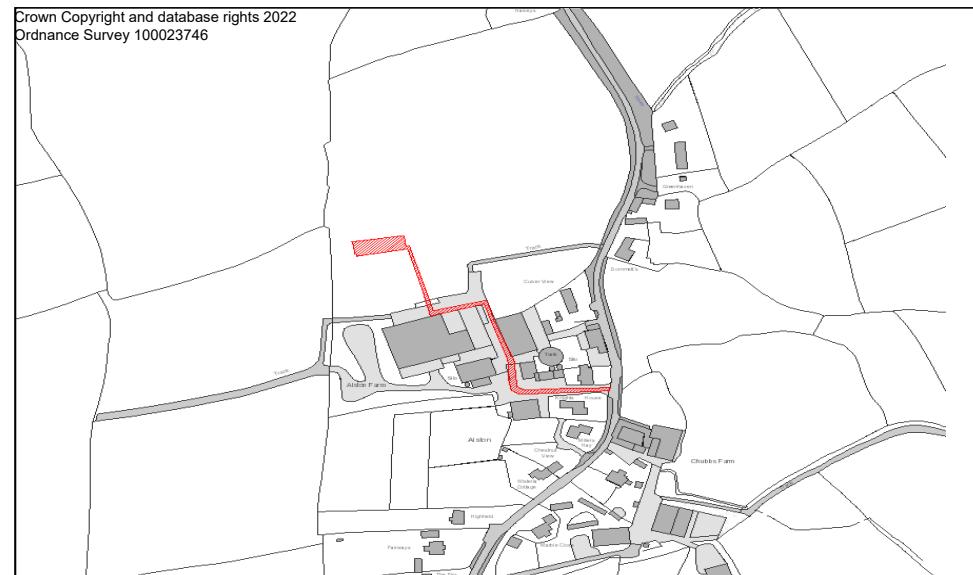
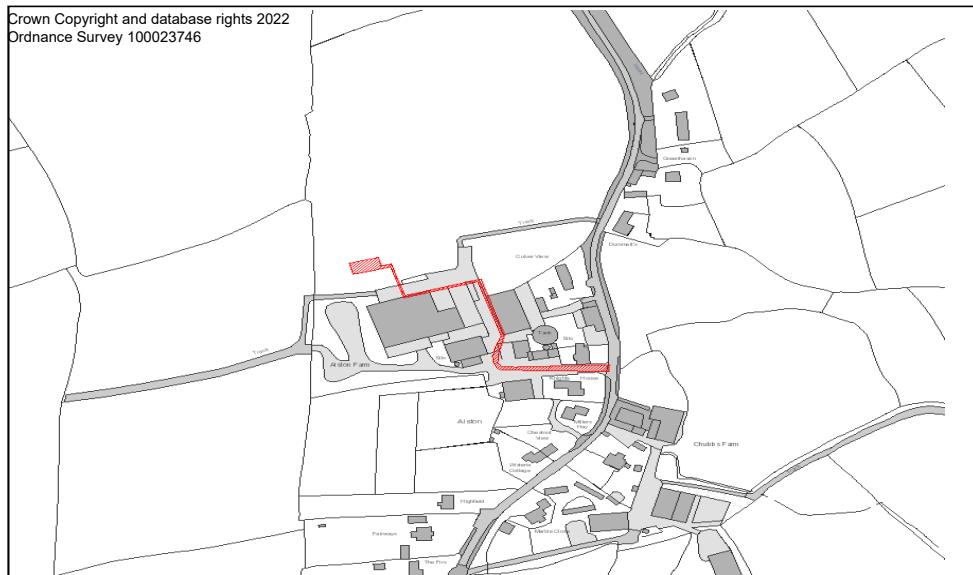
##### **21/2747/FUL -**

1. Approve the Appropriate Assessment attached to this report: and
2. APPROVE subject to conditions

##### **21/2748/FUL -**

1. Approve the Appropriate Assessment attached to this report: and
2. APPROVE subject to conditions

21/2747/FUL



		<b>Committee Date: 14<sup>th</sup> June 2022</b>
<b>Yarty (All Saints)</b>	<b>21/2747/FUL &amp; 21/2748/FUL</b>	<b>Target Date: 16.12.2021</b>
<b>Applicant:</b>	<b>Ellis</b>	
<b>Location:</b>	<b>Alston Farm Alston</b>	
<b>Proposal:</b>	<p><b>21/2747/FUL - Detailed application for the erection of a livestock building</b></p> <p><b>21/2748/FUL - Detailed application for the erection of a livestock building and installation of 4 no. rainwater harvesting tanks</b></p>	

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#### **EXECUTIVE SUMMARY**

**These two applications are before committee as the officer recommendation differs from that of the ward member.**

**This report covers two separate but related applications for different phases of development at the site. The consultation responses received are the same for both applications but separate recommendations are set out for each at the end of the report.**

**The proposals represent the final phases of development to create a new livestock accommodation building and, together with earlier phases previously approved but yet to be constructed (under applications 21/1173/FUL, 21/1177/FUL and 21/1178/FUL), would create a new livestock accommodation building for the milking herd. This would be constructed to modern welfare standards and would facilitate the use of a robotic milking system. The existing livestock**

**accommodation would be retained and utilised for housing dairy followers, young stock and beef cattle, or be repurposed for other agricultural uses.**

The proposal would further extend the farm complex to the north into the adjoining agricultural field and in doing so would increase the visual and landscape impact of the farm complex. In order to mitigate such impacts a comprehensive landscaping package is proposed to include the creation of new sections of hedgebank to the north and east side of the combined building and planting of a copse to the west. Additional planting within existing hedgerows to the west of the site would further assist in filtering wider range views of the development. Subject to conditions to require compliance with the submitted landscaping scheme and to control external lighting, the impact of the proposal on the designated AONB landscape can be appropriately mitigated.

