

PLANNING COMMITTEE AGENDA - 8th October 2014

Applications of a non-delegated nature

- | <u>Item No.</u> | Description |
|-----------------|---|
| 1. | 14/00453/FULL - Change of use of agricultural land to provide 1 traveller pitch including amenity block, and associated works at Land at NGR 303825 111651 (South of Muxbeare Orchard), Muxbeare Lane, Willand.
RECOMMENDATION
Refuse permission. |
| 2. | 14/00772/FULL - Extension to car sales area at West Country Car Sales, Five Bridges, Willand Road.
RECOMMENDATION
Grant permission subject to conditions. |
| 3. | 14/00820/MFUL - Erection of 8 dwellings following demolition of existing agricultural buildings (Revised Scheme) at Land and Buildings at NGR 273180 108316 (Lower Town Place), Lapford, Devon.
RECOMMENDATION
Grant permission subject to conditions. |

Application No. 14/00453/FULL

Plans List No. 1

Grid Ref: 303826 : 111652

Applicant: Mr S Finning

Location: Land at NGR 303825
111651 (South of
Muxbeare Orchard)
Muxbeare Lane
Willand

Proposal: Change of use of
agricultural land to
provide 1 traveller
pitch including amenity
block, and associated
works

Date Valid: 2nd April 2014



Application No. 14/00453/FULL

RECOMMENDATION

Refuse permission.

CLLR RAY RADFORD HAS REQUESTED THAT THIS APPLICATION BE DETERMINED BY THE PLANNING COMMITTEE FOR THE FOLLOWING REASONS:

To consider:

1. Whether or not the proposed development is compatible with the size of the settled population on Muxbeare Lane
2. The access to the site and the ability of Muxbeare Lane to cater for additional traffic arising

PROPOSED DEVELOPMENT

This application relates to the provision of a new gypsy and traveller pitch on a site outside but close to the settlement limit of Willand. The site is accessed from an existing agricultural access on the inside corner of a bend in the highway. The application proposes retaining this access but removing vegetation either side of the access to improve visibility. The highway runs along the western side of the site. There are 2 dwellings on the opposite side of the road at this location, 'Muxbeare' and 'Merricks'.

The application proposes the provision of a single pitch incorporating one static caravan, one touring caravan, an amenity building (bathroom and kitchen) measuring 4.7m x 3.3m with a pitch roof, parking and amenity space. The application also includes proposals for drainage including soakaways to deal with surface water from the touring and static van hardstanding and the amenity building and a treatment plant for foul drainage.

The site is approximately 2.5 m above the level of the adjacent highway and it is proposed to site the pitch in the most eastern corner of the application site

APPLICANT'S SUPPORTING INFORMATION

Planning, Design and access
FDA1 foul drainage assessment
Treatment plant details
Percolation test result

The following information has been held on a confidential basis and is not available for the public to view:

Letter of support from Devon Racial Equality
Personal circumstances statement for the applicant
Travelling timeline
Letter from GP re applicant's health

PLANNING HISTORY

10/00815/FULL Retention of access track and hardstanding for agricultural use - PERMIT - 21.07.10

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR1 - Sustainable Communities
COR9 - Access
COR12 - Development Focus
COR18 - Countryside

Mid Devon Local Plan Part 3 (Development Management Policies)

DM3 - Sustainable design

CONSULTATIONS

ENVIRONMENTAL HEALTH - 24th April 2014 - Contaminated Land - No objections.

Air Quality - No objections.

Drainage - No objections.

Noise and other nuisances - No objections.

Housing Standards - Any accommodation that is to be lived in as a main residence needs to comply with the principals of the Housing Health and Safety Rating System, as defined by the Housing Act 2004. Please contact the Private Sector Housing Team for more information.

Licensing - If this application is granted then under the Caravan Sites and Control of Development Act 1960 the applicant must apply for a caravan site licence. Please contact the Licensing Team for further information.

Food Hygiene - Not applicable.

Private Water Supplies - Not applicable. No record of private supply.

Health and Safety - No objections.

HISTORIC ENVIRONMENT SERVICE - 8th May 2014

I refer to the above application. The application site occupies an area shown in the mid-19th century to contain three buildings to the south of the extant barn and described in the 1840 Tithe Apportionment as 'house and garden' the age of these dwellings is not known, but Muxbeare is recorded in 1086 in Domesday as 'Mochelesberia' and these buildings may have early origins. Any groundworks for the construction of the site access, treatment plant and soak-aways, hard standing, etc have the potential to expose and destroy archaeological or artefactual material associated with the early settlement here.

The consent for application 13/0011/FULL was granted conditionally (condition 3) upon a programme of archaeological work being undertaken in mitigation for any impact upon any heritage assets with archaeological interest. I would therefore advise that any consent that may be granted by your Authority should also carry the same worded condition as set out below, based on model Condition 55 as set out in Appendix A of Circular 11/95, whereby:

'No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'

The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the District Planning Authority.

Reason

'To ensure that an appropriate record is made of archaeological evidence that may be affected by the development'

I would envisage a suitable programme of work as taking the form of archaeological supervision of all groundworks associated with the proposed development to allow for the identification, investigation and recording of any exposed archaeological deposits. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report.

I will be happy to discuss this further with you, the applicant or their agent. We can provide the applicant with a Brief setting out the scope of the works required, as well as contact details for archaeological contractors who would be able to undertake this work.

WILLAND PARISH COUNCIL - 28th April 2014 - Willand Parish Council recommend refusal of this application for the following reasons/concerns:

1. Outside of the settlement area;
2. Unsuitable access to the site;
3. Visual impact on area;
4. Parking/turning of vehicles on site;
5. Removal of section of ancient wall/hedgerow;
6. Drainage problems on site and in the area;
7. Impact on local infrastructure and services;
8. Is there a need for more sites in the area?

1. Outside of the settlement area

The proposed site is outside of the settlement area for Willand and therefore considered to be in open countryside. We are advised that earlier applications to site a caravan at this location were refused.

2. Unsuitable access to the site

Access will be via a country lane which has been closed to through traffic by traffic order with only access permitted. It is narrow with little opportunity to pass. It is a designated cycle way and used as a footpath for recreational purposes. There is no pavement. The proposed entrance is on a bend and directly opposite other existing property entrances. Although works are proposed it is still considered unsuitable for a vehicle towing a caravan to enter and exit.

3. Visual impact on area

The ground rises on this site and it is considered that the proposal will have an adverse visual impact on existing residents and on those using the cycleway and footpath. The size of the site has the potential for expansion with further pitches and could have an adverse cumulative impact in the future. This has been experienced elsewhere within the parish. It is not considered that 'screening' will be effective. There is the potential to overlook existing property.

4. Parking/turning of vehicles on site

Although the applicant refers to vehicles being able to enter and leave the site in forward gear on the plans available concern is expressed as to whether there will be room to turn if the parking spaces are in use.

5. Removal of section of ancient wall/hedgerow

The construction of the proposed visibility splay at the entrance to the site will require the removal of what locals describe as an ancient stone wall and section of hedgerow which will have potential environmental and wildlife impact. Would an Environmental Impact Assessment be appropriate?

6. Drainage problems on site and in the area

The Foul Water Assessment indicates that the treatment plant will discharge into a watercourse. Local information is that there is no watercourse and concern is expressed as to the potential effect of further water discharge into Muxbeare Lane. Surface water will also increase with the construction of areas of hard standing. No indication is given as to how this will be dealt with but ground levels indicate a potential discharge to the roadway. The cycleway is already suffering damage as the result of 'run off' from another nearby site.

7. Impact on local infrastructure and services

Although the distance from the site to school etc. meets NPPF guidance the fact is that the local primary school is already overcapacity as is the pre-school. Additional expansion, however small, will impact on other local services and facilities which are equally at/over capacity.

8. Is there a need for more sites in the area?

There is no clear information in the application as to who will occupy this site or their need. There is a suggestion that they are currently housed. Willand already has a gypsy/traveller site with 8 approved pitches and an application is being considered for another 3 pitches on the site.

There are also a number of 'private' sites around the parish boundary in adjoining parishes. This current site does not appear to be necessary in overall planning considerations.

HIGHWAY AUTHORITY - 17th April 2014 - Standing advice applies please see Devon County Council document <http://www.devon.gov.uk/highways-standingadvice.pdf>

HALBERTON PARISH COUNCIL - 25th April 2014 - Recommend refusal - unanimous there is poor access in Muxbeare Lane. The positioning of the pitch would have a high visibility impact. There are drainage issues and the land should be retained for agricultural use.

REPRESENTATIONS

7 letters of objection have been received raising the following issues:

Outside settlement location
Previous application on the site have been refused
Poorly maintained access road (almost impassable by family car) which is also narrow making it difficult to manoeuvre caravans
Access is a cycle route and used by pedestrian and has no passing places
Elevated site would lead to major visual impact
History of flooding in the locality
Likely that provision will need to increase over the years from just one pitch
Site will be used as a work base with associated equipment
Wholly support well document reasons proposed by the parish council
Entrance to site is on bad bend
Overlooking of 'Muxbeare' and disturbance from external lighting

One letter of support received stating that a caravan on the plot will make little difference, that drainage can be provided and more trees planted.

Five letters have been received from other Gypsy's and Travellers to detail that Mr Finning has had a nomadic habit of life.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The primary material considerations in the determination of this application are:

- 1. Policy**
- 2. Sustainability of the site and its location**
- 3. Can the need be met elsewhere in Mid Devon?**
- 4. Personal circumstances**
- 5. Visual impact**
- 6. Drainage**
- 7. Highway safety**
- 8. Other matters including impact on settled community**
- 9. Planning balance**

1. Policy

The Development Plan in force consists of the Mid Devon Core Strategy (Local Plan Part 1), Mid Devon Allocations and Infrastructure Development Plan Document adopted in October 2010, and the Local Plan Part 3 (Development Management policies) adopted October 2013. The Development Plan sets out the following policies in respect of Gypsy/Traveller sites and development in the countryside:

The Mid Devon Core Strategy (Local Plan Part 1), in its Policy COR1, sets the distribution of new development to meet sustainability objectives; with Policy COR12 concentrating development principally on the 3 main towns within the District and Policy COR9 seeking to ensure that new development reduces the need to travel by car.

Development outside recognised settlements is further strictly controlled by Policies COR13 to COR 17: Policy COR18 ('Countryside') provides a list of appropriate rural developments which are subject to detailed criteria-based development control policies, and which are set out more fully in policy AL/DE/7.

