

**Item No. 10****SCHEDULE B**

<b>APPLICATION NUMBER</b>	<b>CB/10/03200/FULL</b>
<b>LOCATION</b>	<b>Trinity Hall Farm, Watling Street, Hockliffe, Leighton Buzzard, LU7 9PY</b>
<b>PROPOSAL</b>	<b>Construction of Biogas Plant including digester tank, storage tank, flare stack, technical building and silage compound . Development proposes a farm based anaerobic digester with a capacity of 1,063Kw using maize feedstock grown locally together with widening of the farm access where it joins the A5 Trunk Road</b>
<b>PARISH</b>	<b>Chalgrave</b>
<b>WARD</b>	<b>Toddington</b>
<b>WARD COUNCILLORS</b>	<b>Cllr Norman Costin &amp; Cllr Tom Nicols</b>
<b>CASE OFFICER</b>	<b>James Clements</b>
<b>DATE REGISTERED</b>	<b>15 September 2010</b>
<b>EXPIRY DATE</b>	<b>15 December 2010</b>
<b>APPLICANT</b>	<b>Hallwick Ltd</b>
<b>AGENT</b>	<b>Jane R Orsborn Associates</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Departure from the Development Plan</b>
<b>RECOMMENDED DECISION</b>	<b>Full Application - Granted</b>

**Reasons for Granting**

The proposed Biogas Plant has provided Very Special Circumstances for inappropriate development in the Green Belt, which would preserve the openness of the Green Belt, would contribute towards the renewable energy and carbon reduction targets for the East of England and Central Bedfordshire, and is acceptable in all other ways. Accordingly the proposed development is in accordance with Local Plan Policies BE8 and NE10, East of England Plan Policies SS1, ENV2, ENV3, ENV7, ENG1 and ENG2 and Planning Policy Statements 1, 4, 5, 7, 9, 22 and Planning Policy Guidance 13.

The proposal does not need to be referred to the Government Office for the East of England under the Town and Country Planning (Green Belt) Direction 2005 (Circular 11/2005) as the floorspace proposed is significantly below the 1,000 sq.m threshold and the development by reason of its scale, nature and location would not have a significant impact on the openness of the Green Belt.

**Recommendation:**

That Planning Permission be Approved subject to the following:

- 1 The development shall begin not later than three years from the date of this

permission.

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 Before any part of the development is brought into occupation or beneficial use the access to Trinity Hall Farm is to be brought up to current standards applying at the time of implementation based on the enclosed drawing prepared by "David Tucker Associates", number 12145-01 dated August 2010. The approved scheme is to be supported with a Road Safety Audit.

Reason: To ensure that the A5 trunk road will continue to fulfil its purpose as part of the national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980, and for the safety of traffic on the road.

- 3 **Prior to development commencing, a Tree Protection Plan shall be submitted for approval to the Local Planning Authority, which clearly shows the position and build specification of tree protection, with the purpose of enclosing an area around the designated Root Protection Area (RPA) of all category A, B and C trees as indicated on the Tree Constraints Plan prepared by Arbtech Consulting Limited as per their Drawing No. TCP-01 (Project No. 90945) and dated 26th August 2010. The fencing shall form a "Construction Exclusion Zone" (as specified in Section 9 of BS 5837 : 2005), which shall be demarcated by Protective Barriers (as specified by Figure 2 of the BS 5837: 2005). These measures will be for the purpose of avoiding localised compaction of the rooting medium and preventing damage to the natural canopy spread by avoiding branch encroachment by plant and machinery.**

**Reason: To safeguard the rooting medium, natural canopy spread and health of trees marked for retention on the site layout plan and which are considered to be strategically important for screening in the wider landscape.**

- 4 Consent is being granted in recognition that no underground services are scheduled to be routed through designated Root Protection Areas (RPA's) of all category A, B and C trees, as indicated on the Tree Constraints Plan prepared by Arbtech Consulting Limited, as per their Drawing No. TCP-01 (Project No. 90945) and dated 26th August 2010. If any services are subsequently required to be routed through Root Protection Areas then this work shall be carried out in full accordance with the National Joint Utilities Group (NJUG) Volume 4 "Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees".

Reason: To safeguard the integrity of the rooting medium within the Root Protection Area of retained trees.