**In all other regards, including impact on the setting of the grade II listed farmhouse and in relation to potential impacts on the River Axe Special Area of Conservation and Site of Special Scientific Interest the proposal is found to be acceptable.**

**The applications are recommended for approval subject to the conditions set out below.**

## **CONSULTATIONS**

### **Local Consultations**

Yarty - Cllr Paul Hayward

**02/05/22** - It appears as if the buildings have increased in size and, as such, I regret that I cannot offer my support in light of my previously submitted comments in respect of the overall development growth on this site.

**17/11/21** - Having listened to debate at the recent Parish Council meeting, and been in receipt of representations from concerned neighbours, I regret that I am unable to support this application (and 21/2748/FUL) due to the impact that this development will have on the Alston area, and the landscape of the AONB. This is the 6th addition to this site proposed in recent months, and whilst I welcome diversification in the rural farming economy, and am mindful of the need for farmers to integrate modern farming technology into their site operations, these are huge buildings which will have a profound and long-lasting impact on the AONB and the views across the Axe Valley.

### **Parish/Town Council**

The Parish Council supports this application.

### **Technical Consultations**

#### **Environmental Health**

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

## Blackdown Hills AONB Project Partnership

Thank you for requesting comments from the Blackdown Hills AONB Partnership on these related applications.

The AONB Partnership supports its local planning authorities in the application of their development management policy framework in order to ensure that any development in the AONB conserves and enhances natural beauty. This is supported by the Blackdown Hills AONB Management Plan 2019-24 which contains the following policy of particular relevance to development proposals:

### **Planning and development PD2**

All necessary development affecting the AONB will conserve and enhance natural beauty and special qualities by:

- Respecting landscape character, settlement patterns and local character of the built environment,
- Being sensitively sited and of appropriate scale,
- Reinforcing local distinctiveness, and
- Seeking to protect and enhance natural features and biodiversity

While the AONB Partnership is sympathetic to farm businesses operating in the Blackdown Hills in respect of the need to address health and environmental considerations, there is a need to balance this with the need to conserve and enhance the special character of the AONB. It is noted that there is considerable recent planning history on the holding from earlier this year and looking at the siting of these connected proposals together with the existing permissions and farm buildings and surroundings, the resultant scale and mass of built form will be considerable. It is disappointing that the previous set of applications for a livestock building appear to have been assessed and determined in isolation, thus with no overall assessment of scale and impact. It would be helpful to address the cumulative landscape and visual effects of these buildings in order to help understand the degree of impact on conserving and enhancing the AONB.

Key matters such as materials, lighting, colour and height relative to existing and other buildings and surrounding trees and hedges will be important considerations in how readily the structures will be assimilated into the wider landscape and we trust that these will be given due attention. In view of the open nature of the surrounding landscape, and the footpath close by, a suitable planting scheme may assist in softening the visual impact and would enhance landscape character, for example hedgerow trees in boundary hedges.

### Conservation

**CONSULTATION REPLY TO PLANNING EAST TEAM  
PLANNING APPLICATION AFFECTING LISTED BUILDING**

**ADDRESS:** Alston Farm, Alston

**GRADE:** II                   **APPLICATION NO:** 21/2747/FUL & 21/2748/FUL

**PROPOSAL:** Detailed application for the erection of a livestock building

## BRIEF DESCRIPTION OF HISTORIC CHARACTER/ ARCHITECTURAL MERIT:

See listing description and information on file

## HOW WILL PROPOSED ALTERATIONS AFFECT HISTORIC CHARACTER OF BUILDING AND ITS SETTING:

Alston Farm is an established livestock farm located adjacent to the lane to the south of Birchill and north of All Saints. The farmhouse dates from C18, stone rubble house with stone dressings, and is set back from the lane behind a low stone wall and garden.

The farm group comprises a small cluster of historic farm buildings to the west, behind, and to the north of the farmhouse adjacent to the lane. The structures to the west and north west are all modern and appear to have been constructed relatively recently. The character of the farm group comprises the historic structures and the relationship of the buildings to the farmhouse and each other.

The applications seek permission to provide 2no. new agricultural livestock buildings to the north of the existing main group of modern structures, in addition to those recently approved. The existing modern farm buildings are sited to the west of the farmhouse and over time have spread from the historic core of the farm group and several are now some distance from the farmhouse. The new structures are typical agricultural simple steel structures with grey fibre cement roof with rooflights, timber boarding to the sides and some openings on the north and south elevations.

**Design & Access Statement:** None provided. There is no mention of the fact that Alston Farmhouse is a listed building and therefore that consideration should be given to the impact of any development on the setting or significance of the heritage asset and the historic farm group.

However, due to its location, it is considered that the structure will have no direct impact on the Grade II listed farmhouse, due to the lack of intervisibility and position adjacent to the backdrop of the overall complex of the existing modern agricultural buildings. The structures are an addition to the farming infrastructure within the agricultural setting of the listed farmhouse, and it is felt that the impact of the proposals will be minimal in the context of this working farm.

However, there have been several recent applications under 21/0601/FUL, 21/0602/FUL, 21/0603/FUL & 21/0604, all approved and considerably closer to the listed farmhouse. More recently, 21/1177/FUL, 21/1178/FUL & 21/1173/FUL in close proximity to the current applications. This will inevitably have a cumulative impact on the extent of the overall size of the livestock building and the impact on the surrounding countryside/AONB. Perhaps further discussion is required to ascertain the likelihood of further structures required in the farm group. Consideration should also be given to minimising any impact on the heritage asset and the wider landscape eg. screening.

## PROVISIONAL RECOMMENDATION - PROPOSAL ACCEPTABLE

EDDC Landscape Architect

**08/04/22** - I have reviewed the submitted landscape details.

The Landscape plan is acceptable.

With regards to specification some further detail is required as per attached model specification.