Policy AL/DE/7 of the Mid Devon Allocations and Infrastructure Development Plan Document sets out the situations in which applications for private gypsy and traveller pitches will be permitted. It states that pitches will be permitted provided that the need cannot reasonably be met on another site within Mid Devon which has consent or is allocated for gypsy and traveller pitches, that the site is within 30 minutes travel by means of public transport, walking and/or cycling of a hospital and secondary school and that occupation is limited to those meeting the definition of Gypsies and Travellers in the relevant national policy - currently Planning Policy for Traveller Sites (PPTS).

Policy DM3 of Local Plan Part 3 (Development Management Policies) refers to development proposals involving the construction of new buildings seeking to achieve energy and water efficiency and overall sustainable design.

Relevant Government Guidance in this instance is the National Planning Policy Framework (NPPF) and Planning Policy for Traveller Sites (PPTS). The NPPF states that it should be read in conjunction with the PPTS and the PPTS states that its aim is to 'ensure the fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interest of the settled community'. There is a further government document 'Designing Gypsy and Traveller sites; good practice guidance' which has been considered in relation to the proposed utility/amenity block.

The PPTS states that planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. It goes on to say that applications should be assessed and determined in accordance with the presumption in favour of sustainable development and the application of specific policies in the National Planning Policy Framework and this planning policy for traveller sites.

It requires that Local planning authorities should consider the following issues amongst other relevant matters when considering planning applications for traveller sites:

- . the existing level of local provision and need for sites
- . the availability (or lack) of alternative accommodation for the applicants
- . other personal circumstances of the applicant
- . that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites
- . that they should determine applications for sites from any travellers and not just those with local connections

It also requires that when considering applications, local planning authorities should attach weight to the following matters:

- a) effective use of previously developed (brownfield), untidy or derelict land
- b) sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness
- c) promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children
- d) not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community

All these matters are therefore considered below:

2. Sustainability of the site and its location

In terms of the location of the site, policy COR18 specifically states that sites for occupation by persons falling within the definition of a 'gypsy or traveller' are acceptable in principle in the open countryside.

The site is located just on the edge of Willand with a short walk to the pub, and a garage with small shop. It is also with walking distance of other facilities in Willand including post office and shop, churches, church and village hall, shop, restaurant, pharmacy, dentist, hairdressers, tennis courts and primary school. The village is also served by a regular bus service so that it is possible to reach both secondary schools and the hospital via public transport within 30 minutes travel time. Therefore in terms of the site's location, it is considered to comply with policies COR1,12,17 and 18 of the Mid Devon Core Strategy (Local Plan Part 1) and AL/DE/7 of the Allocations and Infrastructure Development Plan Document.

3. Can the need be met on another pitch or site in Mid Devon?

The last Gypsy and Traveller Accommodation Assessment (GTAA) was carried out was back in 2006 and demonstrated the need across the district until 2011. The LPA do not have an up to date GTAA although work has been commissioned on one. The LPA have provided for further gypsy and traveller pitches within allocated sites in the AIDPD. The Tiverton EUE has progressed to application stage and therefore there is a reasonable prospect that gypsy and traveller pitches will be available within a further 3-5 years. In a recent appeal decision for a single pitch in flood zone 3, the Inspector found that despite the risk to the safety of the occupant of the site by siting a caravan in an area at high risk of flood, the lack of a five year supply of gypsy and traveller pitches in the District as a result of not having an up-to-date GTAA weighed significantly in favour of the application and a temporary planning permission was granted for a period of five years. The findings of this decision must be taken into account in reaching a decision on this current application.

4. Personal circumstances

The applicant has advised that up until 2010, he and his family were residing on his parents pitch elsewhere in Mid Devon. However, it was anticipated that the site would be sold and in advance of this the applicant and his family moved into the dwelling they currently reside in. The applicant has advised that it is no longer possible to return to live on his parents' site and the latest caravan count conducted in August 2014 showed that there are the maximum permitted number of caravans on this site, suggesting it is occupied to capacity. In addition, the applicant has advised that residing in a dwelling restricts their traditional outdoor lifestyle and way of life and consequently the family have not settled well and it is affecting health. Two brief travelling timelines have been provided to detail the applicant's travelling movements from 2004-2014, although it is noted that the first timeline details that in 2010, for the purposes of the education of their young family, all year round travelling ceased and they moved to a property in Cullompton. A letter has been received from the Plymouth and Devon Racial Equality Council which identifies the applicant as coming from a Romany Gypsy ethnicity and which supports the assertion that he meets with the definition of a traveller as set out in the PPTS. In addition, a number of supporting letters have been received from the travelling community to detail that the applicant has led a nomadic habit of life.

The applicant has been given the opportunity to provide additional information to clearly demonstrate his personal circumstances and justify his need for a pitch. However, overall the level of information provided in respect of the applicant's personal circumstances is not overly detailed and does not clearly demonstrate that he has a nomadic habit of life so as to satisfy the Local Planning Authority that he meets with the definition of a gypsy and traveller as set out in the PPTS.

5. Visual impact

Apart from at the access, the site is relatively well screened from the highway by an established hedge with trees and the difference in levels (approx. 2.5m above road level) means that the positioning of a pitch (with associated paraphernalia) in the eastern most corner of the site would not be highly visible from the surrounding approaches. However, in order to improve and provide adequate visibility at the site entrance, it would be necessary to remove trees and hedges, lower the ground to no higher than 600mm above road level within the visibility splay and grass the relatively wide verge which would be provided. This would open up the views into the site and also change the appearance of this part of Muxbeare Lane. It is proposed to replant a hedge at the back of the visibility splay on the higher ground but this would take some years to mature and would not be at the same level as the road. The PPTS advises that LPA's should give weight to the effective use of brownfield land and sites which are well planned 'in such a way as to positively enhance the environment'.

In this instance the site is considered to be a greenfield site and the loss of the established hedge and trees to be replaced by a wide flat verge is not considered to be an enhancement in visual terms and would alter the character of this short section of the lane. However this impact must be balanced by the improvement in visibility around the corner and which is on the National Cycle Network route and this would deliver a benefit. Muxbeare Lane is largely narrow in nature and enclosed by trees and hedging with little or no verges. However directly opposite the site entrance is a detached bungalow set back from the road and an existing rendered barn which has a narrow verge in front of it, as well as a second property which is accessed between the barn and the bungalow. The presence of these properties gives this particular part of Muxbeare Lane a slightly more open character than elsewhere on the lane. The Tree Officer has visited the site and found that the species within the hedgerow have a good mix and it is likely to be of some age, however it is presently unmanaged and the Sycamore species within it is becoming invasive.

Whilst there would be some benefits arising from the access improvements insofar as they would improve visibility around the corner and this would be to the benefit of all users of the lane, the harm caused to the overall visual appearance of this part of the lane as a result of the removal of the hedge and creation of a wide grassed verge is considered to, on balance, outweigh any benefits arising.

The location of the pitch in the eastern most corner, would seem to be the most appropriate location in terms of visual impact as it is considered that this would be the least visible part of the site and the new landscaping would help to provide some screening over the longer term. It is suggested that if the application is approved, a condition could be attached to require submission of the details of any access gates as in this location, it is considered that these should be agricultural/rural in appearance and not residential. Details of the access track surfacing would also be required in order to ensure again that a 'rural' rather than urban/residential feel is retained.

6. Drainage

The LPA are aware of historic concerns from residents along Muxbeare Lane in respect of drainage. The application proposes the use of soakaways to deal with surface water runoff from the pitch and amenity building and a treatment plant to deal with foul drainage. The application includes percolation test results which Building Control Officers have confirmed demonstrate that the means of drainage proposed are acceptable.

The Environment Agency have provided standing advice on this application which states that in flood zone 1 a change of use to a highly vulnerable use (this includes caravans for habitable use) does not require any consultation with the EA. Consequently it is considered that subject to conditions requiring that suitable surface water and foul drainage is in place prior to occupation, there are no grounds to refuse the application with regards to drainage.

7. Highway safety

The Highway Authority have advised that standing advice applies. This requires that visibility in each direction of 25m is required. The plans submitted by the applicant indicate that sufficient visibility is technically achievable. Concern has been expressed by residents that Muxbeare Lane serves as a cycle and pedestrian route but it is not considered that the addition of one further unit of accommodation accessed via the lane would be so detrimental to highway and pedestrian safety as to warrant refusal. As already explained, the proposal would also deliver enhanced visibility around the bend in Muxbeare Lane.

8. Other matters including impact on settled community

The PPTS states that 'Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate the nearest settled community, and avoid placing an undue pressure on the local infrastructure.' Concern has also been expressed that approving one pitch here may lead to further pitches being approved on the site in due course.

However, every application must be determined on its own merits in the context of the planning policy which prevails at that time and therefore this should not form part of the consideration of this current application. This end of Muxbeare Lane serves approximately 8 other detached residential properties in reasonably large plots. Within the immediate locality of Willand there is one site which has 8 consented pitches on it and one temporary pitch which has recently been allowed on appeal but is not yet occupied. Should this application be granted this would bring the total number of pitches in and around Willand to 10. Having regard to the relatively large size of the village and the number and size of properties in Muxbeare Lane, this number of pitches would not have a dominating impact upon the settled community in the village or place undue pressure on local infrastructure.

Concern has been expressed about the possibility of overlooking of the property 'Muxbeare' to the west of and set down from the site. Your officers have considered this but are of the view that as there is approx. 40m between the property and edge of the proposed pitch (even given the difference in levels) and given that some landscaping could be conditioned it would not result in a level of overlooking which would be so detrimental as to warrant refusal on this basis. The concerns about the impact of external lighting can be covered by condition.

9. Planning balance

Local Planning Authorities, as public bodies, are subject to duties imposed by the Human Rights Act 1998 and are therefore required to act compatibly with the rights conveyed by the European Convention on Human Rights (ECHR), which was enacted by the Human Rights Act 1998.

In particular, Article 8 of the Convention provides that:

1. Everyone has the right to respect for his private and family life, his home and his correspondence.
2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

These rights would be engaged should the application be refused or only allowed for a temporary period. Article 8 relates to the right to respect for private and family life and as conferred in legal judgements, implies a balancing exercise at Article 8(2) to be weighed against the wider public interest.

