

PLANNING COMMITTEE AGENDA - 5th November 2014

Applications of a non-delegated nature

- | <u>Item No.</u> | <u>Description</u> |
|-----------------|--|
| 1. | <p>14/00830/MOUT - Outline for the erection of up to 185 dwellings and 1935m2 of employment uses (B1 and B8) together with structural landscaping, sustainable drainage and ancillary open and play space at Land at NGR 284242 99827 (Wellparks), Exeter Road, Crediton.</p> <p>RECOMMENDATION
Subject to the provision of a Section 106 Agreement/Unilateral Undertaking and conditions grant permission.</p> |
| 2. | <p>14/01207/FULL - Erection of a two storey extension and conversion of timber garage to ancillary accommodation (Revised Scheme) - HOUSEHOLDER at Rose Cottage, Uplowman, Tiverton.</p> <p>RECOMMENDATION
Refuse permission.</p> |
| 3. | <p>14/01284/FULL - Removal of Condition (2) and Variation of Condition (1) of planning permission 10/00732/FULL to allow permanent planning permission and to amend those persons permitted to occupy the site at Oak Meadow, Holcombe Rogus, Devon.</p> <p>RECOMMENDATION
Grant permission subject to conditions.</p> |
| 4. | <p>14/01310/MFUL - Change of use of agricultural buildings for B1/B2/B8 commercial use, the demolition of agricultural buildings and the erection of replacement B1/B2/B8 commercial buildings, the use of The Forge and Unit 11 for B1/B2 and B8 commercial use, the provision of associated landscaping, yard areas and infrastructure at Hitchcocks Farm, Uffculme, Devon.</p> <p>RECOMMENDATION
Subject to the provision of a Section 106 Agreement/Unilateral Undertaking and conditions grant permission.</p> |
| 5. | <p>14/01452/MFUL - Installation of solar energy farm on 13.34 ha of land to generate 5.5 megawatts of energy (Revised scheme) at Land at NGR 299298 125070 (East of Bowdens Lane), Shillingford, Devon.</p> <p>RECOMMENDATION
Grant permission subject to conditions.</p> |
| 6. | <p>14/01521/FULL - Provision of pedestrian/cycle route with associated boundary treatments, safety barriers and landscape planting following demolition of existing dwelling, garage and garden. at 10 Fairway, Tiverton, Devon.</p> <p>RECOMMENDATION
Grant permission subject to conditions.</p> |

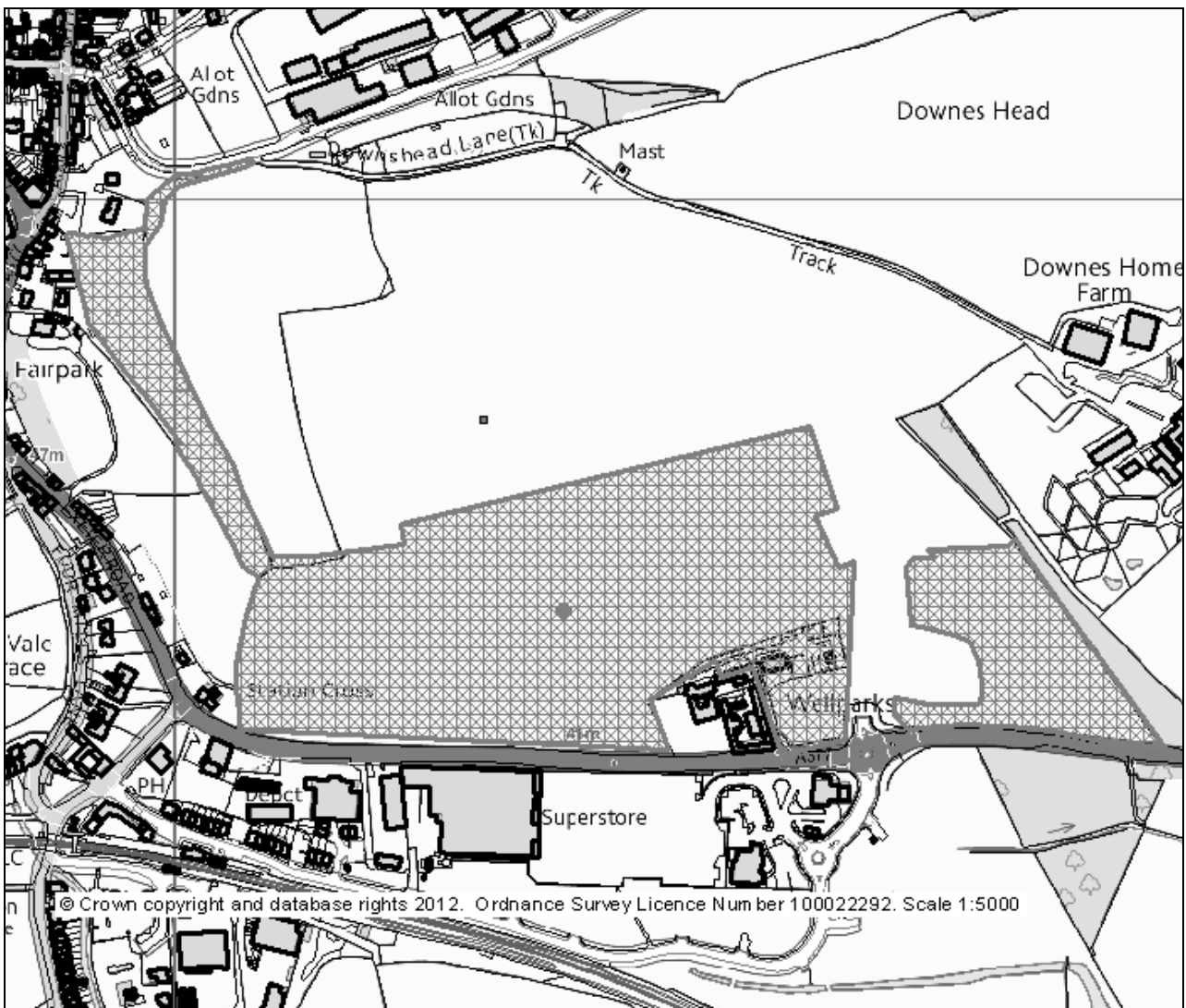
Grid Ref: 284242 : 99827

Applicant: Mr T Baker

Location: Land at NGR 284242 99827
(Wellparks) Exeter Road Crediton

Proposal: Outline for the erection of up to 185 dwellings and 1935m² of employment uses (B1 and B8) together with structural landscaping, sustainable drainage and ancillary open and play space

Date Valid: 28th May 2014



Application No. 14/00830/MOUT

RECOMMENDATION

Grant permission subject to the prior signing of a Section 106 Agreement to secure the following matters and subject to the conditions outlined in this report:

- (i) 25% affordable housing on site. comprising of 35% one bed units (to be provided as predominantly 1 bed houses), 50% two bed houses and 15% three bed houses - all to be occupied on an affordable rent basis with grouping size to be agreed.
- (ii) A financial contribution towards providing new and enhancing existing public open space off site: £1,250 per dwelling.
- (iii) A financial contribution towards off- site Highway works associated with the operation of the link road: £124,040.00 (or based the current masterplan scheme of 185: £670.00 per dwelling)
- (iv) Direct provision of the following off site highway works:
 - Widening of the pavement along Exeter Road adjacent to the site to a minimum of 1.8 metres (specification to be agreed).
 - Delivery of the shared footpath / cycleway from the North West corner of the site to Downshead Lane (specification to be agreed).
 - Delivery of an uncontrolled pedestrian crossing facility to the south of Downshead Lane crossing to the East street junction (specification to be agreed).
- (v) A financial contribution towards improving Air Quality in the Crediton Air Quality Management Area (off site): £150,000.00.
- (vi) A financial contribution towards improving/providing new primary school education facilities at a rate of £2,840.00 per dwelling (excluding one bed units, retirement accommodation and student accommodation)
- (vii) A financial contribution of £55,000.00 towards travel plan measures (calculated at £300.00 per house)

PROPOSED DEVELOPMENT

Outline for the erection of up to 185 dwellings and 1935m² of employment uses (B1 light industrial and B8 wholesale and distribution) together with structural landscaping, sustainable drainage and ancillary open and play space. Determination of means of access is included in this application.

The application proposes a new access into the site direct from the new link road just up from the roundabout on the Exeter Road, and a pedestrian route from the north western corner of the site leading out at Downshead Lane.

Appearance, landscaping, layout and scale are reserved matters and will be dealt with at the next planning stage (reserved matters).

The application site is 11.58 hectares and is currently in agricultural use. The application as submitted is supported by an illustrative masterplan - which is at a scale of 1:1250 on A1 sheet and presents an illustrative layout based on the means of access as described above. The very illustrative layout shows:

1. A layout based on a single means of access running across the site (Spine Road) with spur roads proposed off leading to areas for development.
2. A development area for employment floor space showing a grouping of 4 buildings and three areas of connected car parking.
3. 7 spur roads of the main distributor road leading to small groups of housing arranged as clusters of houses towards the top of the site with a terraced arrangement towards the bottom of the site facing the A377.
4. Two access points for pedestrians / cyclists from the site onto the A377.
5. A shared footpath / cycleway linking the site at the North West corner of the site up to Downshead Lane.
6. An area of public open space in the middle of the part of the site safeguarded for residential development site.
7. A total of 370 parking spaces, with 113 allocated to employment floorspace area.
8. An area of land on the other side of the link road to manage the surface water drainage requirements of the site.

APPLICANT'S SUPPORTING INFORMATION

Application form and site plan drawing prepared by LDA design - drawing no: 3509/100/c
Illustrative masterplan prepared by LDA Design.
Illustrative Site Sections prepared by LDA Design (drawing no: 3509/103)
3509/101 vegetation removal plan
3509/100/c Site boundary plan
Planning Statement
Design & Access Statement
The Masterplan Framework
Statement of Community Involvement
Transport Assessment
Ecological appraisal
Arboricultural survey
Phase 1 desk study and phase 2 preliminary ground investigation report.
Historic environment assessment
Landscape & visual impact assessment
Level 2 Flood Risk Assessment prepared by Teign Consulting - dated 05.03.2014
Revised drainage drawings; FRA3A and FRA4A and supporting update technical note

PLANNING HISTORY

None

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/1 - Housing Plan, Monitor and Manage
AL/DE/2 - Overall Affordable Housing Provision
AL/DE/3 - Affordable Housing Site Target
AL/DE/4 - Occupation of Affordable Housing
AL/DE/5 - Inclusive Design and Layout
AL/IN/3 - Public Open Space
AL/CRE/1 - Wellparks
AL/CRE/7 - Wellparks A377
AL/CRE/8 - Crediton Air Quality

Mid Devon Local Plan Part 3 (Development Management Policies)

DM1 - Presumption in favour of sustainable development
DM7 - Pollution
DM27 - Development affecting heritage assets

CONSULTATIONS

ENGLISH HERITAGE - 24th July 2014 - We do not wish to comment in detail, but offer the following general observations.

English Heritage Advice

The development of this site, which forms part of the Downes Estate and is in close proximity to the core of the estate, is regrettable to English Heritage, but has become inevitable with the construction of the site immediately to its east and the allocation of the site for development in the Council's Core Strategy.

The outline application for a substantial mixed use development is not, therefore, one that English Heritage can realistically object to in principal yet most of the detail is omitted from this outline application. Our comments must, necessarily, be relatively high level in relation to the mitigation of impact of the development in relation to the Downes Estate and the approach to Crediton conservation area. The site forms the lower reaches of Downes Head, a prominent landscape feature on the approach to Crediton from Exeter, which has hitherto formed a rural boundary to the town as well as a backdrop to the Downs complex of historic buildings. English Heritage has an interest in the Downes estate as a historic entity, not purely in relation to the grade II Downes House, and our comments on this application are made in that context.

Whilst the site is not likely to be intervisible with Downes House itself or its home farm, it will largely subsume the grade II listed Wellparks farm complex and dramatically change its rural setting. We do not entirely concur with the conclusions of the supporting Historic Environment Assessment in relation to the impact of the development on Wellparks, that 'the farm buildings will be retained and converted to employment use and therefore the impact of the development on the significance of the heritage assets is minimal'. We consider that the agricultural surroundings of a historic farmstead can make a significant contribution to its setting, and changes to that setting therefore have the potential to cause considerable harm to overall significance. This has view has been substantiated in a number of recent appeal decisions. The fact that a development of this scale will cause harm to the setting and significance of Wellparks seems to us to be an unavoidable conclusion. It is important, then, that the setting of Wellparks is given sufficient weight in developing a scheme for this site. We would suggest that provision is made not to take new buildings to such proximity to Wellparks that the legibility of its original agricultural function is entirely lost. We would hope that this objective is made clear now and taken account of in the ensuing detailed planning application, should this one be approved.

One other aspect of the scheme which causes us concern is the appropriation of an area of land to the east of the Link road for 'environmental mitigation purposes'. This area falls within the land which has been exempted for inheritance tax purposes for reasons of its contribution to the visual amenity of the estate. We are therefore reluctant to see it subjected to any modifications to its landform which will alter its agricultural character and visual qualities. We would urge your Authority to negotiate with the applicant to review options for surface water drainage provision within the main development site itself and would strongly discourage any consequential works from this development to be imposed on land which has been identified as being of considerable historic importance.

Finally, we would stress the need for a comprehensive landscaping scheme to be prepared in association with any detailed planning application for this site, in order to mitigate what will be a not inconsiderable visual impact when the development is viewed within the wider landscape.

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.

Note: Since the application was submitted the surface water drainage details have been revised (still to the east of the development area / link road) and English Heritage have confirmed that they are no longer objection to the arrangements as proposed.

DEVON COUNTY COUNCIL - STRATEGIC PLANNING AUTHORITY - 18th June 2014 - I have just had a phone call regarding the development at Wellparks, Exeter Road, Crediton and have confirmed we wouldn't request a contribution towards Education Infrastructure in relation to the one-bedroomed dwellings within this development.

The rate we request is £2,840.38 per dwelling for each family dwellings (our only exceptions are one bedroomed, retirement accommodation and student accommodation)

ENVIRONMENT AGENCY - 18th June 2014 - No objections to the proposal, subject to a strategic approach being given to the management of surface water runoff that includes written assurances that both the proposed Suds features within the application site, and the existing systems promoted as part of the Tesco/retail site i.e. the swales and pond to the south of the A377, will be adequately maintained for the lifetime of the development.

We advise that the following measures be undertaken prior to determination of the application:

Your authority gains written assurances that the proposed surface water drainage features within the application site will be adequately maintained for the lifetime of the development and you take appropriate action to ensure that the existing Suds features to the south of the A377, into which waters from the proposed development would drain, will be maintained for the lifetime of the development.

Further to the above.

To our knowledge the Tesco/Retail Suds system was designed to cater for inflow from the proposed development. It would appear that the Suds features promoted as part of the Tesco/retail development have not been maintained since constructed. As such they are not acting in the manner proposed. Draining further water into the systems. I.e. waters from the proposed residential development as proposed, will act to increase flood risk which is contrary to the National Planning Policy Framework.

On-going maintenance of the systems is vital to ensuring the proposed development will '....contribute to the achievement of sustainable development.' Your authority, as advised by the Environment Agency, is in a strong position to ensure maintenance measures can be secured and take action should it be the case that an existing planning condition is not being adhered to.

Despite the above we support the principle of the surface water drainage strategy proposed for the permission being sought given the circumstances present. The creation of new Suds features, and utilising the existing Suds swales and pond, that form part of the Tesco/Retail site, is an example of best practice and should be embraced. However failure to adequately maintain the features would lead to an increase in flood risk which is contrary to the National Planning Policy Framework.

On a secondary issue we recommend that infiltration techniques be employed to manage some of the runoff from the proposal site. Initial site investigations suggest that such is feasible.

We advise that the following conditions be applied

CONDITION:

No development approved by this permission shall commence until details of a surface water drainage scheme have been submitted to, and approved in writing, by the local planning authority. The solution shall incorporate infiltration measures and utilise the existing attenuation measures to the south of the A377. No development should be commenced until details regarding long term maintenance of all the surface water drainage features within the application site have been submitted to and agreed in writing by, the Local Planning Authority. There after maintenance shall be carried out in accordance with the approved details.

REASON:

To prevent an increase in flooding.

As stated above the applicant has submitted further details regards the surface drainage issues, which have been forwarded onto the Environment for their review and comment. An update will be provided prior to the date of the meeting if relevant.

HIGHWAY AUTHORITY - 17th July 2014 - No objection in principle to the above development which is an allocated site with its access from the new link road currently under construction. The air quality policy of the allocation requires the development to prepare and implement a low emission strategy and the provision of a travel plan for both the residential development and the commercial development should be provided. Such a travel plan should be included and appended in an agreed section106 agreement. The travel plan should

be in full for the residential development and a framework travel plan for the commercial with covenants that each operator of the commercial units will produce and implement their own travel plan for the commercial.

The residential travel plans should include vouchers for bus pass provision at a rate of £250.00 per household, and £50.00 for cycle vouchers, and the dwellings should each receive a welcome pack. The commercial development should include a car sharing scheme, incentives for car sharing e.g. priority parking spaces, lockers, showers, and cycle parking. A travel plan co-ordinator should be appointed to govern, monitor and promote alternative modes of transport.

The Air quality policy also seeks development to mitigate the emissions and such mitigation is identified as the Link road and sustainable travel modes. The Highway Authority is constructing the link road which is considered as the mitigation; however the Highway Authority would seek a financial contribution to a number of additional improvements to the link road design which have been identified and would directly relate to and meet the air quality policy and the increase in traffic generated by the development.

The Highway Authority are seeking to provide a footway cycleway over the length of the new link road from its junction with the A377 to the junction of Marsh Lane this will directly relate to the provision of other modes of transport and based upon figures in the Am peak 2014 figures in the Transport assessment the development would represent 31% of the traffic on the link road and therefore the Highway Authority would seek £37000.00 towards this mitigation measure. The Highway Authority are widening Marsh Lane as part of the link road delivery, as well as introducing a mini roundabout to the junction of Exhibition road which would overcome the identified overcapacity and the development will from the same Am 2014 figures attract 17% of its volume towards Tiverton. Such a percentage is considered significant and would exacerbate the existing junction and a contribution is sought towards both schemes proportionate to the percentage volume and the Highway Authority would seek a contribution of £78,540.00 towards the widening and £8500.00 to the roundabout. Such sums should be made available upon signing of the section 106 agreements.

The Highway Authority welcomes the footway /cycleway to the north of the site; however, this does not connect directly to the public highway stopping instead at the definitive footpath. The definitive footpath is not metalled to the highway and the Highway Authority would wish to see this made up to a suitable standard. This land is outside the red line but we are led to believe that the owner of the land over which the footpath lies is related to the delivery of this development and potential to bring this small section into the developer control is a possibility, should this not be the case then the Highway Authority would seek a contribution towards the cost of so doing its delivery to be negotiated by the Highway Authority.

The applicant has indicated a widening of the footway over the extent of Exeter road the A377 to provide a minimum width of 1.8m. This is also welcomed by the Highway Authority however the footway width is variable over its length and while the verge removal may provide for some parts being 1.8m others may not achieve such widths. The Highway Authority would seek a Grampian condition for the provision of the widening of the footway to a minimum of 1.8m and this may include the provision of boundary retaining structure /walls and incursion into the existing bank to satisfy the width requirement. Any vegetation should be cut back and /or relocated to ensure that summer growth should not interfere with the free flow of pedestrians along the footway; the current growth is forcing pedestrians to walk on the edge of the carriageway to avoid the growth and the applicant is advised to keep this cut back until such time as the widening can be implemented.

The pedestrian linkage to the town centre from the north of the site will be via Downshead Lane, crossing the A3072 Mill Street into East Street.

The Highway Authority would seek the provision of an uncontrolled pedestrian crossing facility to the south of Downshead land crossing to the East Street junction such works will include tactile paving and may require kerb realignment, drainage and some resurfacing of the carriageway. Such works should be by Grampian condition and delivered prior to any occupation.

The drainage strategy is being assessed by the flood management Authority and any detailed consideration will be made to the developer and the Local Planning Authority in due course, however the drainage of the site should be conditioned for subsequent approval.

The Highway Authority would advise that should planning consent be granted that it should be subject to the provision of a section 106 agreement and the contribution sought and the imposition of the following conditions.

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. 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) the means of enclosure of the site during construction works; and
 - (i) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
 - (j) details of wheel washing facilities and road sweeping obligations
 - (k) The proposed route of all construction traffic exceeding 7.5 tonnes.
 - (l) Details of the amount and location of construction worker parking.
 - (m) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;
3. The development hereby approved shall not be carried out otherwise than in accordance with a phasing programme which shall previously have been submitted to and approved by the Local Planning Authority in writing.

REASON: To ensure the proper development of the site.

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 20.00 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) 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

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 spine road and 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 spine road and 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 spine road and 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

6. When once constructed and provided in accordance with condition 1 above, the carriageway, vehicle turning head, footways and footpaths shall be maintained free of obstruction to the free movement of vehicular traffic and pedestrians and the street lighting and nameplates maintained to the satisfaction of the Local Planning Authority

REASON: To ensure that these highway provisions remain available

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 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

8. No development shall take place until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority and the Flood Management 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

9. No occupation of the development shall take place on site until the off-site highway works for the provision of a pedestrian crossing facility at the junctions of Downshead lane and Mill st and Mill st and East st, The provision of the footway widening to a minimum of 1.8m over the entire frontage of the site along the Exeter road the A377, have been designed, approved in writing by the Local Planning Authority, constructed and made available for use.

REASON: To minimise the impact of the development on the highway network in accordance with policy set out in NPPF.

ENVIRONMENTAL HEALTH - 16th June 2014 - Contaminated Land - No objections
Air Quality - An Air Quality Assessment will be required with contributions to the SPD
Waste & Sustainability
Drainage - No objections
Noise & other nuisances - No objections
Housing Standards - No objections
Licensing - N/A
Food Hygiene - Not applicable
Private Water Supplies - Not applicable
Health and Safety - No objections

CREDITON TOWN COUNCIL - 19th June 2014 - It was resolved to OBJECT to the application as it is unsustainable. There is no safe crossing place on the Exeter Road especially for those needing to safely access the train station. Furthermore, there is insufficient infrastructure within the Town to sustain the residents of the development, for example the schools and surgeries are already at capacity.

DEVON COUNTY EDUCATION - 11th June 2014 - . 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 schools within the recognised safe walking distance to school are over capacity, we therefore request a contribution towards the provision of the additional education facilities required for the likely number of primary aged pupils expected from this development to the sum of £525,469.38.

The secondary school that serves this development area currently has capacity for the likely number of pupils this development would create. We therefore do not require a contribution at this time.