The proposed copse planting mix includes beech which is not particularly characteristic and will likely prove too vigorous and large in this location. I would recommend that it is changed to holly instead.

Proposed hedge planting density is acceptable but copse planting should be increased to 1.5m centres.

**25/01/22** –

## 1 INTRODUCTION

This report forms the EDDC's landscape response to the full applications for the above site.

The report provides a review of landscape related information submitted with the application in relation to adopted policy, relevant guidance, current best practice and existing site context and should be read in conjunction with the submitted information.

Although two applications have been submitted, as they relate to a single building they are considered together in this report.

## 2 LOCATION, SUMMARY PROPOSALS, SITE DESCRIPTION AND CONTEXT

### 2.1 Location and brief description of proposals

The site is situated on the north-western edge of Alston, immediately to the north of the existing farm complex and 150m west of the minor road running north-south through the village. The proposal is to construct a large agricultural shed as an extension to existing cattle sheds to the south.

### 2.2 Site description and context

The farm comprises a collection of mostly modern, tightly clustered, large agricultural buildings situated on the lower slopes of a north-south running valley at an altitude of about 110m AOD. The surrounding landscape is generally open, pastoral with medium to large sized fields sloping gently to the valley floor to the east. Fields are bounded by close cut hedgerows with occasional trees.

The application site is situated in the southwest corner of a large field immediately to the north of the main farm complex on recently excavated ground, with a thick, regularly cut 2m high hedge to the west side. The northern and eastern site boundaries are open and undefined by physical features.

The main village of Alston is situated to the south of the farm and is screened from the application site by existing farm buildings but, there are a number of scattered dwellings within 350m to the north and east of the site which are visible from it. The villages of Tytherleigh and Chardstock are visible on the upper valley slopes approximately 1km to the east and northeast.

There is no public access within the application site itself but Alston Footpath 41 runs along the far side of the western boundary hedge and crosses into the application site field for a short distance at a point 70m to the north. There are a number of other public footpaths and bridleways higher up the valley side to the west which provide clear views to the application site. There are further footpaths on the opposite side of the valley which may also provide some views of the site but which have not been assessed.

Principal visual receptors are likely to be:

Users of surrounding public rights of way particularly Chardstock/ All Saints footpath 41 which follows the western site boundary, All Saints bridleway 38, Chardstock footpaths 39, 40 all of which are within 500m of the site.

Residents of nearby properties to the east and north of the application site who will have views of the site from upstairs windows.

Residents on the western edges of Tytherleigh and Chardstock.

Pedestrians, cyclist and motorists using the minor county road which runs through the valley will have glimpse views through field openings.

## 2.3 Landscape, Conservation and planning designations

The site lies within the Blackdown Hills AONB where in accordance with NPPF para. 176 the scale and extent of development should be limited.

There are no other landscape conservation designations within the vicinity of the site.

The Blackdown Hills AONB management plan 2019-2024 sets out a number of policies aimed at protecting landscape character and quality within the AONB amongst which, of particular relevance to the application are:

Objective FLM - To support farming and forestry practices that conserve and enhance the special qualities of the AONB and deliver a range of ecosystem services.

Policy PD2 - All necessary development affecting the AONB will conserve and enhance natural beauty and special qualities by:

Respecting landscape character, settlement patterns and local character of the built environment.

Being sensitively sited and of appropriate scale.

Seeking to protect and enhance natural features and biodiversity.

## 2.4 Landscape character

Landscape character assessments prepared at National, County and District level serve to identify and distinguish differences in landscape character either in terms of specific geographic areas known as Landscape Character Areas or non-geographic assessment of common landscape features known as Landscape Character Types.

The site lies wholly within the Axe Valley Devon Landscape Character Area. It also falls on the boundary of two East Devon Landscape Character Types: 3a - Upper farmed and wooded slopes and 3b Lower Rolling Farmland and settled slopes, although it shares more closely the characteristics of the latter.

Key features of these LCA/ LCTs relevant to the site are:

- Open, flat landform, often with distinct vegetated floodplain edge.
- Pastoral land use with wet meadows and some arable, with variable field sizes.
- Very sparsely settled, with farms sited above the flood plain.
- Open internally, with views out screened by boundary vegetation. Long views along valleys, especially from bridges, framed by valley sides.
- Strong sense of tranquillity, particularly away from roads. Strong seasonal changes.
- Simple landscape pattern, particularly distinctive seen in views from higher land

Relevant management recommendations for this LCT are:

Manage field patterns, by repairing degraded hedgerows, promoting traditional hedgerow management, and also retaining/ planting hedgerow trees. Replace lost ash trees with alternative species.

Manage traditional orchards, supporting restoration where possible.

Choose building materials which fit with the existing palette, taking particular care if considering bright or reflective surfaces.

Consider the role of this LCT in wider views. It is often seen from above, so any developments spread over a large area (such as solar farms) are likely to be very apparent.

## 2.5 Site landscape character

While the surrounding landscape shares most of the above features, the site and its immediate surrounds have a more open aspect affording extensive views to the north and east. Field hedgerows are generally close cut with very few trees. The presence of adjacent large modern agricultural buildings and associated intensive farming operations detracts somewhat from the landscape quality in the immediate site vicinity.

## 3 REVIEW OF SUBMITTED INFORMATION

### 3.1 Site plans

The details submitted with the application are limited. A topographic survey showing existing ground levels, the buildings to the south and the nearby hedgerow to the west should have been submitted with the application as a validation requirement.

The site plan does not include any nearby features or levels other than the existing buildings to the south.

There is no indication of finished floor levels of the proposed or existing building.

The building elevation drawings should include elevations of the existing buildings together with the proposed building to show the relationship between them and their overall scale.

