

PLANNING COMMITTEE AGENDA - 10th September 2014

Applications of a non-delegated nature

- | <u>Item No.</u> | Description |
|-----------------|--|
| 1. | <p>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.</p> <p>RECOMMENDATION
Refuse permission.</p> |
| 2. | <p>14/00801/FULL - Erection of agricultural livestock building at Land at NGR 299569 112886, Red Linhay, Crown Hill.</p> <p>RECOMMENDATION
Grant permission subject to conditions.</p> |
| 3. | <p>14/00979/MFUL - Erection of 10 dwellings (inc 2 x 2 bed affordable houses) with associated infrastructure and parking at Newcombes Resource Centre, Newcombes, Crediton.</p> <p>RECOMMENDATION
Subject to the provision of a Section 106 Agreement/Unilateral Undertaking and conditions grant permission.</p> |

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 REASON:

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

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 soakaways, 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 impassible 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

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 COR 1, 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. A brief travelling timeline has been provided to detail the applicant's travelling movements from 2004 - 2010 when for the purposes of the education of their young family, all year round travelling ceased and they moved into 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.

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 LPA that he meets with the definition of a gypsy and traveller as set out in the PPTS. However, if the site is acceptable in policy terms as a gypsy and traveller pitch, the personal circumstances of the applicant are irrelevant and planning permission should be granted.

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.

REASONS FOR REFUSAL

1. 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. 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. 14/00801/FULL