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.

*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.

HISTORIC ENVIRONMENT SERVICE - 17th June 2014 - Archaeological observations undertaken during the construction of the new link road and during the diversion of a gas main in the vicinity have demonstrated the low archaeological potential of this area, as such do not regard the scale and situation of this development as having any impact upon any known heritage assets.

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

DEVON & CORNWALL POLICE AUTHORITY - 10th June 2014 - It is appreciated that this is outline, but if the application is indicative of the actual design the Police would have grave concerns and object citing crime and disorder as a material consideration. The primary reason behind the object is the excessive permeability allowing casual access at ten different locations, giving persons an excuse to be there while planning crime.

There would also be opportunity for youths to cycle in and out of the development at will causing both anxiety and community conflict.

Footpaths and cycle ways should serve the development, whereas there is potential for this amount of permeability for the development to become a crime and anti social behaviour hot spot very quickly eroding sustainability at a rapid rate.

HOUSING ENABLING & BUSINESS SUPPORT MANAGER - 3rd June 2014 - Based on the development of 185 units, a requirement of 63 affordable homes needs to be provided on site in order to meet our 35% affordable housing policy.

NATURAL ENGLAND - 17th June 2014 - 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 may be granted.

Local sites

If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

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.

HIGHWAYS AGENCY - NETWORK PLANNING MANAGER - 5th June 2014 - Due to the distance of the proposed development from the M5 and A30 it is unlikely to have an impact on the operation of the strategic road network. The Agency therefore has no objections and I enclose an Article 25 TR110 form to that effect. However, you should also consult Devon County Council as local highway authority if you have not already done so.

SOUTH WEST WATER - 20th June 2014 - I would draw your attention to the e mail & plan from South West Water dated 3 April 2014 included in the flood risk assessment in relation to the provision of foul drainage.

This states that the development could only be supported unconditionally if foul flows are drained to the public sewer in Commonmarsh Lane (point D on the plan) any intention to drain to any of the other public foul/combined sewers networks to which the site has access is unacceptable as there is insufficient capacity and would result in sewer flooding.

Should you be mindful to approve the application a suitable planning condition needs to be imposed to ensure that the final foul drainage strategy is submitted to and approved by Local Planning Authority to reflect the requirements of South West Water.

REPRESENTATIONS

Notifications were sent out to neighbours when the application was first submitted, and the application was advertised by way of a number of site notices placed along the Exeter Rd site boundary and a press notice in the Devon Star. In total 5 representations have been submitted by local stakeholders, one of which was confirming their support for the application scheme and one was specifically raising safety concerns about the shared footpath/cycleway in terms of the inadequacy of Downshead Lane for cyclists and Pedestrians seeking to get to the Town Centre.

In terms of the objections (x3) to the scheme the following points are raised.

1. The scheme will increase the level of traffic on Exeter Road.
2. The scheme will increase the level of air pollution along Exeter Road.
3. The health and safety of local residents along Exeter Road will suffer as a result of the application scheme.
4. Do the local schools, sewers and doctor surgeries have sufficient capacity to accommodate the increased number of residents that will live at the site cycle route is not considered to be desirable given how it links back into low lying ground and therefore the development scheme proposes a flood risk.
5. Vehicular traffic should not be allowed to use the shared footpath / cycleway

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues to be considered at this stage are:

- 1. Policy/Land Use Issues**
- 2. Highway, Transport Issues and Movement Issues**
- 3. Implications of delivering the development on the site.**
- 4. Section 106/ Affordable Housing issues**
- 5. New Homes Bonus**

1. Policy/Land-use Issues

Crediton is a market town and is a designated growth area in the adopted Core Strategy. The application site is covered by two allocations (AL/CRE1 and AL/CRE/8) in the AIDP as follows:

A site of 18.3 hectares at Wellparks, A377 is allocated for residential development, subject to the following:

- a 185 dwellings with 35% affordable housing on 7.8 hectares;
- b 15 hectares of Green Infrastructure, on the upper slopes of the site and a shared use link to Commonmarsh Lane/Tolleys area;
- c Layout, design and landscaping that reflects the sloping, visible nature of the site, locally distinctive design and the need to protect the setting of Downes Local Historic Park and Garden and respect the character and setting of the listed buildings at Wellparks and Downes House;
- d Provision of a Sustainable Urban Drainage Scheme to deal with all surface water from the development and arrangements for future maintenance.

A site of 1.5 hectares at Wellparks, A377 is allocated for 4150 square metres of employment development through the conversion of existing buildings and some new build subject to:

- a Design and layout to respect the character and setting of the listed buildings;
- b The provision of a Sustainable Urban Drainage Scheme to deal with all surface water from the development and arrangements for future maintenance.

In terms of the quantum of uses proposed the numbers of dwellings accords with the policy AL/CRE/1 with 185 dwellings equating to approximately 24 houses per hectare.

In terms of the employment floorspace the application scheme includes part of the site that is allocated for employment uses, with the existing Wells Park farm outbuildings not included. The indicative layout shows a group of four x 2 storey buildings providing just under 2000 square metres of floorspace within a self-contained plot adjacent to the vehicular entrance to the site.

In terms of open space the site includes: a restored orchard and park land area, amenity space, a meadow land area to accommodate a SUDS system and restored areas of hedgerow, totalling approximately 4 hectares.

In summary there is support in policy terms for the application proposals. The next stages of the planning assessment of this application scheme is to assess the means of access into the site as proposed and consider if the application scheme and the documentation submitted to support it satisfactorily demonstrates that the site could accommodate the scope of development as proposed. These matters are considered below at point 2, 3 and 4 of this report.

2. Highway, Transport and Movement Issues

In terms of vehicular access the comments from the Highway Authority are set out above and they are supportive of the scheme from a sustainability point of view in terms of the means of vehicular access from directly from the new link road.

In terms of how the development will affect air quality in the Crediton Air Quality management area (AQMA), as the link road is now operational the mitigation to make this development acceptable from an air quality point of view is largely in place. The Highway Authority have set out the scope of the additional mitigation (on site and off site) that are considered necessary to make the development acceptable in terms of managing the impact of the development in terms of additional traffic generated on the AQMA. These are summarised below:

- i) Financial contributions towards finalising the approach to the link road roundabout at junction with Commercial Road/widening of Marsh Lane and towards the footway/cycle way part of the link road.
- ii) That the footway along Exeter Rd is widened to 1.8 metres along the perimeter of the site.
- iii) The provision of a shared pedestrian and cycle path link along the western boundary of the site to Downshead Lane

- iv) Improvements to the section of Downshead Lane where the path (as referred above) above joins the adopted highway network.

In terms of pedestrian movements by future residents the links down to Exeter Road will enable a convenient means of pedestrian access to the facilities south of Exeter Rd (including the Railway Station and the Tesco's superstore) utilising the crossing points that are already available, and the improvements to the footway will enable these pedestrian movements to be undertaken safely. The provision of the shared pedestrian and cycle path link along the western boundary of the site which will be designed to adoptable standards including the provision of lighting will enable pedestrian access back to the town centre. Whilst the concerns of some local residents raising concerns about the safety of this route as it leads into Downshead Lane are recognised (existing deficiencies) this facility is considered beneficial to future users, and as an alternative and more direct link to the foot/cycleway to be provided as part of the Link Road. Finally pedestrians will be able to travel along the link road safely in terms of travelling towards the eastern fringe of the town, for instance if they were travelling to the sports centre.

In terms of vehicular movements the additional improvements outlined at point i above will enable future residents to travel to their destination without having to travel through the AQMA.

Subject to completing the schedule of works as set out above (refer to condition 13) and receiving contributions to facilitate improvements to the adopted highway as listed at point (ii) in the recommendation section, the means of access (vehicular and pedestrian) which is the only reserved matter for which permission is sought at this stage, is considered acceptable and approved.

At this stage of the site design process the indicative masterplan makes provision for a self-contained parking area for the commercial floorspace and with confirmation from the applicant that the residential part of the scheme will be designed to accommodate parking levels to comply with policy.

A construction management plan will be required in order to seek to minimise the impact of the construction phases on highway safety and the general amenities of the area.

3. Implications of delivering the development on the site

Historic Environment assessment: The application scheme raises two issues for consideration at this stage of the design and application assessment process;

- Impact on the setting of Downes House,
- Impact on the setting of the grade II listed Wellparks farm complex

The Conservation Officer has considered the scope of the planning application proposals and the views are included in the assessment as set out below:

With regards to the setting of Downes House the scope of inter-visibility between application site area and Downes House is likely to be limited given the separation distance and tree coverage in between the development area and this historic asset. The impact on the farm complex including the main farmhouse building is more significant, and whilst there is an indication of more planting on the boundary of complex and the application site and of the heights of buildings, it is considered difficult at this stage of the design process to confirm that the application the scheme will deliver an acceptable setting for the heritage assets. One approach could be to zone an area around the heritage asset to the west and protect it from development in order to protect the setting, however the extent of the zone would be an arbitrary line on a plan at this stage. An alternative and preferred strategy following discussions, with officers at English Heritage would be to condition the submission of a Heritage Asset setting protection statement as part of the information to support future reserved matters submission which will be required to detail the scope of mitigation taken to protect the setting and to include:

- Retention of all existing hedges around Wellparks to be retained
- Provision of detailed cross sections for the development to the north of the heritage asset. It may be necessary either to adjust the site levels, limit the height of the units, create a development free

zone and/or a combination of all the measure order to achieve a detailed layout and scheme design which is considered a compatible design to the setting of the Heritage Assets.

English Heritage had initially sought for the area to accommodate the SUDS scheme to be taken back into the main site area as opposed to including it on an area of land adjacent, and closer to the setting of Downes House. This area of land has also been utilised to develop the drainage infrastructure for the Link Road (holding area), and following discussions between the applicant and English Heritage this issue has now been resolved and a further plan showing the scope of future works to be completed in association with the application scheme has been submitted.

In summary whilst the application scheme will inevitably impact on the setting of the heritage assets as referred above, it is not considered that the impact will adversely affect the setting to justify a refusal of planning permission given that the site is an allocated site in the development plan and as a result of the heritage asset setting protection statement requirement referred to above.

Archaeological Impacts: Archaeological observations undertaken during the construction of the new link road and during the diversion of a gas main in the vicinity have demonstrated the low archaeological potential of this area, as it is not considered that the scale and situation of the application scheme will have any impact upon any known heritage assets. No conditions are necessary requiring further analysis/investigative work.

Flood Risk: The strategy for managing surface water arising will be managed by a network of piping which draws the waters from three catchment areas (North, Centre, South) which will drain to a storage basin to the east of the link road and adjacent to the existing basin that has been implemented to manage the surface water from the link road development and or the drainage infrastructure south of the A377 associated with the Tesco's development. The Environment Agency (EA) have commented on the information as originally submitted, and at the time of writing this report their comments are awaited on the further information which will be reported to committee as an update. Condition 12 is drafted to control delivery at the implementation stage which may need to be amended following any further comments from the EA.

Arboriculture: The arboricultural assessment submitted to support the application assesses the existing trees on the site and considers the site to be of relatively low value in terms of the trees that exist, including, a mixture of apple, scotts pine, poplar and more native species. A number of the trees are to be removed to manage the delivery of aspects of the development. Mitigation will be provided in the form of new planting across the site including a significant area of new orchard along the north western boundary. Further details to be required by condition.

Ecological / Biodiversity: The ecological appraisal undertaken by the applicant to support the application concludes that it is relatively low (the survey included consideration of birds, bats and badgers). Clearly the development will result in the loss an area of arable grassland, increase the provision of hardscape in the area and result in the loss of some sections of hedgerow. Any loss of habitat that does arise will be compensated for by the additional planting to form the orchard area on western boundary (approximately 1.64 hectare). The precise details of which, including a habitat enhancement and mitigation plan will be agreed at the reserved matters stage.

Ground conditions and contamination: A phase 1 contaminated land study and phase 11 preliminary ground investigative report has been submitted to support the application, and the preliminary work undertaken has not identified any significant likelihood of ground contamination and/or land instability that would prevent the development of the site. Officers in the Health & Environmental Services Directorate are supportive of the application on this basis.

Landscape quality and visual impacts: The development will inevitably have an impact on the landscape and the visual amenities of the area. A landscape and visual impact assessment has been submitted to demonstrate the magnitude of the impacts.

The study confirms that there are there are no national or local landscape designations (e.g. Area of Outstanding Natural Beauty, Special Landscape Area) within the study area or affecting the application site

itself. Reflecting on the actual visibility of the site and taking account of localised screening and the effects of distance, it is concluded as follows:

- The site occupies the lower, south facing slopes of a rounded hill (Downes Head) that effectively blocks all views from the north (including from within Crediton itself);
- This ridge, and extensive woodland and tree cover, also blocks views from the Creedy valley and land beyond to the north-east and east, and from much of the Yeo valley to the east;
- Views from the west are also substantially restricted by landform and limited to some oblique views from elevated land on the very southern edge of Crediton, close to the site;
- The identified zone of theoretical visibility suggests that there are extensive views from the south-west around Uton and Posbury, and the ridge of land between the Yeo and Culvery valleys.

However, public views from roads and settlements in this area are in reality very restricted, mostly interrupted by landform, hedgerows and other vegetation, with only occasional glimpses;

- Views from land to the south of the site, beyond the Yeo valley, are also limited by the complex landform of ridges and valleys and significant woodland/tree cover. However, the site is visible from a few locations along the opposite side of the valley and from some parts of the higher land along the tops and upper slopes of the more distant ridges to the south;
- The main views of the site are from locations immediately adjacent to the site and in close proximity to the south and south-east (i.e. within 1km). Beyond about 2.5km from the site, the site is either not visible or is a relatively inconspicuous component of a much wider view.

Overall it is concluded that the development of the site will not adversely affect the character of the landscape, the visual amenities of the area and or the extent to which the site is appreciated within the landscape from view points away from the site.

Residential amenity Impacts: Due to site levels and the natural screening available, it is not considered that the visual amenities of any nearby residents would be adversely affected.

Policy AL/IN/6 would require that at least 14% of the energy to be used in the development to come from decentralised on-site renewable or low-carbon sources. Condition 4 requires that as part of the reserved matters submissions a Carbon Reduction Strategy is submitted to show how a reduction of 14% is to be achieved.

4. Section 106/Affordable housing issues

In the recommendation section of this report above the heads of terms for inclusion within a section 106 agreement are set out, in order to ensure that the development complies with relevant parts of the development plan framework (COR8 - Infrastructure Provision, AL/DE/3 - Affordable Housing Site Target, AL/IN/3 - Public Open Space, AL/CRE/8 - Crediton Air Quality).

Policy AL/DE/3 establishes that 35% of all new housing should be provided as affordable housing, and in this case that would equate to 8 of the houses. However the policy framework does allow for the applicant to submit evidence to seek to demonstrate why this affordable housing target is not deliverable in scheme viability terms.

In this case the applicant has agreed to provide a commuted sum towards providing primary school education facilities based on an amount per qualifying unit, which is likely to just under £400,000.00 This is considered to be a cost to the development which can be taken into account when determining the percentage of affordable housing to be secured with regard to this site. In addition the applicant has submitted information which demonstrates what impact providing up to 35% (equal to 64 units) affordable housing on the site has on scheme profitability and deliverability. Reflecting on the off-site costs as set out above (recommendation section) and in particular the off- site education contribution and the commercially sensitive information provided by the applicant your officers consider that 25% (equal to 46 units) affordable housing provision is considered a reasonable and robust approach to adopt for this site.

The off- site contribution towards the improvement of Air Quality in the Crediton Air Quality Management Area has been discounted to reflect the cost of the off- site contributions and the off- site works that the applicant has agreed to undertake and are set out above in the recommendation (points iii to iv). Officers in the Highway Authority are of the view that the approximate costs of the off site and on site works that are to be undertaken as part of the package of mitigation plus a commuted sum of £150,000 towards generic off site initiatives would be broadly equal to the total sum of money as required by Policy AL/CRE/8 if it was secured in full as a cash payment.

5. New Homes Bonus

Sections 143 of the Localism Act amends Section 70 of the Town and Country Planning Act 1990 so that when determining planning applications, Local Planning Authorities should also have regard to any local finance considerations, so far as material to the application. Local finance considerations means a grant or other financial assistance that has been, or will or could be provided to the relevant authority by a Minister of the Crown, or Sums that a relevant authority has received, or will or could receive, in payment or a Community Infrastructure Levy.

In respect of this application consideration should be given to the New Homes Bonus that would be generated by this application. If New Homes Bonus is distributed across the Council Tax bands in the same way as last year, the award for each market house is estimated to be £1,028 per year, paid for a period of 6 years. In total this equates to up to £857,352.00.

CONDITIONS

1. Before any part of the development hereby permitted is begun, detailed drawings to an appropriate scale of the layout, scale and appearance of the building(s), and the landscaping of the site (hereinafter called the Reserved Matters) shall be submitted to and be approved in writing by the Local Planning Authority.
2. Application(s) for approval for all the Reserved Matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
3. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the Reserved Matters which have been approved, whichever is the latter.
4. The detailed drawings required to be submitted by condition 2 shall include the following additional information:
 - (i) Boundary treatments, existing site levels, finished floor levels, long and cross sections through the site indicating relationship of proposed development with existing adjacent Wells Park farm complex of buildings, proposed materials including retaining walls.
 - (ii) Heritage asset setting protection statement. Such statement shall include:
 - Assessment of the extent of the setting of Downs House and impact of the proposed development upon it.
 - Cross sections to show the relationship between the development and the heritage asset.
 - Development height and finished floor levels in relationship between the development and the heritage asset.
 - Development height and finished floor levels in relation to Downs House
 - Hedge retention of other measures to protect the setting of the heritage asset
 - (iii) A habitat enhancement and mitigation plan.

5. 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.

6. Prior to commencement of any part of the site the Local 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) the means of enclosure of the site during construction works; and
 - (i) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
 - (j) details of wheel washing facilities and road sweeping obligations together with dust suppression proposals.
 - (k) The proposed route of all construction traffic exceeding 7.5 tonnes.
 - (l) Details of the amount and location of construction worker parking.
 - (m) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;

Work shall take place in accordance with the approved details.

7. The development hereby approved shall not be carried out otherwise than in accordance with a phasing programme which shall previously have been submitted to and approved by the Local Planning Authority in writing.

8. 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) A site compound and car park have been constructed to the written satisfaction of the Local Planning Authority

9. 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 spine road and 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 spine road and 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 spine road and cul-de-sac have been provided and erected.
10. When once constructed and provided in accordance with condition 5 above, the carriageway, vehicle turning head, footways and footpaths shall be maintained free of obstruction to the free movement of vehicular traffic and pedestrians and the street lighting and nameplates shall be maintained.
 11. 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.
 12. No development approved by this permission shall commence until details of foul and surface water drainage have been submitted to, and approved in writing, by the Local planning authority. The solution shall incorporate infiltration measures and utilise the existing attenuation measures to the south of the A377. No development should be commenced until details regarding long term maintenance of all the surface water drainage features within the application site have been submitted to and agreed in writing by, the Local Planning Authority. There after maintenance shall be carried out in accordance with the approved details.
 13. Details of the following off-site highway works shall have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of any development on the site. No occupation of the development shall take place on site until the agreed details have been constructed and made available for use:
 - i) The provision of a pedestrian crossing facility at the junctions of Downeshead Lane and Mill St, and Mill St and East St.
 - ii) The provision of the footway widening to a minimum of 1.8m over the entire frontage of the site along the Exeter road the A377,
 - iii) The shared footway/cycle route from the North West corner of the development area and Downeshead Lane have been designed, approved in writing by the Local Planning Authority,
 14. At least 14% of the energy to be used in the development shall be provided from low carbon or renewable energy sources in accordance with a Carbon Reduction Strategy by Abricon that shall be submitted and approved in writing by the Local Planning Authority prior to the commencement of the development. The measures shall be installed in accordance with the agreed details.

REASONS FOR CONDITIONS

1. In accordance with the provisions of Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 Planning and Compulsory Purchase Act 2004.
2. In accordance with the provisions of Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 Planning and Compulsory Purchase Act 2004.
3. In accordance with the provisions of Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 Planning and Compulsory Purchase Act 2004.

4. To enable the Local Planning Authority to consider whether adequate provision is being made for the matters referred to in the condition.
5. To ensure that adequate information is available for the proper consideration of the detailed proposals.
6. To ensure that adequate access and associated facilities are available for the traffic attracted to the site during the construction phases and to assist with managing the impact on the local environment.
7. To ensure the proper development of the site.
8. 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
9. To ensure that adequate access and associated facilities are available for the traffic attracted to the site.
10. To ensure that these highway provisions remain available.
11. To ensure that the access arrangements are completed within a reasonable time in the interests of safety and the amenity of residents.
12. To prevent an increase in flooding.
13. To minimise the impact of the development on the highway network in accordance with policy set out in NPPF.
14. To provide a reduction in the carbon footprint of the building in accordance with Policy AL/IN/6 of the Mid Devon Allocations and Infrastructure Development Plan Document (Local Plan Part 2).

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The principal of developing the site for a predominantly residential mixed use (to also include employment floorspace) the development scheme is considered to be in accordance with policy and capable of being implemented without adversely affecting the setting of the nearby heritage assets (Downs House and Wells Park farm). In addition the proposed means of access into the site is considered acceptable. Matters relating to architecture and design of all buildings, height, scale and massing of all buildings and site layout issues, including the design of all open space, landscaped areas, drainage infrastructure and parking provision are all reserved for future consideration. The applicant has agreed to enter into a section 106 agreement to cover matters relating to the level and nature of affordable housing to be provided on site, off site highway works, and contributions towards delivering; open space, air quality and education facilities off site. No issues are raised in terms of this application scheme regards drainage, archaeology, flood risk and/or ground contamination, landscape and visual amenities or the impact on protected species/ecology. On this basis the application scheme is considered to meet the requirements of Policies COR1, COR2, COR8, COR9, COR11, COR15 of the Mid Devon Core Strategy (Local Plan Part 1), Policy AL/IN/3, AL/DE/3, AL/IN/3, AL/CRE/1, 7-8 of the Mid Devon Allocations and Infrastructure Development Plan Document (Local Plan Part 2) and Policy DM1 and DM27 of the Mid Devon Local Plan Part 3 (Development Management Policies).