### 3.2 Proposed building

The proposed building measures 30x50m with a height of 8.5m to ridge and an overall floor area of 1500m<sup>2</sup>. By comparison the existing building to the south, which it will be built against, is 37m long x 40m wide with a floor area of 1480m<sup>2</sup> and a height to ridge of 5.75m. The proposed building will therefore double the overall floor area, will increase the length of the existing building by 50m and will stand 2.75m higher.

### 3.3 Other issues to be addressed

There is no landscape plan to show how the visual impact of the proposals will be mitigated. A detailed landscape plan showing proposed mitigation planting together with a planting specification, plant schedule indicating the supply size, form, planting density and overall numbers of proposed plants together with a 5 year maintenance plan should be provided by condition should the application be approved.

The prosed discharge of roof water to nearby watercourse is vague and inappropriate. Discharge should be to a soakaway subject to ground percolation tests. Should ground conditions not be suitable a surface water attenuation system should be provided to limit the surface water discharge rate to water courses to an acceptable level. Details of proposed drainage should be provided by condition should the application be approved.

Proposed roof coverings are indicted as grey corrugated fibre cement sheets. The colour should be specified as anthracite grey to help blend the building into the landscape.

Proposed roof lights could significantly increase light spill in this area noted for its dark night skies. Details of proposed internal and external lighting and expected times of operation should be submitted by condition should the application be approved. Lighting proposals should include measures to limit light spill including provision of shields to deflect light downwards and use of warm spectrum lamps.

Appropriate protective fencing would be required to protect the existing hedge to the west from damage during construction works.

### 3.4 Landscape and visual effects of proposed development

The surrounding landscape is of high value as recognised by its AONB status, although the landscape quality around the farm has been degraded by the large building complex and intensive farming practices.

While these detractors reduce the sensitivity of the landscape to change, the scale of the proposed building and its cumulative impact when considered alongside the existing farm buildings will result in noticeable landscape and visual effects in relation to settlement patterns. The proposed 2.75m increase in ridge of the building will not only make it more prominent in the wider landscape but as evident in the photomontages (refer Appendix figs. 2-4) will also be out of scale with the existing farm buildings.

The proposal is likely to give rise to adverse visual impact on the receptors noted at section 2.2 above, particularly given the scale of the proposed building and lack of mitigation measures. The greatest impacts are likely to be felt by nearby residents to the east and by users of the public rights of way network to the west.

Subject to implementation and successful establishment of appropriate mitigation measures the visual impact of the proposal would reduce over time. However, the hardest views to mitigate are from footpath 41 immediately to the north and nearby dwellings to the east.

Such mitigation planting could also provide some enhancement of bio-diversity and landscape character.

## 4 CONCLUSIONS & RECOMMENDATIONS

### 4.1 Acceptability of proposals

On the basis of the details submitted the scheme will give rise to adverse landscape and visual impact and should be considered in conflict with NPPF para. 176, Local Plan Strategy 7 and 46 and policy D1 and Blackdown Hills AONB Management Plan policy PD2. However, subject to the LPA satisfying itself as to the need for the development and the following points being adequately addressed to minimise harm, the scheme could be considered for approval:

The ridge height of the proposed building should be reduced to 5.75m to match that of the existing building to the south.

Proposed roof coverings should be anthracite grey coloured corrugated cement fibre.

A landscape mitigation scheme should be provided based on the recommendations indicated at Appendix figure 1.

### 4.2 Landscape conditions

In the event that amended information as noted at section 4.1 above is secured and approval is recommended, the following conditions should be imposed:

1) No development work shall commence on site until the following information has been submitted and approved:

a) Details of proposed internal and external lighting including types of fittings and lamps, locations, means of control and intended hours of operation. Lighting shall be designed to minimise light-spill and adverse impact on dark skies/ bat foraging and

commuting in accordance with Institute of Lighting Professionals (ILP) guidance notes GN01 2011 - Guidance notes for the reduction of obtrusive light and GN 08/18 - Bats and Artificial Lighting in the UK.

- b) Proposed levels plan indicating finished floor level of the proposed building and the extent of any earthworks around.
  - c) Surface water drainage scheme to ground soakaway or suitably designed attenuation system.
  - d) Soft landscape details to include:
    - i) Planting plan(s) showing locations, species and number of new tree, shrub and hedgebank planting,
    - ii) Plant schedule indicating the species, form, size, numbers and density of proposed planting.
    - iii) Soft landscape specification covering soil quality, depth, cultivation and amelioration; planting, mulching and means of plant support and protection during establishment period and 5 year maintenance schedule.
    - iv) Tree pit and tree staking/ guying details
  - e) Measures for protection of existing hedgerow and trees to the western site boundary during construction phase in accordance with BS5837: 2012. Approved protective measures shall be implemented prior to commencement of construction and maintained in sound condition for the duration of the works.
- 2) The works shall be executed in accordance with the approved drawings and details and shall be completed prior to first use of the proposed buildings with the exception of planting which shall be completed no later than the first planting season following first use.
- 4) Any new planting which fails to make satisfactory growth or dies within five years following completion of the development shall be replaced with plants of similar size and species to the satisfaction of the LPA.  
(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Strategy 3 (Sustainable Development), Policy D1 (Design and Local Distinctiveness), Policy D2 (Landscape Requirements) and Policy D3 (Trees in relation to development) of the East Devon Local Plan. The landscaping scheme is required to be approved before development starts to ensure that it properly integrates into the development from an early stage.)
- Appendix (see web site for photographs)
- Figure 1 Aerial photo
- Figure 2 Viewpoint A photomontage
- Figure 3 Viewpoint B photomontage
- Figure 4 Viewpoint C photomontage
- Note on photomontages

Baseline photography is taken with hand held Nikon D90 camera with 35mm fixed lens to give 37 degree horizontal field of view in accordance with industry standard guidance to best represent actual viewing experience when printed at A3 and held at comfortable arms length.

Photomontages are approximate but considered sufficiently accurate to give a fair representation of the likely visible extent of the proposed building within the view.