Plans List No. 2

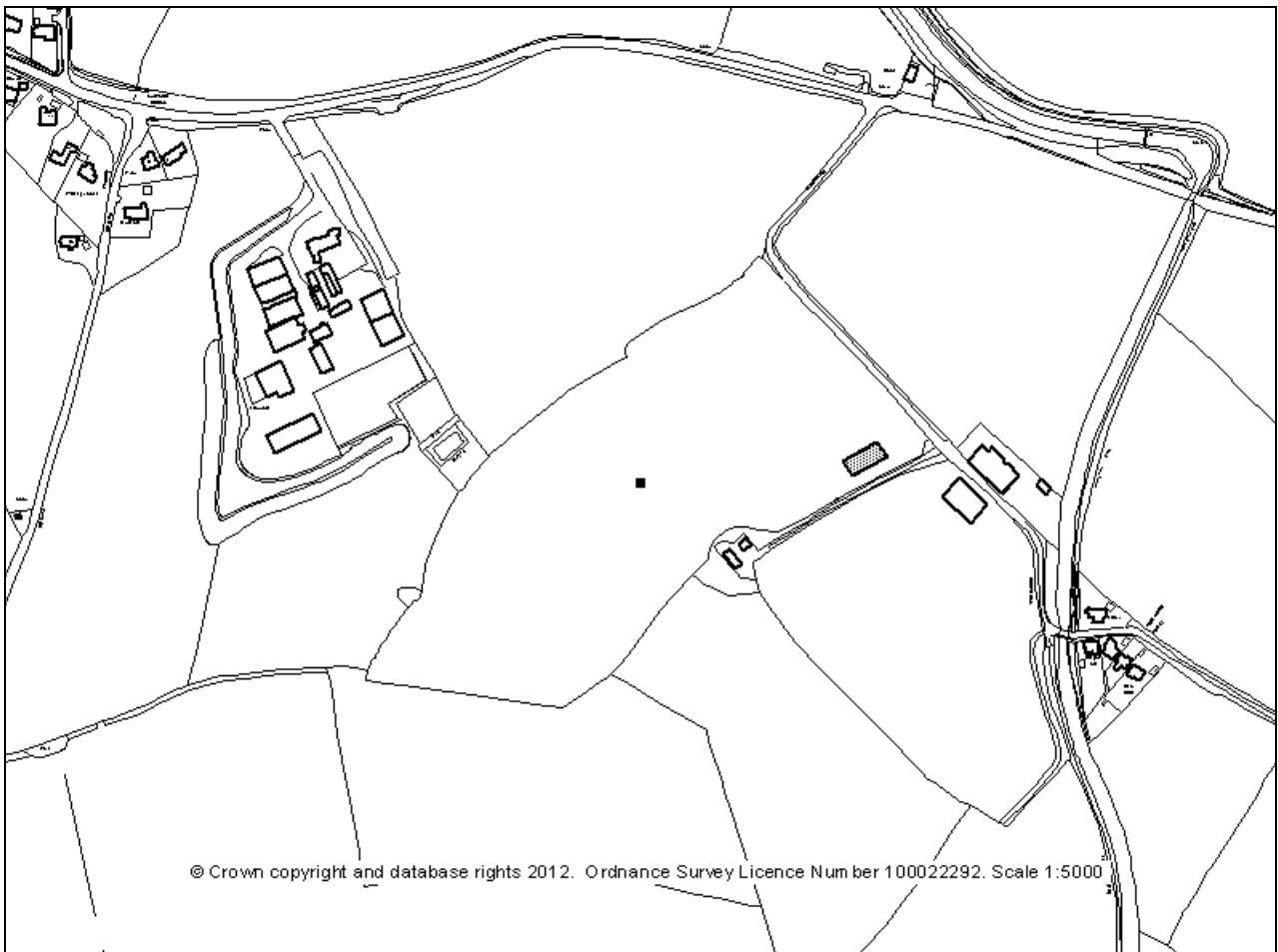
Grid Ref: 299384 : 112863

Applicant: Mr J Clapp

Location: Land at NGR 299569
112886 Red Linhay
Crown Hill

Proposal: Erection of agricultural
livestock building

Date Valid: 27th May 2014



Application No. 14/00801/FULL

RECOMMENDATION

Grant permission subject to conditions.

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

To consider whether there is a need for the building.

This application was deferred at the Planning Committee meeting of 13th August 2014 to allow further information to be sought from the applicant with regard to the following matters:

1. Whether the existing building would continue in use after the introduction of the anaerobic digester and what its use would be and whether it could be adapted to livestock use
2. Potential alternative locations for the building
3. His intentions for the new building following the introduction of the Anaerobic Digester
4. The commencement of a new collection of farm buildings and its future landscape impact
5. To consider whether sufficient grazing was available for the livestock following the introduction of the Anaerobic Digester
6. To allow for the Parish Council and the Grand Western Canal Joint Advisory Committee to present further representations.

The response to each of these points is given in italics below:

1. Whether the existing building would continue in use after the introduction of the anaerobic digester and what its use would be and whether it could be adapted to livestock use.

Applicant's response: The existing buildings are being used as an agricultural workshop, machinery store, grain store, fertilizer and chemical storage at present and will continue to be when we are farming for ourselves. The existing buildings are not designed for cattle. The use of these two buildings will not change [once the Anaerobic Digester is built] as we still need to store all of the above.

2. Potential alternative locations for the building

Officer comments: Your officers have carried out a site visit with the applicant to look at alternative locations. Sites significantly divorced from the applicant's residential property at Red Linhay would not be practical on animal welfare grounds as any livestock would not be within sight and sound of the farmhouse. Part of the land holding adjoins the Grand Western Canal and the field immediately to the west of the Canal and adjacent to the road between Halberton and Tiverton does not have a significant boundary and any development in this field would be more prominent than the currently proposed location. Alternative locations within the land holding would be further away from the existing buildings. A slide will be presented at the committee meeting to demonstrate the alternative locations considered.

3. His intentions for the new building following the introduction of the Anaerobic Digester.

Officer comments: The building will continue to house livestock, see the response to point 5 below.

4. The commencement of a new collection of farm buildings and its future landscape impact.

Officer comments: There exist two large agricultural buildings to the south east of the application site and planning permission has been granted for a livestock building to be erected to the west of these. Since this permission was granted, planning permission has also been granted for the erection of an Anaerobic Digester on this site. It could therefore be said that a collection of farming and other buildings has already begun or has planning permission to be begun. The site for the existing building first erected was agreed upon following discussions with the applicant as to the most suitable location for new buildings on the holding.

The site is elevated above the Halberton to Tiverton Road but is not overtly prominent from many views from the Grand Western Canal and towpath. The permitted Anaerobic Digester includes the provision of significant additional landscaping to mitigate any visual impact from the Canal. Views from the surrounding roads would be more difficult to screen due to changes in topography although some additional tree planting and hedgerow creation could be carried out to filter views from these vantage points.

5. To consider whether sufficient grazing was available for the livestock following the introduction of the Anaerobic Digester.

Applicant's response: We are currently farming approximately 900 acres. Only 425 acres will be required to fulfil the requirements for the AD plant. The remaining acreage will be split for our own use. The fields surrounding our buildings (including the proposed new cattle shed) will remain as grass fields and we will use them for spring-autumn grazing. We will also continue growing crops, i.e. wheat and barley so we have both straw and feed for our animals.