The applicant does not currently occupy the site and has alternative accommodation at present and the level of information provided with regard to his travelling lifestyle does not provide cogent evidence to demonstrate that he meets the definition of a gypsy and traveller as set out in the PPTS. For the reasons set out above the development would result in an unacceptable visual impact and the accommodation needs of the applicant have not been proven. On this basis and on balance it is considered that the interference with the applicant's human rights is justified, the harm caused would outweigh the benefits of the scheme which would arise, and refusal of the application is recommended. It should be noted that the agent for the application has indicated that additional information with regard to the applicants travelling lifestyle may be submitted prior to the planning committee meeting. Subject to the contents of any additional information received, a revised recommendation may be made if it is considered to tip the balance of planning issues in favour of granting permission.

REASON FOR REFUSAL

Insufficient evidence has been provided to demonstrate that the applicant has a nomadic habit of life so as to meet with the definition of a gypsy and traveller set out in Annex 1 of the Planning Policy for Travellers Sites and that he has a specific need for a pitch. Whilst the site is in a suitable location for providing an additional gypsy and traveller pitch in terms of its proximity to local services and its impact upon highway safety, its creation would involve the removal of a substantial amount of earth and the removal of an established hedgerow in order to create a wide grassed verge and visibility splay. Such operations would adversely affect the character and appearance of this part of Muxbeare Lane and this harm outweighs the benefits arising from improving visibility for all users of the Lane around the existing corner.

Having weighed all of these matters the Local Planning Authority is of the opinion that insufficient evidence has been provided to demonstrate that the need for an additional pitch to meet the specific needs of the applicant outweighs the harm arising from the scheme and on this basis, the application is contrary to policy DM2 of Local Plan Part 3 (Development Management Policies).

Application No. 14/00772/FULL

Plans List No. 2

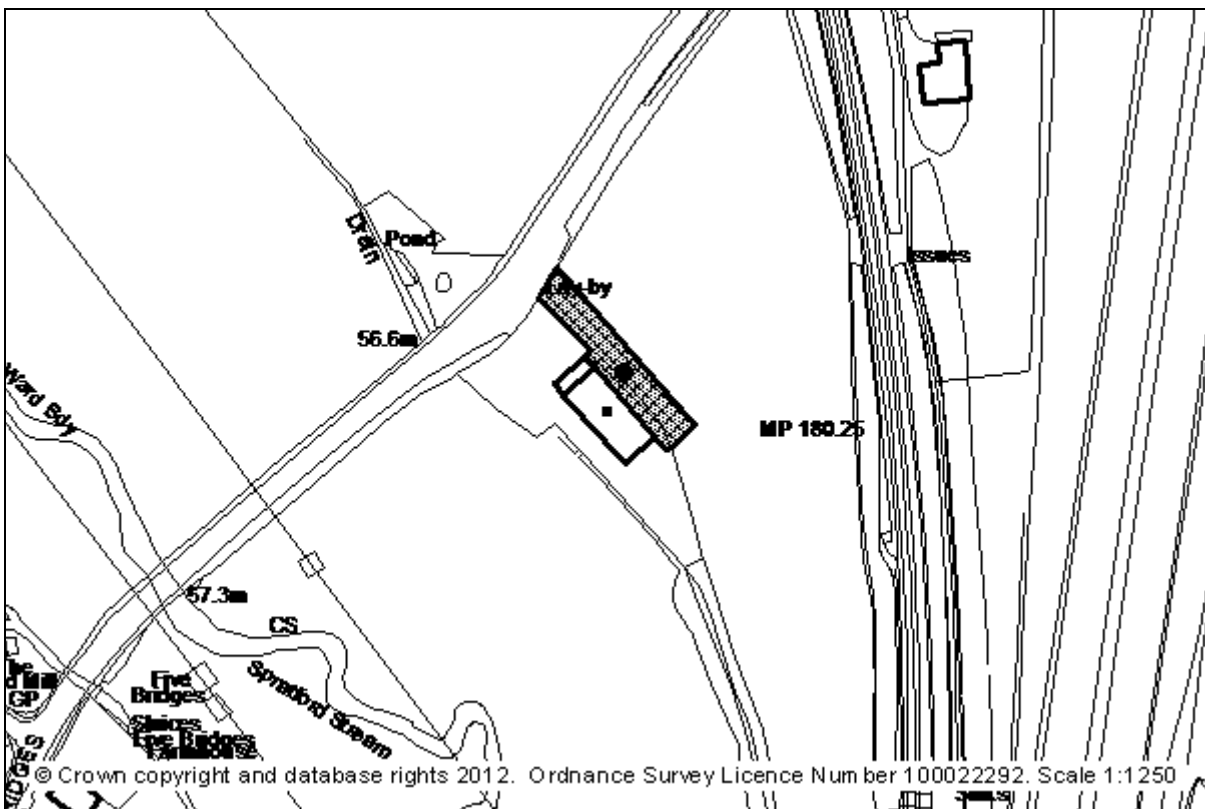
Grid Ref: 302755 : 109621

Applicant: Mr R Payne

Location: West Country Car
Sales Five Bridges
Willand Road

Proposal: Extension to car sales
area

Date Valid: 29th May 2014



Application No. 14/00772/FULL

RECOMMENDATION

Grant permission subject to conditions.

PROPOSED DEVELOPMENT

Planning permission was granted in November 2013 for the change of use of this former farm shop to car sales. The permission covered the former car sales building together with the surrounding yard for parking and drainage. The current application seeks to extend the external car sales area onto a strip of land on the north-eastern side of the sales building. The width of the area of land in question varies between 8m at the front of the building, 10m adjacent to the building and a maximum of 16.7m at the rear. It is currently in agricultural use, being part of a larger field.

Details submitted with the application indicate that the additional car sales area sought to be surfaced in grey crushed stone over a geotextile membrane and will also act to drain surface water.

An area to the south west of existing building, outside the area with planning permission has been used as an additional car sales area without planning permission. This is the subject of a separate, but associated enforcement report in conjunction with other issues at the site. The proposed additional area sought in this application is intended to replace this and regularise the car sales area.

APPLICANT'S SUPPORTING INFORMATION

Flood risk assessment.

PLANNING HISTORY

96/01590/FULL Retention of two 7.9 metre (26ft) lengths of roadside boundary wall, varying in height from 1.5 metres (5ft) to 1.8 metres (6ft) GRANTED JANUARY 1997

01/01650/FULL Alterations to front elevation to install shopfront GRANTED NOVEMBER 2001

13/00608/CLU Certificate of Lawfulness for use as shop GRANTED JULY 2013

13/00813/FULL Change of use from A1 shop to building and farm supplies merchant - WITHDRAWN AUGUST 2001

13/01425/FULL Change of use from shop to car sales GRANTED NOVEMBER 2013

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR11 - Flooding

COR18 - Countryside

Mid Devon Local Plan Part 3 (Development Management Policies)

DM1 - Presumption in favour of sustainable development

DM2 - High quality design

DM19 - Rural shopping

CONSULTATIONS

HIGHWAY AUTHORITY - 10th June 2014 - Standing advice applies please see Devon County Council document <http://www.devon.gov.uk/highways-standingadvice.pdf>

ENVIRONMENT AGENCY - 20th August 2014 - See comments from 3rd June 2014

3rd June 2014 - This application is for a commercial extension in the flood risk area and does not appear to include an FRA, which is a reason for refusal. Minor extension in the flood risk area dealt with are dealt with by standing advice and do not require bespoke comment from the EA.

WILLAND PARISH COUNCIL - 16th June 2014 - Willand Parish Council recommend refusal of this application in its present form for the following reasons:

1. The proposal extends the site outside of the original approved site into open countryside which was very productive food producing land.
2. The current appearance of the site is considered unsightly and not in keeping with its location and immediate surrounding area.
3. There are concerns that the current operation is not being operated within the conditions and boundaries of the current planning approval. Evidence is available of parking and car surveys/inspections being carried out in the public lay-by at the front of the property. Advertising signs are on the roadside fences outside of the approved business area.
4. Adjacent land and buildings to the rear of the approved site for some considerable distance down the valley appear to be being used as part of the business yet do not appear to be part of any approval, notification or application.
5. There are anomalies and inconsistencies within the application papers and plans which are confusing and not consistent with allowing a clear and unambiguous planning consent to be given and any conditions enforced in the future.

The concerns and inconsistencies with the current application papers are as follows:

The Application Form

Section 3. It is not clear from the plans as to what area is being applied for to extend. The site plan shows a larger area than the current CLU approved area and the area approved for car sales. Part of the area on the right is already being used and the section all down the left hand side is new. On the larger plan only the left hand side is shown as 'new'.

Section 5. The recorded pre application advice received is not clear.

Section 9. Current lighting is listed but shown as 'not applicable'. The current lighting for security and lighting the business sign on the building are in addition to what was there when the CLU and change of use was approved. The lighting has been the subject of complaint and as far as can be ascertained is not approved. There also appears to be security cameras installed which have not been seen to be approved.

Section 10. The original application form for current approval showed 23 cars. This is now increased by 14 to 37 on the current application. This is an application for a 61% increase in vehicles for sale. A press advertisement stated 'over 60 quality pre owned cars on site' - a 161% increase. This has been raised with Planning Enforcement Officer who stated that there was no condition limiting number of cars for sale. Caravans, mobile home and a boat have been seen displayed on the site. The position needs clarification to avoid further or future confusion.

Section 15. The answers do not appear to be correct as there are trees adjacent to the currently used area and a section of hedge has already been removed to facilitate current vehicle display outside of the approved area.

Section 19. Does not show any additional job creation and current number is low.

The Site Plan

It is noted that this plan has two date stamps on it from MDDC some 10 days apart and a written note. The size of the 'red line' area and the building do not appear to match the scale given for the drawing when compared with other plans submitted.

The current approved site plan shows a blue lined area to the rear of the approved site. It is not clear if this is still applicable on the current plan but it is certainly being used currently. There is a section on the rear right of the site which has blue and red lines around. This area is not approved currently but is being used with the hedge having been removed yet it is not shown on the existing plan [WCS-JS-1405-004B] or the proposed extended Area for Car Sales Business [WCS-JS-1405-005B]

Plan of Site - Existing [WCS-JS-1405-004B]

This is a copy of the current approved plan but the gates shown are not in situ and the hedge to the right has been removed and the whole area to the right of the building and beyond is being used for display of 'for sale' vehicles.

Plan of Site - Proposed [WCS-JS-1405-005B]

This is a copy of the current approved plan but the gates are not in situ and the hedge to the right has been removed and the whole area to the right of the building and beyond is being used for display of 'for sale' vehicles but not shown. The applied for extension to the left and rear of the building is shown.