Viewpoint locations are indicated in figure 1.

#### Natural England

#### SUMMARY OF NATURAL ENGLAND'S ADVICE

Natural England advises that provided the proposals will not result in an increase in livestock numbers, they are unlikely to have a significant effect on any European site, either alone or in-combination with other plans and projects.

We therefore concur with the conclusion you have drawn in your Habitats Regulations Assessment that it is possible to ascertain that the proposals will not result in likely significant effects on the River Axe Special Area of Conservation (SAC) and can therefore be screened out from any requirement for further appropriate assessment.

#### Other Representations

None received.

#### PLANNING HISTORY

Reference	Description	Decision	Date
08/2137/FUL	New building to house cattle and extension to existing building to contain dairy and storeroom	Approval with conditions	02.10.2008
08/2301/FUL	Erection of steel framed building to house cattle	Approval with conditions	02.10.2008
09/1777/FUL	Erection of agricultural building to provide additional loose housing.	Approval with conditions	07.10.2009
11/1557/FUL	Construction of livestock building	Approval with conditions	23.08.2011

11/1642/FUL	Construction of silage bunker	Approval - standard time limit	01.09.2011
18/2338/FUL	Construction of farm slurry store, manure bunker, below ground reception pit and associated works	Approval with conditions	02.04.2019
20/1450/FUL	Earth lined slurry store.	Approval with conditions	02.10.2020
21/0601/FUL	Erection of a roof canopy over existing silage clamp	Approval with conditions	04.05.2021
21/0602/FUL	Erection of roof canopies over existing silage clamps and open cow yard	Approval with conditions	04.05.2021
21/0603/FUL	Erection of roof canopy over existing open cow yard	Approval with conditions	04.05.2021
21/0604/FUL	Erection of roof canopy over existing open cow yard	Approval with conditions	04.05.2021
21/1173/FUL	Erection of a livestock building	Approval with conditions	19.07.2021
21/1177/FUL	Erection of a livestock building	Approval with conditions	19.07.2021
21/1178/FUL	Erection of a livestock building	Approval with conditions	19.07.2021

## **POLICIES**

### **Adopted East Devon Local Plan 2013-2031 Policies**

Strategy 3 (Sustainable Development)

Strategy 7 (Development in the Countryside)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development sites)

D7 (Agricultural Buildings and Development)

EN5 (Wildlife Habitats and Features)

EN14 (Control of Pollution)

EN22 (Surface Run-Off Implications of New Development)

EN9 (Development Affecting a Designated Heritage Asset)

#### Government Planning Documents

NPPF (National Planning Policy Framework 2021)

National Planning Practice Guidance

#### **Site Location and Description**

Alston farm is located at the upper end of the River Kit valley and at the northern end of the hamlet of the same name. The farm comprises of a grade II listed farmhouse at the farm entrance and facing onto the local road that passes the site and a range of mainly modern farm buildings located to the north and west of this.

The site itself is to the north of the building group extending development out into the adjoining pasture field. The field is bounded by native hedgerows with some hedgerow trees within these, particularly on the northern field boundary and within the western field boundary just to the northwest of the site. To the west of the field on the opposite side of the hedgeline and running on a north-south axis is All Saints footpath No. 41. To the east of the site on the opposite side of the local road there are a number of residential properties, the closest of which lies just over 130 metres from the site.

The site lies within the Blackdown Hills Area of Outstanding Natural Beauty.

#### **Planning Background**

The planning history for the site reveals significant development at the site in recent years. These applications have related initially to infilling between and around existing buildings to the western end of the farm yard with most of these associated with initiatives run by Environment Agency/Natural England to minimise the potential for pollution of the water environment by covering over existing yard areas, silage clamps

etc. to prevent contamination of clean roof water. These developments have consolidated and enlarged the built development within the yard area.

Most recently a further series of applications have been granted (21/1173/FUL, 21/1177/FUL and 21/1178/FUL) extending the built form north into the adjoining field. These buildings have been granted as additional livestock housing.

### **Proposed development**

The application seeks permission for 2 no. livestock buildings albeit these would likely be constructed as one building in association with those already approved to the south.

Each building would measure: 30.4 metres (Length) x 4.6 metres (eaves) x 8.47 metres (maximum height) x 13.7 metres (depth)

The buildings would provide a central feed passage that would connect with the other proposed/approved buildings. Materials are standard materials commonly used on farm buildings throughout the district, pre-cast concrete panels with timber cladding above to the elevations and grey fibre cement roof sheets.

Information provided by the agent states that the applicants require the building to house animals in order to support a change in farming structure and persistent tuberculosis in the herd necessitate the new buildings.

### **ANALYSIS**

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

- Principle and policy compliance
- Impact on the character and appearance of the area/Wider Landscape Impact
- Impact on the River Axe Special Area of Conservation (SAC)
- Other Issues

#### **Principle and policy compliance**

The site is located in a highly protected landscape (AONB) where there is a requirement (Strategy 46 of the EDLP) for any application to conserve and enhance the natural beauty of the landscape.

As the site lies in open countryside, in accordance with Strategy 7 of the Local Plan development will only be supported where it is explicitly permitted by another policy of the Local or Neighbourhood Plan.

In this instance although the whole of All Saint Parish is a designated Neighbourhood Area there is no made, or draft, Neighbourhood Plan against which to consider the development.

Policy D7 of the EDLP offers support for agricultural buildings and development subject to a number of criteria covering: location, scale, design and materials; landscape and biodiversity impact; residential amenity; there being no other buildings

on the holding capable of meeting the reasonable need; acceptability in highway and drainage terms.