6. To allow for the Parish Council and the Grand Western Canal Joint Advisory Committee to present further representations.

Officer comments: At the time of writing no further representations from either body had been received. Any comments received will be reported on the update sheet.

Since this application was last considered by Planning Committee the following consultation response has been received from Halberton Parish Council on 27th August 2014:

No objection. Condition to be applied stating that when the building is no longer needed for agricultural use it be demolished.

PREVIOUS OFFICER REPORT

PROPOSED DEVELOPMENT

The proposed development is for the erection of an agricultural livestock building at NGR 299569 112886, Red Linhay, Crown Hill, Halberton. This application intends to replace an existing permission 12/00630/FULL also for an agricultural livestock building. This is due to the subsequent grant of permission for an anaerobic digester and associated works, the siting of which compromises the ability to implement permission 12/00630/FULL. The current site for the proposed building is located approximately 35m further north than the previously approved position (the latter now to be occupied by the anaerobic digester granted under 13/01605/MFUL. The current proposal is to the north of the driveway leading to the applicant's dwelling. The current application site lies within land identified in the anaerobic digester proposal as both providing feedstock for the plant and also being a recipient for digestate (Hartnoll Farm). Contrary to the Parish Council's expectation, this application has not been withdrawn by the applicant following the approval of the AD proposal.

The proposed building will be 32 metres long, 14 metres wide, and will have a floor space of 448sqm². The building will be located north west of the existing buildings on site, in the corner of a large agricultural field, adjacent to the site entrance. The proposed building's walling will be constructed using half reinforced concrete panels, and half-timber cladding, with a fibre cement roof. The eaves height will be 4.4 metres and the ridge height 6.6 metres. Both the south west and north east elevations will have enclosed sides using the above materials for 7 metres. In the remaining open area of both elevations there will be a 4.6 metre wide gate. The south east elevation of the building will remain open with cattle feed barriers, and will have a 2.4 metre feed canopy overhang. These materials reflect typical agricultural building materials; the building will be within close proximity with the other buildings on site, and will be seen as part of the farm complex. Site access will remain as existing.

APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement

PLANNING HISTORY

08/00282/PNAG Prior notification for the erection of an agricultural storage building - NOBJ - 7th March 2008

12/00585/PNAG Prior notification for the erection of an agricultural storage building

PRIOR APPROVAL REQUIRED - LETTER SENT 17TH MAY 2012 - NOBJ - 11th June 2012

12/00630/FULL Erection of an agricultural livestock building - PERMIT - 19th June 2012

13/01605/MFUL Erection of a 500kW anaerobic digester and associated works with 4 silage clamps -

PERMIT - 10th July 2014

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR2 - Local Distinctiveness

COR18 - Countryside

Mid Devon Local Plan Part 3 (Development Management Policies)

DM2 - High quality design

DM8 - Parking

DM22 - Agricultural development

CONSULTATIONS

HIGHWAY AUTHORITY - 18th June 2014

Observations - The Highway Authority would raise no objection to the above application, but would raise concern for the drainage of the proposal which may exacerbate an existing issue.

The existing highway to the south of the site is prone to flooding this is due in main to the siltation of the existing soak away sited adjacent to the existing barn to which the Highway Authority has a right of discharge. Prior to the use of this barn being brought into use the soak away should be de-silted so that it functions correctly and is capable of taking any additional water from this proposal.

The Highway Authority would take guidance from the Local Planning Authority as to whether or not they consider this a reasonable condition to impose on this development or whether it should be an advisory notice.

Recommendation: The Local Highway Authority recommends that the following conditions shall be incorporated in any grant of permission:-

1. In accordance with details that shall previously have been submitted to, and approved by, the Local Planning Authority, provision shall be made within the site for the disposal of surface water so that none drains on to or is allowed to back up onto any County Highway

REASON: In the interest of public safety and to prevent damage to the highway.

HALBERTON PARISH COUNCIL - 26th June 2014

It was the Parish Council's understanding that this livestock building application was to be withdrawn, if the planning for the Anaerobic Digester was approved. If this was not the case then the Parish Council would request an extension of time by Mid Devon District Council in order to consider the application at its next meeting on the 8th July.

28th August 2014

No objections.

The Committee advised that condition be applied stating that when the building is no longer needed for agricultural use it be demolished.

ENVIRONMENTAL HEALTH - 16th June 2014

Contaminated Land - No objections.

Air Quality - No objections.

Drainage - No objections.

Noise and other nuisances - No objections.

Housing Standards - No comments.