Application No. 14/01207/FULL

Plans List No. 2

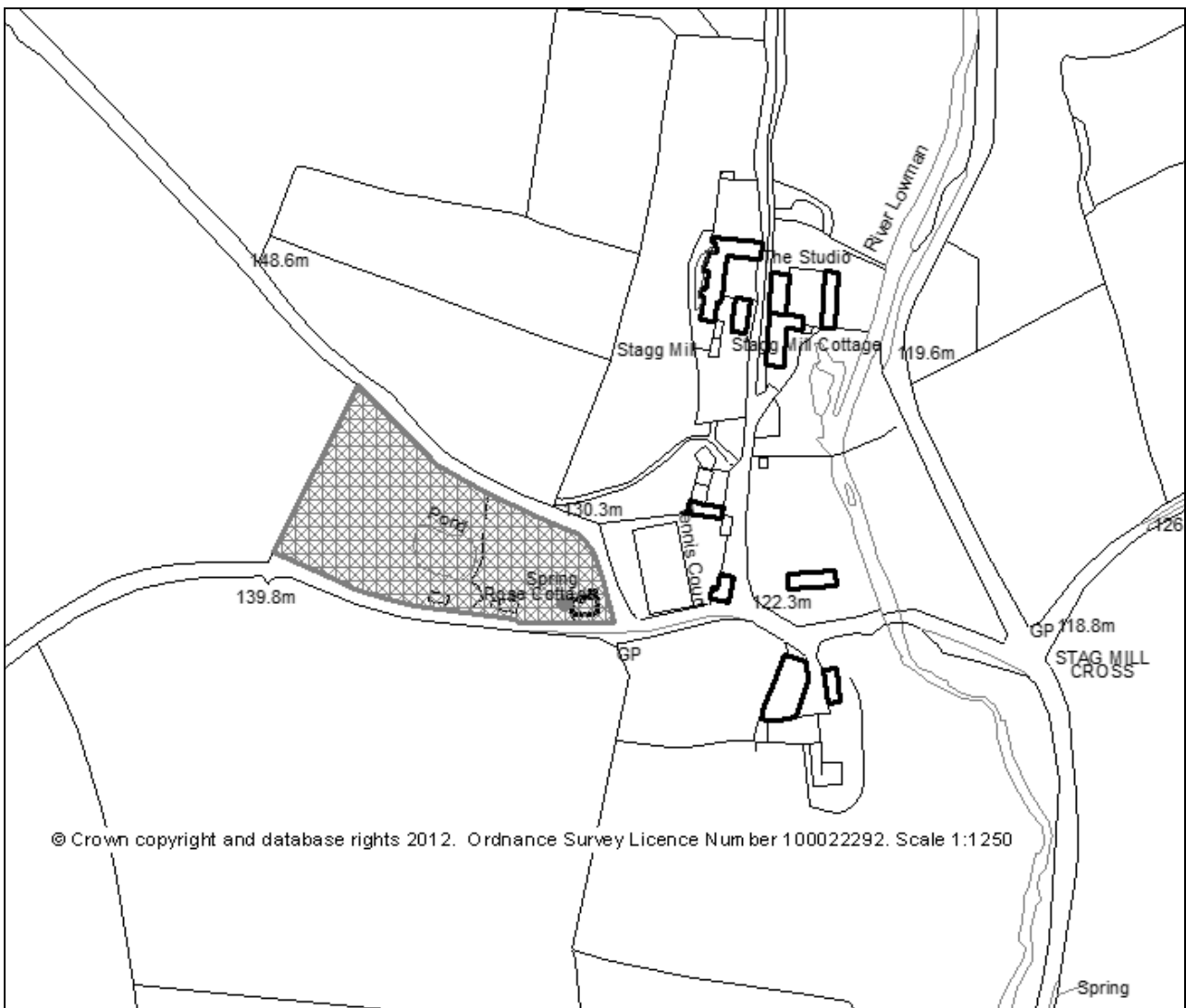
Grid Ref: 300743 : 116412

Applicant: Mr T Cave

Location: Rose Cottage Uplozman Tiverton

Proposal: Erection of a two storey extension and conversion of timber garage to ancillary accommodation (Revised Scheme) - HOUSEHOLDER

Date Valid: 18th July 2014



Application No. 14/01207/FULL

RECOMMENDATION

Refuse permission.

MEMBERS ARE ASKED TO NOTE THIS IS A HOUSEHOLDER APPLICATION

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

To consider whether the application meets policies DM2 and DM13 of the Mid Devon District Council Local Plan.

PROPOSED DEVELOPMENT

The application seeks planning permission for the erection of a two storey extension and conversion of timber garage to ancillary accommodation at Rose Cottage Uplowman. The application is a revised scheme following the withdrawal of the previous application 14/00167/FULL in the wake of discussions with the previous case officer.

The property faces the road on two sides and is situated on a minor junction on unclassified road from East Mere Dairy to Stag Mill Cross, between Uplowman and Chevithorne settlements. The house was originally a simple rectangular shaped cottage but was extended with a rear extension which now creates an L-shaped building with the extended rear elevation (14 metres in length) facing the road to the east. Both the original (principle) elevation and the later (rear) elevation face onto a highway. For reference, the Authority considers the principal elevation of the dwelling to be the southern elevation which is the original frontage of the south facing the road from Uplowman to East Mere. The approved extension 98/01285/FULL to the rear is also considered as a prominent side elevation of the property due to its position facing onto the road.

The dwelling is situated on the eastern boundary of the application site, with a generous plot of garden to the west. There is also a garage outbuilding and gravelled parking area to the side of the house. The dwelling is characterised by simple stone walls across all elevations, a slate roof with terracotta ridge tiles and a variety of multi-paned casement windows. The building is not listed, nor is it located within a designated area such as a conservation area or Area of Outstanding Natural Beauty. It is nevertheless an attractive stone built cottage that positively contributes to the character of the wider rural setting.

It is proposed to extend from the west elevation of the original house with a two storey extension wrapping around the side (west) and rear (north) of the original house into the rear courtyard parking area. The extension will protrude 4.6 metres from the side of the original house. This will extend the length of the principle elevation to 13.9 meters. The extension will match the ridge height of the original dwelling, to extend 8.6 metres back into the gravelled driveway space. The proposed extension would create two new gable ends, visible as part of the north elevation. Proposed materials include stonework walls, a slate roof, painted timber windows and doors to match the materials on the existing house.

It is also proposed to convert the garage outbuilding to additional living accommodation with a living room, bedroom and ensuite across two levels. Operational works to enable the garage conversion would remain within the external dimensions of the existing structure, but would incorporate rooflights, a chimney and timber sliding doors. The scheme would also retain an area of gravelled driveway, although the access will be altered by relocating/ removing the existing brick piers and walls at the vehicular entrance.

APPLICANT'S SUPPORTING INFORMATION

Planning Statement
Site Photos

PLANNING HISTORY

92/01942/FULL Erection of a two storey extension, widen access layby and new field gate - REFUSED
December 1992

93/01419/FULL Erection of two storey extension, widen access layby and new field gate - PERMITTED
October 1993

98/01285/FULL Renewal of planning permission no. 4/54/93/1419 for the erection of a two storey extension,
widening of access layby and formation of new field access - PERMITTED September 1998

00/00358/FULL Erection of two storey rear extension to provide lounge with additional bedrooms and
bathroom over - PERMITTED April 2000

01/01869/FULL Erection of double garage with store over - PERMITTED December 2001

06/02537/FULL Erection of double garage with store/workshop/study - PERMITTED February 2007

08/00735/FULL Erection of porch and vehicle shelter/store - PERMITTED May 2008

14/00167/FULL Erection of single and two-storey extensions - WITHDRAWN March 2014

(Note The main extension to the original house was granted under application 93/01419/FULL, which was a revised application from previously refused scheme 92/01942/FULL. There are a number of external differences between the existing extension and that as was proposed, including the placement of windows, and doors, as well as the east elevation of the extension not being recessed back from the side gable of the original house as was approved.)

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

DM13 - Residential extensions and ancillary development

National Planning Policy Framework

CONSULTATIONS

HIGHWAY AUTHORITY - 1st August 2014 - Standing advice applies please see Devon County Council document <http://www.devon.gov.uk/highways-standingadvice.pdf>

Further discussion with Highways Officer 16/10/2014 - Request for the removal of east brick prer to ensure adequate visibility along highway in the direction of East Mere.

ENVIRONMENT AGENCY - Householder development and alterations within Flood Zone 1 - No EA consultation required.

UPLOWMAN PARISH COUNCIL - 16th October 2014 - No comments at time of writing report

REPRESENTATIONS

None

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

- 1. Use**
- 2. Design, scale and materials**
- 3. Impact on the setting**
- 4. Highways access and parking**

1. Use

It is proposed to extend the property for family use and to provide more adequate visitor accommodation. Given that the land including the garage is residential, the principle for development is broadly acceptable under policy COR18 of the Core Strategy 2007. The proposed development consists of the proposed two storey extension to the side elevation and rear of the original house and the conversion of the garage outbuilding from a garage into habitable accommodation. Upon conversion the garage outbuilding would provide an additional bedroom in a new first floor position with an ensuite bathroom and ground floor living area.

The garage outbuilding, by virtue of its overall scale would be of a sufficient size to provide all of the facilities required to form a separate unit of accommodation, although it has been confirmed that the conversion is not proposed as a separate residential unit and is only required as ancillary accommodation. The conversion of an ancillary outbuilding to a separate residence would be undesirable in this location due to the close proximity to the main house, and with reference to the strict policy framework around the provision of new dwellings in the countryside. Your officers advise that if the development is deemed to be acceptable as a whole, a condition be attached to the grant of permission, to ensure the ancillary use is retained.

2. Design, scale and materials

In refusing the earlier 1992 application (92/01942/FULL) the Local Planning Authority was of the view that an extension to the rear, by virtue of its overall scale would dominate the character and scale of the original cottage. Subject to changes in the ridge height, position and footprint a revised extension was later determined to be acceptable and in accordance with planning policy at that time (93/01419/FULL). Whilst the extension amounted to a sizeable addition to the rear, it was considered to remain largely in keeping with the character and scale of the original house with matching materials. It is of note that this rear extension was not constructed fully in accordance with the approved plans, because the new east elevation was not set back from the original side elevation of the house, with variations in the position of windows and doors.

The current application seeks a further enlargement to the opposite side of the house already extended. The proposed materials seek to match the character of the existing dwelling, including wooden casement windows of similar proportions, a natural slate roof and faced stonework to match. There is no objection regarding materials, however your officers are concerned that for an additional two storey extension to the side and rear elevations of the original dwelling would constitute harm to the character and scale of original cottage and the dwelling as a whole.

The proposed extension exceeds the existing depth of the original property by 3.4 metres to wrap around the remaining rear elevation of the original house. As a two-storey extension it is considered this would dwarf the diminutive scale of the original house, with a substantial impact upon the character and scale of the building's principle (south), side (west) and rear (north) elevations. As such it is argued to be contrary to parts a) and e) of policy DM2, and part a) of policy DM13 of the Local Plan Part 3 (Development Management Policies).

The National Planning Policy Framework gives overarching guidance on good design under Part 7. Paragraph 58 provides guidance for decision making, stating that decisions should ensure new developments establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit; [and] respond to local character and history, and reflect the identity of local surroundings and materials, whilst not preventing or discouraging appropriate innovation.

It is considered that the existing building, although not listed, is an historic feature of the rural street scene and reflects a local vernacular of modestly scaled stone built cottages in the countryside. Your officers consider much of that the character would be lost through the substantially large addition, which would be particularly dominant on the proposed west and north elevations. The building's original character would be lost through the inclusion of more complicated structural shapes, such as the new gable ends on the north elevation and noticeably wide side extension on the side (west) elevation. As such, it is not considered that there would be support through the guidance of the National Planning Policy Framework, in design terms.

Your officers have suggested it may look favourably upon a more modest single storey extension to the side elevation, as this would be likely to remain more subservient to the character and proportions of the original dwelling.

3. Impact on the setting

The impact is largely confined to the immediate setting of the dwellinghouse and garden, and the property is not widely visible from far reaching views in the countryside. The main visual impact is from the Uplowman to East Mere road, south of the principal elevation. The harm to the building's character is largely derived from the increase in the length of the front roadside elevation of the house, in combination with the two storey aspect which shall be a prominent addition. This is considered to be unsympathetic towards the scale and proportions of the main house and to therefore detract from the character of the immediate setting, contrary to parts a) and e) of DM2, and part a) of DM13 of the Local Plan Part 3 (Development Management Policies).

There are no neighbouring properties in close proximity, and the extension or conversion of the garage would not constitute harm to the amenity of other residents in the area.

4. Highways access and parking

There would remain a sufficiently large area of parking in the gravelled courtyard to comply with DM8 of the Local Plan Part 3 (Development Management Policies). Devon County Highways has not objected to the proposal but has advised that the brick pier on the eastern side of the entrance be removed entirely, to ensure adequate visibility when turning right out of the driveway in the direction of East Mere. This change has been accommodated into the scheme, and there is no objection on the grounds of highways impact or unsuitable access.

REASON FOR REFUSAL

1. The proposed two storey extension, by virtue of its overall design, scale and massing is considered to constitute a substantial enlargement to the existing dwelling, out of scale with the original dwelling with harm to the overall character appearance and proportions of the already extended cottage. Although it is set in a rural location away from other neighbouring properties, the widening of the principle elevation by a further 4.1 metres is considered to increase the size and massing of the property in a way that is out of scale with the principle elevation resulting in unacceptable harm to its character and appearance. The proposal is therefore considered to be contrary to policies COR2 of the Core Strategy 2007, DM2 and DM13 of the Local Plan Part 3 (Development Management Policies) and Part 7 of the National Planning Policy Framework.

Application No. 14/01284/FULL

Plans List No. 3

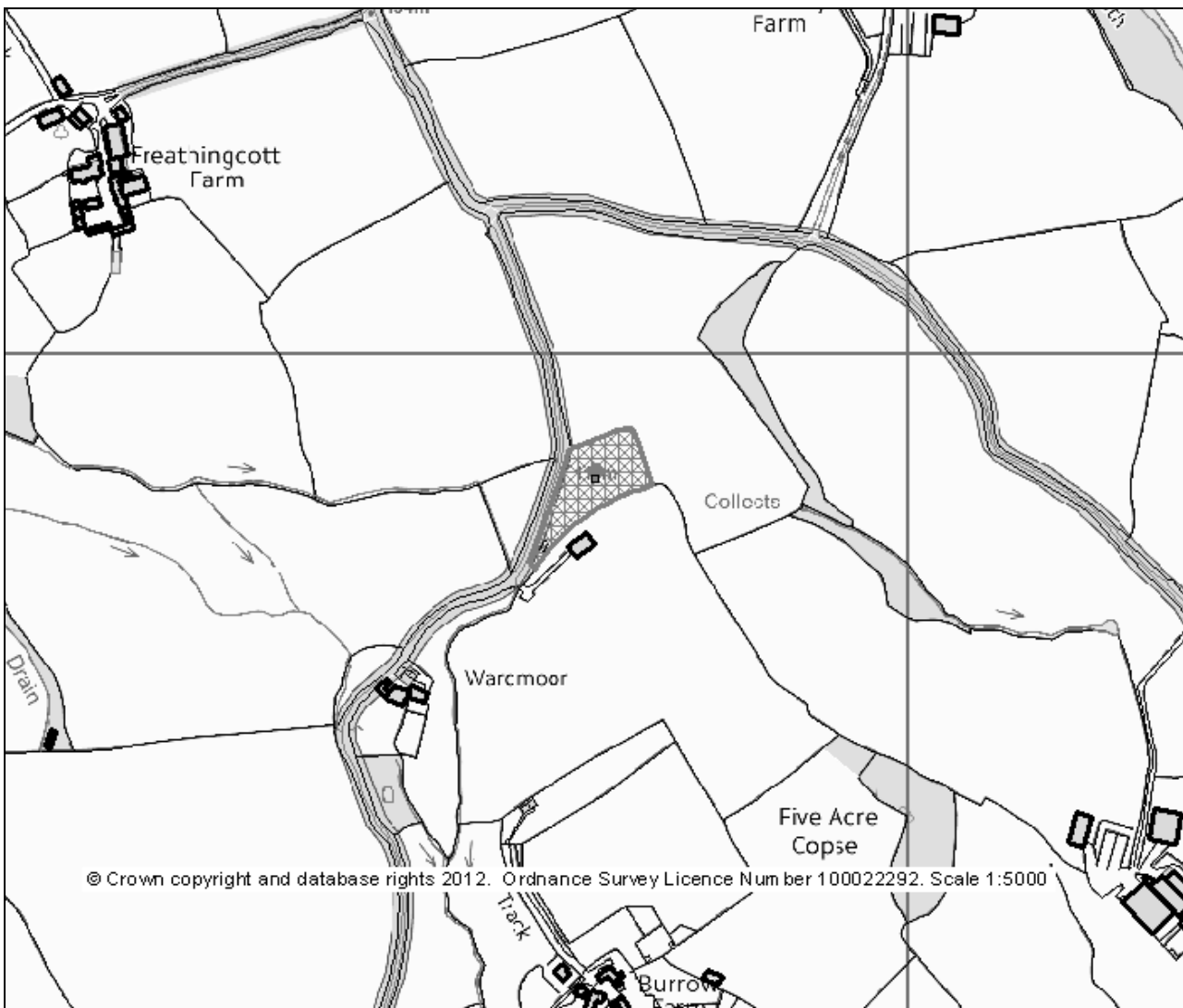
Grid Ref: 306754 : 119902

Applicant: Ms M Ridings

Location: Oak Meadow Holcombe Rogus Devon

Proposal: Removal of Condition (2) and Variation of Condition (1) of planning permission 10/00732/FULL to allow permanent planning permission and to amend those persons permitted to occupy the site

Date Valid: 5th August 2014



Application No. 14/01284/FULL

RECOMMENDATION

Grant permission subject to conditions.

COUNCILLOR HEATHER BAINBRIDGE HAS REQUESTED THAT THIS APPLICATION BE DETERMINED BY THE PLANNING COMMITTEE FOR THE FOLLOWING REASON:

To consider whether a permanent gypsy and traveller pitch in this location is sustainable or if not in a sustainable location, whether there are personal circumstances which justify continued occupation of the site.

PROPOSED DEVELOPMENT

Planning permission was granted at appeal for the provision of a gypsy and traveller pitch at this site which lies in a rural location but less than one mile from Holcombe Rogus. The permission was granted for a temporary period of three years and occupation was restricted to the applicant, her former partner and dependants.

This application seeks to allow permanent occupation of the site and to vary the personal occupancy condition to remove reference to the applicant's previous partner and to add the names of her resident dependent children.

APPLICANT'S SUPPORTING INFORMATION

Supporting statement and copies of relevant appeal decisions

Personal information relating to the applicant and her family which has been held confidentially

PLANNING HISTORY

10/00732/FULL Change of use of agricultural land to provide 1 permanent pitch for residential occupation by gypsies & travellers including the erection of 1 workshop building and formation of access - REFUSED BUT ALLOWED ON APPEAL - SEPTEMBER 2011.

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR1 - Sustainable Communities

COR9 - Access

COR12 - Development Focus

COR18 - Countryside

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

AL/DE/7 - Gypsy and Traveller Pitches

Mid Devon Local Plan Part 3 (Development Management Policies)

DM2 - High quality design

CONSULTATIONS

HIGHWAY AUTHORITY - 14th August 2014 - Standing advice applies please see Devon County Council document <http://www.devon.gov.uk/highways-standingadvice.pdf>

HOLCOMBE ROGUS PARISH COUNCIL - 4th September 2014 - Apart from the letter from Rushton Planning dated 28th July that was submitted with the application, the Council also considered the letter of objection dated 27th August from Mr & Mrs Blanco-Guzman and a letter from Mr D. Authers.

Our Council's observations are as follows:

1. The current temporary and personal planning permission was granted on Appeal following the initial refusal of planning permission by your Council.
2. Both your Council and the Inspector on appeal were of the opinion that the application site was not in a sustainable location having regard to planning policy and in particular the policy that is now enshrined in Policy AL/DE/7 of the adopted MDDC allocations and Infrastructure Development Plan. Our Council was of the same opinion.
3. The Inspector on appeal nevertheless granted a temporary and personal planning permission because of the personal circumstances of the applicants that then obtained.
4. The Council notes the submissions made by the applicants planning consultants that seek to undermine the validity of the MDDC Policy AL/DE/7 and in particular paragraph b. It does not seem to our Council that Policy AL/DE/7 is inconsistent with the subsequent government policy in the shape of the NPPF and Planning policy for traveller sites.
5. The Applicant's planning consultants refer to a large number of decisions which they say show that your Council has not applied its policies consistently. Each case turns upon its own particular facts and given that two Councils and the Inspector concluded that the application site was not a sustainable one, it would be perverse now to determine otherwise.
6. In the circumstances, our Council does not consider that a permanent permission should be permitted as envisaged by the current application.
7. The Inspector on appeal said that by the end of the temporary period the personal circumstances to be taken into account, such as the need for continuity in education of the children are likely to have changed, in addition to the availability of sites.
8. Your Council has not disclosed to us any details of changes to the personal circumstances of the applicant and we cannot therefore comment on information that you have not released. However, the applicant made known at our Council meeting that her children are now 18 and 19. Her son is no longer in education and her daughter is or may be going to university.
9. Comments made in the letter from the applicant's planning consultants in relation to the primary importance of the interests of children may not therefore be technically relevant although it is recognised that family life does not stop at 18.
10. As to the availability of other sites, we understand from your Ms Billeter that your Council does not itself have any sites available.
11. Bearing in mind the current circumstances known to our Council and the fact the current temporary permission comes to an end in September, our Council would support the grant of further temporary permission for such period as your Council considers appropriate taking into account the changed circumstances.
12. The applicant also seeks to remove the name of her previous partner from the authorised occupants of the site and to add her children. Our Council would not object to this if your Council considers this is appropriate. We have assumed that the children of the applicant have gypsy and traveller status and are therefore entitled to the benefit of Policy AL/DE/7.
13. On the basis that the current application is refused we assume that it will be necessary for the applicant to make a fresh planning application.

ENVIRONMENTAL HEALTH - 26th August 2014

Contaminated Land - N/A

Air Quality - N/A

Waste & Sustainability

Drainage - N/A

Noise & other nuisances - no objections to this proposal

Housing Standards - no objections to this proposal

Licensing - The site may require a licence under the Caravan Sites and Control of Development Act 1960.

They should contact Licensing for more information.

Food Hygiene - N/A

Private Water Supplies - Not applicable

Health and Safety - no fundamental objections

REPRESENTATIONS

Two letters of objection received, summarised as follows:

1. The 2011 appeal decision established that the site was not in a sustainable location;
2. The 2011 appeal decision states that the applicant would encourage the children to cycle to school but they nor the applicant have been seen cycling from the site;
3. There is no obvious food growing area within the site;
4. Both the applicant and her children regularly drive to and from the site;
5. The special circumstances which led the 2011 appeal Inspector to grant temporary planning permission no longer appear to exist as the applicant seeks to allow different occupants and the applicant's children appear to no longer be in education that would otherwise link them to the area;
6. Understand that planning permissions have already been approved at the Tiverton Urban Extension to include the requirement for gypsy sites;
7. Appears to no longer be an intention to return to a traveller lifestyle;
8. Traffic levels have increased;
9. The desire not to live with urban stress is a want and not a need;
10. Who will now be living on this site via the amended conditions?