- 5 **Prior to development, a landscape scheme shall be submitted for approval to the Local Planning Authority to indicate the size, position/density and species of trees and shrubs to be planted in the**

areas indicated for proposed tree planting on the Site Layout Plan prepared by Arm Buildings Ltd., as per their Drawing No. P10-THFB-003 (Rev C). All landscape planting shall be maintained for a period of 5 years thereafter, replacing any specimens lost during the first planting season following failure.

**Reason:** To ensure satisfactory landscape establishment that will reinforce existing planting and help soften the new structures from views from within the wider landscape, in the interests of visual amenity.

- 6 Prior to the development being brought into use an external lighting scheme, including hours of use, shall be submitted to and agreed in writing with the Local Planning Authority. The development shall only be implemented in accordance with the scheme thereby approved.

**Reason:** To protect the amenity of neighbouring properties and/or highway safety.  
(Policy BE8, S.B.L.P.R).

- 7 Before development begins, a scheme for the parking of vehicles on the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall comply with the standards of the Local Planning Authority and shall be fully implemented before the development is first occupied or brought into use and thereafter retained for this purpose.

**Reason:** To ensure provision for car parking clear of the public highway.

- 8 The development shall not be brought into use until a turning space for vehicles has been constructed within the curtilage of the site in a manner to be approved in writing by the Local Planning Authority.

**Reason:** To enable vehicles to draw off, park and turn outside of the highway limits thereby avoiding the reversing of vehicles on to the highway.

- 9 Before development begins, samples of the materials to be used for the external walls and roofs of all new buildings shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

**Reason:** To control the appearance of the building/s.  
(Policy BE8, S.B.L.P.R).

- 10 Two months before the first maize to be used at the Biogas Plant hereby granted approval is harvested, a code of conduct and route management scheme for vehicles transporting maize to the Biogas Plant shall be submitted for approval and agreed in writing with the Local Planning Authority. Every year thereafter, should any different land be used to grow the maize crop, details of a route management scheme for vehicles transporting the maize from that land to the Biogas Plant shall be submitted for approval and agreed in writing with the Local Planning Authority.

Reason: To assist in the safe operation of the surrounding road network and to minimise disturbance to residential properties.

- 11 All fixed plant, machinery and equipment installed or operated in connection with this permission, shall be so enclosed, operated and or attenuated that noise arising from such plant shall not exceed a level of 5dBA below the existing background level (or 10dBA below if there is a tonal quality) when measured or calculated according to BS4142:1997. Noise limits for new plant are to apply at a position 1 metre from the closest affected window of the relevant noise sensitive property. The applicant shall clearly demonstrate that noise from the installed plant achieves the required noise standard, prior to the use hereby permitted commencing.

Reason: In the interests of residential amenity.

- 12 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers P10-THFB-001, P10-THFB-002, P10-THFB-003, P10-THFB-004, P10-THFB-005, P10-THFB-006, P10-THFB-007, P10-THFB-008 and TCP-01.

Reason: For the avoidance of doubt.

## Notes to Applicant

1. In accordance with Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the Council hereby certify that the proposal as hereby approved conforms with the relevant policies of the Development Plan comprising of the East of England Plan May 2008 and Milton Keynes & South Midlands Sub-Regional Strategy March 2005, Bedfordshire Structure Plan 2011 and the South Bedfordshire Local Plan Review and material considerations do not indicate otherwise. The policies which refer are as follows:

### **Regional Spatial Strategy**

#### **East of England Plan (May 2008)**

SS1 - Achieving Sustainable Development

ENV2 - Landscape Conservation

ENV3 - Biodiversity and Earth Heritage

ENV7 - Quality in the Built Environment

ENG1 - Carbon Dioxide and Energy Performance

ENG2 - Renewable Energy Targets

#### **Bedfordshire Structure Plan 2011**

None

#### **South Bedfordshire Local Plan Review Policies**

BE8 - Design and Environmental Consideration

NE10 - Rural Diversification

2. In accordance with Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the reason for any condition above relates to the Policies as referred to in the Regional Spatial Strategy (RSS), Bedfordshire Structure Plan 2011 (BSP) and the South Bedfordshire Local Plan Review (SBLPR).
3. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.
4. The Environment Agency requests that the applicant follow the EA surface water management information, which can be found at:  
<http://www.environment-agency.gov.uk/research/planning/82584.aspx>

#### NOTE

- (1) In advance of the consideration of the application the Committee were advised of consultation received from the Highways Officer as set out in the late sheet as appended to these Minutes.