Licensing - No comments.

Food Hygiene - Not applicable.

Private Water Supplies - Not applicable.

Health and Safety - No objections.

HISTORIC ENVIRONMENT SERVICE - 1st July 2014

The proposed development lies in an area of archaeological potential. Archaeological investigations and geophysical survey undertaken to the west showed the presence of two ring-ditches, the ploughed out remains of prehistoric burial sites, within 200m of the application area. Finds of prehistoric flint tools have also been found in the field to the north of the application area. Similar archaeological features and artefacts could be present within this application area. Groundworks for the construction of the new livestock building therefore have the potential to expose and destroy archaeological deposits and artefacts associated with the known prehistoric activity in the vicinity.

For this reason and in accordance with paragraph 141 of the National Planning Policy Framework (2012) I would advise that any consent your Authority may be minded to issue should carry the condition as worded 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 the archaeological monitoring and recording of all groundworks associated with the construction of the new livestock building to enable the identification, investigation and recording of any exposed archaeological or artefactual 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.

REPRESENTATIONS

One letter of representation has been received, stating there is no need for an agricultural livestock building due to there not being any cattle on the application site. This is addressed below.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

- 1. Justification for the agricultural building**
- 2. Impact on neighbours and the character and appearance of the area**
- 3. Impact on the environment and local road network**

1. Justification for the agricultural building

The erection of an agricultural building is required in order for the applicant's livestock herd to be accommodated on site. At present the herd are kept elsewhere, however that land is no longer available, creating a need for an agricultural building in this location. The building itself will be used in connection with the business of rearing and keeping cows. The development is reasonably necessary to support the applicants farming activities. It is also important to consider that this application intends to replace an existing permission 12/00630/FULL, due to the subsequent grant of permission for an anaerobic digester and associated works, the siting of which compromises the ability to implement permission 12/00630/FULL for an agricultural building. However, it is recommended that a condition is imposed to allow for the implementation of only one of the livestock agricultural buildings, as it is not considered that there is a need for two agricultural buildings on this site presently. At present, the building allowed under 12/00630/FULL could be implemented if the anaerobic digester proposed does not go ahead.

The site of this application lies within the 62ha at Hartnoll Farm identified in the Anaerobic Digester application (13/01605/MFUL) as providing crop feedstock for the Anaerobic Digester plant and to be in receipt of digestate. The size of this building/site in relation to this 62ha is minimal and is expected to have an insignificant impact upon the operation of the Anaerobic Digester plant. It is not considered that this would provide reason to refuse the current application.

2. Impact on neighbours and the character and appearance of the area

The proposed agricultural building will be visible from the public highway, however, the building's visual impact is mitigated by the retention of mature hedges that will act to screen the building from the highway, and this will be further mitigated by the planting of a new hedge to the north of the building. There are no houses within close proximity of the site; therefore any impacts on neighbours will be low. The design of the building reflects that of a standard agricultural building, and the building will be viewed in the context of the other buildings on site, forming part of the existing farm complex; consequently any impacts on the wider landscape are considered to be low. As such, the development can be considered to be well-designed and appropriately located, respecting the character and appearance of the area in accordance with policy COR18 of the Mid Devon Core Strategy (Local Plan Part 1) and DM2 and DM22 of the Local Plan Part 3 (Development Management Policies).

The proposed site is located approximately 150 metres from the Grand Western Canal and associated Conservation Area. It is further away than both the previously approved position of a livestock building of the same size and height and the Anaerobic Digester scheme. As a proposed new building, an alternative to the previous approval it is not considered to impact upon the canal/the associated conservation area or setting such as to warrant refusal of the application. It will add to the group of buildings in this location, particularly if the Anaerobic Digester plant is implemented. The proposed livestock building would be behind the Anaerobic Digester when viewed from the canal direction. In this respect it is also considered acceptable.

3. Impact on the environment and local road network

The application site is accessed from Crown Hill, Halberton and there is a wide double gated entrance leading onto the main site track and concreted yard. This access will remain unchanged and it is not considered that the development will have an unacceptable traffic impact on the local road network. The Highway Authority has raised concerns about the drainage of the proposal exacerbating an existing flooding problem on the highway that runs north to south past the entrance to the site. It is considered that the siltation of a soak away on the applicant's site is doing little to ameliorate the flooding problems on Crown Hill, to the south of the proposed site. However, firstly, this is an existing problem that will not be caused by the proposal. Secondly, the soak away that the Highway Authority makes reference to is nowhere near the proposed location of the agricultural building subject to this application. This is illustrated by an additional drawing submitted by the applicants demonstrating the location of the soak away. Surface water from the proposed building will drain to an existing watercourse, not the soak away on the opposite side of the site from the proposed agricultural building. Therefore it is considered that the existing flooding issues due to the situation of the soak away will not be exacerbated by this proposal. The Devon County Council suggested condition is therefore not considered to be justified.