Ten letters of support received, summarised as follows:

1. The applicant has contributed to the village through work at the primary school and other social and fundraising events;
2. The site is kept very neat and tidy;
3. Should be supported to help keep the local amenities (shop, garage, public house, farm gate sales etc.) running;
4. Does not interfere with anybody and is not visible from the road;
5. Have come across no traffic or vehicular, noise or nuisance issues or problems;
6. Permission will give the applicant and her family the stability required to develop the principles of sustainable through their residency at the site;
7. The nearby Brookside gypsy and traveller site was approved by MDDC. That site must have been deemed to be sustainable so why not Oak Meadow?
8. Self-sufficiency or sustainability is a process which evolves over time. In the past 2 years a lot has been achieved on the site, however without permanent permission, there is only so much that can be done;
9. High house prices can exclude local people from their communities. The applicant has come up with an alternative that will enable her to live and work in the community that she has been a part of for nearly 15 years;
10. Living in a rural location should never be viewed as a privilege reserved only for the wealthy;
11. The applicant does not use her car excessively or unnecessarily.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

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

- 1. Planning Policy**
- 2. Sustainability of the site and its location**
- 3. Need and availability of gypsy and traveller pitches**
- 4. Personal circumstances**
- 5. The planning balance**

1. Planning 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

The Planning Inspector who dealt with the appeal in 2011 addressed the issue of the sustainability of the site in some detail. He found that whilst on the face of it the site would appear to be compliant with the access to services requirements set out in policy AL/DE/7, this would rely on travel by bicycle which would not be the choice of most occupants and would not be practical at many times of year. Combined with the fact that Holcombe Rogus is not one of the villages identified for limited development in policy COR17 of the Core Strategy, the site is not in a sequentially preferable location, in or near to an existing settlement with access to a range of services. Since the Inspector's findings the National Planning Policy Framework and Planning Policy for Traveller Sites documents have been published but these do not alter the boundaries of how sustainability is to be assessed.

The supporting information submitted with the application seeks to demonstrate that when compared against other permanently permitted sites in the District, this site is no further away from local services, however many of these sites were granted before policy AL/DE/7 was introduced and little weight is given to this argument.

The Local Plan is currently under review and the Options Consultation document published in January 2014 consulted on the prospect of introducing a settlement limit to Holcombe Rogus, based upon the findings of the 2013 monitoring information 'Rural Services in Mid Devon'. However, the proposed submission document for the new Local Plan has not yet been published and the consultation document carries no weight.

As with at the appeal, the applicant suggests that her low-impact lifestyle should be given weight in considering the issues of sustainability holistically, however the Inspector found that the same principles could be applied on many other sites closer to services and were not specific to this location.

3. Need and availability of gypsy and traveller pitches

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.

A public site for 15 pitches for new travellers such as the applicant is in the process of being provided by Teignbridge District Council at Haldon Ridge, to the south west of Exeter. The site is to be managed by

Teign Housing and applications to reside on the site are currently being taken, with the latest press reports identifying that only 6 of the 15 pitches have been allocated. Teign Housing's website page for the site identifies that the development of the site will provide a 'suitable and healthy solution for site residents, nearby communities, the wider Haldon area and all local authorities'. The applicant's agent has asserted that this site is too distant from the wider family base which is established in the Holcombe Rogus area as a result of living in or around the village for many years and that there are personal health circumstances which would also make living at this site undesirable. It is therefore understood that the applicant has not applied to be considered for a pitch at the Haldon Ridge site, which is due for completion in December 2014 and so would be capable of offering an almost immediate housing alternative.

4. Personal circumstances

The Inspector found the applicant to have an aversion to bricks and mortar housing and that to rely upon this conventional means of housing to meet the housing needs of the applicant and her children would be unreasonable.

The applicant's children are now both over the age of 18 and are out of full-time education, however it is asserted that neither are in a position to leave home and should be taken as being resident dependents. The need to ensure continuity of education for the applicant's children was one of the special circumstances which the Inspector identified as being a reason to grant temporary planning permission. These circumstances have now ended and whilst they may continue to reside with their mother, they no longer have any educational needs to justify continued living at the site.

Personal sensitive information has been provided with regard to the health of the applicant and a letter from a medical professional provided expressing support for the applicants continued residence in the area and at the Oak Meadow site in the interests of consistency for her on-going treatment, which is taking place in Somerset. The applicant's daughter is also recovering from a bad accident earlier in the year and is currently recuperating at home and awaiting additional medical treatment. It is argued by the agent that to refuse the application would jeopardise the on-going health conditions of both the applicant and her daughter.

In the event of planning permission being granted, it is considered appropriate, as requested, that the applicant's former partner's name be removed from the occupancy condition and that her resident dependent children be named as they are both now legally adults.

5. The planning balance

Whilst there may not be any reasonably available pitches in the District for the applicant to reside upon, applications for pitches at the Haldon Ridge New Traveller site in Teignbridge are currently being taken and therefore there is a available alternative to meet the applicant's needs. However, the applicant has demonstrated that both she and her resident dependant daughter have medical needs which require continuity in treatment in Somerset. To move to the Haldon Ridge site would take them approximately 31 miles from their current base and at least 35 miles from the current medical treatment they are receiving. It is therefore concluded that a move to the Haldon Ridge site in Teignbridge would not be reasonable and in removing this site from the considerations of alternative locations, there are no other reasonably available alternative pitches available to the applicant

Circumstances regarding an assessment of sustainability have not materially changed since the appeal was allowed to now reach a different conclusion than the Inspector and the site is considered to be in an unsustainable location. This weighs significantly against granting planning permission on a permanent basis for the development. However, the personal circumstances of the applicant and her family have been demonstrated to justify continued occupation on health grounds, albeit that there is no indication that these circumstances will continue to persist in the long-term and therefore these circumstances do not justify the granting of a permanent permission.

It is likely that Mid Devon will be in a position to offer its own gypsy and traveller pitches on a strategic site in Tiverton within 5 years. Whilst the applicant may not wish to reside in a more urban area, to live in such a location would not preclude a low-impact lifestyle but would allow sustainable access to a wider range of services than living in a rural location does.

Having carefully weighed all of these issues, it is concluded that the site is in an unsustainable location to justify a permanent grant of planning permission, however given the personal circumstances of the applicant and her family and the likely provision of further pitches in Tiverton within 5 years, a further temporary planning permission for a period of 5 years is justified.

CONDITIONS

1. The use hereby permitted shall be carried on only by the following: Ms Michelle Ridings, Ms Brigitte Ridings Franklin and Mr Flint Ridings Franklin, and shall be for a limited period being the period of 5 years from the date of this decision, or the period during which the premises are occupied by them, whichever is the shorter.
2. When the land ceases to be occupied by those named in Condition No 1 above, or at the end of 5 years, whichever shall first occur, the use hereby permitted shall cease and all caravans, the workshop building, structures, materials and equipment brought on to the land, or works undertaken to it in connection with the use shall be removed and the land restored to its condition before the development took place.
3. The development hereby permitted shall be carried out in accordance with the following approved plans except where varied by other conditions of this permission: Drawing No MR001; Site Plan Drawing No MR002/1 revised 24 July 2010; Site Layout Plan and Elevations Drawing No MR003/1 revised 24 July 2010; Proposed Site Sections Drawing No MR04/1 revised 24 July 2010; Proposed Workshop Sections and Elevations Drawing No MR05; Proposed Twin Unit Sections and Elevations Drawing No MR06; Floor Plans Drawing No MR07; and Cross Section of Residential Unit.
4. The development hereby permitted shall be carried out and retained in accordance with the materials, heating, energy, drainage and water source specification set out in Appendix G to the appellant's appeal statement submitted pursuant to the appeal for planning application reference 10/00732/FULL.
5. No more than 3 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than 1 shall be a mobile home) shall be stationed on the site at anytime.
6. Notwithstanding the notation on Site Layout Plan Drawing No MR003/1 revised 24 July 2010, the caravan site hereby permitted shall not be used as a transit site.
7. The workshop hereby permitted shall be used for purposes ancillary to the residential use of the site and not for separate business purposes.
8. No commercial activities shall take place on the land, including the storage of materials.
9. No more than one commercial vehicle shall be kept on the land for use by the occupiers of the caravans hereby permitted, and it shall not exceed 3.5 tonnes in weight.
10. All existing trees and hedgerows shall be retained in accordance with Site Layout Plan Drawing No MR003/1 revised 24 July 2010.
11. No boundary treatments shall be erected on the site other than those indicated on Site Layout Plan Drawing No MR003/1 revised 24 July 2010.
12. No external lighting shall be installed on the site other than the solar security lighting indicated on Floor Plans Drawing No MR07.
13. The grassland areas and hedgerows shall be managed in accordance with the recommendations of the Phase One Habitat Survey dated 12 August 2010.

14. No obstruction exceeding 600mm in height shall take place within a visibility splay of 2m (x distance) by 50m (y distance) to the north of the proposed access, measured from the nearside carriageway edge.
15. The site access shall be hard surfaced for a distance of not less than 6m back from its junction with the highway prior to the commencement of the use hereby permitted.
16. Any site access gates shall be installed a minimum of 6m from the edge of the carriageway and shall be hung to open inwards.

REASONS FOR CONDITIONS

1. The site is in an unsustainable location for the provision of a permanent gypsy and traveller pitch, however the personal circumstances of the applicant and her dependent children and the lack of available suitable alternative accommodation justifies the granting of a temporary permission.
2. In order to secure the restoration of the site following its cessation for use by the applicant and her children, in the interests of maintaining the character and appearance of the area, in accordance with policy DM2 of Local Plan Part 3 (Development Management Policies).
3. For the avoidance of doubt and in the interests of proper planning.
4. To ensure that the development assimilates with the character and appearance of the area, in accordance with policy DM2 of Local Plan Part 3 (Development Management Policies).
5. To provide adequate living accommodation for the applicant and her family and to set an upper limit on the number of caravans stationed on the site, which has been found to be in an unsustainable location for a permanent gypsy and traveller site.
6. To concur with the nature of the application, which does not propose a transit site for a gypsy and traveller.
7. To limit the commercial use of the application site which is not in a location suitable for general commercial activities, in the interests of highway safety, in accordance with policy DM2 of Local Plan Part 3 (Development Management Policies).
8. In the interests of highway safety as the site is not in a location suitable for a general commercial use, in accordance with policy DM2 of Local Plan Part 3 (Development Management Policies).
9. In the interests of highway safety as the site is not in a location suitable for high levels of commercial use, in accordance with policy DM2 of Local Plan Part 3 (Development Management Policies).
10. In the interests of the visual amenity of the area, in accordance with policy DM2 of Local Plan Part 3 (Development Management Policies).
11. In the interests of the visual amenity of the area, in accordance with policy DM2 of Local Plan Part 3 (Development Management Policies).
12. In the interests of the visual amenity of the area, in accordance with policy DM2 of Local Plan Part 3 (Development Management Policies).
13. To ensure the protection of habitats suitable for use by protected species.
14. In the interests of highway safety, in accordance with policy DM2 of Local Plan Part 3 (Development Management Policies).

15. In the interests of highway safety, in accordance with policy DM2 of Local Plan Part 3 (Development Management Policies).
16. In the interests of highway safety, in accordance with policy DM2 of Local Plan Part 3 (Development Management Policies).

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

Since the appeal was allowed in September 2011, the Local Planning Authority has not secured the provision of its own gypsy and traveller site/s in Mid Devon and having regard to the personal circumstances of the applicant and her resident dependents, occupation of a pitch at the Haldon Ridge New Traveller site in Teignbridge District Council which is currently accepting applications, is not reasonable. However despite the applicant's assertion of living a low-impact lifestyle the site remains to be considered to be in an unsustainable location, without adequate access to day-to-day facilities. Having carefully weighed these issues, a further temporary planning permission for a period of five years is justified, at the end of which the Local Planning Authority anticipates having alternative provision available. In respect of all other material considerations the application accords with the requirements of policy DM2 of Local Plan Part 3 (Development Management Policies).

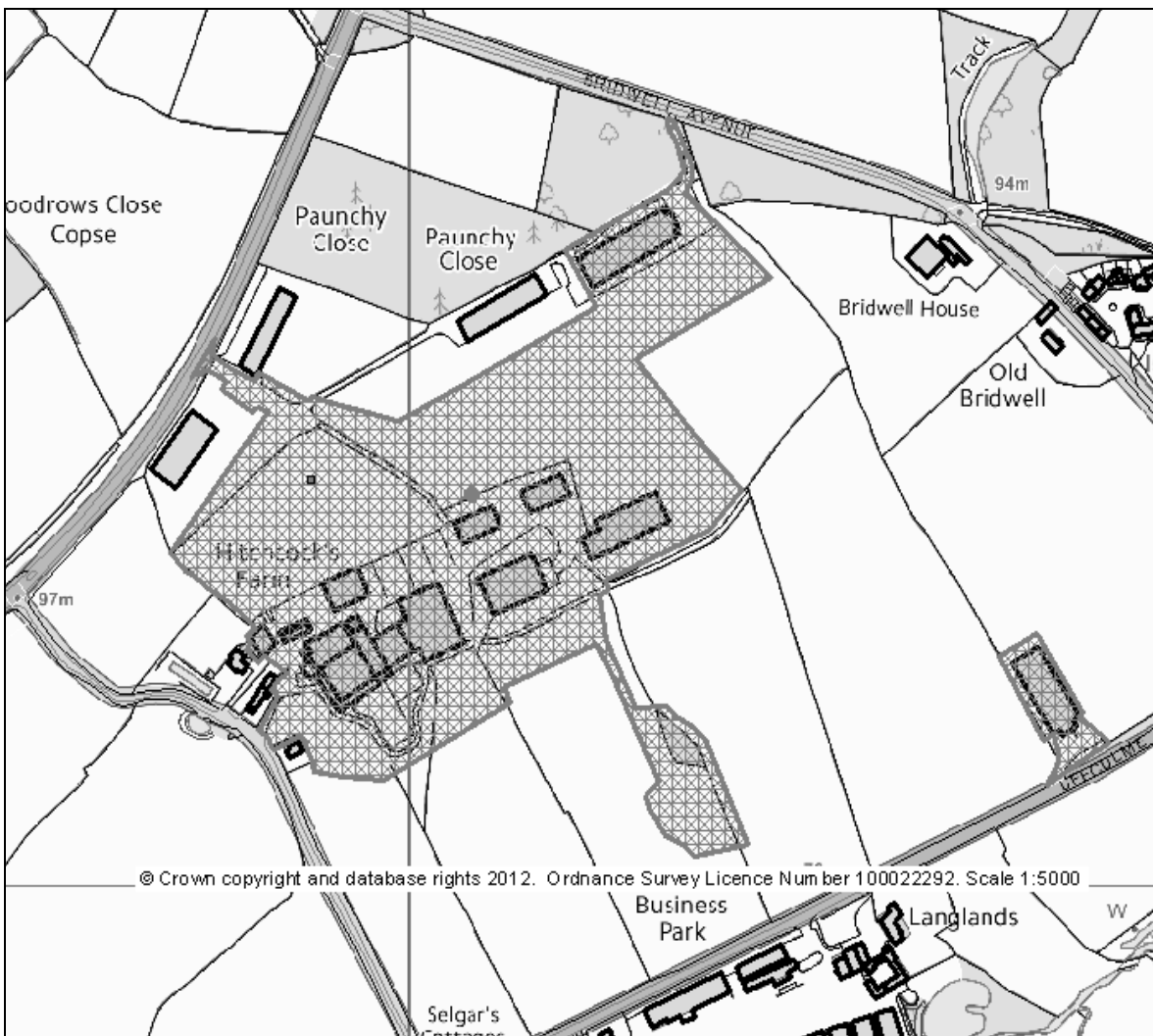
Grid Ref: 304920 : 112311

Applicant: Mr R Persey

Location: Hitchcocks Farm Uffculme Devon

Proposal: Change of use of agricultural buildings for B1/B2/B8 commercial use, the demolition of agricultural buildings and the erection of replacement B1/B2/B8 commercial buildings, the use of The Forge and Unit 11 for B1/B2 and B8 commercial use, the provision of associated landscaping, yard areas and infrastructure

Date Valid: 28th August 2014



Application No. 14/01310/MFUL

RECOMMENDATION

Grant planning permission subject to conditions and the provision of a Section 106 agreement to secure the implementation of a Travel Plan for the proposed development and to include the provision of new bus stops on Bridwell Avenue.

PROPOSED DEVELOPMENT

Hitchcocks Farm is a former dairy and poultry farm located off the B3181 Willand to A38 road, lying approximately 1300m to the north east of the village of Willand and 600m to the west of the village of Uffculme. In recent years, a number of the existing agricultural buildings on the site have been converted to commercial uses and two new buildings constructed for commercial uses in association with the previously operating agricultural activities. Commercial scale agricultural activities have now ceased on the farm.

This application seeks planning permission to change the use of some of the remaining agricultural buildings to B1 (light industrial), B2 (general industrial) and B8 (storage and distribution) commercial uses, to demolish other agricultural buildings and replace them with commercial buildings for B1/B2/B8 uses, to enable the buildings known as The Forge and Unit 11 to be used for B1/B2/B8 uses as opposed to being restricted to B1/B8 uses and to alter some of the existing commercial buildings.

More specifically:

Unit 3 (existing) - This is the 2,250 square metre building originally consented for the manufacture of non-plastic egg packaging. Alterations to this building are proposed to install additional roller shutter doors and additional yard is proposed to the south of the building.

Unit 3A (proposed new) - Is proposed as a two storey portable cabin type structure to be sited to the north east gable end of Unit 3 in order to provide office accommodation for the B8 (wholesale and distribution) use of Unit 3.

Unit 5 (proposed new) - This building is proposed to be constructed to the north of units 8,9 and 10 in the centre of the site. The building has a floorspace of approximately 1850 square metres. This building replaces that known as chicken house 2, which is situated to the south east of the main application site, off the B3440 Willand to Uffculme road and is approximately 300m to the west of the settlement limit of Uffculme and has a floorspace of approximately 1600 square metres.

Units 6 & 7 (proposed conversion) - This existing single building is proposed to be converted to form two units. The existing building is Yorkshire boarded and has two apexes (m-shaped). It is proposed that this building be clad in dark green plastic coated metal and have a fibre cement roof.

Units 8, 9, 10 (proposed conversion) - This single building was consented as two buildings (units 8 and 10), however Unit 9 was constructed to join the two together and is now likely to be immune from enforcement action as it has been erected for approximately 4 years. No alterations to the building are proposed but rationalised parking provision is proposed to the south of the building.

The Forge & Unit 11 (existing) - No alterations are proposed to these buildings whose current consent allows B1 (light industrial) and B8 (wholesale and distribution) uses only. It is proposed that they also be allowed to accommodate B2 (general industrial) uses.

Unit 12 (proposed new) - This is the largest new building proposed on the site and is proposed to replace the existing array of buildings which make up the former milking units. The floorspace of the existing buildings amounts to approximately 5285 square metres and the proposed building amounts to approximately 3510 square metres. This building is proposed to be constructed with green plastic coated

metal profile sheeting to the walls and with a sheeting roof. Solar panels are proposed on the southern roof slope and an area to the south is proposed to provide a yard and parking.

Unit 13 (proposed conversion) - This building was constructed following planning permission granted in 2009 and was used for the housing of poultry. The floorspace of this building amounts to 1,873 square metres. Alterations to this building comprise the insertion of three roller shutter doors and personnel doors on the south eastern elevation and personnel doors on the north western elevation.

Units 15 & 16 (proposed new) - A new building is proposed to be erected on the site of an existing poultry shed. The new building has a floorspace of approximately 1880 square metres, compared to the existing floorspace of approximately 1610 square metres.

Units 0, 1, 2, 4 and 14 already have consent for commercial use, no alterations to them are proposed and they are excluded from the application site.

In addition to the alterations and erection of buildings, the existing silage clamps to the east of units 6 & 7 are proposed to be altered to provide additional car parking and areas around the buildings are proposed to be hardsurfaced to provide yards for vehicle parking. In particular, a large yard is proposed to the south of unit 13, an extended yard to the south of unit 3 and a yard to the south of unit 12.

Additional planting and landscaping is proposed across the site and includes for the provision of new hedgerow planting, of an area of wildflower meadow and the creation of a staff recreation area for those employed at the site.

A connection to the mains foul sewer is proposed and the existing attenuation pond to the south of Unit 14 is proposed to be supplemented by the provision of two additional ponds immediately to the west to cater for additional surface water arising from the proposed development.