Design and Access Statement

The 'Statement of Need' in relation to job creation/retention should be clarified. The DAS does not correspond to what is actually taking place on the site currently or the 'Site Location Plan' nor do the words match the drawings in relation to 'Layout'. The comments as to the appearance and visual impact of the site are strongly disputed.

If Officers are minded to grant approval to this application in its present form our District Councillors have been asked to call the application in for Committee consideration.

2nd September 2014

Since our response dated 16th June 2014 to the original application it is felt that it is inappropriate to just restrict our comments to the latest edition of the Site Plan - the FOURTH version. There has been further information added to the file in addition to our sight of the Planning Officer and Enforcement Officer reports which were prepared for committee. There have also been changes on site. Willand Parish Council continues to recommend refusal of this application in its present form for the following reasons:

1. The proposal extends the site outside of the original approved site into open countryside which was very productive food producing land.
2. The current appearance of the site is considered not to be in keeping with its location and immediate surrounding area.
3. There are concerns that the current operation is not being operated within the conditions and boundaries of the current planning approval.
4. Adjacent land and buildings to the rear of the approved site is now the subject of a notification 14/01353/PNCOU which, if accepted, will further extend the operation down the valley and cover more open countryside in cars.
5. There are anomalies and inconsistencies within the application papers and plans which are confusing and not consistent with allowing a clear and unambiguous planning consent to be given and any conditions enforced in the future.

The concerns and inconsistencies with the current application papers are as follows:

The Application Form

Section 3. The form states 'Extend existing car sales area for business'. The latest version of the submitted plans clarifies the applied for extended area BUT it is argued that the existing car sales area is larger and expands outside of the area approved under application 13/01425/FULL Change of use from shop to car sales GRANTED NOVEMBER 2013.

Section 5. The recorded pre application advice received is not clear.

Section 9. Current lighting is listed but shown as 'not applicable'. The current lighting for security and lighting the business sign on the building are in addition to what was there when the CLU and change of use was approved.

Section 10. The original application form for current approval showed 23 cars. [Advertisements showed 60 cars available on site - 261% more than applied for originally.] This is now increased by 14 to 37 on the current application. This is an application for a 61% increase in vehicles for sale. [Current advertisements state '100 quality pre owned cars available' - a 270% increase over application.] This has been raised with Planning Enforcement Officer who stated that there was no condition limiting number of cars for sale. The position needs clarification to avoid further or future confusion.

Section 15. The answers are correct in relation to the extended site for the 14 additional cars. There are trees adjacent to the currently used area and a section of hedge has already been removed to facilitate current vehicle display outside of the original approved area.

Section 19. Does not show (2) any additional job creation although the applicant has told the Parish Council that he employs four people on the site.

The Site Plan

The FOURTH edition of the site plan being considered is dated by MDDC 14 August 2014 and is marked 'REVISED'. There is also a larger plan of the area attached to the original approval and much of the detail of that plan is repeated with the current application. The Non Approved area currently being used shows a hedge and gates but they are not there and the car sales extends over the area. Existing approved plan [WCS-JS-1405-004B] or the proposed extended Area for Car Sales Business [WCS-JS-1405-005B] show a hedge and gates which are no longer there. There is also a restriction on public access shown but current use shows contrary to this.

Plan of Site - Existing [WCS-JS-1405-004B]

This is a copy of the current approved plan but the gates shown are not in situ and the hedge to the right has been removed and the whole area to the right of the building and beyond is being used for display of 'for sale' vehicles.

Plan of Site - Proposed [WCS-JS-1405-005B]

This is a copy of the current approved plan but the gates are not in situ and the hedge to the right has been removed and the whole area to the right of the building and beyond is being used for display of 'for sale' vehicles but not shown. The applied for extension to the left and rear of the building is shown.

Design and Access Statement

The DAS does not correspond to what is actually taking place on the site currently or the 'Site Location Plan' nor do the words match the drawings in relation to 'Layout'. The comments as to the appearance and visual impact of the site are strongly disputed.

Additional Information

A letter dated 4 August 2014 from the applicant has a photograph attached in which it is contended that the track to the right, which is currently being used to display cars is part of the site and gives access to the building used for valeting cars. At Appendix 'A' is a Google satellite shot which shows the access on the left track down the side of the building to the left of the hedge which has been removed. If one examines plan WCS-JS-1013-001A attached to 13/01425/FULL this area is shown as in an area marked 'FARMERS FIELD' and is shown as having a 600mm height hedgerow as the boundary.

Attached to the same letter is a photograph describing the boundary in line with the lamp post. Those posts shown across the field behind are the end posts of the stretcher wires which used to support the raspberry canes. When the cars sales site commenced there was a post and wire fence closer to the building which marked the line of the approved area of the original CLU provided in relation to the farm shop. The line of the fence is shown in the photograph at Appendix 'B'. The wire had been removed to allow the vehicles to be displayed in the field on the area now being sought for approval to extend the sales area. It has been noted that the wire has recently been replaced on the posts. It is understood that this application is to be placed before committee for decision at the October meeting.

REPRESENTATIONS

None

MATERIAL CONSIDERATIONS AND OBSERVATIONS

This application seeks planning permission for an extension to the car sales area in association with an existing car sales business operating at the site. The planning history is considered relevant in that the principle of this use on the site is already established. A certificate of lawful use for the use of the building as a shop and the use of the surrounding area for associated parking and storage was issued in 2013 and followed by planning permission (13/01425/FULL) for a change of use to car sales. The assessment of the current proposal is therefore limited to the extension of the car sales area.

Material considerations in the determination of this application are considered to be:

- 1. The expansion of an existing commercial use.**

2. **Visual impact.**
3. **Flooding.**
4. **Link with a breach of planning and the associated enforcement report.**

1. The expansion of the existing use

The site is located in the open countryside where policy COR18 of the Core Strategy confirms that development will be strictly controlled to that enhancing the character, appearance and biodiversity of the countryside while promoting sustainable diversification of the rural economy. The policy allows for appropriately scaled retail and employment related development. Policy DM19 of Local Plan Part 3 (Development Management policies) allows for retail development in the open countryside subject to the scale and location not harming the vitality and viability of town centre or village shopping, that there not be an unacceptable impact upon the local road network and safeguarding the character and appearance of the countryside. The use of the site for car sales is not strictly a retail use as it is regarded as 'sui generis' or a use in its own right for planning purposes. On application 13/01425/FULL for this use it was concluded that car sales is not traditional retailing and although there are other car sales enterprise in Willand, the use would be less likely to have an impact upon the vitality or viability of the village than an A1 retail use. The proposal therefore accorded with criterion a) of policy DM 19. This analysis is considered equally applicable to the current application which is not considered to have additional impact upon the viability or vitality of the village.

The National Planning Policy Framework supports sustainable economic growth in rural areas and allows for the sustainable growth and expansion of all types of business and enterprise in rural areas. Taking the policy background into account there is no objection in principle to the expansion of the car sales area. The use is compatible with its location and associated with an existing operation.

The Highway Authority applies standing advice to this application. The additional sales display area is not considered to have any significant impact upon the traffic generation associated with the site. The existing access onto the public highway is good. Criterion b) of policy DM19 is considered to be met.

2. Visual Impact

The area in question is located on the north eastern side of the existing site and involves the change of use of a strip of land currently forming part of the adjacent agricultural field. The boundary between the existing car sales operation and the field on this side is currently open, with no screening or means of enclosure between them. Beyond the application site the field level rises slightly. When approaching the site from the adjacent road from the Willand direction, this change in level of the field reduces views of the application site from the NE as the site is at a lower level. Unlike the car sales site as a whole, the application area is not considered to be widely visible until nearly at the site.

The application area is located away from the road approach to the building from Cullompton, from where it will mainly be behind the existing building. The car sales building and associated land is visible from this direction above the boundary hedge between the field and the road.

Taken in context with the existing site, the application site area is not considered to be so visible, prominent nor to affect the character of the area such as to warrant refusal. A new boundary will need to be created between the expanded car sales area and the adjacent field in order to clearly define it and prevent piecemeal expansion further into the field. Submission and approval of details of this new boundary/ means of enclosure is to be required by condition. Criterion c) of policy DM19 is considered to be met.

3. Flooding

The site is located within flood zones 2 and 3. A flood risk assessment has been submitted in support of the application. The proposal is considered a minor extension to a commercial use in a flood risk area and as such is low vulnerability / risk. The existing sustainable urban drainage arrangement will be extended to deal with the surface water from the parking area. The proposed permeable surface will achieve this.

The applicants have previously advised that the Environment Agency 'early warning' system will be joined so that in the event of a 1 in 100 year event flood evacuation may be managed and controlled on site. The proposal is therefore considered to accord with policies COR11 Core Strategy and DM2 of the Local Plan Part 3 (Development Management policies) in that it is acceptable risk and will not increase flood risk elsewhere.

4. Link with a breach of planning and the associated enforcement report

A separate enforcement report for relating to a range of issues at the car sales site as a whole is being considered at the same meeting of Planning Committee. Comments received from the Parish Council on this application relate in part to these enforcement issues.

One of the current breaches of planning control at the application site is an unauthorised area of land currently being used for car sales. This is outside the area approved under permission 13/01425/FULL and located to the south western side of the site. The current application seeks to regularise this through the approval of an extension to the car sales area. The applicant has indicated that if this application is granted, the currently unauthorised area will no longer be required. The unauthorised area is considered to be more visible than that sought through this application. Granting of planning permission for this scheme will therefore assist in addressing one of the planning breaches identified in the accompanying enforcement report.

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. Within three months of the date of this permission details of new boundary treatment to include a means of enclosure along the boundary of the site with the adjacent agricultural land shall be submitted to and approved in writing by the Local Planning Authority. The new boundary treatment shall be fully implemented in accordance with the approved details prior to the first use of the application site and shall thereafter be retained.

REASONS FOR CONDITIONS

1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of proper planning.
3. In the interests of ensuring that the boundaries of the site are clearly defined and to prevent the use from spilling out beyond the application site.

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The application is therefore considered acceptable as an extension of car sales area in connection with the existing authorised use of the site. It is not considered to detract from the viability or vitality of Willand or the surrounding area, does not introduce significant additional traffic generation and will not increase the risk of flooding or present an unacceptable flood risk to users of the site.

It is not considered to materially harm the character or appearance of the site or its surroundings. Having regard to material planning considerations the application is considered to meet the requirements of policies COR11 and COR18 Mid Devon Core Strategy; DM1, DM2 and DM19 Local Plan Part 3 (Development Management policies) and the National Planning Policy Framework.