No objection has been raised from Devon County Highways regarding vehicle movements to and from the site, the proposal is not deemed to be conflict with policy DM8 of the Local Plan Part 3 (Development Management Policies).

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. No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which shall first have been submitted to, and be approved in writing by, the Local Planning Authority.
4. The permission hereby granted shall be implemented only as an alternative to that granted under reference 12/00630/FULL and shall not be implemented in addition to that planning permission.

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 an appropriate record is made of archaeological evidence that may be affected by the development in accordance with Policy DM27 of Local Plan Part 3 (Development Management Policies) and guidance in the National Planning Policy Framework (NPPF).
4. There is only a justified need for one agricultural livestock building on the holding.

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The proposed agricultural building is considered to be reasonably necessary to be used in connection with the business of rearing and keeping cows at the Red Linhay site, Crown Hill. It is intended the heard will be moved to the site, due the future unavailability of the land where they are currently kept. This Red Linhay site already benefits from planning permission for an agricultural building (12/00630/FULL), at present this permission is unimplemented but the permission does not lapse for another 11 months. The recent approval for an anaerobic digester is proposed to be located where the agricultural building benefiting from the (12/00630/FULL) has permission to be erected, hence the need for an agricultural building in an alternative location. Both consented schemes are a material considerations in determining this application. Additionally, it is not considered the application will have an unacceptable adverse impact on the neighbours, the character of the area including the Grand Western Canal and associated Conservation Area, the environment, or the local road network. Consequently this application is recommended for approval. The proposal is deemed to comply with policies COR2 and COR18 of the Mid Devon Core Strategy (Local Plan 1), policies DM2, DM8 and DM22 of the Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.

Application No. 14/00979/MFUL

Plans List No. 3

Grid Ref: 283522 : 100555

Applicant: Jenner Homes

Location: Newcombes Resource Centre Newcombes Crediton

Proposal: Erection of 10 dwellings (inc 2 x 2 bed affordable houses) with associated infrastructure and parking

Date Valid: 30th June 2014



Application No. 14/00979/MFUL

RECOMMENDATION

Grant planning permission subject to the terms of section agreement to cover the following, and conditions as recommended.

1. Provision of two affordable units to be occupied on an affordable rented basis.
2. Contributions towards the provision of new and existing public open space - £10,516.00.

PROPOSED DEVELOPMENT

Erection of 10 dwellings (inc 2 x 2 bed affordable houses) with associated infrastructure and parking, following demolition of the Newcombes Resource Centre.

The proposed development comprises a mixture of terraced and semi-detached dwellings arranged either side of an estate road which will also provide vehicular and pedestrian access to the existing Sure Start Childrens Day centre. There are three house type, referred to as A, B and C. House types A and B are two and three bed units respectively with accommodation over 2 levels with house type C designed as 4 bed units with accommodation over three levels. Parking is provided on plot in the main with a courtyard directly adjacent providing 10 spaces (3x2 residential parking spaces and 4 spaces for the Sure Start centre).

The materials palette includes predominantly brick for the walling, with tiles for the roof covering, grey upvc window fixtures with stone header and cill details.

All foul sewage will be managed into the mains sewer and drainage system. No trees and/or hedgerows are proposed to be felled

APPLICANT'S SUPPORTING INFORMATION

Site plan, block and layout plans, elevations and section plans
Design and Access statement prepared by HFA architects
Phase 1 Desk Top Study Desk Top Report prepared by Red Rock Geoscience Ltd
Protected Species Survey prepared by EPS Ecology November 2013.

PLANNING HISTORY

08/01843/DCC Regulation 3 application for erection of single storey building for use as a children's centre issued by DCC on 10.12.2008

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
COR15 - Crediton

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

CONSULTATIONS

HIGHWAY AUTHORITY - 17th July 2014

Observations:

The Highway Authority has visited the site and has no objection in principle to the above planning application. Drawing no 1331-100B should be conditioned for layout of the access footways, crossing facilities which should include the tactile crossing on both sides of the road to the south of the site on Clifford gardens. The Highway Authority is happy with the drainage subject to the acceptance of the scheme by South West Water (SWW) and confirm it will adopt the gullies and connections with SWW being responsible for the piped drainage within the site and the applicant will need to secure such drainage with SWW through a section 104 agreement. Therefore should planning consent be granted the following conditions need to 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, footways, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, road maintenance/vehicle overhang margins, 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 20.00 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 the 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.