The proposals seek to provide 2 no. additional new livestock buildings to serve the applicant's existing dairy enterprise. These 2 phases are related to earlier phases of development approved under applications 21/1173/FUL, 21/1177/FUL & 21/1178/FUL with the combined buildings providing for new livestock housing for the existing herd. It is understood that the combined building would provide for improved welfare standards to help address a persistent tuberculosis issue in the herd and would also facilitate the operation of a robotic milking system. The applicant has provided additional information in relation to livestock numbers and has confirmed that the proposal does not propose an increase in the herd size or livestock numbers.

In terms of location, whilst the proposal further extends development into the undeveloped countryside to the north of the existing building group it represents a logical extension to the livestock buildings already approved to the south and which themselves already extend development beyond the original yard area. The proposed buildings would replicate those already approved in terms of form height and materials. In this location the buildings would remain closely related to and would be viewed in connection with the existing/approved agricultural buildings at the site. In terms of scale and materials these would replicate the existing and approved buildings to the south.

The landscape impact is considered separately below. In relation to biodiversity the site would extend further to the north into the field which itself is likely to be of limited biodiversity value. The provision of additional landscape planting however presents the opportunity for biodiversity enhancement. The proposals effectively form an extension to the new and modern livestock housing permitted to the south of the site and where other buildings on the site are fully utilised. The proposal does not seek to amend the access to the site nor would it give rise to any significant increase in traffic movements outside of any associated with the construction phase of development and where construction is likely to be carried out at the same time as the other approved development to the south.

The closest unrelated residential properties to the site lie over 130 metres away to the east and where existing farm buildings are located at a similar distance. As a result, it is not considered that the proposal would give rise to any additional amenity impacts and the environmental health officer has raised no objections in this regard.

In relation to surface water drainage both policies EN22 and D7 seek to ensure that this is appropriately managed and policy EN14 seeks to ensure that development does not lead to polluting impacts. The application refers to drainage being to an existing water course but the inclusion of 4 no. rainwater harvesting tank to the west side of the building would seek to recycle clean roofwater for use as drinking water within the building, this would minimise any additional run-off.

### **Impact on the character and appearance of the area/wider AONB**

The proposal site sits within the Blackdowns AONB, where Strategy 46 of the East Devon Local Plan reflects national guidance – seeking to ensure that the natural beauty of the landscape is conserved or enhanced and landscape quality maintained.

The application site lies to the North of the Farm complex on the outer edge of existing farm buildings - and together with approved, but as yet unbuilt, development to the south, cumulatively represents a fairly substantial increase in built form over that which currently exists on site.

The site lies on the boundary of two landscape character types as defined in the East Devon and Blackdown Hills Landscape Character Assessment (2019). To the west the landscape character type is 3A: Upper Farmed and Wooded Valley Slopes and to the east 3B: Lower Rolling Farmed and Settled Valley Slopes. In reality the site is considered to reflect the characteristics of the latter landscape character type which recognises likely impacts from agricultural development and set out how such development should be planned for through consideration of amongst other things appropriate building materials and landscape screening. Given the nature of the proposed building it would also be essential to control artificial lighting of the buildings to prevent light spill.

These are large agricultural buildings which in combination with those already approved under earlier applications have the potential to give rise to harmful landscape and visual impacts. The proposals are however closely related to the existing farm complex and are not unusual in their appearance being of standard agricultural building design and utilising common materials. In order to mitigate the impact of the development a landscaping scheme is proposed that would seek to reduce the impact of not just the development proposed under the current applications but also those previously approved to the south. The proposed landscaping scheme provides for the planting of a new hedge and hedge bank to the north and east of the combined buildings, copse planting between the building and the existing hedgerow to the west and additional tree planting within existing field boundary hedgerows further to the west to assist in filtering views of the site from this side. The most recent landscaping scheme addressed the latest comment of the Landscape Architect and it is considered would in the longer term satisfactorily mitigate the impact of the development.

The submitted details confirm that no external lighting of the building and no translucent roof panels are proposed in order to prevent light spill. However given the nature of robotic milking there would be a need to light the building internally at night and 4 no. red led lights are proposed internally to facilitate this. Such lighting is likely to have limited impacts outside of the buildings in question and where the use of red light has been found to have low to no impact on bat activity.

### **Impact on the River Axe Special Area of Conservation (SAC)**

The site lies with the catchment area of the River Axe. Natural England has recently issued guidance in relation to the current conservation status of the River Axe Special Area of Conservation (SAC) which is considered to be in an ‘unfavourable condition’. The advice is that the condition status is affected by increased phosphate levels in the river. Excessive levels of such nutrients can lead to rapid growth of certain plants

through the process of eutrophication, leading to a loss of biodiversity and the decline in the condition of designated sites. In order to achieve improvements in water quality it is advised that substantial reductions in nutrients are needed and that mitigation solutions will be needed to enable new development to proceed without causing further harm.

The Local Planning Authority has a duty under Conservation of Habitats and Species Regulations 2017 (as amended). This duty is for all “competent authorities” (including Local Planning Authorities and other public bodies) to “have regard to the Habitats Directive in the exercise of its functions”.

Regulation 63 (1) of the Habitats Regulations states the following:

“A competent Authority, before deciding to undertake, give any consent, permission or other authorisation for, a plan or project which:

- a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and
- b) is not directly connected with or necessary to the management of that site,

must make an appropriate assessment of the implications for that site in view of that site’s conservation objectives”.

The Council as the Competent Authority should only grant permission if they are certain at the time of Appropriate Assessment that a plan or project (in this case the proposed development) will not adversely affect the integrity of a habitats site i.e. where no reasonable scientific doubt remains as to the absence of effects. In this regard, new agricultural development, such as that proposed has the potential to lead to increased phosphate loading where it would facilitate an increase in livestock numbers.

The project that the applications comprise has been screened to determine whether or not this would be likely to have a significant effect on the relevant site. In doing so it has been concluded that, on the basis that the project is not designed to facilitate an increase in livestock numbers, that a likely significant effect would not arise. However, given the current unfavourable status of the river Axe and the relatively recent nature of Natural England’s guidance, they have been consulted on the appropriateness of this approach and it is hoped that any comments in this regard can be verbally updated to committee.