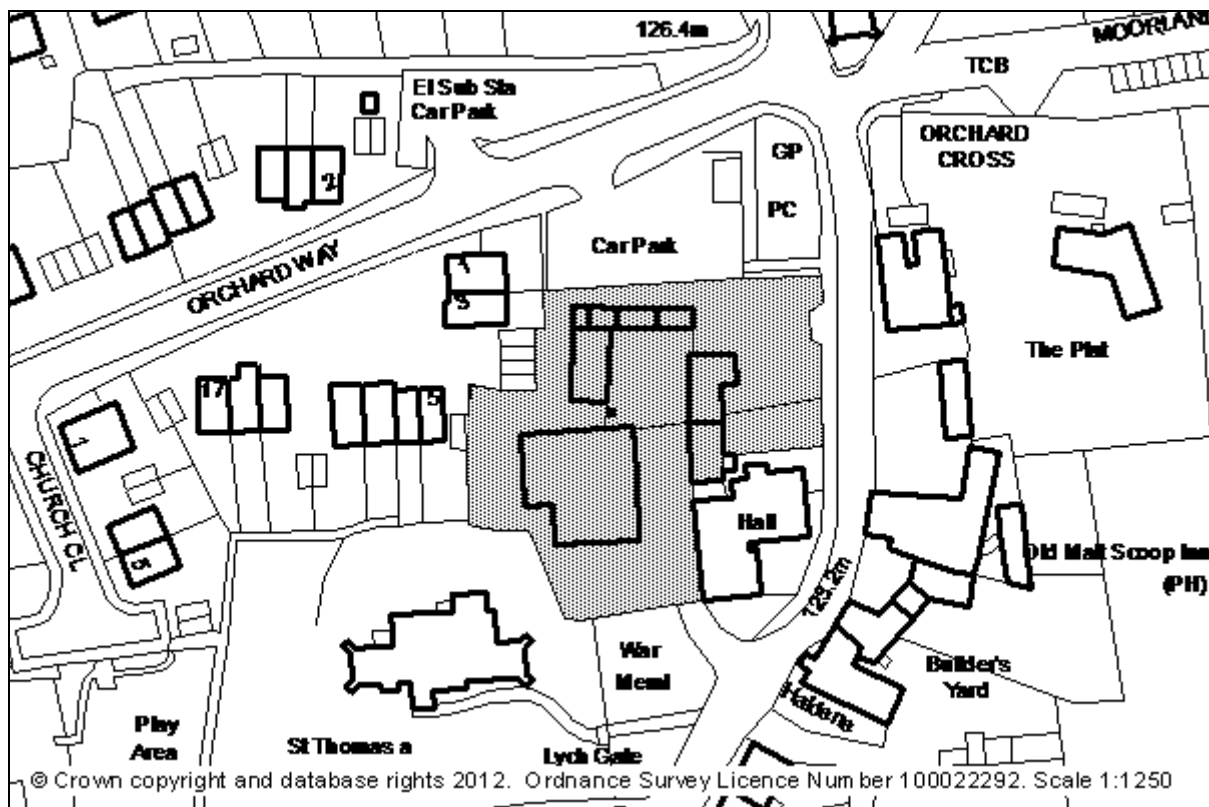
Grid Ref: 273180 : 108316

Applicant: Mr D Manning

Location: Land and Buildings at
NGR 273180 108316
(Lower Town Place)
Lapford Devon

Proposal: Erection of 8 dwellings
following demolition of
existing agricultural
buildings (Revised
Scheme)

Date Valid: 2nd June 2014



Application No. 14/00820/MFUL

RECOMMENDATION

Grant planning permission subject to the terms of Section 106 agreement to cover the following, and conditions as recommendation.

1. Provision of two affordable units to be occupied as on and affordable rented basis
2. A contribution towards the provision of new and existing open space – 8 x £1,250 = £8,964
3. A contribution towards the improvements to Air Quality in Crediton - £35,472
4. A contribution of £4,579 towards the costs of providing secondary school education (transport costs)

PROPOSED DEVELOPMENT

Erection of 8 dwellings (including 2 x 1 bed affordable houses) with associated infrastructure and parking, following demolition of existing agricultural buildings. This application scheme has been amended since it was first submitted when the proposed details included 10 dwellings on the site.

The proposed development comprises a new vehicular access into the site to serve a cul-de-sac development with the 8 houses arranged in 3 building blocks (as described below), following the demolition of three agricultural buildings. A parking court is proposed to accommodate 16 spaces, with 2 further spaces reserved for parking associated with the Village Hall:

Units 1 and 2: This block is arranged as a 1 x 5 bedroom and 1 x 1 bedroom unit set back from the public highway by 2.5 metres defined as private garden space and with rear gardens extending approximately 9.0 metres into the site. The building block stands 8.5 metres above ground level falling to 8.0 directly adjacent to new the entrance.

Units 3, 4 and 5: This block is arranged with 2 x 5 bedroom units and a single 1 bedroom unit. The front doors to these units are via a footpath off of the new estate road, and with rear garden areas that project to the site boundary (between 10-12.0 metres in depth). The units have been designed standing a maximum of 8.5 metres above ground level designed with a slight fall across the block.

Units 6, 7 and 8: This block is arranged as a terrace of 3 x 5 bedroom units. The front doors to these units are via a footpath off of the new estate road, and with rear garden areas that project to the site boundary (approximately 11.0 metres in depth).

The materials palette includes a mix of rendered block, brick work, interlocking tiles and timber windows, and the re-use of the retained stonework from the demolished barn in relation to the block accommodating units 3, 4 and 5.

All foul sewage and surface water will be managed into the mains sewer and drainage system. Two trees are proposed to be removed; a self-sown willow and a self-sown sycamore

APPLICANT'S SUPPORTING INFORMATION

Site plan, block and layout plans, elevations and section plans as revised 5 August 2014, including amended site plan received on 26/08/2014 initially when the application was submitted the proposal was for 10 houses.

Planning, Design & Access and Heritage Impact Statement

Foul and Surface Water Drainage Strategy Report: prepared by Aquatech dated 21st May 2014

Bat Survey Report undertaken by Acorn Archaeology: survey date 16th May 2013 and Report dated 11th June 2013

Archaeological Evaluation undertaken by Oakford Archaeology dated March 2014

Archaeological Assessment prepared by John Salvatore dated January 2014

Phase 1 Geotechnical and Contamination Assessment Report dated April 2013

PLANNING HISTORY

88/00928/OUT Outline for residential development and alterations to vehicular access: The application was permitted, although the number of units was not confirmed - Permit 22.7.88

13/01121/FULL Erection of 9 dwellings following demolition of existing agricultural buildings - Withdrawn 9.12.13

13/01122/CAC Conservation Area Consent for the demolition of existing agricultural buildings - Withdrawn 9.12.13

The applicant decided to withdraw these applications in advance of resubmitting this current application.

14/00820/MFUL Erection of 8 dwellings following demolition of existing agricultural buildings (Revised Scheme).

(Initially application 14/00872/CAC was submitted which sought Conservation Area Consent for the demolition of existing agricultural buildings that form part of the application site. However this application has now been withdrawn as procedurally the issues in relation to this application can be considered as part of the planning application)

In relation to the Orchard Way: 88/00815/FULL Erection of 60 dwellings, public car park, play area, roads, sewers and construction of vehicular - Permit 30.11.93

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR1 - Sustainable Communities
COR2 - Local Distinctiveness
COR3 - Meeting Housing Needs
COR8 - Infrastructure Provision
COR9 - Access
COR11 - Flooding
COR17 - Villages

Mid Devon Allocations and Infrastructure Development Plan (Local Plan 2)

AL/DE/3 - Affordable Housing Site Target
AL/DE/4 - Occupation of Affordable Housing
AL/DE/5 - Inclusive Design and Layout
AL/IN/6 - Carbon Footprint Reduction
AL/IN/3 - Public Open Space
AL/CRE/8 - Crediton Air Quality

Mid Devon Local Plan Part 3 (Development Management Policies)

DM1 - Presumption in favour of sustainable development
DM2 - High quality design
DM7 - Pollution
DM8 - Parking
DM14 - Design of housing
DM15 - Dwelling sizes
DM27 - Development affecting heritage assets

CONSULTATIONS

LAPFORD PARISH COUNCIL - 22nd August 2014 - Although the density of buildings appears less in the new application the accommodation offered is increased leading to more pressure on traffic/parking problems in the area. It does nothing to address worries already expressed that the new road as proposed & the increased amount of traffic generated would create a dangerous situation particularly for pedestrians and especially for families accessing the school. Reference Police comments already made.

Three storey buildings are inappropriate in scale in this village setting.

This application is still in breach of the conservation area and relies on the demolition of stone barns, one within the Conservation area, which contribute greatly to the setting of both Conservation Area & the Parish Church. The Parish Council objects to such demolition.

The design of both buildings and layout is out of sympathy with the setting of the grade 1 listed Parish Church and the Lapford Conservation area. Implementation would challenge the dominance of the Parish Church within its setting and permanently scar the conservation area in the heart of the village. The design does not follow MDDC's guidelines as expressed in its document 'Planning Design Guide for Mid Devon'; or the NPPF paragraphs 7, 131, 132 & 139; or the Mid Devon Local Plan ref page 20 points 5.1 & 5.3, & page 28 point 7.3e; or the Devon Structure Plan, Chapter 4 policies CO7 & 8.

A recent appeal judgement relating to the Lapford Conservation Area (application references 13/01203/FULL & 13/01205/CAC, appeal references APP/Y1138/A/14/2217149 & APP/Y1138/E/14/2217150) sets out the context & importance of the Conservation Area to the village setting and the desirability of enhancing, rather than damaging, the character & appearance of it.

The Parish Council is of the opinion that the proposed development would not provide such public benefit as to outweigh the harm done to the heritage assets of the village as represented in the Conservation Area and the Parish Church. Ref, NPPF paragraphs 134 & 135. It would also fail to meet the criteria for good quality design & the reinforcement of local distinctiveness see Policies COR1 & COR2 of the Mid Devon Local Development Framework Core Strategy 2026, adopted in 2007; DM2(e), DM14 & DM27 of the LP3 & the Framework.

The Parish Council therefore objects to the application.

DEVON COUNTY EDUCATION - 10th September 2014

Following receipt of your letter regarding the above planning application I write with regard to the above. A contribution towards school transport via a Section 106 Agreement is sought.