CREDITON TOWN COUNCIL - 25th July 2014

I was resolved to OBJECT to the application due to the lack of provision of storage for bins and bikes

ENVIRONMENTAL HEALTH - 21st July 2014

Contaminated Land - See attached

Air Quality - Contribution to SPD required.

Drainage - no objections to this proposal

Noise & other nuisances - no objections to this proposal

Housing Standards - no objections to this proposal

Licensing - Not applicable

Food Hygiene - No objection

Private Water Supplies - Not applicable

Health and Safety - No objection

CONTAMINATED LAND

1. Site Characterisation

As recommended in the Red Rock Geoscience report of May 2014, due to the previous use of the site, a Phase 2 investigation and risk assessment, in addition to the assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority.

The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

2. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

3. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

HOUSING ENABLING & BUSINESS SUPPORT MANAGER - 10th July 2014

Crediton continues to have a high demand for affordable housing, in particular for one and two bed properties. The proposed development which includes 2x two bed affordable rented properties meets with our affordable housing criteria.

DEVON & CORNWALL POLICE AUTHORITY - 17th July 2014

The only concern is the grassy area in front of plot 1. As it stands it is very vulnerable to a desire line being formed, and equally annoying an easy option for dog fouling. I briefly discussed this with the architect Andrew Field who agreed that defensible planning was a good option.

The Police recommend the defensible planting of spiny or thorny plants which can help prevent graffiti, loitering, and the playing of ball games against perimeter fencing. This also enhances perimeter security, and prevents desire lines. Appropriate plant species include Holly (*Ilex aquifolium*), Hawthorn (*Crateagus* spp), Berberis (*Berberis julianae*), Firethorn (*Pyracantha* spp), Blackthorn (*Prunus spinosa*), and Rose (*Rosa rugosa/canina*) This can when appropriate be supplemented with some form of railings.

Can I request that the above is made a condition in order to comply with crime and disorder issues.

SOUTH WEST WATER - 15th July 2014

A plan showing the approximate location of a public sewer in the vicinity. Please note that no development will be permitted within 3 metres of the sewer, and ground cover should not be substantially altered.

Should the development encroach on the 3 metre easement, the sewer will need to be diverted at the expense of the applicant. The applicant/agent is advised to contact the Development Planning Team to discuss the matter further.

South West Water will only allow foul drainage to be connected to the public foul or combined sewer. Permission will not be granted for the surface water from this site to return to the public combined or foul sewerage network. We will request that investigations are carried out to remove the surface water using a Sustainable Urban Drainage System, such as a soakaway. If this is not a viable solution to remove the surface water, please contact the Development Planning Team for further information.

REPRESENTATIONS

4 representations have been received and whilst generally supportive of the principal of bringing forward development on the site, concerns are expressed as follows:

The development will increase the levels of traffic on the network, which already carries reasonably high levels of traffic, especially along Newcombers / Clifford Gardens (ref: the Doctors Surgery)

The height of building on plots 1-4 and how they affect the views/outlook for occupiers of the adjacent houses (no 22-25).

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The development area extends to approximately 0.2 hectares, and is located in the settlement boundary of Crediton located off Belle Parade/ Clifford Gardens with Jockey Hill running along the eastern boundary.

The site currently accommodates the Newcombe Centre building (formerly a day care centre for adults with learning disabilities) which has been vacant and redundant for a number of years. This building is to be demolished. The site shares an access with a Sure Start Day Centre which is operational. Directly to the south there is a Doctors Surgery building and car park. Clifford Gardens is a residential street with a relatively new residential development beyond the site at the top of Newcombes.

The main issues relating to this proposal are:

- 1) Policy matters;
- 2) Highways;
- 3) Design and site layout, amenity Issues;
- 4) Other - drainage

Policy

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).

As one of the key growth towns in the district, the principle of residential development on the site is acceptable in principle.

The scheme would deliver a density which complies with the guidance at policy COR1 of Mid Devon Core Strategy (Local Plan Part 1), albeit at the higher level whilst maintaining an access through to the Sure Start centre.