APPLICANT'S SUPPORTING INFORMATION

Planning Statement
Flood Risk Assessment
Wildlife Survey
Statement of Community Involvement
Building Structure Report
BREEAM Pre-assessment report
Transport Statement
Carbon Reduction Strategy
Email of support from the applicant following letters of objection received

PLANNING HISTORY

92/01905/FULL Erection of new free range hen barn - PERMITTED January 1993
93/00191/FULL Erection of extension to free range hen barn (approved but not yet built) - PERMITTED March 1993
93/01797/FULL Erection of new free range henbarn with associated feed bin and alterations to existing field access - REFUSED February 1994
94/01122/FULL Erection of free range hen barn with associated feed bin and alterations to existing field access - PERMITTED August 1994
94/01082/FULL Erection of extension to existing free range henbarn - PERMITTED July 1994
95/01891/FULL Rebuilding of fire damaged henbarn - PERMITTED April 1996
96/00036/FULL Construction of lean-to scratching areas for free range henbarn - PERMITTED April 1996
98/01044/FULL Construction of manure storage clamp and access ramp - PERMITTED August 1998
99/02877/FULL Erection of cattle shed - PERMITTED October 1999
99/03337/FULL Erection of cattle shed (alternative to scheme approved under reference 4/25/99/2877) - PERMITTED January 2000
00/00600/FULL Erection of cattle shed to replace existing cubicle building but retaining existing cubicles - PERMITTED May 2000
00/00607/FULL Erection of hay/straw storage shed - PERMITTED May 2000

00/00607/FULL Erection of hay/straw storage shed - PERMITTED May 2000
 01/00913/FULL Variation to Condition (4) of application no 4/25/94/1122 (that the building shall be used only as a free range hen barn or for the storage of eggs) - PERMITTED September 2002
 02/01739/PNAG Erection of hay/straw storage barn DEEMED WITHDRAWN July 2002
 02/02238/PNAG Prior Notification for the erection of an agricultural hay and straw barn - PERMITTED November 2002
 04/02502/FULL Erection of a cattle shed - PERMITTED January 2005
 05/02498/FULL Erection of free range poultry house - PERMITTED January 2006
 06/01211/FULL Erection of poultry house and collection bay - PERMITTED July 2006
 07/00814/MFUL Erection of building for egg packaging and farm waste storage - PERMITTED July 2007
 09/00268/FULL Widening of existing vehicular access - PERMITTED March 2009
 09/00581/MFUL Erection of free range poultry house - PERMITTED July 2009
 10/00983/MFUL Erection of building for manufacturing egg packaging materials and associated works - WITHDRAWN September 2010
 10/01689/MFUL Erection of building for manufacturing egg packaging materials and associated works (Revised scheme) - PERMITTED January 2011
 11/00241/FULL Change of use of 2 agricultural buildings to B1 light industrial and B8 storage use and outdoor storage area - PERMITTED April 2011
 12/00690/FULL Change of use of agricultural building to B8 storage use with associated parking (APPEAL ALLOWED 22.03.13) - REFUSED September 2012
 12/01630/FULL Change of use of agricultural building to B1 and B8 employment use, associated yard area and erection of a storage building - PERMITTED May 2013
 13/00628/FULL Change of use of former agricultural/cattle building to general/industrial and/or commercial storage (Use Classes B2/B8) - PERMITTED October 2013
 13/01113/FULL Variation of Condition 2 of planning permission 12/01630/FULL (substitution of new plans) - PERMITTED September 2013
 13/01130/FULL Change of use and alterations to agricultural silage clamps including raising of walls and construction of roof for B2 general industrial use with ancillary storage and parking area - WITHDRAWN September 2013
 14/00366/CLU Certificate of lawfulness for the existing use of land for the siting of a residential mobile home - PERMITTED May 2014
 14/01464/FULL Variation of condition 13 to permit general B1/B2/B8 use and removal of condition 14 (demolition of building if use ceases) of planning permission 10/01689/MFUL - PERMITTED OCTOBER 2014
 14/01466/FULL Removal of condition 3 (Use classes B1 and B8 and in conjunction with 'Tilhill Existing Office Building' and shall not be let, sold or otherwise disposed of as a separate unit) of planning permission 11/00241/FULL - PERMITTED OCTOBER 2014.

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR1 - Sustainable Communities
 COR2 - Local Distinctiveness
 COR4 - Meeting Employment Needs
 COR5 - Climate Change
 COR8 - Infrastructure Provision
 COR9 - Access
 COR10 - Strategic Transport Networks
 COR11 - Flooding
 COR12 - Development Focus
 COR18 - Countryside

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

AL/IN/6 - Carbon Footprint Reduction

Mid Devon Local Plan Part 3 (Development Management Policies)

DM1 - Presumption in favour of sustainable development

DM2 - High quality design

DM3 - Sustainable design

DM4 - Waste management in major development

DM6 - Transport and air quality

DM8 - Parking

DM11 - Conversion of rural buildings

DM20 - Rural employment development

DM28 - Green infrastructure in major development

CONSULTATIONS

SOUTH WEST WATER - 15th September 2014 - No objection

ENVIRONMENT AGENCY - 10th October 2014 - No objection to the proposal given that the proposal includes a Suds scheme to manage surface water runoff that in broadest terms complies with current best practise.

The scheme as shown on drawing 0180 PDL/100 Rev C 'PRELIMINARY DRAINAGE LAYOUT SURFACE WATER' by AWP aims to manage runoff from the additional impermeable areas that will arise. It is particularly pleasing to see that numerous Suds features have been proposed rather than one single feature.

We advise that Mid Devon District Council gains written assurances from the applicant that the Suds features will be managed for the lifetime of the development prior to determination of the application. This will help ensure that the Suds system will work as designed.

The Agency is not a formal Suds approving body and thus this response should not be considered as constituting formal approval of the system as proposed.

HIGHWAY AUTHORITY - 6th October 2014 - The Highway Authority has been in discussion with the applicant over the details of the transport assessment and distribution figure, which have been recalculated to represent the distributions the Highway Authority consider as acceptable. These figures have been shown to be acceptable and traffic generation on the M5 junction are shown to be less than a 1% increase over the existing generations and are therefore not a material consideration. The access analysis demonstrates that the site access will work within capacity and that there is no requirement for a right turn lane into the site and the layout and visibilities are acceptable to the Highway Authority.

The applicant has indicated that a footway and bus stops will be provided on Bridwell Ave, The Highway Authority is happy to accept such an arrangement and details of the footway and the bus stops, which will need to be constructed to provide low floor access provision, should be submitted for approval prior to commencement on site and its construction prior to occupation of the development.

The applicant has indicated that the internal road will be built to adoptable standards and therefore the Highway Authority would recommend the following condition.

In addition the size of the development warrants the provision of a travel plans which should be secured through a section 106 agreement and the framework plan appended to it.

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, 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.

HIGHWAYS AGENCY - NETWORK PLANNING MANAGER - 17th September 2014 - The Agency is satisfied that the impact of the proposals on the strategic road network will not be severe and therefore has no objection to the development

UFFCULME PARISH COUNCIL - 5th September 2014 - Although in Halberton parish the Council is familiar with this application as the applicant, R.Persey, attended a previous Planning meeting to explain the proposals. It is the general view of the Council that this amounts to industrial development in the open countryside at an unsustainable location, and that MDDC should carefully consider the implications not only of these proposals but the precedent that would be established in the event of consent being granted. Many of these agricultural buildings have only been in use for a relatively short period and their possible short term redundancy should have been known at the times of the original applications. (The Council has also received a number of representations from members of the public expressing concerns at development in this area). The Council is very mindful of the history of Langlands, in open countryside in close proximity to the south of the site at Hitchcocks. Although initially opposing conversion of agricultural buildings to Commercial/industrial use MDDC allowed limited conversion that at the time secured around 30 local jobs. Today we have a complex employing hundreds including direct sales to the public and a café!!!

16th September 2014

This is a Halberton Parish application although I accept it has more impact on Uffculme. Our protocol is that we do not make a recommendation on an application in another parish unless it something very major e.g. if an application came in for J27. or for housing along Uffculme straight.

As regards this application UPC looks unfavourably on this type of development and how it may be achieved by the manipulation of the planning laws. Clearly the agricultural purposes of the buildings was not intended long term but merely as a vehicle to obtain planning consent for industrial use at a date in the future. We as a Council need to make this point but clearly it is for MDDC to determine the application within the current planning guidance.

HIGHWAY AUTHORITY - 3rd September 2014 - see comments received 06.10.2014

WILLAND PARISH COUNCIL - 16 September 2014 - There are some parts of the application to which we feel there is little point in responding in any detail as current regulations will allow what is being applied for on an individual building by building basis. There are other areas where we feel that the 'boundaries' are being bent or even crossed and these will be dealt with in more detail later in the response. There are also areas of concern with the planning process in this instance.

1 INTRODUCTION

- 1.1 The site is in open countryside. It is not recognised in the MDDC Local Plan, or any other plan, as land identified for industrial, business or employment land. It was a farm but now most, if not all, of the livestock has gone. Some land is covered with solar panels other areas of land are covered with 'business sheds' which have been already approved as 'diversification'. Others have been used without appropriate approval for their specific use.

- 1.2 The site address at question 4 on the Application Form is shown as Hitchcocks Farm. The 'bream' report refers to 'Hitchcocks Business Park'. The 'Carbon Reduction Strategy' uses the same title as does the heading in the 'Covering Letter' from the agent; the 'Design and Access Statement'; the 'Flood Risk Assessment'; the 'Planning Statement'; the 'Statement of Community Involvement' and finally the 'Transport Statement'.
- 1.3 Signs at the entrance to the site from the B3181 advertise business units to let. The whole appearance from this point is of a business park - not a farm. It only appears to be 'agricultural' when it suits a particular argument or circumstance for further expansion with more 'sheds'.
- 1.4 With all of the points outlined in the three preceding paragraphs the question is asked - "How can what is now being sought be termed and treated as farm diversification or converting redundant agricultural buildings?"
2. STATEMENT OF COMMUNITY INVOLVEMENT
- 2.1 The detail of meetings and discussions with planning officers, District Councillors and the applicant and his agent are all noted. Even the District Council Chief Executive becomes involved! It is noted that that the people most likely to be affected - the parish residents and their representatives are excluded from the discussions. As far as Willand Parish Council, the area most likely to directly affected by this application, is concerned they were TOLD by the applicant what had been AGREED with the planning officers.
- 2.2 The notes of the meeting with Willand Parish Council at paragraphs 3.4 to 3.7 inclusive are considered a fair representation other than members felt that they were being presented with a 'done deal'. The Parish Council concerns recorded [3.6] in relation to the Mid Devon Business Park and the potential development for housing is already being proven to have firm foundation in the light of a very recent PREAP Application.
- 2.3 The argument concerning the more cost effective flexibility of the units on the site compared with other sites is understood but does not attract support when properly designated sites within an area of population are unused or manipulated in such a way as to make them unavailable to some businesses.
- 2.4 Willand Parish Council are in agreement with the sentiments of Uffculme Parish Council that the proposals in this application are preferable and less intrusive on the countryside than the proposals being put forward for Junction 27 of the M5.
3. SITE ROAD LAYOUT AND INFRASTRUCTURE
- 3.1 Improvements to the internal road layout and structure with bollard lighting should be an improvement and better service the area without causing further adverse effect on the countryside than is already permitted.
- 3.2 The extensive Transport Statement is noted but the application appears to apply for nearly 1,000% increase in cars without taking into account the increase in commercial vehicles, including heavy goods vehicles. Although it is appreciated that the bulk of the goods vehicle movements will be to and from Waterloo Cross, cars will be coming from all directions. It is therefore strongly suggested that a proper right turn lane be constructed opposite the main entrance to cater for vehicles coming from the Willand direction. The potential increase in traffic flow towards Waterloo Cross also raises further concerns as to the safety aspect of Leonards Moor Cross where at times there is a considerable increase in traffic at school entry and exit times. This will be even more important to aid traffic flow for the occasions that the M5 is closed and traffic is diverted via the A38 and B3181.
- 3.3 The proposals for foul water/sewage which results in connection to mains services must be an improvement to the separate systems currently in place or proposed. It is suggested that a firm planning condition be put in place to achieve attachment to mains sewage systems for all sites. The surface water provisions are questioned when one looks at the land assessment but 'experts' have to decide that issue.

- 3.4 Willand Parish Council would like to see a physical boundary accompanied by robust and enforceable conditions to ensure that the boundary is retained and not subjected to further expansion of the site.
4. PROPOSED BUILDING CHANGE OF USE, DEMOLITION AND RECONSTRUCTION
- 4.1 Within the constraints of the observation and comments contained in the preceding paragraphs Willand Parish Council make the comments contained in the following paragraphs in relation to the buildings retained or proposed and as numbered on the Site Plan Drawing Number 1871 001 Revision B.
- 4.2 No objections are raised with regard to the applied for changes of use to B1, B2 and B8 categories for all buildings to allow for the required flexibility of use unless specifically mentioned relevant to a particular building. [Paragraphs 4.5 & 4.6 apply.]
- 4.2 No observations are made with regard to the proposed demolitions other than to support the return of the site of Chicken House 2 to a green field area. There are concerns as to the proposed replacement of this building elsewhere on the site which is covered in paragraph 4.5.
- 4.3 No current observations are made in relation to buildings numbered units 0, 1, 2, 4, and 14 as these appear to be outside of the application area and already have approvals.
- 4.4 No additional comment is made in relation to the proposals for buildings numbered units 6, 7, 8, 9, 10, 11, 12, 13 and The Forge.
- 4.5 Proposed Building Unit 5 - This is alleged to be to replace the Chicken House 2 from by the Uffculme Road. The inference is made that it will be almost 'like for like' replacement but be included on the main site. Willand Parish Council recommend refusal of this portion of the application for the reasons listed below. It is NOT a 'like for like' replacement.
- 4.5(i) The Design and Access Statement in paragraph 4.9 states "The proposed building is of comparable scale to the existing Poultry House 2 and therefore represents a like for like replacement." Paragraph 5.2 of the same document gives the relevant sizes of the existing and proposed buildings. Separate elevation drawings are also provided for the existing chicken house and the proposed building which at first sight look to be similar.
- 4.5(ii) This information is considered to be incomplete and intended to mislead anyone not looking at matters in detail. The elevation drawings of the existing chicken house are at a scale of 1:100; the elevation drawings for proposed Unit 5 are at a scale of 1:200. It makes them look similar but they are not in reality.
- 4.5(iii) The Design and Access Statement in paragraph 5.2 states "The existing building has a footprint of 1,695 square metres, with a proposed footprint of 1,870 square metres, an increase of 11%." [It is in fact 10.4%] What is not shown is the increase in volume which amounts to 146.7% due to the massive increase in eaves and ridge heights.
- 4.6 Existing Building Unit 3 - This is an existing building which was built under approval 10/01689/MFUL. As far as can be ascertained this building has never been used for the intended approved purpose. There is mention that it has been used for non approved purposes. The current Design and Access Statement at paragraph 5.1 states "Unit 3 has existing consent for the manufacture of egg packaging materials. It is proposed to vary condition 13, and remove condition 14 on that consent, to allow the use of the building for general B1/B2/B8 use, and also to introduce new door openings as noted on the submitted plans."
- 4.6(i) This building was applied for and received approval for a specific purpose on 6th January 2011 and Condition 13 reads "The building hereby permitted shall be used for the manufacturing of non-plastic egg packaging materials (including non-plastic egg boxes and/or non-plastic egg cartons and/or non-plastic egg trays) and for no other purpose (including any other purpose in Class B2 or B1 or B8 of the Schedule to The Town and Country Planning (Use Classes) Order 1987 (as

amended)), or in any provision equivalent to those Classes in any statutory instrument revoking and re-enacting that Order with or without modification." The reason recorded for this condition is "To concur with the nature of the application having regard to the submitted details in respect of which the Local Planning Authority consider the proposed use of the proposed building to be an acceptable form of farm diversification development having regard to current development plan policies in that respect in this instance but other B2, B1 and B8 Uses in this location may not be. Also, to control the character, and to minimise the volume of, traffic attracted to the site."

4.6(ii) Condition 14 is asked to be removed but at the time it is argued that it was included to prevent any manipulation of the planning system. Condition 14 states "Should the building hereby permitted become redundant for the purposes as set out in condition 13 of this permission, it shall be demolished and all materials resulting from the demolition shall be removed from the site (including the removal of the production machinery within this building) within 1 year of the date this occurs." The reason recorded for this condition is "This building is permitted for the use specified as the Local Planning Authority consider on the basis of the submitted information it would be an acceptable form of farm diversification having regard to current development plan policies in that respect."

4.6(iii) The conditions were very clear and if the planning system is to retain any credibility the conditions should be implemented. For these reasons Willand Parish Council object to this particular section of the application and recommend refusal.

5. CONCLUSION

5.1 There has been much development on this site with and without planning consent. Planning enforcement has been ineffective which has allowed a number of breaches. This current application is recognised as an attempt to regularise the position BUT there is skepticism that this will be the case in the light of some of the elements of the application and the apparent support from some MDDC officers including the Chief Executive.

16th October 2014 - The reports are noted and the Parish Council expresses extreme concern as to the views expressed in relation to Willand Business Park.

HALBERTON PARISH COUNCIL - 25th September 2014 - No objection, however the Parish Council was of the view that there should be a right turning lane into the site on the A3181 (Willand to Waterloo Cross). The bund around the whole site should be substantial and planted with native species. The area adjacent to units 4 & 5 should be a leisure area for staff. The Parish Council also strongly recommended that solar panels were put on the roofs of all new buildings.

ENVIRONMENTAL HEALTH - 15th September 2014 - Contaminated Land - No objections

Air Quality - No objections

Drainage - No objections

Noise & other nuisances - No objections

Housing Standards - N/A

Licensing - No objection

Food Hygiene - N/A

Private Water Supplies - N/A - No record

Health and Safety - Informative: Taking into account the age and type of building there is a foreseeable risk of asbestos being present. A Refurbishment and Demolition Survey following HSG264 available at www.hse.gov.uk should be carried out before work commences to identify precautions and legal requirements enforced by Health and Safety Executive.

MID DEVON DISTRICT COUNCIL - REGENERATION MANAGER - 2nd October 2014 - From an economic development perspective I am supportive of the development at Hitchcocks Business Park. The site offers flexibility to its clients and affordable rents that meet the needs of the site's occupants. There is reasonably

high demand from businesses looking to move onto the site, and this could be met through the proposed development.

It is important to take into account that one of the businesses occupying Hitchcocks is of key strategic importance to the local economy and this company is looking to expand as soon as possible, requiring additional space but also creating additional employment. They are keen to stay at Hitchcocks and we risk them looking beyond the district's boundaries if the site is unable to grow to meet their needs.

The plan being put forward does appear to meet the future needs of businesses with a good balance of parking, employment facilities and green space. It is also positive that the land owner is looking to implement work to enhance the green spaces and to add a tree-lined avenue running through the centre of the site. By making the site more visually appealing it will be easier to market to potential investors than some other local sites.

As things stand I believe that the site is, and will be, highly marketable, and this development will make it a real asset in attracting new businesses to the area. My only concern is that approving development on the site may weaken the case to retain Willand Industrial Estate as employment land, though I do not know that this is something that would be taken into account in determining the outcome of this application.

REPRESENTATIONS

Three letters of objection received, summarised as follows:

1. Surface water run-off from Hitchcocks Farm has become steadily worse as it has become more industrialised. The run-off is not always clean, with drops of oil occasionally spotted;
2. The industrialisation of agricultural land is unnecessary as there are other sites available;
3. The development is not in the Local Plan;
4. Already have to suffer from excessive noise from the existing Langlands Business Park and wildlife has been wiped out. The site operates outside of its planning permission;
5. The Government cannot have been suggestion that entire farms should be redeveloped to provide industrial estates in the countryside when they loosened rules on farm diversification;
6. The scale dwarfs almost any other diversification proposal that has come forward in the last 20 years in Mid Devon;
7. It is not in a sustainable location;
8. The Transport Assessment is flawed as it uses Halberton Parish baseline population figures;
9. A study of the travelling patterns of those currently working at industrial sites owned by the applicants would have been more revealing;
10. Dairy farming and organic egg and chicken production are still viable but the applicants have realised that ceasing farming is more profitable;
11. Should not be allowed to erect a unit on the site in lieu of Chicken House 2;
12. The contrast between the opinions of Halberton and Willand and Uffculme Parishes should be noted;
13. When I asked Mr Persey is he would demolish Unit 3 if the business failed he was horrified and said it would ruin him if it failed.

Seven letters of support received, summarised as follows:

1. Will provide much needed industrial units and employment for the local area;
2. As a local business owner there is not a wide enough range of units available and new build options require too much commitment for start-up businesses;
3. Will provide the accommodation that local expanding businesses desperately need, keeping them in the region;
4. Will attract new business and investment from outside Mid Devon;
5. Have been living locally for 15 years this will bring more jobs and development to the area, to the benefit of all of us;
6. Is a common sense idea;
7. Email from Director of Trucksmith re. their proposed occupation of Unit 15 - Renault UK's transfer of control of part of their operations to us has caused growth in our delivery vehicle fleet and this will double from 5 vehicles to 10 vehicles early next year to support a similar contract with Vauxhall's commercial arm.

The delivery vehicles need service inspection and repair which is currently done from premises at Kingsmill, Cullompton but the access poor and we would struggle with 10 vehicles. The DVSA are closing their HGV testing stations and licensing private companies to operate them. Really Trucks (part of the Trucksmith family of companies) would use the south bay at Unit 15 for this purpose and would employ 12 further staff.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

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

- 1. Planning History**
- 2. Planning policy and the provision and need of employment sites in Mid Devon**
- 3. Highways and transport**
- 4. Visual impact and impact upon the amenity of neighbouring properties and uses**
- 5. Flooding and drainage**
- 6. Other matters**
- 7. The planning balance**

1. Planning History

Over the years Hitchcocks Farm has been subject of a number of applications for the erection of agricultural buildings and then the change of use or replacement of those and other buildings on the site for commercial use. Some of these permissions have arisen from supportive farm diversification policies set out in National and Local policies and others from specific justification having been given regarding a particular need of local businesses.

There is no longer any commercial scale farming activities occurring at the Farm, with the cattle having been sold in 2013 and the poultry buildings also now being empty.

As a result of the previous applications, seven buildings at the site have permitted employment uses (Units 0, 1, 2, 3, 4, 11, 14 and The Forge) and this application seeks to permit a further 6 buildings to be converted or erected to provide additional employment units. These additionally proposed units are numbered 3a, 5, 6, 7, 8, 9, 10, 12, 13, 15 and 16. The existing consented commercial buildings are spread across the site, with buildings both at the northern and southern ends in commercial use, as well as smaller units to the west.

The single building which houses Units 8,9 and 10 is already being used by commercial businesses without the benefit of planning permission and as mentioned earlier Unit 9 was constructed without the benefit of planning permission. Similarly the Forge is in a B2 use as a vehicle repair garage without the benefit of planning permission.

2. Planning policy and the provision and need of employment sites in Mid Devon

The following discussed local and national policies are of particular pertinence in considering this application.

National Planning Policy Framework (NPPF)

Paragraph 19 of the NPPF states that the planning system should do everything it can to support sustainable economic growth, and not act as an impediment to sustainable growth. Significant weight should be placed on the need to support economic growth through the planning system. Paragraph 21 states that in drawing up Local Plans, Local Planning Authorities should support existing business sectors, taking account of whether they are contracting or expanding.

In relation to rural economic development, paragraph 28 states this should be supported, taking a positive approach to sustainable new development. Plans should support the sustainable growth and expansion of all types of businesses and enterprise, both through conversion of existing buildings and well designed new buildings. Plans should also promote the development and diversification of agricultural and other land-based rural businesses.

Core Strategy (adopted 2007)

Policy COR4 "Meeting Employment Needs" states that the approximately 300,000 square metres of employment floorspace will be provided over the plan period across the district.

Policy COR18 "Countryside" limits the type of development which is acceptable in countryside locations, but states that appropriately scaled retail, employment, farm diversification and tourism related development are permitted.

Local Plan Part 3: Development Management Policies (LP3, adopted 2013)

Policy DM1 "Presumption in favour of sustainable development" stated that the Council will take a positive approach in favour of sustainable development and will work proactively to find solutions which allow proposals to be approved where possible. Where there are no policies relevant or relevant policies are out-of-date at the time of making a decision the Council will grant permission unless material considerations indicate otherwise.