All developments once approved will be deemed built and therefore affect the forecast pupil numbers at the schools within the area.

The primary school within the recognised safe walking distance to school is Lapford Primary School which currently has capacity for the expected number of pupils this development is likely to create. Therefore no contribution is required at this time.

The secondary schools that serve this development has capacity for the likely number of pupils this development is expected to create. Although this development is not planned within the recognised safe walking distance to school, we therefore request a contribution for the school transport costs to The Community College, Chulmleigh to the sum of £4,579.00 a breakdown of the cost follows.

£2.41 per day per pupil x 190 days in academic year x 5 years in secondary school x 2 secondary aged pupil = £4,579.00

In addition to the contribution figures quoted above, the County Council would wish to recover legal costs incurred as a result of the preparation and completion of the Agreement.

Legal costs are not expected to exceed £500.00 where the agreement relates solely to the education contribution. However, if the agreement involves other issues or if the matter becomes protracted, the legal costs are likely to be in excess of this sum.

DEVON & CORNWALL POLICE AUTHORITY - 12th August 2014 - The Police have some concerns in relation to parking, and the allocated spaces. There are ten dwellings with just 15 spaces including visitors. Lapford is a bit remote and most residents will have at least one vehicle, it is highly likely on road parking will become an issues on roads outside this development creating community conflict. Equally of concern is the identification of spaces, unless clearly marked, spaces for residents 1, 2, and 3 are unlikely to be available to them, and are somewhat remote from the owners. The Police feel that these 3 houses should be turned so they have parking within their own curtilage. They are highly likely to park near their homes especially if they have a load of shopping. It is not too clear on my drawing but I am assuming that there is no footpath etc from the village hall (escape route) into this development, if there was this too would be of some concern.

10th September 2014

Thank you for this application which I first commented on (see below) 9th June 2014. I have spoken with the architect in order to clarify some points and find that essentially this is an indicative application, and that gives me the opportunity to request conditions should this application be granted.

The conditions requested would be:

A) For the proposed footpath around the garage to be securely gated with the ability to lock, and keys presented to the appropriate owner/users of the garage. This is to prevent irresponsible behaviour out of sight behind the garage including starting fires. I appreciate this is outside the application, but if alterations to enable maintenance are to be made they need to be safe.

B) The parking bays need to be identified to dwellings to prevent unacceptable behaviour such as car sales or car maintenance in several parking spaces by inconsiderate residents. It also allows ownership thus deterring a temporary skate/BMX assault track being set up by youths within the parking court.

I do not understand why there is a parking court as there appears to be sufficient space for designing parking within the curtilage of the dwellings. That is by far the most safest place to park vehicles to ensure a safe and sustainable development. If only 8 homes are on the next application could this be considered to be a condition instead of B.

If a new developer submits new plans can I request the earliest consultation please.

ENGLISH HERITAGE - 25th June 2014

English Heritage has been involved in providing pre-application advice on this proposal due to the site's proximity to the grade I listed Church of St Thomas Canterbury, which adjoins the application site. During the course of those discussions we expressed initial concern at the impact of the proposed design of the dwellings closest to the church, which we didn't consider reflected the Devon vernacular building tradition and could adversely affect the setting of the church. The design of those dwellings has been significantly amended to a form with which we are now content in terms of their scale, massing and appearance. Overall, we consider the development to be a reasonable density, form and layout for its location, which is partly in the conservation area. Our one remaining comment would be that the largest range of proposed new houses - units 4-7 - is of a rather standardised, somewhat urban appearance. Its design would benefit from making some distinction in elements such as its roof form, windows, etc to give it a more varied appearance, helping it to fit more harmoniously with the character of a traditional Devon village.

Recommendation

We would urge you to address the above issues, and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice. It is not necessary for us to be consulted again. However, if you would like further advice, please contact us to explain your request.

31st July 2014 - Reducing the extent of this central unit and omitting the flat over the garages is a definite improvement in terms of it fitting into its context better.

What would improve it further would be to distinguish between the ridge heights of the different ranges - e.g the north-south orientated ridge to be dropped slightly below the east-west running ridges. This would break up the massing more and give the impression of a building that has evolved rather than been built as one elongated range. I do think the addition of chimneys would also improve its appearance in a similar way. I wonder also if the materials of this range or one of the other units could incorporate some of the materials of the old barn that is being demolished so that they could be recycled on site and help the new build settle in more readily with the grain of the old village?

11th September 2014

Thank you for consulting us on the latest information provided on this application in the form of an amended site location plan. It doesn't appear to relate to heritage or design issues and therefore there is no need for English Heritage to provide additional comments at this stage.

NATURAL ENGLAND - 11th September 2014 - Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

The Wildlife and Countryside Act 1981 (as amended)

The Conservation of Habitats and Species Regulations 2010 (as amended)

Natural England's comments in relation to this application are provided in the following sections.

Statutory nature conservation sites - no objection

Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.

Protected species

We have not assessed this application and associated documents for impacts on protected species. Natural England has published Standing Advice on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy. You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation. The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence is needed (which is the developer's responsibility) or may be granted.

Biodiversity enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) of the same Act also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'.

Landscape enhancements

This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature.

Landscape characterisation and townscape assessments, and associated sensitivity and capacity assessments provide tools for planners and developers to consider new development and ensure that it makes a positive contribution in terms of design, form and location, to the character and functions of the landscape and avoids any unacceptable impacts.

Impact Risk Zones for Sites of Special Scientific Interest

Natural England has recently published a set of mapped Impact Risk Zones (IRZs) for Sites of Special Scientific Interest (SSSIs). This helpful GIS tool can be used by LPAs and developers to consider whether a proposed development is likely to affect a SSSI and determine whether they will need to consult Natural England to seek advice on the nature of any potential SSSI impacts and how they might be avoided or mitigated. Further information and guidance on how to access and use the IRZs is available on the Natural England website.

HIGHWAY AUTHORITY - 18th June 2014

The Highway Authority has visited the site and is happy with the alignment and visibility splays at the junction and drawing 595/1 rev D should be conditional of any consent.

It is noted that South West water have accepted the drainage proposals and that the Highway Authority will be adopting only gullies and connection. However the following conditions should be imposed

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, RECOMMENDS THAT THE FOLLOWING CONDITIONS SHALL BE INCORPORATED IN ANY GRANT OF PERMISSION:-

CONDITIONS FOR RESIDENTIAL ESTATES

1. The proposed estate road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins, For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

REASON: To ensure that adequate information is available for the proper consideration of the detailed proposals.

2. No part of the development hereby approved shall be commenced until:
 - A) The access road has been laid out, kerbed, drained and constructed up to base course level for the first 20 metres back from its junction with the public highway
 - B) The ironwork has been set to base course level and the visibility splays required by this permission laid out
 - C) The footway on the public highway frontage required by this permission has been constructed up to base course level
 - D) A site compound and car park have been constructed to the written satisfaction of the Local Planning Authority

REASON: To ensure that adequate on site facilities are available for all traffic attracted to the site during the construction period, in the interest of the safety of all users of the adjoining public highway and to protect the amenities of the adjoining residents

3. The occupation of any dwelling in an agreed phase of the development shall not take place until the following works have been carried out to the written satisfaction of the Local Planning Authority:
 - A) The cul-de-sac carriageway including the vehicle turning head within that phase shall have been laid out, kerbed, drained and constructed up to and including base course level, the ironwork set to base course level and the sewers, manholes and service crossings completed;

- B) The cul-de-sac footways and footpaths which provide that dwelling with direct pedestrian routes to an existing highway maintainable at public expense have been constructed up to and including base course level;
- C) The cul-de-sac visibility splays have been laid out to their final level;
- D) The street lighting for the spine road and cul-de-sac and footpaths has been erected and is operational;
- E) The car parking and any other vehicular access facility required for the dwelling by this permission has/have been completed;
- F) The verge and service margin and vehicle crossing on the road frontage of the dwelling have been completed with the highway boundary properly defined;
- G) The street nameplates for cul-de-sac have been provided and erected.

REASON: To ensure that adequate access and associated facilities are available for the traffic attracted to the site

4. Within twelve months of the first occupation of the first dwelling in an agreed phase of the development, all roads, footways, footpaths, drainage, statutory undertakers' mains and apparatus, junction, access, retaining wall and visibility splay works shall be completed to the written satisfaction of the Local Planning Authority.

REASON: To ensure that the access arrangements are completed within a reasonable time in the interests of safety and the amenity of residents

5. No development shall take place until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. Unless it is demonstrated that it is unfeasible to do so, the scheme shall use appropriate Sustainable Urban Drainage Systems. The drainage scheme shall be designed so that there is no increase in the rate of surface water runoff from the site resulting from the development and so that storm water flows are attenuated. The development shall be carried out in accordance with the approved scheme.

REASON: To protect water quality and minimise flood risk.

LAPFORD PARISH COUNCIL - 8th July 2014

1. Density of building - The proposed application is a large development on a small site. An unwarranted amount of traffic would be generated within the centre of the village. The Parish Council consider that 10 houses is excessive for the village centre. Increased density within the area will alter its character. It will exacerbate the existing parking problems for the Church and Victory Hall.

2. Highways - The proposed development would substantially increase the levels of traffic within a small village centre that is within a conservation area. No consideration of this issue has been made within the application. The proposed access to the site is near Orchard Way, Eastington Lane, the entrance to the driveway of a new build and Lower Town Place. This area would then be a traffic hotspot if the proposed development went ahead. With the amount of pedestrians in the area, the new access to the proposed development would cause inconvenience for pedestrians and prejudice highway safety. Further, The amount of disturbance resulting from this development to parking for the Victory Hall and Church is unwarranted.

For the above reasons, we can not support the application and would seek to have the application refused.

ENVIRONMENTAL HEALTH - 19th September 2014

Contaminated land - No further comments

Air quality - No further comments

Drainage - No further comments

Noise and other nuisances - No further comments

Housing standards - No comments

Licensing - No comments

Food hygiene - N/a

Private water supplies - N/a
Health and safety - No objections

HISTORIC ENVIRONMENT SERVICE - 17th June 2014

I refer to the above application and your recent consultation. Assessment of the Historic Environment Record (HER) and the details submitted by the applicant do not suggest that the scale and situation of this development will have a significant impact upon any known heritage assets. Previous archaeological investigations on this site have demonstrated, despite the location of the site within the historic core of the settlement and in proximity to the parish church, that the archaeological potential of the site is low.