The application scheme includes affordable housing in accordance with policy AL/DE/3 and other relevant policies. The provision of two affordable housing units as proposed is supported by the Housing Services Manager.

Movement and Parking issues

The applicant's agent has submitted information regarding the level of traffic associated with the lawful use of the site as a day care centre, in terms of staff, clients and visitors arriving and departing from the site (likely to have been in excess of 40 vehicular movements per day). Given that the level of traffic associated with the proposed use of the site is considered to be a level similar to that of the lawful use of the site there is no requirement to secure a mitigation package towards improving Air Quality in Crediton as required by policy AL/CRE/8 of Allocations and Infrastructure Development Plan Document.

Access into the site is from the adopted highway, and the highway authority are supportive of the proposed arrangements which include access to the Sure Start centre. The issue raised by local residents in terms of signage and/or measures to slow the travelling speed of vehicles traveling up and down Clifford Gardens and Newcombe is an issue which can be considered by the Highway Authority separate to the planning application process.

The application proposes 20 parking spaces to serve the 10 houses, and 4 spaces to serve the Sure Start centre to replace the existing spaces. As stated parking is either on plot or just off plot in a courtyard style arrangement which responds positively in terms of its' position to the guidance as set out in the adopted SPD on Parking, in that it is close to the properties to which it provides parking for allowing for natural surveillance from the properties adjacent. 16 of the residential parking spaces are provided on drives or in the courtyard area adjacent, with 4 spaces on plots 1-4 in within garages that are shown on plan with dimensions that accord with the recommended in the SPD.

In summary the planning application scheme is considered to comply with policy COR9 of Mid Devon Core Strategy (Local Plan Part 1) and broadly in accordance with policy DM8 of Mid Devon Local Plan Part 3 (Development Management Policies).

Design and site layout issues, relationship with neighbouring properties

The scheme comprises dwellings that are simple in design with a palette that is reflective of the existing houses at the rear. The inclusion of the two blocks of 3 storey properties as they have been designed will add some variation within the street scene.

The layout reflects the topography of the site in it's context, with the height and overall massing of the building blocks stepping down from north to south, and below ridge level of the building blocks (no's 22 -24 Newcombe), as shown on the section A-A (ref: drawing no 101B).

The floor space as proposed within each of the dwellings meets the minimum standards set out at DM15 for a 4 bed space and 7 bed space house. Each of the units has a rear garden and front garden, and therefore will enjoy a reasonable level of amenity, with sufficient opportunity on plot for the storage of refuse and recycled material and safe storage of cycles. A condition is recommended regards collection arrangements.

The relationship between the application scheme and the residential properties at the rear has been raised by some local residents. The window to window separation distance between the front of the existing dwellings and the rear elevation of the application scheme buildings is approximately 22.0 metres and because of the change in levels the relationship is ground to first floor. In terms of assessing the relationship regards overlooking between the properties, the separation distance reflects the typical street scene relationship when dwellings are arranged opposite each other, and because of the change in levels the outlook from the existing properties will be towards bedroom windows.

Although the views and outlook for existing residents will change, given the separation distance and levels difference, it is not considered the amenities of existing residents will be adversely affected to the extent to justify refusing planning permission.

Overall it is considered that the application scheme provides a satisfactory design response in accordance with policies DM2 and DM14, providing new houses designed to provide additions to the housing stock of Crediton that provide internal floor space levels to comply with the requirements at policy DM15.

Other issues

Contamination: A condition is recommended to deal with potential contamination issues taking into account the historic use of the site as recommended below.

Flood risk and drainage: The applicant has been made aware of the advice set out by South West Water and has advised that their engineers have designed a diversion accordingly.

S106 mitigation issues: The applicant has agreed to contribute towards the improvement of open space off site and affordable housing in accordance with policy AL/IN/3. As set out above a contribution under the terms of policy AL/CRE/8 is not considered justified in this case (air quality).

Boundary treatment: - The Architectural Liaison officer has commented that the grassy area in front of plot 1 is very vulnerable to a desire line being formed, and should be protected by with boundary fencing. A condition is recommended to deal with this issue.

Carbon Reduction Strategy: Although the submitted plans show an array of roof mounted solar panels for the dwellings on plots 1-4, a condition is recommended requiring the submission of a carbon reduction strategy for the entire development to be submitted for approval in accordance with policy AL/IN/6.

Conclusion:

The current premises are redundant for their lawful use and as result do not make a positive contribution towards the area. 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.