Policy DM11 "Conversion of rural buildings" permits the conversion of disused/redundant buildings which positively contribute to rural character, providing there is suitable access, no requirement for significant alteration, retention of character of building and protection of nature interest.

Policy DM20 "Rural employment development" permits new build development or expansion of existing businesses in rural areas providing the use and scale are appropriate for the location. Proposals are required to demonstrate that there will not be negative impacts on the road network, character and appearance of the countryside and providing that there are no suitable alternative sites within the immediate area.

The application proposes 11,679 square metres of new employment space, of which 4,329 square metres will be from conversion of agricultural buildings and 7,350 square metres from demolition of agricultural buildings and replacement with new builds. The site is located within the countryside, being approximately 600m to the west of Uffculme and 1300m to the north east of Willand. Generally development within the countryside is strictly controlled, however appropriate scaled employment is permitted by Policy COR18 of the Core Strategy (Local Plan Part 1) and further supplemented by policy DM20 of Local Plan Part 3 (Development Management Policies). Though national and local policies are broadly supportive of appropriately scaled rural employment development the issue of sustainability is important given the size and location of this proposal.

Support for rural employment is on the basis that it is sustainable, with Policy DM20 setting criteria for assessing sustainability of proposals as mentioned above. In view of its countryside location, this application proposes a significant increase in employment floorspace. With an application boundary amounting to a site area of 9.9 hectares this is not a small site, being only moderately smaller than the 11.7ha allocated employment site W11 "Willand Industrial Estate", found only a short distance from the site and adjacent to a settlement - its sustainability having already been tested through the Local Plan process. As a further contrast the quantum of employment land on the strategic site, Tiverton Eastern Urban Extension, is only approximately 6ha although it has a higher quantity of employment floorspace than the application site.

In considering the appropriateness of the proposed use and scale of development in this location, the existing use, character and history of the application site are important considerations. The site is already in mixed agricultural and employment use as a result of piecemeal development over several years, resulting from the conversion or erection and change of use of agricultural buildings. The current proposal may be considered a rationalisation of the site to achieve a more comprehensive employment use and a higher quality development than if the site continued to come forward in a piecemeal fashion with individual justification for each building. Some buildings are to be converted whilst others will be demolished and new structures added. However, the overall footprint of the buildings is proposed to decrease and whilst the floorspace of Units 15 and 16 is an increase over the existing building it replaces, the floorspace of proposed Unit 12 is a significant decrease in the buildings it replaces.

The final test in DM20 requires that there are insufficient sites or premises in the immediate area to meet the needs of the proposal. There are alternative areas for employment within the locality. There are three vacant units and several hectares of serviced land available for development (subject to detailed planning

permission) at the Mid Devon Business Park in Willand, just 1300m to the south west. Much of the serviced land has remained vacant since the initial development of the wider site several years ago. Vacant units also exist at the Willand Industrial Estate immediately to the west of the Business Park. There is also allocated and consented employment land at the Kingsmill Industrial Estate in Cullompton. The consented employment land is serviced but contains no buildings, and is marketed as 'design and build', i.e. built to suit a tenant's business needs.

The applicant has submitted supporting evidence from two commercial agents stating that Hitchcock's Farm has a number of advantages over other employment sites in the area. These they state include the fact that the landowner is prepared to invest in building the units and infrastructure up front, and is able to offer flexibility of lease options. They also note that there continue to be funding difficulties for commercial developers, reducing options for speculatively delivering new employment opportunities. The applicant, as long term landowner, operates on a different business model from the Willand Business Park and Kingsmill sites which are owned by developers, and is able to deliver the site in a manner which differs from competing employment land. The argument in this case is that this development meets the needs of businesses where alternative sites cannot, so those other sites are not suitable. Certainly this is an argument which has been raised when dealing with applications for other buildings at the site previously and similar issues with the affordability of the Willand and Cullompton sites have been raised by local businesses when discussions have been had regarding relocating. Similarly it is understood that pension funds own some of the units on the Willand Industrial Estate and are reluctant to lease units to businesses which would lower the overall value of the premises as this would have a knock-on effect on the value of the fund.

Mid Devon's Employment Land Review (ELR) was produced in 2013 and assesses the scale and nature of demand for employment land and premises in the District, reviews existing employment land provision and advises on what new employment land provision would be appropriate and advises on how policies can support the rural economy. The findings of the ELR states that Mid Devon's portfolio of employment sites needs to be 'rebalanced' as a significant proportion is tied up in large strategic allocations which are dependent on the provision of significant additional infrastructure. The ELR recommends the allocation of a number of smaller sites which would not be burdened with the same time and infrastructure constraints, and could be delivered in the short-to-medium term. In light of this the report recommends that development management policies be applied flexibly to enable smaller rural employment sites to come forward throughout the district. The annual Employment Land Survey published by MDDC indicates that both permissions and completions of employment floor space are below the figures aimed for in policy COR4 of the Core Strategy (Local Plan Part 1), which over the plan period seeks the development of 300,000 square metres of B1, B2 and B8 floorspace, equating to an annual average of 15,000 square metres. In the seven years to 31st March 2014 since the adoption of the Core Strategy (Local Plan Part 1), only 37,740 square metres of employment floor space has been completed. The ELR recommends that between 30 and 40 hectares of land is required for employment between 2011 and 2031 and recognises that past trends of employment development have the potential to be improved upon moving forward.

This Authority's Economic Development team have been consulted on the application and are supportive of the proposal. The flexibility of the site to its clients and its affordable rents meet the needs of the site's occupants. There is reasonably high demand from businesses looking to move onto the site, and this could be continued to be met through the proposed development. The Economic Development Officer also considers that the site is, and will be, highly marketable, and this development will make it a real asset in attracting new businesses to the area. The Economic Development team do raise concerns of the impact of this proposal upon the continued marketability of the Mid Devon Business Park, however it must also be borne in mind that the two sites are offering very different products to one another.

Although some justification has come forward regarding the specific use of two of the units (Unit 3 by Kay Transport, which already has planning permission and Unit 15 for Really Trucks), the development as a whole is not justified by the needs of specific businesses and the scale is more significant than would normally be considered appropriate as a speculative development in this location. Accordingly, the application conflicts with the requirements of policy DM20 of Local Plan Part 3 (Development Management Policies). However, some justification has been provided and discussed above to set aside the requirements of the policy in the interests of bringing forward employment land and to consider the application in light of the presumption in favour of sustainable development set out in policy DM1 of the same document and the National Planning Policy Framework. Following the discussion of the remaining material considerations

below, this matter is balanced at the end of the report.

3. Highways and transport

The site is presently served by four separate accesses:

1. The main access to the existing employment units is via the B3181 Willand to J27 road
2. The historic main access to the Farm is off the minor road running to the west linking the B3181 with the B3440 Willand to Uffculme road
3. An access currently serving the Farmhouse, the Tilhill Forestry Office Building, Unit 11 and The Forge is to the north of the access mentioned in point 2
4. There is an access onto Bridwell Avenue.

Access points 2 and 4 mentioned above are proposed to be closed so that they only provide pedestrian and cycle access and access point 3 is proposed to only serve the Farmhouse and the Tilhill Forestry Offices so that only access point 1 onto the B3181 is used for vehicular access to the application site. No details of how these access points are proposed to be stopped up has been provided to support the application and should the proposal be approved, further details would be required by condition.

The application has been accompanied by a Transport Statement in accordance with policy DM6 of Local Plan Part 3 (Development Management Policies) which following some amendments, the Highway Authority has indicated that it is satisfied with. Although prior to the submission of the application and the production of the Transport Statement it had been thought that a right turn lane may need to be provided on the B3181 to serve the site, the findings of the Statement indicate that this is not necessary as the level of additional traffic predicted to be generated is not sufficient to necessitate such a lane, the junction has an adequate layout and visibility and will operate within its capacity and accordingly no alterations on the highway are proposed.

The Highways Agency, who maintain the strategic road network have indicated that they have no objections to the proposal with respect to the impact upon the M5.

The applicant has indicated that a footway and bus stops will be provided on Bridwell Avenue (single stop on either side of the road), along which the Exeter-Cullompton-Willand-Uffculme-Tiverton Parkway-Tiverton route 1 bus runs and has confirmed that they have control of land on both sides of the road to provide these bus stops. The Highway Authority has indicated that it is happy to accept such an arrangement and details of the footway and the bus stops, which will need to be constructed to provide low floor access provision, should be submitted for approval prior to commencement on site and their construction prior to occupation of the development.

The size of the development warrants the provision of a travel plan to maximise travel by sustainable means. A framework plan has been included with the Transport Statement and the Highway Authority is happy with the principles this sets out. They have requested that the detailed Travel Plan and the provision of the bus stops be secured through a Section 106 agreement. This agreement is being drawn up between the applicant and Devon County Council as Highway Authority.

The internal road will be built to standards which could mean it could be adopted by the Highway Authority and therefore the Highway Authority would recommend a condition be imposed to ensure details of its construction are agreed.

Policy DM8 of Local Plan Part 3 (Development Management Policies) sets out car parking requirements for different types of development. In respect of employment uses, this figure is a guide and does not prescribe minimum standards. For B1 and B2 uses, the standard is for 1 space per 30 square metres and for B8 uses is 1 space per 46.5 square metres. This equates to a need for between 250 and 389 parking spaces. The proposal includes for a total of 367 parking spaces and having regard to the size and nature of the proposed units, this is considered to be a satisfactory level of parking provision. The spaces are predominately situated adjacent to the proposed units, however 76 spaces are proposed on the site of the existing silage clamps in the middle of the site. These spaces will provide parking to those employed in Unit 3 but will also act as overspill and visitor parking for other units and the central location of this is considered to be appropriate. In addition to car parking spaces, provision is made for the parking of 50 lorries spread out across the site within the curtilage of proposed units.

4. Visual impact and impact upon the amenity of neighbouring properties and uses

The proposal does not extend the built development further into the countryside than the existing situation, other than for the erection of Unit 5 to the north of the existing Units 8-10 and to the south of Unit 4 and this proposed Unit 5 is to replace the existing Chicken House 2, which is isolated from the other buildings and is more visible, being adjacent to the B3440 and which has caused historic environmental problems due to its proximity to the village of Uffculme. This building is proposed to be demolished and the area returned to farmland and it is considered that the demolition of this building will result in a positive environmental impact.

The site generally falls from north to south, with there being an approximately 6 metre drop across the main body of the site. The land then falls another 3 metres to the field in which the attenuation pond is proposed be situated and continues to fall by several more metres down to the B3440 Willand to Uffculme Road. This topography and presence of existing vegetation surrounding the site and the wider immediate landscape means that it is not particularly prominent in the surrounding area. There will be some visual impact arising from the increased use of the site and of the parking of lorries and other vehicles relatively close to the site access, however views into the site from the B3181 are limited to the short stretch of road which bounds the site and overall the alterations proposed will have a minimal visual impact and in this respect meet with policies COR2 of Core Strategy (Local Plan Part 1) and DM2 and DM20 of Local Plan Part 3 (Development Management Policies).

A new 1 metre high, 10 metre wide planted bund is proposed around part of the eastern boundary of the site in order to provide a definitive boundary to it. The bund is proposed to be planted with 50% native tree species (Beech, Field Maple and Common Oak) and 50% native shrub species (Hazel and Hawthorn). The provision of this planting is welcomed so as to form a recognised boundary to the site. Additional planting is also proposed to form an avenue along the main internal road and to provide wildflower meadows and staff breakout areas. A condition to require the submission of additional landscaping proposals is recommended with any grant of approval.

Three letters of objection have been received from the occupiers of two properties to the south of the site, on the opposite side of the B3440, approximately 380m from the southern extent of the application site. These properties lie close by the Langlands Business Park which is also in the control of the applicants and much of the objection relates to concerns that stem from the evolution and running of Langlands. This application must be determined on its own merits and any concerns which the objectors have regarding the operation of Langlands Business Park may be separately addressed.

There are two dwellings in the ownership of the applicants immediately to the west of the application site. The scheme has been revised since submission so that a parking area is no longer proposed immediately adjacent to the rear garden of one of these properties.

The Environmental Health department of this authority has been consulted on the application and has raised no objections on the grounds of noise or any other nuisance. The application site is considered to be a sufficient distance from the nearest neighbouring properties not in the applicants control so as to not cause a nuisance and in this respect the application accords with the requirements of policy DM2 of Local Plan Part 3 (Development Management Policies).

5. Flooding and drainage

The application site is not in an area at risk of flooding from rivers and is at a low risk from surface water flooding, however there are known historic issues regarding the flooding of properties to the south of the application site and it is imperative that the proposed development does not increase the existing surface water run-off rate so as not to exacerbate any existing problems.

The existing site is drained via a private surface water system which discharges into an attenuation pond in the field to the south of the main buildings. This pond discharges attenuated flows back to the existing ditch which in turn joins the River Culm approximately 750m to the south of the site.

The application has been accompanied by a Flood Risk Assessment and drainage plan. The proposals aim

to manage surface water run-off from the additional impermeable areas through the use of more than one Sustainable Urban Drainage (SUD) feature. Due to the underlying soil type soakaways will not work in this location and so the strategy aims to attenuate surface water through the features and the capacity of these features has been calculated to take into account the effects of climate change. In addition, the scheme aims to improve the storage capacity for the existing development, which does not have the capabilities of dealing with extreme rainfall events.

In particular, the proposal includes the enlargement of an existing attenuation pond situated to the south of the main group of buildings and for water to outflow from this through a long term storage secondary pond and then out to the River Culm via a hydraulic control to restrict the flow of water to pre-development rates. The principle of these details is considered to be acceptable and the Environment Agency has raised no objections to the proposals, finding that they conform to current best practice. In the event of an approval, a condition is recommended for imposition to require full details of the drainage scheme are provided alongside a scheme for its long term maintenance and management as the system is not proposed to be adopted by a drainage body.

The site is presently not on mains foul drainage, however the proposal includes for connection to the main foul sewer at Culm Valley Way, Uffculme approximately 675 metres to the south east. South West Water has been consulted on the application and has raised no objections and it is noted that this aspect of the proposal is welcomed by the local Parish Councils.

6. Other matters

The application is accompanied by a Wildlife Survey. The survey did not find any indication of bat activity in any of the buildings some are considered to offer limited potential for roosting. No nesting birds were found but previous used nests of Wren and Doves or Pigeons were found. House Sparrow and Pied Wagtail were found to be very active around building 14 and 15 (location of proposed Unit 12) and could potentially nest. The survey includes recommendations for the provision of bat and bird boxes and for the use of only locally native species in any landscaping scheme. Compliance with these recommendations can be controlled by condition.

Policy AL/IN/6 of the Allocations and Infrastructure Development Plan Document requires major developments to provide for at least 14% of their energy requirements from renewable or decentralised sources. The application has been accompanied by a Carbon Reduction Strategy which demonstrates that through the adoption of measures such as increased insulation, the use of a biomass boiler for heating, the use of LED lighting and with the provision of solar panels on the roofs of the new buildings, this figure can be achieved. On a similar note, policy DM3 of Local Plan Part 3 (Development Management Policies) seeks new major commercial development to be constructed to meet with BREEAM 'Very good' standard. The application is supported by a BREEAM 2014 Pre-assessment report which assesses each new building proposed and demonstrates that they are capable of achieving the required rating.

7. The planning balance

In view of the size of the proposal, it is questionable whether the application could be considered as a 'smaller scale rural employment site' as suggested to be brought forward in the Employment Land Review and the application is certainly contrary to the overall policy objective of policy DM20 in Local Plan Part 3 (Development Management Policies). However, approving the application would bring forward new employment development in the short to medium term, which is desirable given the longer lead in likely to take place on strategic allocations which are in early stages of development and having regard to the relatively low levels of annual employment provision in recent years when compared with policy targets.

Whilst the approval of the application may further jeopardise development at the Mid Devon Business Park in nearby Willand, the reality of the situation is that the current economic demands and the local commercial market are not favourable toward the 'design and build' models being offered at Willand Business Park and also being offered at Cullompton. The piecemeal development of the Hitchcocks Farm site has been brought about through the readily available nature of the units and the flexible nature of the rents and tenancy conditions being offered and the indication from this Authority's Economic Development team and also coming from the letters of support received is that these are the types of unit which are desired by local

businesses. This weighs in favour of granting planning permission.

The piecemeal development has resulted in a site which has commercial activities sitting alongside redundant agricultural buildings and which is not properly lit, does not have quality internal surfaces, is not as easily accessible by sustainable means as it could be and does not reflect the quality of a commercial park which it is desirable to promote. The proposed scheme will resolve these issues with the development of all of the site for commercial purposes and will facilitate an improvement in the quality of the site through the provision of an internal road to an adoptable standard, the introduction of proper lighting and footways, including the provision of dedicated pedestrian and cycle access points and access to bus stops, connection to the mains foul sewer and provision of improved surface water drainage facilities. By making the site more visually appealing it will be easier to market to potential investors than some other local sites. In addition, the removal of Chicken House 2 will be of environmental benefit. These factors also weigh in favour of granting planning permission.

The National Planning Policy Framework places great weight on the need to ensure that the economy grows but is clear that this should nevertheless be carried out in a way which equates to sustainable development and both the National Planning Policy Framework and policy DM1 of Local Plan Part 3 (Development Management Policies) set out a presumption in favour of sustainable development.

The site is outside any recognised settlement boundary but lies in relatively close proximity to the villages of Willand and Uffculme and has good vehicular access to the M5 at Junction 27. The proposal involves the provision of bus stops along the route of a regular bus service to both of these villages and the larger settlements of Tiverton, Cullompton and Exeter (to be secured through a Section 106 agreement) and the National Cycle Network route 3 runs immediately to the west of the site, providing access to Tiverton Parkway Railway Station. Conditions could be included to ensure that adequate foul and surface water drainage, landscaping and parking and turning are provided.

Having carefully balanced all of these issues, it is considered that the benefits of the scheme arising through the rationalisation of the site and the provision of employment floorspace for which there is a documented demand outweighs any harm caused as a result of the site being located outside of the recognised settlement boundaries of any settlement. The site is not so divorced from the villages of Willand and Uffculme so as to be inaccessible by sustainable means, although it is accepted that the majority of trips are likely to be car. On balance, the application represents an acceptable form of development and conditional approval is therefore recommended.

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. Other than works for the provision of the additional hardstanding to the south of Unit 3, the provision of the building known as Unit 3a and the occupation of The Forge, the development hereby permitted shall not be commenced until a programme showing the phasing of the development (taking account of the requirements of conditions 4, 7 and 12 below) has been submitted to, and been approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved phasing programme.
4. Other than works for the provision of the additional hardstanding to the south of Unit 3, the provision of the building known as Unit 3a and the occupation of The Forge, no development shall begin until details of the proposed estate road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture (to include lighting) have been submitted to and approved in writing by the Local Planning Authority. For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of

construction and a timescale for their implementation shall be submitted to the Local Planning Authority. The aforementioned infrastructure shall be constructed and laid out in accordance with the details as approved.

5. Other than for the occupation of The Forge, before any individual unit of employment premises is first brought into use, the access, parking and turning facilities to serve that unit shall be properly surfaced, drained, consolidated and marked out in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority and be so retained.
6. A scheme for the permanent closure of the two existing accesses currently serving the site from the S3614, (other than for the northern of those two accesses continuing to give access to Hitchcocks Farmhouse and the premises currently known as 'Tilhill Forestry Office Building') and for the access onto Bridwell Avenue shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a timescale for the closure works and other than the occupation of Unit 3, Unit 3a and The Forge, no employment units shall be occupied until the closure works have occurred in full. Once approved the development shall be carried out strictly in accordance with the approved scheme. Following these access closure works, motorised vehicular access to the application site shall only be obtained from the main Hitchcocks Farm access onto the B3181, Willand to A38 road.
7. Other than works for the provision of the additional hardstanding to the south of Unit 3, the provision of the building known as Unit 3a and the occupation of The Forge, no development shall begin until there has been submitted to, and approved in writing by the Local Planning Authority, a landscaping scheme, including details of any changes proposed in existing ground levels and a phasing plan for their implementation. All planting, seeding, turfing or earth reprofiling comprised in the approved details of landscaping shall be carried out within 9 months of the substantial completion of the development, (or phase thereof) be so retained. Any trees or plants which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.
8. The additional landscaping works contained in the submitted document titled 'Landscaping Boundary Detail' dated 25th September 2014, ref. AJP/1808K and received by the Local Planning Authority on 30th September 2014 shall be carried out in full within 9 months of the substantial completion of the conversion works to Unit 13, the erection of Unit 5 or the erection of Units 15 and 16, whichever is the earlier and be so retained. Any trees or plants which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.
9. The development shall be carried out strictly in accordance with the recommendations set out in section 6 of the submitted Protected Species Survey dated April 2014 by Country Contracts, received by the Local Planning Authority on 1st September 2014 and all recommendations for the provision of additional bat and bird boxes shall have been fully implemented prior to the first works to convert any of the existing buildings not already in employment use or prior to the first works to demolish any of the existing agricultural buildings consented for replacement, whichever is the earlier.
10. Each of the new buildings proposed for construction as part of the development shall be constructed to achieve at least a BREEAM "very good" standard in accordance with details set out in a BREEAM design stage assessment which shall previously have been submitted to and approved in writing by the Local Planning Authority.
11. At least 14% of the energy to be used in the development shall be provided from solar panels and biomass boilers in accordance with the submitted Carbon Reduction Strategy by Abricon dated 16th July 2014 and received by the Local Planning Authority on 1st September 2014. The measures shall be installed and operational before each new building is first brought into its intended use.
12. Other than works for the provision of the additional hardstanding to the south of Unit 3, the provision of the building known as Unit 3a and the occupation of The Forge, no development shall begin until a scheme for the phasing and management and maintenance of the surface water drainage facilities hereby approved shall have been submitted to and approved in writing by the Local Planning

Authority. The approved management and maintenance scheme shall be implemented on completion of the first phase of the development as agreed as part of this condition and condition 3 and shall thereafter be permanently retained, managed and maintained in accordance with the approved scheme.