The Historic Environment Team has no comments to make on this planning application.

ESTATES MANAGER - 4th June 2014

Based on the development of 10 units, a requirement of 2 affordable homes needs to be provided on site in order to meet our 35% affordable housing policy. We would prefer these units to be 1 bedroom houses as there is a higher demand for this property size in Lapford.

DEVON COUNTY COUNCIL - STRATEGIC PLANNING AUTHORITY - 18th June 2014

Following receipt of your list of planning applications I write with regard to the above. A contribution towards education infrastructure via a Section 106 Agreement is sought.

All developments once approved will be deemed built and therefore affect the forecast pupil numbers at the schools within the area.

The primary school within the recognised safe walking distance to school is Lapford Primary School which currently has capacity for the expected number of pupils this development is likely to create. Therefore no contribution is required at this time.

The secondary schools that serve this development has capacity for the likely number of pupils this development is expected to create. Although this development is not planned within the recognised safe walking distance to school, we will request a contribution for the school transport costs to The Community College, Chulmleigh to the sum of £4,579.00 a breakdown of the cost follows.

£ 2.41 per day per pupil x 190 days in academic year x 5 years in secondary school x 2 secondary aged pupil = £4,579.00

In addition to the contribution figures quoted above, the County Council would wish to recover legal costs incurred as a result of the preparation and completion of the Agreement. Legal costs are not expected to exceed £500.00 where the agreement relates solely to the education contribution. However, if the agreement involves other issues or if the matter becomes protracted, the legal costs are likely to be in excess of this sum.

Should you require any further information regarding either of the above please do not hesitate to contact me.

*These contributions should be adjusted on the date of payment in accordance with any increase in Building Cost Information Service (BCIS) all in tender price index.

REPRESENTATIONS

As stated above the proposals for the application site have been amended since the application was submitted, and the from the two consultation exercises that have been undertaken 65 letters have been received all expressing objections to the proposals.

The publicity and consultation undertaken on the application as first submitted generated significant local concern, and the main reasons for objecting to the scheme with 10 dwellings are summarised below:

1. Overdevelopment of the site, 10 houses considered too many
2. The existing buildings should be retained
3. The proposals will lead to highway safety issues associated with additional car parking on the road outside the site and adjacent to the village hall.
4. The site should be protected from development.

Following the consultation and publicity on the revised scheme for 8 dwellings, it is evident that significant local objection remains to the scheme, as summarised below:

1. It is the wrong type of development for this village centre location, given the urban character of it
2. The buildings should be constructed of stone and single storey in order to fit in with the setting of St Thomas's Church.
3. The existing barns should be retained on site. The barn nearest Victory Hall should be retained.
4. The scheme should include an access out through the Car Park.
5. The proposed access is too narrow and would attract unacceptable volumes of traffic onto the roads in Lapford causing highway safety concerns for existing residents
6. The proposals will adversely affect and not be in keeping with the Lapford Conservation Area (the substantial harm does not outweigh benefit) and destroy the setting of the Church.
7. The proposals will affect view out from surrounding properties
8. Inadequate parking is proposed.
9. The scale, massing and elevation detail is not sensitive to the defining characteristics of the area
10. The proposals fail to meet the criteria for good quality design and local distinctiveness and are therefore contrary to policies COR1 and DM2(e), DM14 and DM27 and would be contrary to other decisions on schemes in Lapford (ie the Old School House).
11. The site should be used to secure replacement facilities that have been lost in Lapford over recent years (Butcher, Village Store and Post Office). Lapford does not need any more houses. The scheme would weaken the village centre.
12. The scheme will prejudice the operation and running of activities in Victory Hall.
13. Concerns about the relationship with nearest residential dwelling on Orchard Way and the garage block.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The development area extends to approximately 0.2 hectares, and is located in the settlement boundary of Lapford at the traditional heart of the village, and set adjacent to the Village car park, Victory Hall, the Village Church (a grade 1 listed building) and Village War Memorial, and no's 1,3 and 5 Orchard Way. Part of the site (the frontage) falls within the boundary of the Lapford Conservation Area. There is a gated access into the site at present.

The site accommodates 3 agricultural style buildings (both modern and historic) as described above in the comments made the Councils Conservation Officer. The site has not been used for agricultural purposes for a number of years.

The main issues relating to this proposal are:

- 1) Policy matters and Section 106 matters**
- 2) Design and site layout, amenity Issues;**
- 3) Impact on the Conservation Area / Grade 1 Church**
- 4) Parking and movement issues**
- 5) Other Issues**

Policy and Section 106 matters

The main policies relevant to the determination of this application are set out above.

For the purposes of determining the application, the development plan comprises the Mid Devon Core Strategy (Local Plan Part 1), the Allocation and Infrastructure Development Plan Document, and Mid Devon Local Plan Part 3 (Development Management Policies).

COR17 of Mid Devon Core Strategy (Local Plan Part 1) promotes Lapford as village where small scale new development would be supported and therefore provides policy support for the principle of scheme as proposed. As stated in the planning history planning permission has already been granted to redevelop the site for new housing around the same time that the 60 houses on Orchard way were permitted

Policy COR1 is concerned with providing development which is sustainable. This development is within the settlement boundary of Lapford a village which benefits from a variety of facilities, including: a convenience store and garage (on the A377), village hall, primary school, church, a pub and other facilities including a free car park. Local residents have referred to the fact that the village has recently suffered in terms of the Post Office and the Village Store ceasing to trade. It is worth noting that an increase in the local population may help the existing services to continue to trade and maybe even be the catalyst for new ones to open. Overall it is therefore considered that the development meets the overriding sustainability objectives the scheme will deliver a density which complies with the guidance at policy COR1, (approximately 40 per hectare) and reflecting the constraints around the site in terms of neighbouring buildings.

The application scheme includes affordable housing in accordance with policy AL/DE/3, and the necessary contribution towards improving and enhancing open space off site, funding towards improving air quality in Crediton, and Education facilities in accordance with other relevant policies and as requested by Devon County Council.

Movement and Parking issues

The application scheme includes 16 parking spaces off plot in a courtyard style arrangement with convenient access to the front doors of the houses and adequate levels of natural surveillance provided by the position of the houses in relation to the car parking spaces. The layout also includes two car parking spaces available for use by visitors Victory Hall. Therefore given that the layout is policy compliant (DM8) in terms of numbers, it is not considered by your officers that there would be justification to refuse the application on inadequate levels of on-site parking and the resulting impact of the increased need to park on the highway. Whilst there is no guarantee, the two spaces to be provided for use by visitors to Victory Hall may decrease the levels of parking that takes place on the highway. The proximity of the village car park to the site is noted in terms of providing opportunities for safe off-site parking.

As stated above the Highway Authority has visited the site and are happy with the alignment and visibility splays at the junction as shown on the proposed layout drawing, concluding that the details are adequate to accommodate the level of traffic generated onto and off the network.

Taking into account the conclusions as reached above there would not appear any policy support to refuse the planning application scheme on the basis that the proposed levels of parking provision are inadequate, and that the scheme will result highway safety issues (policy COR9/DM8/DM14).

3) Impact on the Conservation Area - Demolition of Existing Buildings

This is a very important issue in the determination of the planning application scheme, given the sensitive nature of site location, part within the conservation area and directly adjacent to the historic church and the war memorial.

The section of the report above that sets out the view of the Conservation Officer provides a detailed overview of the policies in the adopted development plan and in the NPPF that provide the framework to arrive at a conclusion on this matter.

He confirms that the value of the existing buildings in terms of the contributions that they make towards the character and appearance of the Conservation Area is relatively limited in visual terms, and should not outweigh the positive benefits that would be delivered by bringing forward the redevelopment of the site.

Taking into account the views of the Conservation Officer there would not appear any policy support to refuse the planning application scheme on the basis that the demolition of the existing buildings would be unacceptable (DM27). An overview of the contribution the new buildings and the overall scheme layout contribute towards the conservation are set out in the section below.

Design and site layout, amenity Issues, Impact on the Conservation Area

The section provides an overview of the scheme of development as it has been described above proposed, including how the new buildings would relate to the properties adjoining the site, including the impact on the setting of listed Church.

Policies COR2, DM2, DM14 and DM15 establish the presumption that new housing should be designed to a high quality reflecting the site's context and local character. The key points of this part of the assessment are set out below:

- The scheme introduces a frontage block (Units 1 and 2) which is of a height scale and massing similar to the existing house buildings on the other side of the street. Whilst the roof pitch would be steeper than that of the houses opposite, the design in massing terms would not look out of place.
- Units 3, 4 & 5 have been designed with a varied roof scape, and will include the stone reclaimed from the demolition of the two existing stone barns, to help break up the building mass and add visual interest
- Units 6, 7, 8 are sited and designed (height scale and mass) to be respectful to the Victory Hall and the neighbouring listed Church.
- A number of objectors refer to 3 storey buildings being inappropriate, although accommodation is proposed over three floors for units 1, 2, 6, 7 and 8, the third floor is a loft storey, and therefore the buildings do not present as 3 storey buildings
- Timber windows, doors and frames are proposed to respect the character of the area.
- The site coverage in terms of development footprint is similar to the arrangement with the existing building on the site.
- The scheme will open the site up and integrate what is essentially a private site into the village landscape.
- All the new dwellings include rear gardens and meet the minimum space standards as required by policy DM15.
- The layout (footprint) and house designs (window positions) do not include any uncomfortable window to window relationships between the the new houses.
- The separation distance between the house on plot 3 and No.3 Orchard Road is 19.0 metres at an oblique angle.
- The site boundary has is set back from the garage block (Orchard Road) which sits adjacent to the site.

Conditions are recommended regards covering the design aspects of the houses, boundary treatments and the hard and soft landscaping area in the site. As stated above the scheme details have been amended by the applicant to seek to reflect the concerns that have been raised by local residents.

The Inspector for Historic Buildings from English Heritage has confirmed her support for the new scheme of development for site, and whilst residents remain concerned, it is considered by your officers that the application is in accordance with the policies COR1, DM2, DM14 and DM15 making a positive contribution to the character and appearance of the Conservation Area and respecting the setting of the village church.

Other Issues

Flood risk and drainage: The site is not in the flood plain or in a flood risk area, surface water drainage issues will be subject to appropriately worded conditions.

Archaeology: Following on from the desk top review initially completed the applicant has undertaken an on-site evaluation.