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. Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:
 - (a) The timetable of the works;
 - (b) Daily hours of construction;
 - (c) Any road closure;
 - (d) Hours during which delivery and construction traffic will travel to and from the site;
 - (e) The number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
 - (f) The compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
 - (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading

- purposes, unless prior written agreement has been given by the Local Planning Authority;
- (h) Details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
 - (k) Details of wheel washing facilities and Road sweeping facilities
 - (l) The proposed route of all construction traffic exceeding 7.5 tonnes.
 - (m) Details of the amount and location of construction worker parking.
4. The proposed estate road, footways, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, road maintenance/vehicle overhang margins, 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.
 5. 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 20.00 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
 6. The occupation of any dwelling in an agreed phase of the development shall not take place until the following works have been carried out:
 - 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 the cul-de-sac have been provided and erected.
 7. 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.
 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 occupation of the dwellings hereby approved a proposal setting out a scheme for the boundary treatment of the proposed grassed area in front of plot 1 shall be submitted to and approved by the Local Planning Authority. This part of the development shall be completed only in accordance with the approved details.
 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.

11. No development shall begin until a carbon reduction strategy indicating at least 14% of the energy to be used in the development to come from decentralised on-site renewable or low-carbon sources has been submitted to and approved in writing by the Local Planning Authority.
The development shall be carried out in accordance with the approved carbon reduction strategy.
12. Prior to the commencement of development, a Phase 2 investigation and risk assessment survey shall be completed in accordance with a scheme to assess the nature and extent of any contamination on the site. The contents of the scheme shall first have been submitted to and approved in writing by the Local Planning Authority. A report of the survey findings with a scheme of remediation as required shall be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11', submitted to and approved in writing by the Local Planning Authority and shall include the following:
 - (i) a survey of the extent, scale and nature of contamination;
 - (ii) an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments;
 - (iii) an appraisal of remedial options, and proposal of the preferred option(s).
13. If required as a result of the survey findings (under condition 12), a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be submitted to and approved in writing by the Local Planning Authority.
 - i) The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
 - ii) The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works.
 - iii) Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.
14. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 12, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 13, submitted and approved in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is to be submitted to and approved in writing by the Local Planning Authority in accordance with condition 13.
15. Prior to the commencement of the development a surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in accordance with the approved details.

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 safety of the public highway.
4. To ensure that adequate information is available for the proper consideration of the detailed proposals.
5. 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.
6. To ensure that adequate access and associated facilities are available for the traffic attracted to the site.
7. To ensure that the access arrangements are completed within a reasonable time in the interests of safety and the amenity of residents.
8. 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, DM14
9. The front boundary treatment is considered unsatisfactory in the form shown on the drawings submitted to date and this aspect of the scheme should be modified to ensure an acceptable form of development, and in accordance with:

Local Plan Part 3: (Development Management Policies) DM2, 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. In order to meet the requirements of policy AL/IN/6 Allocations and Infrastructure Development Plan Document.
12. To protect the occupiers of the houses from risk from contamination in accordance with policy DM7 of Mid Devon Local Plan Part 3 (Development Management Policies).
13. To protect the occupiers of the houses from risk from contamination in accordance with policy DM7 of Mid Devon Local Plan Part 3 (Development Management Policies).
14. To protect the occupiers of the houses from risk from contamination in accordance with policy DM7 of Mid Devon Local Plan Part 3 (Development Management Policies).
15. In the interests of ensuring satisfactory arrangements for the disposal of surface water from the site.

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The proposal is acceptable in that it is for new housing, including an affordable dwelling, on land which is within the settlement boundary of Crediton. The height, scale, mass of the proposed buildings and the overall design of the 10 dwellings is considered acceptable reflecting on the site location and the constraints that prevail. The appearance and design of the scheme is considered to enhance the character and appearance of this part of Crediton. 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 the Childrens Centre that sits adjacent.

The level of traffic generated by the development is not likely exceed the traffic movements associated with lawful use of the site and proposed levels of parking are considered acceptable. 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.

Accordingly, the proposal is in accordance Mid Devon Core Strategy (Local Plan Part 1) policies COR1, COR2, COR3, COR8, COR9, COR15; Allocations and Infrastructure Development Plan Document policies AL/DE/3, AL/DE/4, AL/DE/5, AL/IN/3, AL/IN/6 and AL/CRE/8; Mid Devon Local Plan 3 (Development Management Policies) policies DM1, DM2, DM8, DM14, DM15 and guidance in the National Planning Policy Framework.

Jonathan Guscott
Head of Planning and Regeneration