## **Other Issues**

Section 66 of the Listed Building and Conservation Area Act 1990 (amended) establishes a statutory duty to preserve listed buildings / structures and their settings. The farmhouse to the southeast of the site is a designated heritage asset (grade II listed) and as such it is necessary to consider the potential impact of the development on its setting. Par. 202 of the NPPF and policy EN9 of the Local Plan require, where development is considered to result in less than substantial harm for that harm to be weighed against the public benefits of the proposal. In this instance given the separation both physically and visually between the farmhouse and the proposed

development the harm is considered to be minimal and could be offset through additional landscaping.

## **CONCLUSION**

The proposed buildings represent the final phases of development already approved under earlier permissions (21/1173/FUL, 21/1177/FUL and 21/1178/FUL). The combined development seeks to provide a modern livestock building to current welfare standards and to enable the introduction of a robotic milking system. The combined development extends the existing farm complex to the north and includes an increase in building height, which is required to facilitate access by machinery. The proposal would therefore result in some increased landscape and visual impact on the designated AONB landscape, in order to mitigate such impacts a comprehensive landscaping scheme is proposed which will, once established, provide appropriate mitigation. In other regards the proposal is not designed to facilitate an increase in herd numbers but to provide alternative livestock accommodation for the existing herd as such it is not considered that the proposal would give rise to likely significant effect on the River Axe SAC and SSSI and the requirement for appropriate assessment under the Habitat Regulations has been screened out. In all other regards the proposal is considered to be acceptable and subject to the conditions set out below both applications are recommended for approval.

## **RECOMMENDATIONS**

### **RECOMMENDATION 1 - 21/2747/FUL**

3. Approve the Appropriate Assessment attached to this report: and
4. 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. Prior to its installation, further details and where so requested, a sample of the cladding to be used externally shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be built in the materials approved.  
(Reason - To ensure that the materials are considered at an early stage and are sympathetic to the character and appearance of the area in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)

4. All foul drainage, including foul surface run-off, shall be disposed of in such a way as to prevent any discharge to a well, borehole or spring or any watercourse, including dry ditches with a connection to a watercourse.  
(Reason - To avoid pollution of the water environment in accordance with Policy EN15 (Control of Pollution) of the adopted East Devon Local Plan 1995 -2011.)
5. No external lighting shall be installed unless it is in accordance with details which shall have been previously submitted to, and agreed by, the Local Planning Authority.  
(Reason - In order to minimise light pollution from the development hereby approved, in accordance with the provisions of Policy EN14 (Control of Pollution) of the East Devon Local Plan 2013 - 2031, and Policy NE3 (Preserving Tranquillity and Our Dark Skies) of the Stockland Neighbourhood Plan - as well as guidance contained within the National Planning Policy Framework).
6. The landscaping scheme (comprising the Landscaping plan received 17.03.22 and Landscaping Scheme received 03.05.22) shall be carried out in the first planting season after commencement of the development unless any alternative phasing of the landscaping is previously agreed in writing by the Local Planning Authority and the landscaping shall be maintained in accordance with the approved maintenance schedule forming part of the scheme with any trees or other plants which die during the maintenance period to be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.  
(Reason - To ensure that the landscaping is delivered at an early stage and thereafter appropriately maintained in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 - Design and Local Distinctiveness and D2 - Landscape Requirements of the Adopted East Devon Local Plan 2013-2031.)
7. Final finished floor levels for the building hereby approved shall match those of the existing livestock buildings to the south of the site (as indicated on approved drawing no. Alston Farm-P9-00) unless alternative details have previously been submitted to and agreed in writing by the Local Planning Authority.  
Development shall then be carried out in accordance with the approved details.  
(Reason - For the avoidance of doubt and to ensure that adequate details of levels are available in the interest of the character and appearance of the locality in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)

#### NOTE FOR APPLICANT

##### Informative:

In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 in determining this application, East Devon District Council has worked positively with the applicant to ensure that all relevant planning concerns have been appropriately resolved.

##### Plans relating to this application:

	Location Plan	18.10.21
P9-00	Proposed Site Plan	18.10.21
P9-01 : building plan	Proposed Floor Plans	18.10.21
P9-02	Proposed Combined Plans	18.10.21
P9-03	Proposed Elevation	18.10.21
Amended Landscaping Scheme	Landscaping	03.05.22
LED lighting	Proposed roof plans	17.03.22
Landscaping Plan	Landscaping	17.03.22

#### List of Background Papers

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

#### RECOMMENDATION 2. 21/2748/FUL

5. Approve the Appropriate Assessment attached to this report: and
6. 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. Prior to their installation, further details (and where so requested samples) of the following shall be submitted to and approved in writing by, the Local Planning Authority:
    - cladding to be used externally on the building
    - finished colour of the rainwater harvesting tanks
The development shall be built in the materials approved.  
(Reason - To ensure that the materials are considered at an early stage and are sympathetic to the character and appearance of the area in accordance with

Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)