Having reviewed the evidence, although the site is in a sensitive location the County archaeologist is satisfied that the application site is of low archaeological value and no concerns are raised regards the scope of ground works that will prevail if planning permission is granted.

The Police Architectural Liaison officer has raised concerns regarding the parking arrangements and has requested that the parking spaces are allocated to each dwelling to prevent unauthorised use and activity refer to condition 17. The plans identify a route on the block plan as an escape route from the site between the Victory Hall and the building on Plot 8. Further details will be needed to ensure that the route through to the grassed area in front of the War Memorial delivers a positive aspect to scheme in terms of a useable pedestrian route from the site.

Trees on site: The site layout has been planned to protect all category A, B and C trees on the site and those just beyond the site boundary within the church grounds. The scheme proposes the felling of two trees a goat willow and a sycamore, which given their position on site and overall level of tree coverage their loss is not considered to be detrimental to the character or appearance of the Conservation Area. Some remedial works (pruning/crown lift) will be required details to be secured as a condition, as will the details of the protective fencing.

Ecological Impacts: A Report has been submitted detailing the results of a desk top and on site survey undertaken to determine if the three barns to be demolished will have an effect on any bats and birds that may be roosting in the buildings. The results of this work indicate that none of the building are used a roost, (although they could be at any time), but given the high level of bat activity (passing through/foraging) a mitigation plan is proposed, and the details will be conditioned.

Conclusion:

The current buildings are not used and the site has been redundant for agricultural purposes for a number of years. At present the site adds little to the townscape in visual terms. Historically planning permission was granted to redevelop the site for housing but the scheme was not implemented.

In terms of those local stakeholders who have expressed a comment on the application scheme, there appears little support, although support for a scheme proposing 6 houses has been suggested by one local stakeholder as an appropriate level of development on the site.

Policy DM1 establishes a presumption in favour of sustainable development. In this case the application scheme is considered a sustainable form of development and in completing the assessment as set out there are no adverse impacts which would override this presumption in favour of granting permission subject to the conditions as set out below and completion of Section 106 agreement to cover the terms as set out above

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. The proposed estate road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins, For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.
4. No part of the development hereby approved shall be commenced until:
 - a) The access road has been laid out, kerbed, drained and constructed up to base course level for the first 20 metres back from its junction with the public highway
 - b) The ironwork has been set to base course level and the visibility splays required by this permission laid out
 - c) The footway on the public highway frontage required by this permission has been constructed up to base course level

- d) A site compound and car park have been constructed to the written satisfaction of the Local Planning Authority
5. The occupation of any dwelling in an agreed phase of the development shall not take place until the following works have been carried out to the written satisfaction of the Local Planning Authority:
 - a) The cul-de-sac carriageway including the vehicle turning head within that phase shall have been laid out, kerbed, drained and constructed up to and including base course level, the ironwork set to base course level and the sewers, manholes and service crossings completed;
 - b) The cul-de-sac footways and footpaths which provide that dwelling with direct pedestrian routes to an existing highway maintainable at public expense have been constructed up to and including base course level;
 - c) The cul-de-sac visibility splays have been laid out to their final level;
 - d) The street lighting for the spine road and cul-de-sac and footpaths has been erected and is operational;
 - e) The car parking and any other vehicular access facility required for the dwelling by this permission has/have been completed;
 - f) The verge and service margin and vehicle crossing on the road frontage of the dwelling have been completed with the highway boundary properly defined;
 - g) The street nameplates for cul-de-sac have been provided and erected.
 6. Within twelve months of the first occupation of the first dwelling in an agreed phase of the development, all roads, footways, footpaths, drainage, statutory undertakers' mains and apparatus, junction, access, retaining wall and visibility splay works shall be completed to the written satisfaction of the Local Planning Authority.
 7. No development shall take place until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. Unless it is demonstrated that it is unfeasible to do so, the scheme shall use appropriate Sustainable Urban Drainage Systems. The drainage scheme shall be designed so that there is no increase in the rate of surface water runoff from the site resulting from the development and so that storm water flows are attenuated. The development shall be carried out in accordance with the approved scheme.
 8. The commencement of the building of the houses shall not begin until samples of the materials to be used for all the external surfaces of the building(s) have been submitted to and approved in writing by the Local Planning Authority. Such approved materials shall be so used and retained.
 9. Prior to the commencement of development, detailed plans setting out a scheme for the boundary treatment of the application site with the neighbouring buildings and between the houses as proposed and the soft landscaping details for the site shall be submitted to and approved by the Local Planning Authority. This part of the development shall be completed only in accordance with the modification thus approved.
 10. Prior to the first occupation of any of the dwellings details of proposed storage arrangements for refuse and recycling shall be submitted to and approved in writing by the Local Planning Authority. Such storage arrangements shall be provided in advance of the first occupation of any dwelling to which they relate and shall be so retained. No refuse or recycling material shall be stored or placed for collection on the public highway or pavement, except on the day of collection.
 11. The mitigation plan as proposed in the Acorn Ecology Report (date of survey 16th May 2013 and 11th June 2013) and received on 2 August 2013 shall be implemented and completed in accordance with the requirements of that report, and shall be so retained as required.
 12. The roof lights hereby approved shall be designed so that they are constructed as an integral part of the roofscape of the building.
 13. The tree protection measures marking out the construction exclusion zone in order to protect the Grade A, B and C trees on the site as identified in the Greentrees Arboricultural Services Ltd (dated 24 July 2013) and any on the site boundary, shall be erected, and inspected on site and approved by

the local planning authority, prior to the commencement of any development on the site.

14. The proposed building block that includes units 1 and 2 shall be constructed in brick with a Flemish bond coursing on all elevations. A sample panel (1 metre in extent) of the proposed brickwork with pointing shall be constructed on site and approved in writing prior to the commencement of development. The relevant part of the development shall be constructed in accordance with the approved details.
15. A strategy for the re-use of the stonework from the buildings to be demolished on the site for the block that accommodates units 3, 4 and 5 shall be agreed in writing with the local authority prior to the commencement of development. A sample panel (1 metre in extent) of the stonework detail shall be constructed on site and approved in writing prior to the commencement of development. The relevant part of the development shall be constructed in accordance with the approved details.
16. No hard landscaping works for any part of the site area as shown on the approved plan(s) shall begin until details and samples of the surfacing materials to be used in those areas have been submitted to, and approved in writing by, the Local Planning Authority. Such approved works shall then be carried out before the development hereby permitted is first brought into its permitted use, and shall be so retained.
17. The car parking spaces as shown on the approved layout shall be marked out and dedicated for use for only the dwellings hereby approved (2 spaces per dwelling).

REASONS FOR CONDITIONS

1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of proper planning.
3. To ensure that adequate information is available for the proper consideration of the detailed proposals.
4. To ensure that adequate on site facilities are available for all traffic attracted to the site during the construction period, in the interest of the safety of all users of the adjoining public highway and to protect the amenities of the adjoining residents.
5. To ensure that adequate access and associated facilities are available for the traffic attracted to the site.
6. To ensure that the access arrangements are completed within a reasonable time in the interests of safety and the amenity of residents.
7. To protect water quality and minimise flood risk.
8. To ensure the use of materials appropriate to the development/works in order to safeguard the visual amenities of the area in accordance with:

Mid Devon Core Strategy (Local Plan 1) COR2
Local Plan Part 3 (Development Management Policies) DM2, DM14
9. The level of detail as shown for the boundary is considered unsatisfactory in the form shown on the drawings submitted to date and the further details are required to ensure an acceptable form of development, and in accordance with: Local Plan Part 3: (Development Management Policies) DM2 and DM14.
10. To safeguard the amenity of the occupiers of adjoining premises, protect the general environment, and prevent obstruction to pedestrian movement, and to ensure that there are adequate facilities for

the storage and recycling of recoverable materials, in accordance with requirements of policy DM14 of Mid Devon local Plan Part 3 (Development Management Policies).

11. To ensure the protection of any ecological interests at the site.
12. To ensure the character of the building is retained in accordance with policy DM11 and DM27 of Mid Devon Local Plan Part 3 (Development Management Policies).
13. To protect the existing trees and the contribution that the trees and the site towards the character and appearance of the area in accordance with policy DM2 of Mid Devon Local Plan Part 3 (Development Management Policies).
14. To ensure the use of materials appropriate to the development in order to safeguard the visual amenities of the area in accordance with

Mid Devon Core Strategy (Local Plan 1) COR2
Local Plan Part 3: (Development Management Policies) DM2 & DM/14

15. Reason: To ensure the use of materials appropriate to the development in order to safeguard the visual amenities of the area in accordance with

Mid Devon Core Strategy (Local Plan 1) COR2
Local Plan Part 3: (Development Management Policies) DM2 & DM/14

16. To ensure the use of materials appropriate to the development/works in order to safeguard the visual amenities of the area in accordance with:

Mid Devon Core Strategy (Local Plan 1) COR2
Local Plan Part 3 (Development Management Policies) DM2

17. To ensure that adequate parking facilities are available for the traffic attracted to the site.

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The proposal is acceptable in that it is for new housing, including two affordable homes, which responds to local housing needs, on land which is within the settlement boundary of Lapford. The siting, height, scale, mass of the proposed buildings and the overall design of the 8 dwellings is considered acceptable reflecting on the site location and the constraints that prevail. The appearance and design of the scheme is not considered to be detrimental to the setting of the Listed Church building adjacent to the site, and the overall contribution towards the character and appearance of the Lapford Conservation Area and the street scene will be positive. The proposals do not introduce an unacceptable relationship with the surrounding houses to the extent that it would adversely affect their living conditions. The scheme includes a satisfactory means of access into site for future occupiers and level of parking as proposed meet the minimum standard, albeit provided off plot. The applicant has agreed to enter into a section 106 legal agreement to ensure that 2 of the dwellings are affordable rented properties and to provide a mitigation strategy towards providing open space off site, towards improving air quality in Crediton within the Air Quality Management Area and towards the costs of secondary education for future occupiers. Accordingly, the proposal is considered to be in accordance Mid Devon Core Strategy (Local Plan Part 1) policies COR1, COR2, COR3, COR8, COR9 and COR15; Allocations and Infrastructure Development Plan Document policies AL/DE/3, AL/DE/4, AL/DE/5, AL/IN/3 and AL/CRE/8; Mid Devon Local Plan 3 (Development Management Policies) policies DM1, DM2, DM8, DM14, DM15 and DM27 and guidance in the National Planning Policy Framework.

Jonathan Guscott
Head of Planning and Regeneration