13. Other than works for the provision of the additional hardstanding to the south of Unit 3, the provision of the building known as Unit 3a and the occupation of The Forge, no individual unit of commercial accommodation shall be occupied until that unit of commercial accommodation is connected to the mains foul sewer.
14. No works for the erection of any new building or the conversion of any existing building where those conversion works involve changes to external appearance shall begin until details of the materials to be used in the external surfaces of the building/s have works has been submitted to and approved in writing by the Local Planning Authority. The development 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. The Local Planning Authority wishes to ensure that the development proceeds in an orderly manner and in the interests of safeguarding the amenities of current and future occupants off the site and immediately surrounding area in accordance with Policy DM2 of the Local Plan Part 3 (Development Management Policies).
4. In the interests of providing a properly serviced site and to ensure that adequate information is available for the proper consideration of the detailed highway proposals, in accordance with policy DM2 of Local Plan Part 3 (Development Management Policies).
5. In the interests of providing a properly serviced site and of providing adequate parking and turning facilities for traffic attracted to the site, in accordance with Policy DM2 of Local Plan Part 3 (Development Management Policies).
6. In order to direct traffic attracted to the site to the most appropriate vehicular access in the interests of highway safety and to provide appropriate separate pedestrian and bicycle access points, in accordance with policy DM2 of Local Plan Part 3 (Development Management Policies).
7. To ensure that the development makes a positive contribution to the character and amenity of the area and the quality of the completed development in accordance with policy DM2 of Local Plan Part 3: (Development Management Policies).
8. To ensure that the development makes a positive contribution to the character and amenity of the area and the quality of the completed development and to provide a clear boundary to the developed site in accordance with policy DM2 of Local Plan Part 3: (Development Management Policies).
9. In the interests of protecting the habitats of protected species which may be using the application site.
10. In the interests of the sustainability of the development in accordance with Policy DM3 of the Mid Devon Local Plan Part 3 (Development Management Policies).
11. To provide a reduction in the carbon footprint of the building in accordance with Policy AL/IN/6 of the Mid Devon Allocations and Infrastructure Development Plan Document (Local Plan Part 2).

12. In order to ensure that adequate maintenance arrangements are in place for the privately owned drainage facilities to serve the site in accordance with Policy DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).
13. To ensure that adequate foul drainage facilities are available to serve the proposed development.
14. To ensure that the development makes a positive contribution to the character and amenity of the area and the quality of the completed development in accordance with policy DM2 of Local Plan Part 3: (Development Management Policies).

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

Mid Devon's Employment Land Review recommended that planning policies be applied flexibly for proposals for employment development and that smaller sites be brought forward. Whilst the amount of employment floorspace proposed is greater than has been completed in any of the recent years, given the already partially developed nature of the site for employment uses it is not considered that the proposal is for significant amounts of development so as to have a demonstrable impact upon the viability of existing allocated and consented sites.

The site is outside any recognised settlement boundary but lies in relatively close proximity to the villages of Willand and Uffculme and has good vehicular access to the M5 at Junction 27. The proposal involves the provision of bus stops along the route of a regular bus service to both of these villages and the larger settlements of Tiverton, Cullompton and Exeter (to be secured through a Section 106 agreement) and the National Cycle Network route 3 runs immediately to the west of the site, providing access to Tiverton Parkway Railway Station.

The proposal will bring benefits to the existing site by providing an industrial estate which is properly planned and laid out and which is connected to mains sewerage facilities and provides suitable means of surface water drainage. The site is not highly visible in the wider landscape and with additional landscaping proposed this limited visual impact will be further ameliorated.

The proposal will generate additional vehicular movements but the existing highway network is sufficient so as to cater for these safely and subject to the imposed conditions, the internal layout will provide adequate access, parking and turning for all traffic attracted to the site.

The proposal is not in accordance with the provisions of the Development Plan regarding the development of employment floorspace in rural locations, however having regard to all material considerations, including all consultation responses and representations received, the benefits of the scheme in providing employment development in the district and in this location are considered to outweigh any harm arising and the lack of compliance with the Development Plan and therefore conditional approval is recommended. In all other respects, the application is in accordance with the provisions of policies COR2, COR4, COR5, COR8, COR9, COR10 and COR11 of Core Strategy (Local Plan Part 1), AL/IN/6 of the Allocations and Infrastructure Development Plan Document (Local Plan Part 2) and DM2, DM3, DM4, DM6, DM8 and DM28 of Local Plan Part 3 (Development Management Policies).

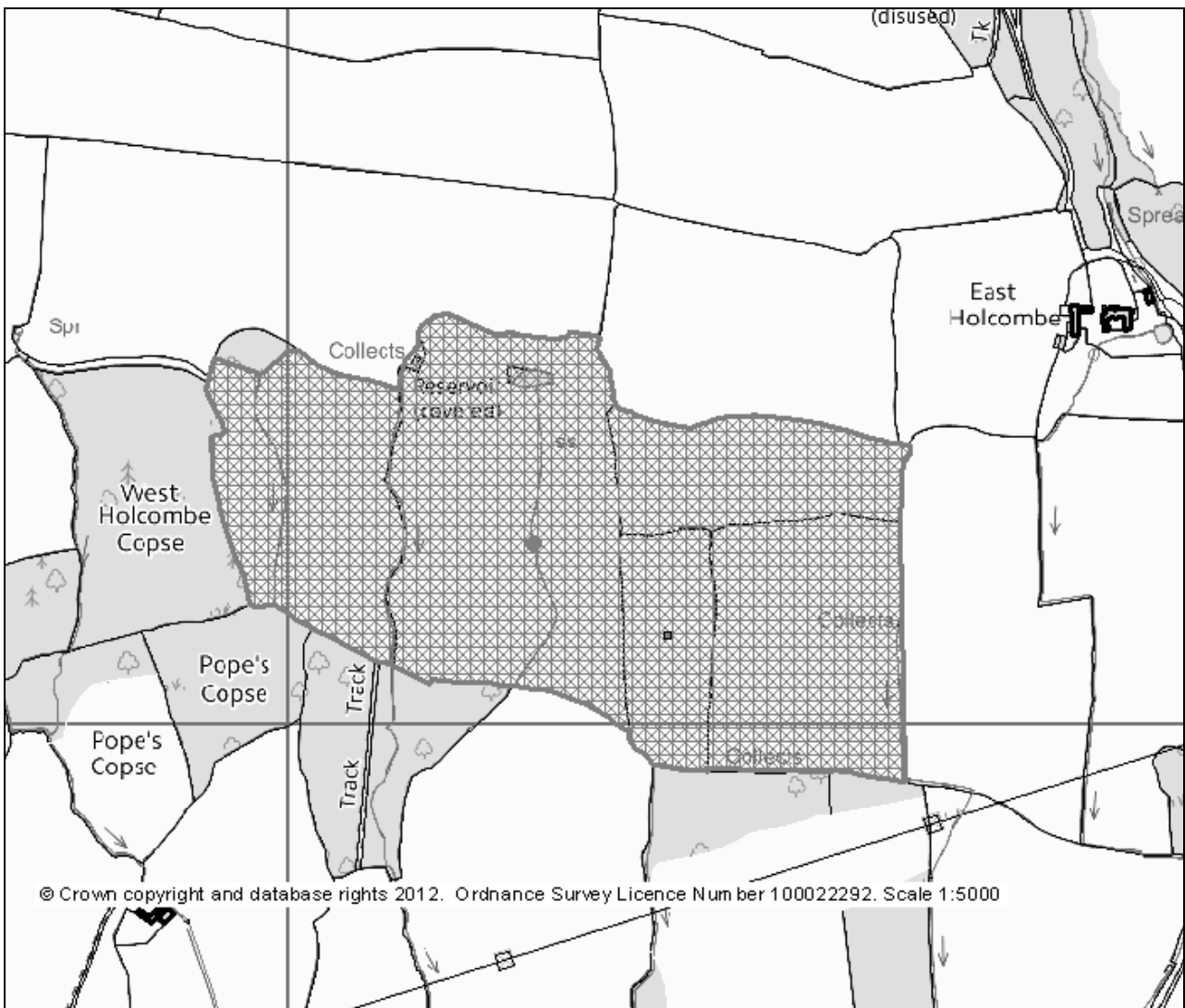
Grid Ref: 299298 : 125070

Applicant: Mr J Wearmouth, Wessex Solar Energy

Location: Land at NGR 299298 125070 (East of Bowdens Lane) Shillingford Devon

Proposal: Installation of solar energy farm on 13.34 ha of land to generate 5.5 megawatts of energy (Revised scheme)

Date Valid: 28th August 2014



Application No. 14/01452/MFUL

RECOMMENDATION

Grant permission subject to conditions.

PROPOSED DEVELOPMENT

The application is for the installation of a ground mounted photovoltaic solar array on approximately 13.34 hectares of agricultural land to generate up to 5.5MW of power, together with associated infrastructure.

The application site lies approximately 1.4 kilometres to the north-east of Shillingford. The site consists of 5 agricultural fields and extends to approximately 13.34 hectares. The land is currently used for grazing. The topography of the site is south facing sloping land on the northern side of a valley. The site itself is on the lower ground which has a gentler slope than the higher fields. An overhead electricity line runs to the south of the site.

The development would consist of 26,300 crystalline PV panels mounted on steel frames to a maximum height of 3.5 metres, in rows facing towards the south. The application includes 5 x inverter/transformer cabins. The inverter cabins are to measure 8.7 metres x 2.6 metres and have a maximum height of 3.2 metres and will be on a concrete plinth set into the ground. A control building measuring 5 metres x 5 metres and 4.5 metres in height would be provided adjacent to the electricity sub-station at the Bowdens Lane entrance.

There would be an access track running east/west from the Bowdens Lane entrance to the site which would be approximately 1.4 kilometres long, 3 metres wide and surfaced with aggregate.

It is intended that the security fencing would be deer fencing with a height of 2.5 metres with security cameras mounted on the fence posts. No lighting is proposed.

Additional hedge and copse planting is proposed.

Permission is sought for a temporary 25 year period, after which the land would revert to agriculture.

APPLICANT'S SUPPORTING INFORMATION

Environmental Statement including:

- Landscape and Visual Impact
- Ecology and Ornithology
- Cultural Heritage/Archaeology
- Noise
- Traffic and Infrastructure
- Cumulative impacts

Agricultural Land Classification

Landscape and Visual Impact Assessment

Statement of Community Involvement

Construction Traffic Management Plan

Flood Risk Assessment

Design and access statement

Site Selection and Consideration of Alternative Sites

Archaeological Desk Based Assessment

PLANNING HISTORY

13/01552/PE Request for screening and scoping opinions in respect of solar park - EIA development due to potential cumulative impact with other proposed renewable energy developments in the immediate area.

14/00903/MFUL Installation of solar energy farm on 13.34 hectares of land to generate 5.5 megawatts of energy - WITHDRAWN - The application was withdrawn following your officers' concern over the content and accuracy of the Landscape and Visual Impact Assessment.

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR2 - Local Distinctiveness
COR5 - Climate Change
COR9 - Access
COR11 - Flooding
COR18 - Countryside

Mid Devon Local Plan Part 3 (Development Management Policies)

DM2 - High quality design
DM5 - Renewable and low carbon energy
DM7 - Pollution
DM30 - Other protected sites

National Planning Policy Framework
National Policy Statement EN-1
Planning Practice Guidance for Renewable and Low Carbon Energy

Mid Devon Guidance
Mid Devon Landscape Character Assessment
An Assessment of the Landscape Sensitivity to Onshore Wind Energy and Large Scale Photovoltaic Development in Mid Devon District

CONSULTATIONS

HISTORIC ENVIRONMENT SERVICE - 18th September 2014 - 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.

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

BAMPTON TOWN COUNCIL - 9th October 2014 - The Council objected to this proposal as being wholly unsuitable for a profoundly rural area, in which the development would be highly visible, and on land of a high or high/medium sensitivity. The Council acknowledged the relevance of the Government initiative to protect the landscape against the incursion of solar farms.

HIGHWAY AUTHORITY - 10th September 2014 - The Highway Authority has no objections in principle to the above application subject to the Construction management plan being conditional of the consent. The escorted HGV traffic from the B3227 being of paramount importance to avoid conflict and disruption.

Given the narrow nature of Bowden's Lane and the evidence of vehicle rubbing on the embankments the applicant may wish to consider the transfer of Panels to small vehicles through a marshalling yard. This is advisory only.

The applicant should also make available the use of a road sweeper should the wheel washing facilities be insufficient in themselves to prevent mud and detritus from entering the public highway.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, HAS NO OBJECTION TO THE PROPOSED DEVELOPMENT.

ENVIRONMENT AGENCY - 25th September 2014 - No objection to the proposal providing development proceeds in accordance with the submitted Flood Risk Assessment.

MOREBATH PARISH COUNCIL - 8th October 2014 - Too large for an unspoilt green valley. Better non agricultural land available, as this is an industrial scale project.

NATURAL ENGLAND - 12th September 2014 - Designated sites

This application is not in close proximity to any Sites of Special Scientific Interest (SSSI). Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which any sites have been notified. We therefore advise your authority that they do not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(I) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.

Landscape

Having reviewed the application Natural England does not wish to comment on this development proposal. The development however, relates to the Exmoor National Park. We therefore advise you to seek the advice of the National Park Authority. Their knowledge of the location and wider landscape setting of the development should help to confirm whether or not it would impact significantly on the purposes of the National Park designation. They will also be able to advise whether the development accords with their aims and policies.

Local Sites and Issues

We would expect the Local Planning Authority (LPA) to assess and consider the other possible impacts resulting from this proposal on the following when determining this application:

- local sites (biodiversity and geodiversity)
- local landscape character
- local or national biodiversity priority habitats and species.

Natural England does not hold locally specific information relating to the above. These remain material considerations in the determination of this planning application and we recommend that you seek further information from the appropriate bodies (which may include the local records centre, your local wildlife trust, local geoconservation group or other recording society and a local landscape characterisation document) in order to ensure the LPA has sufficient information to fully understand the impact of the proposal before it determines the application. A more comprehensive list of local groups can be found at Wildlife and Countryside link.

Soil and land quality

From the documents accompanying the consultation we consider this application falls outside the scope of the Development Management Procedure Order (as amended) consultation arrangements, as the proposed development would not appear to lead to the loss of over 20 ha 'best and most versatile' agricultural land (paragraph 112 of the National Planning Policy Framework). For this reason we do not propose to make any detailed comments in relation to agricultural land quality and soils, although more general guidance is available in Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites, and we recommend that this is followed. If, however, you consider the proposal has significant implications for further loss of 'best and most versatile' agricultural land, we would be pleased to discuss the matter further.

We note that the panel arrays would be mounted on steel posts driven into the ground and that no substantial areas of concrete construction would be required, with the exception of foundations for the Inverter and the sub-station buildings, meaning that the panel arrays could be removed when planning permission expired with no likely permanent loss of agricultural land quality in the long term. Whilst soil

would be disturbed in some parts of the site through the construction of the switch station and access tracks and installing of buried cables this equates to a relatively small area and much of the soil disturbance is likely to be reversible during decommissioning.

We note that the Design and Access statement states that agricultural use of the land would subsist alongside the proposed PV panels through the grazing of sheep and that the land would be restored to full agricultural use at the end of the life of the park (approximately 25 years).

Our comments assume that any planning approval would require the site to be decommissioned and returned to agricultural use when planning permission expired.

We recommend the following points are secured as conditions should the Council be minded to grant permission.

- Removal of the panels and associated infrastructure when permission expires.
- Production of a soil management strategy. We recommend the developer uses an appropriately experienced soil specialist to advise on and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of the different soils on site.

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 provides the opportunity to incorporate features into the design which are beneficial to wildlife. In particular it provides an opportunity to secure the restoration and enhancement of Devon hedgerows with flower rich banks and margins.

Green infrastructure is increasingly recognised as an essential component of any truly sustainable development. Natural England considers this proposal may provide an opportunity to contribute to your Authority's Green Infrastructure (GI) strategy.

If Sustainable Urban Drainage Systems are proposed, they can also contribute towards green infrastructure by increasing biodiversity and amenity value. Paragraph 103 of the NPPF indicates that development should be required to give priority to the use of sustainable drainage systems.

We note the proposals in the LVIA (Land Lizard revised August 2014) and chapter 6 Volume 1 of the Environmental Statement although we consider sufficient space should be given to hedgerows to allow them to continue functioning ecologically (as stated in the ES Vol Ch 6 - 'Buffer zones of at least 5m will be put into place between the solar panels and the boundaries of the fields'). Our advice is that these enhancements and any others are secured, by condition, through an environmental management plan to provide clarity and assurance about what will be secured.

NATIONAL AIR TRAFFIC SERVICE - 10th September 2014 - The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

However, please be aware that this response applies specifically to the above consultation and only reflects the position of NATS (that is responsible for the management of en route air traffic) based on the information supplied at the time of this application. This letter does not provide any indication of the position of any other party, whether they be an airport, airspace user or otherwise. It remains your responsibility to ensure that all the appropriate consultees are properly consulted.

If any changes are proposed to the information supplied to NATS in regard to this application which become the basis of a revised, amended or further application for approval, then as a statutory consultee NERL requires that it be further consulted on any such changes prior to any planning permission or any consent being granted.

NATIONAL GRID - 11th September 2014 - An assessment has been carried out with respect to National Grid Electricity Transmission plc's and National Grid Gas plc's apparatus. Please note it does not cover the items listed in the section "Your Responsibilities and Obligations", including gas service pipes and related apparatus.

For details of National Grid's network areas please see the National Grid website (<http://www.nationalgrid.com/uk/Gas/Safety/work/>) or the enclosed documentation.

Are My Works Affected?

National Grid has identified that it has no record of apparatus in the immediate vicinity of your enquiry.

REPRESENTATIONS

168 objections summarised as follows:

1. Solar should be directed to commercial or industrial development and not sited on agricultural land.
2. The benefit of the energy produced does not justify the harmful visual impact in a scenic area.
3. The Government made it clear in NPPG that that the need for renewable energy does not automatically override environmental protections and the planning concerns of local communities.
4. The Mid Devon Landscape Character Assessment recognises the scenic quality of the area and the landscape character types have either a medium high (3E) or high (1E) sensitivity to solar farm developments.
5. The site predominantly rural farmland without large man-made structures.
6. The site is just over a mile from Exmoor National Park and the development would be an unacceptable intrusion into a beautiful landscape.
7. The development will be an eyesore that is visible from both slopes of the valley, well known vantage points and the main road, particularly when the leaves are off the trees for 5 months a year.
8. The LVIA refers to the development being beneficial to the landscape character. How can the development be beneficial to a landscape that forms the setting of Exmoor National Park and has a moderate-high sensitivity to large scale solar (Devon Landscape Policy Advice Note 2).
9. The LVIA states the visual impact from many vantage points would be negligible but this does not take into account the months of the year with no leaf cover. The entire site would be visible in winter particularly from the B3227.
10. The photographs are taken in poor weather conditions and from angles which downplay the visual impact of the development.
11. Mid Devon's policy states that proposals should enhance the natural landscape which this development does not.
12. Mid Devon refused permission for a similar scheme in Morebath and the Planning Inspector at appeal said the development would have a significant adverse impact on the way the local community appreciate the character and visual quality of the landscape. This would also apply to the current application.
13. Mid Devon's Cabinet have approved a proposal to apply for AONB status for the Exe Valley which would add credence to the need to protect the area from industrialisation.
14. The inevitable lighting (recommended by the police) will cause light pollution right next to the Exmoor Dark Sky Reserve. The reflection of the solar farm on moonlit nights will affect appreciation of the night sky.

15. Bowdens Lane is narrow with no passing places. There is no pavement and there will be danger to pedestrians and other road users and to children using the play area in Bowdens Lane during the construction period, regardless of whether a convoy system is in place.
16. There will be considerable noise pollution during construction and no assessment has been made of noise during operation, for example from inverters.
17. The development will exacerbate surface water run-off in an area that is already prone to flooding.
18. The development will have a negative effect on the rural economy (local traders, holiday lets) as tourists who come to the area for its scenic qualities will be put off by the solar development.
19. If the landscape is degraded by solar PV businesses are less likely to invest in the area and create jobs in the tourism and leisure industries.
20. The area is attractive for walking, horse riding, shooting, fishing and educational pursuits and the development will jeopardise the numbers of visitors for these activities.
21. The proposal does not support the local economy.
22. The roads in the area are well used by cyclists and road racing clubs and the B3227 was used in Stage 6 of the 2009 Tour of Britain. It is also a scenic route favoured by motorcyclists. The solar development would blight the well-used route.
23. The proposed will have a negative impact on deer and other wildlife using the valley and their protection has not been adequately assessed or addressed in the proposal.
24. The development will take valuable agricultural land out of production.
25. There is no need for this development. The UK Renewable Energy Roadmap shows that the UK is on track to meet the first interim target on the way to 15% renewable energy consumption by 2020. The Prime Minister's office has confirmed that all the projects needed to meet Britain's renewable energy targets have already received planning consent.
26. The solar farm will not produce 5.5 MW as claimed but much less. The applicant does not specify what the contribution is likely to be but based on a capacity factor of 10% (RegenSW) average power production would be 0.55MW and its contribution insignificant.
27. The UK Solar PV Strategy Part 1 sets out four guiding principles that PV should be cost effective, deliver genuine carbon reductions, be appropriately sited and provided opportunities for local communities to influence decisions that affect them, and support for solar PV should respond to the impacts on the grid system and financial incentives. These issues have not been addressed.
28. Energy Minister Greg Barker stated that subsidies have been revised to incentivise solar on buildings. Where solar is not on brownfield land, consider low grade agricultural land.
29. The proposal will put up energy bills locally and may cause the grid to overload.
30. There are no plans for restoration of the land at the end of the 25 year period or to deal with the potential for toxic materials to be released on decommissioning.
31. The supporting documentation is biased in favour of the developer and in particular the LVIA is inadequate with regard to the potential impact on nearby residents.
32. The site is close to a military low-flying zone and the interference and glare could cause problems.
33. The heritage of the area has been largely ignored in the assessment. The fields are indicated as medieval enclosures in the Mid Devon Assessment of Landscape Sensitivity which are of higher sensitivity to solar PV.
34. There has been no community involvement in the current submission. The community has not been kept informed by the developer as promised. The community's views have been misrepresented in the application.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

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

- 1. Benefits of renewable energy production and policy**
- 2. Agricultural land classification**
- 3. Landscape character**
- 4. Visual impact**
- 5. Mitigation planting**
- 6. Ecology**
- 7. Heritage assets**
- 8. Access**
- 9. Flood risk**

10. Impact on the local economy
11. Construction/decommissioning phases
12. EIA
13. Representations
14. Consideration of alternative sites
15. Planning balance

1. Benefits of renewable energy production and policy

The scheme would be capable of generating up to 5.5 megawatts of electricity annually which the applicant states would equate to the annual energy consumption of approximately 1,400 households. The applicant anticipates that the scheme would offset between 2,220 and 5,256 tonnes of CO₂ per year. The Government's target for the amount of electricity to come from renewable sources by 2020 is currently 15%. According to RegenSW's Renewable Energy Progress Report 2014, to date, the amount of electricity generated from renewable sources in the South West stands at 8.3% of demand (1,185 megawatts). Solar PVs in Devon contribute 208.44 megawatts (installed capacity) as at March 2014. The level of energy generation provided by the proposed development would make a considerable contribution towards renewable energy targets in the UK.