4. All foul drainage, including foul surface run-off, shall be disposed of in such a way as to prevent any discharge to a well, borehole or spring or any watercourse, including dry ditches with a connection to a watercourse.  
(Reason - To avoid pollution of the water environment in accordance with Policy EN15 (Control of Pollution) of the adopted East Devon Local Plan 1995 -2011.)
5. No external lighting shall be installed unless it is in accordance with details which shall have been previously submitted to, and agreed by, the Local Planning Authority.  
(Reason - In order to minimise light pollution from the development hereby approved, in accordance with the provisions of Policy EN14 (Control of Pollution) of the East Devon Local Plan 2013 - 2031, and Policy NE3 (Preserving Tranquillity and Our Dark Skies) of the Stockland Neighbourhood Plan - as well as guidance contained within the National Planning Policy Framework).
6. The landscaping scheme (comprising the Landscaping plan received 17.03.22 and Landscaping Scheme received 03.05.22) shall be carried out in the first planting season after commencement of the development unless any alternative phasing of the landscaping is previously agreed in writing by the Local Planning Authority and the landscaping shall be maintained in accordance with the approved maintenance schedule forming part of the scheme with any trees or other plants which die during the maintenance period to be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.  
(Reason - To ensure that the landscaping is delivered at an early stage and thereafter appropriately maintained in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 - Design and Local Distinctiveness and D2 - Landscape Requirements of the Adopted East Devon Local Plan 2013-2031.)
7. Final finished floor levels for the building hereby approved shall match those of the existing livestock buildings to the south of the site (as indicated on approved drawing no. Alston Farm-P9-00) unless alternative details have previously been submitted to and agreed in writing by the Local Planning Authority.  
Development shall then be carried out in accordance with the approved details.  
(Reason - For the avoidance of doubt and to ensure that adequate details of levels are available in the interest of the character and appearance of the locality in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)

#### NOTE FOR APPLICANT

##### Informative:

In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 in determining this

application, East Devon District Council has worked positively with the applicant to ensure that all relevant planning concerns have been appropriately resolved.

Plans relating to this application:

P10-01 : building plan	Proposed Floor Plans	18.03.22
LED Lighting	Proposed roof plans	17.03.22
	Location Plan	18.03.22
P10-00	Proposed Site Plan	18.03.22
P10-02	Proposed roof plans	18.03.22
P10-03	Proposed Elevation	18.03.22
Amended Landscaping Scheme	Landscaping	03.05.22

List of Background Papers

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

## **APPENDIX 1 – APPROPRIATE ASSESSMENT**

<b>HRA Screening Report</b>	
The Conservation of Habitats and Species Regulations 2017, Section (63)	
Application Reference	21/2747/FUL and 21/2748/FUL
Brief description of proposal	Applications for the erection of livestock building and installation of 4 no. rainwater harvesting tanks
Location	Alston Farm Alston Axminster EX13 7LG
Site is:	Within the nutrients Catchment Area for the River Axe SAC as defined by Natural England.  See Appendix 1 for list of interest features of the SPA/SAC.
<b>Step 1</b> Screening for Likely Significant Effect on the River Axe SAC	
<b>Risk Assessment</b>	
Could the Qualifying Features of the European site be affected by the proposal?  Consider both construction and operational stages.	No – As defined within Natural England guidance issued on 16 <sup>th</sup> March 2022. This proposal, which is a project, includes agricultural development within the catchment of the River Axe SAC.  An increase in livestock numbers on the holding could result in increased phosphate levels in the SAC during operation, through increasing grey/black water production. Increased phosphate levels are considered by Natural England to negatively impact the qualifying features of the River Axe SAC.  However an increase in phosphate levels would only be likely to occur where the proposal would result in an increase in livestock numbers on the holding. The applicant has provided additional information as part of the application to confirm that the proposals are not to facilitate increased livestock numbers but to provide improved livestock accommodation to modern welfare standards and to allow the farm to operate a robotic milking parlour that is not possible within the existing building range.
<b>Conclusion of Screening</b>	

Is the proposal likely to have a significant effect, either ‘alone’ or ‘in combination’ on a European site?	On the basis that the proposal would not give rise to any increase in livestock numbers and therefore increased slurry or effluent discharge East Devon District Council concludes that the proposal <b>would not have</b> a likely significant effect, when considered either alone or in combination, upon the qualifying features of the River Axe SAC due to the risk of increased phosphates generated by the development.  An Appropriate Assessment of the plan or proposal is not therefore necessary and the proposal can be screened out at this stage.	
Local Authority Officer	Charlie McCullough	Date: 05.05.22

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#### Appendix 1. List of interest features:

##### River Axe SAC – Component SSSI

H3260 Water courses of plain to montane levels with *R. fluitantis*

S1095 Sea lamprey, *Petromyzon marinus*

S1096 Brook lamprey, *Lampetra planeri*

S1163 Bullhead, *Cottus gobio*

##### Site Description

Site description: The mixed catchment geology of sandstones and limestones gives rise to calcareous waters where stream water-crowfoot *Ranunculus penicillatus* ssp. *pseudofluitans* dominates, giving way to river water-crowfoot *R. fluitans* further downstream. Short-leaved water-starwort *Callitrichia truncata* is an unusual addition to the water-crowfoot community. The diverse flora results from a number of contributing factors. Firstly, the lower reaches of the Axe have high bed stability. Secondly, the river has few trees along its banks, allowing much light to reach the riverbed. Finally, the active geomorphology of the river has generated a range of natural features (including long riffles, deep pools, islands and meanders), which provide a variety of ecological niches. This variety of river channel habitats also supports an important fish community, including Atlantic salmon *Salmo salar*, sea lamprey *Petromyzon marinus*, brook lamprey *Lampetra planeri* and bullhead *Cottus gobio*.

##### Qualifying habitats

The site is designated under article 4(4) of the Directive (92/43/EEC) as it hosts the following habitats listed in Annex I:

- Water courses of plain to montane levels with the *Ranunculion fluitantis* and *Callitricho Batrachion* vegetation. (Rivers with floating vegetation often dominated by water crowfoot)

##### SAC Conservation Objectives

With regard to the SAC and the natural habitats and/or species for which the site has been designated (the ‘Qualifying Features’ listed below), and subject to natural change;

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;

- The extent and distribution of qualifying natural habitats and habitats of qualifying species
- The structure and function (including typical species) of qualifying natural habitats

- The structure and function of the habitats of qualifying species
- The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely
- The populations of qualifying species, and,
- The distribution of qualifying species within the site.