Policy COR5 of the Mid Devon Core Strategy (LP1) states that measures will be sought to contribute towards national (and regional) targets for the reduction of greenhouse gas emissions, including the development of renewable energy in locations with an acceptable local impact, including visual, on nearby residents and wildlife. Policy DM5 and the NPPF require the benefits of renewable energy to be weighed against its impact. DM5 states that proposals for renewable energy will be permitted where they do not have significant adverse impacts on the character, amenity and visual quality of the area. Where significant impacts are identified through Environmental Impact Assessment, the Council will balance the impact against the wider benefits of delivering low carbon energy. Development must consider landscape character and heritage assets, environmental amenity of nearby properties in accordance with policy DM7, quality and productivity of the best and most versatile agricultural land (grades 1, 2 and 3a) and biodiversity (avoiding habitat fragmentation).

The NPPF states that Local Planning Authorities should design their policies to maximise renewable energy development while ensuring that adverse impacts are addressed satisfactorily. The NPPF also states that when determining planning applications, Local Planning Authorities should not require applicants to demonstrate the overall need for renewable energy and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions. Local Planning Authorities should approve applications for renewable energy if its impacts are (or can be made) acceptable.

The overarching national policy statement for energy (EN-1) is generally aimed at nationally significant infrastructure projects but also has relevance for more local renewable energy schemes. The statement promotes renewable energy but recognises that the development of new energy infrastructure is likely to have some negative effects on biodiversity, landscape/visual amenity.

Planning Policy Guidance states that Local Planning Authorities should focus large scale solar farms on previously developed and non-agricultural land, provided that it is not of high environmental value. Where a proposal involves greenfield land, the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land and the proposal allows for the continued agricultural use where applicable and/or encourages biodiversity improvements around arrays. The Guidance also requires that the proposal's visual impact, the effect of glint and glare and the effect on neighbouring uses, aircraft safety and the need for and impact of security measures are all considered. Great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance.

For this application, the benefits of the production of renewable energy should be weighed against the potential impacts on the environment, the character and visual amenity of the area, and the amenities of the local area and nearby residents.

2. Agricultural land classification

The submitted desk-based report on agricultural land quality classifies the land as Grade 3b, with some Grade 4 land. Policy DM5 seeks to avoid renewable energy developments on best quality agricultural land (Grades 1, 2 and 3a) and the development is considered to comply with this policy and Planning Policy Guidance that poor quality agricultural land should be used in preference to higher quality land (if the use of agricultural land is considered to be necessary).

3. Landscape character

The site consists of 5 adjacent pasture fields on the lower slopes of a south facing valley side, bounded by hedges and crossed by surface water flows, with blocks of woodland to the south and west and rising ground to the north. A surface power line with pylons runs east-west across the southern boundary of the site and there is an existing electricity sub-station at the proposed entrance in Bowdens Lane.

The site sits within Mid Devon landscape character type 3E Lowland plains (Mid Devon District Landscape Character Assessment 2011). This landscape is characterised by gently rolling middle ground to lowland with smooth, rounded hilltops that have concave lower and convex upper slopes, primarily arable farmland some improved grassland, fields divided by hedgerows and hedgebanks, with hedges forming spines along rolling hills, and rib-like hedges crossing the convex slopes down into the valleys. Hedgerow trees are infrequent with copses and discrete woodlands. There are a number of outlying, regularly distributed farms, villages and hamlets and small groups of houses, generally a sparsely populated area. Views are highly variable, the landscape semi-open with some long views afforded from hilltops. Where hedges are high, views are mostly framed or confined with glimpses into and out only present from field gate openings.

Immediately to the north of the site, on the higher valley slopes, the landscape character type changes to 3A Upper farmed and wooded valley slopes. This landscape is characterised by convex and rounded hilltops forming ridges with moderately dry, fertile smooth slopes running into small-scale vales with damp character. The landscape is characterised by extensive tracts of medium-scale fields of permanent pasture, semi-improved grassland, with wet flushes and springs on lower ground. Hedgerows are dense and trees are abundant with mostly deciduous copses. Isolated farms, rural cottages and farm buildings are located on the hillsides and tend to be visually prominent in the landscape. There are long-distance views from one hilltop to another.

The site is not within a designated landscape, although the boundary of Exmoor National Park is approximately 2.8 km to the north-west. Mid Devon's Cabinet has approved a proposal to pursue the possibility of designating the Exe Valley as an Area of Outstanding Natural Beauty. Work on this proposal has not begun and your officers consider that the Cabinet decision carries no weight in determining this planning application.

The submitted Landscape and Visual Impact Assessment (LVIA) describes these character types and assesses the site as having features of both landscape types. It describes the development as having been designed to fit within the grain and scale of the landscape by retaining all field boundaries and water features and fitting the panels between these landscape features.

The submitted LVIA describes the value of the landscape as of low and local value being less valued than many other more highly valued landscapes nearby but enjoyed by the resident, though sparse, population. The LVIA states that the site is largely enclosed by topography, woodland and hedgerows and locations from which the site may be seen and/or experienced are not generally accessible to the public. The LVIA describes the landscape change, both through the introduction of the panels and associated structures and through the increased planting proposed. The LVIA concludes that the landscape effects will be low adverse on completion, becoming neutral within a few years as the planting establishes and moderate positive within 10 to 15 years as the new landscape matures. The landscape section of the LVIA covers only the operational phase and ignores construction, decommissioning and the access track.

The submitted LVIA does not refer to the guidance An Assessment of the Landscape Sensitivity to Onshore Wind Energy and Large Scale Photovoltaic Development in Mid Devon District, which describes LCT 3E Lowland Plans as having a medium-high sensitivity to large scale solar PV and the neighbouring LCT 3A

Upper Farmed and Wooded Valley Slopes as having a high sensitivity to large scale solar PV. It should be noted that although this document is being developed as a supplementary planning document, it is currently guidance only and carries limited weight.

Your officers commissioned an independent review of the submitted LVIA which states that although landscape sensitivity has been identified, there is little detail on methodology or assessment and the value of non-designated landscape needs careful consideration. The consultants consider that the value of non-designated landscapes should be assessed in terms of a number of attributes, such as landscape quality, rarity, recreation value and tranquillity and consider the submitted LVIA shows little evidence of this and seems to rely on the lack of designation. Impacts on landscape character were not considered in the analysis of the various viewpoints and the significance of the impacts has not been identified.

Your officers agree that the value of the landscape has been understated in the submitted LVIA and cannot agree that there will be an overall positive effect on landscape character as the additional planting matures. Your officers consider that the character of the landscape would be fundamentally changed with the introduction of panels, fencing and cabins. However, the independent consultants have concluded that despite under-stating of the value of the landscape and the over-stating of the landscape benefits of the scheme, the development would still have an acceptable impact on landscape character.

Policy COR2 of the Mid Devon Core Strategy (LP1) requires development to sustain the distinctive qualities of Mid Devon's natural landscape, supporting opportunities identified within landscape character areas and policy DM2 of the LP3 DMP requires development to show a clear understanding of the characteristics of the site its wider context and surrounding area and to make a positive contribution to local character. Policy COR18 of the Mid Devon Core Strategy (LP1) requires development outside settlements to enhance the character, appearance and biodiversity of the countryside while promoting sustainable diversification of the rural economy. Policy COR18 goes on to identify development that will be permitted outside of defined settlements, including renewable energy, and states that these types of development will be subject to specific development policies and subject to appropriate criteria identified on those policies.

Policy DM5 of the LP3 DMP sets out the criteria for assessing renewable and low carbon energy. The policy requires the benefits of renewable energy to be weighed against its impact. It states that proposals for renewable energy will be permitted where they do not have significant adverse impacts on the character, amenity and visual quality of the area. The importance of assessing landscape impact is also set out in the National Planning Policy Framework which states that Local Planning Authorities should design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts.

In terms of the direct landscape impacts of the development, your officers consider that the development would have some adverse impacts on the landscape character of the area which would be contrary to the requirements of policies COR2 of the Mid Devon Core Strategy (LP1) and DM2 of the LP3 DMP. However, planning policy requires the impacts to be weighed against the benefits and this consideration is set out in the planning balance section below.

4. Visual impact

In terms of visual impact, the submitted LVIA gives lists the visual receptors within a 2km study area and includes villages, hamlets, and individual farms/houses, as well as roads, footpaths and cycle routes and listed buildings. The LVIA identifies that few of the selected receptors have direct views of the site. Ten dwellings were identified as having distant or partial views of the site or views from barns only.

Concern has been raised that the roads in the area are well used by cyclists and road racing clubs and the B3227 is a scenic route favoured by motorcyclists. The submitted LVIA states that views from the B3227 have been identified as "negligible due to intervening vegetation, copses, riparian woodland and along the dismantled railway". Your officers would agree that only rare glimpses of the site would be available during the summer months. However, during winter months your officers consider that the site would be more visible, albeit the views still filtered by trees and vegetation. Distant partial views/minimal views were identified from bridleways in the area and no views were identified from public footpaths. Several viewpoints were selected as representative of views from public vantage points around the site and

photoviews and photomontages developed from these viewpoints. The site was not marked on the viewpoints making it difficult to assess the visual impact without the separate orientation sheet provided. Concern has been raised that the photographs were taken from angles and in weather conditions that reduce the visibility of the site in the photoviews.

The independent review of the LVIA identified that the photographs had no labelling and did not identify where the site lies in the view in terms of foreground/mid-ground, and the reader is left to make its own assessment of the visibility of the proposals. There is confusing use of black and dark blue for photoview and photomontage locations which are almost indistinguishable on the plan. In addition, your officers do not consider that the photomontages represent the view as it would be experienced: the photographs have been "squashed" vertically which has resulted in a reduction in panel coverage and increase in green space shown on the photomontages.

From their own assessment of the viewpoints, your officers consider that the site is somewhat more visible than the submitted LVIA identifies. The viewpoints of most concern are Photoview 7 from a field gate in Quartley Hill and Photoview 5 (Photomontage 2) from road junction at entrance to South Hayne Farm.

From Photoview 7, the sides and backs of panels will be clearly visible in the near-middle ground. The significance of the visual effects for this photoview has been assessed as being negligible as views are contrived and optional, and views are only briefly experienced. Local objection is based on the assertion that due to the nature of the landscape with views blocked by high hedges and trees, where there is a rare gap in these boundary features, such as a field gate, walkers, cyclists, horse riders and car drivers are likely to stop to take in the view. Your officers consider that the visual effect from this viewpoint would be greater than negligible and would agree that it is likely that people would stop in field gates to take in the view. However, the route is not considered to be one that is widely used and has no particular designation as a scenic route, public footpath or cycle route. The field gate is on a stretch of road where it is not logical for car drivers to stop and take in the view as the road is narrow at this point. There are other, similar, views from this lane where it would be necessary to stop in a gateway in order to view the solar PV development.

Photoview 5 shows the view from the road junction near to South Hayne Farm. The submitted LVIA states that the significance of the visual effect from this viewpoint is again negligible, due to views being distant and occasional, viewing being optional and the development being a very small part of the overall view which will be lost as mitigation planting matures. From this viewpoint there are open views through the field gate and above the hedge and it is a logical place to stop and take in the view, there being a layby next to the hedge. The development is partially screened by woodland copses to the south and west which breaks up the massing of the site. Your officers would agree that views from this vantage point are panoramic and the development would not dominate the view, however, do not agree that the visual significance of the development from this viewpoint is negligible. It should also be noted that the woodland copses to the south of the site which contribute to screening the site and breaking up its visual effect are not in the site landowner's control and could be removed at any time. This view is available for a short time moving westwards along the rural road with further fleeting glimpses available between and over the hedges from vantage points along this road.

An appeal in respect of a solar PV development at Keens approximately 2.5km to the west of the site was dismissed as the Inspector considered it would have a significant adverse effect on the visual and landscape quality of the area, despite there being energy infrastructure present in the form of local and national grid lines. However, the proposed Keens development was considerably more visible than that proposed in the current application, with key viewpoints available from a well-used byway, and a national cycle route running along lanes that pass the site.

The same policies that are considered under the landscape character section above apply equally to the visual amenity of the area: proposals for renewable energy will be permitted where they do not have significant adverse impacts on the character, amenity and visual quality of the area. Whilst your officers consider that there will be adverse visual impacts from a number of public vantage points, there are no viewpoints on identified well-used or designated routes where the solar PV development is considered to dominate the view, or have an overriding impact on the appreciation of the view. There are no public vantage points from which the entire site would be visible and although most of the site would be visible from Viewpoint 7, this view would not be representative of a general view from this lane. The independent review

of the submitted LVIA concludes that the site is an acceptable candidate for a solar PV development in landscape and visual terms.

In terms of the visual impacts of the development, your officers consider that the development would have some adverse impacts on the visual amenities of the area which would be contrary to the requirements of policies COR2 of the Mid Devon Core Strategy (LP1) and DM2 of the LP3 DMP. However, planning policy requires the impacts to be weighed against the benefits and this consideration is set out in the planning balance section below.

5. Mitigation planting

Hedges will be repaired and reinforced and new trees planted in the gaps between coppice woodland. The submitted landscape masterplan is confusing in that it is very difficult to differentiate existing and new planting from the key, although this has been annotated on the plan. The landscape design refers to cutting overgrown hedges and maintaining hedges at a minimum height of 3.5 metres (the same as the maximum panel height). It also refers to gapping up existing hedges, planting new trees and sowing a wildflower mix. The LVIA includes considerable detail on landscape design in association with a landscaping masterplan. The LVIA implies there will be considerable planting to reinforce existing landscape features and create new screening. Some new planting is shown along existing boundaries which will contribute towards screening the development but it is difficult to see how this additional planting would screen the development completely, as considered a potential in the flow chart to Photoview 5. As mentioned above, no mitigation planting is to be provided to compensate for the eventuality that the screening woodland outside of the landowner's control is removed.

Natural England has commented that "although we consider sufficient space should be given to hedgerows to allow them to continue functioning ecologically (...buffer zones of at least 5m will be put into place between the solar panels and the boundaries of the fields'), our advice is that these enhancements and any others are secured, by condition, through an environmental management plan to provide clarity and assurance about what will be secured. It is therefore recommended that a detailed environmental management plan is condition to describe in detail exactly what mitigation is proposed and how the proposed mitigation will be implemented. Subject to this, it is considered that the mitigation planting has the potential to improve existing landscape features in terms of reinforcing character, screening and enhancing biodiversity on the site, in accordance with policy DM2 of the LP3 DMP.

6 Ecology

The applicant's submitted ecology report identifies that there are no statutory designated sites within 2km of the site but there are 17 non-statutory designated sites within 2km, mostly unconfirmed wildlife sites, but also 6 County Wildlife Sites. These include areas of broadleaf woodland and unimproved or semi-improved grassland. The site itself has no designation and is grassland with species-poor hedgerow with some mature trees on the boundaries and in areas of copse. Ditches on the site had little marginal vegetation. The report concludes that due to the intense management of the site for keeping livestock, the site is highly unlikely to support any notable or protected floral species.

Impacts on the surrounding non-statutory sites and habitats have been identified as of negligible or low magnitude and not significant in most cases. The only significant impact identified was to Higher Dayles unconfirmed wildlife site from dust and vehicle pollution during the construction period but this was also considered to be of low magnitude. Policy DM30 of the LP3 DMP states that where development proposals would lead to an individual or cumulative impact on County Wildlife Sites, the Council will balance the overall benefits of the proposal against the impacts. There is no evidence that there will be any significant impacts on nearby County Wildlife Sites.

The report details the likely impacts on notable and protected species and concludes that the site provided limited habitats for protected species. Where there is some wildlife potential, for example, commuting or foraging routes for amphibians and bats, and nesting opportunities for birds in the surrounding hedges and trees, these features will be retained and buffer zones provided between boundary features and solar panels. Accordingly, it is not considered that the development will not have a material effect on these habitats. A small length of hedgerow is to be removed at the entrance to the site. If work takes place within

the breeding season, a nesting bird check will be made before work begins on this hedgerow. If nesting birds are found, work will be delayed until the young have fledged.

Concern has been raised that deer will not be able to travel freely through the site as they do presently. The site is a small part of the overall area of pasture and woodland and in any event deer are not a protected species for the purposes of consideration of this application.

Subject to the approval of an environmental management plan as recommended by Natural England, it is not considered that the proposal will materially harm any protected species or habitat and the additional planting and hedgerow enhancements proposed may provide wildlife enhancements. The proposal is considered to be in accordance with policy DM2 of the LP3 DMP which provides that development makes a positive contribution to biodiversity assets and policy DM5 which provides for consideration of biodiversity and habitat fragmentation in assessing planning applications.

7. Heritage assets

The heritage and archaeology assessment concludes that there is low potential for significant buried archaeological remains except for those associated with the post-medieval/modern West Holcombe homestead and a small area of water meadow.

Devon Historic Environment Service commented that the development would not have a significant impact upon any known heritage assets.

There are two Grade II listed buildings within 1km of the site, Hayne Barton approximately 600m to the south of the site and Lower Rill, approximately 600m south-west of the site. The submitted report confirms that there is no inter-visibility between these two listed buildings and the site and will not materially affect their settings or their significance.

Bampton Castle scheduled ancient monument is approximately 4km from the site and the intervening topography prevents intervisibility between the two sites. The Grade I listed Church of St Michael and All Angels in Bampton also has no intervisibility with the site, although the site is within the historic parish and hundred of Bampton.

Your officers do not consider that the development will materially affect the setting or significance of any designated heritage assets in accordance with policy DM27 of the LP3 DMP which requires that development considers its impact on heritage assets and their settings and the National Planning Policy Framework which requires that heritage assets are conserved in a manner appropriate to their significance.

8. Access

The site is to be accessed via Bowdens Lane, a mostly single track lane running north from the B3227. A 1.4km long stoned track will be constructed running east from the entrance to the site. Concern has been raised with regard to the suitability of Bowdens Lane for construction traffic and the potential danger to pedestrians and other road users, including the users of the play area in Bowdens Lane, from construction traffic.

The applicant has prepared a construction management plan which estimates that a 4 month period is required for construction. It is anticipated that during the construction period there would be approximately 30 vehicle movements per day for personnel, plus approximately 9 low loaders to deliver the construction plant and equipment to the site and approximately 9 low loaders to remove the construction plant and machinery from the site. It is anticipated 43 HGVs will be required to deliver the panels, frames, cabins, switchgear, housing and cabling. In addition, it is anticipated that approximately 92 HGVs and 21 concrete mixer trucks will be required to construct the access tracks and foundations for the inverters and control cabins. If the cabling trenches are backfilled with sand (rather than removed soil), a further 30 deliveries will be needed by HGV. Miscellaneous items such as fencing will require a further 40 truck deliveries.

The construction management plan sets out the approved route to the site and the hours of construction

(8am to 6pm Monday to Friday and 8am to 1pm Saturday). Construction traffic will be escorted to and from the site from the B3227.

The Highway Authority has no objections to the development subject to the construction management plan being conditioned. It considers the escorted HGV traffic from the B3227 being of paramount importance to avoid conflict and disruption. The Highway Authority has advised that panels are transferred onto smaller vehicles before entering Bowdens Lane but is not requiring this to be conditioned. The Highway Authority also recommends the use of a road sweeper should the wheel washing facilities be insufficient to prevent mud and detritus from entering the public highway. Subject to compliance with the construction management plan, your officers consider that the development is in accordance with the provisions in the National Planning Policy Framework in respect of highway safety.

9. Flood risk

The site is within Flood Zone 1 which has the lowest risk of flooding. However, there are numerous small watercourses, drains and small water bodies in the area and surface water flows crossing the site. The flood risk assessment states that the drains on the site are maintained by the landowner and will be maintained by the construction contractor/site operator to ensure their continued flow. The increase in impermeable areas of the site has the potential to increase surface water run-off and it is intended to address this additional run-off by the provision of swales on the site. The swale arrangement has been designed in consultation with the Environment Agency.

The National Planning Policy Framework and policy COR11 of the Mid Devon Core Strategy (LP1) require that development is directed to locations with the lowest risk of flooding and that development does not increase the risk of flooding properties elsewhere. Concern has been raised that the development may increase surface water run-off and contribute to an existing surface water flooding problem. Policy requires that development does not exacerbate any existing problems with flooding, but developers are not required to address existing flooding issues.

The Environment Agency has confirmed that it has no objection to the proposal providing development proceeds in accordance with the submitted Flood Risk Assessment, and it is recommended that this is conditioned. Subject to compliance with the requirements of the Environment Agency, your officers consider that the development accords with policy with respect to flood risk.

10. Impact on the local economy

Concern has been raised with regard to the negative impact of the proposal on the rural economy which is based on leisure and tourism. The landscape attracts tourists and is a focus for country leisure pursuits in the area. Local residents are concerned that the development of a solar PV development in the area will detract from the natural beauty of the area and lead to a reduction in the number of tourists coming to the area to stay in local holiday accommodation and take advantage of rural leisure pursuits. The area is considered to be a "gateway" to Exmoor National Park, often the first experience that tourists have of the area.

Exmoor is also a Dark Sky Reserve and concern has been raised that the solar PV development could have a negative effect on this designation and on the appreciation of the night sky in the local area. The applicant has confirmed that no lighting will be erected on the site and it is recommended that this is conditioned. Objections state that the police recommend lighting on solar PV developments and there will be pressure to install lighting. Any such application would be dealt with on its merits, bearing in mind the Dark Sky Reserve designation. Exmoor National Park Authority was consulted but to date has not responded to the consultation.

Mid Devon District Council recognises the importance of the tourism industry, particularly close to attractions such as Exmoor National Park, and would not wish to approve development that would have a significantly adverse impact on the rural economy. However, your officers do not consider that the development would be particularly visible for most visitors to the area and any negative effects on tourism are likely to be linked with visual and landscape impacts. If landscape and visual effects are not considered to be significant enough to warrant a refusal when balancing the benefits against the impacts, it would follow that any

negative effects on the tourism industry are also not significant enough to warrant a refusal.

11. Construction/decommissioning phases

It is intended to establish a temporary site construction compound being established at the north-west of the site which will be removed on completion of the works. The land will be returned to agricultural use at the end of the 25 year period and the Environmental Statement confirms that the decommissioning methods be submitted for approval 12 months prior to commencement of decommissioning. It is recommended that a detailed decommissioning plan is conditioned to be submitted and approved in accordance with this timescale.

12. Environmental Impact Assessment

The development was screened as requiring an Environmental Impact Assessment due to the potential for cumulative impacts with other planned solar schemes in the area. Two of these schemes were dismissed at appeal and a third withdrawn. A fourth scheme was screened for EIA but has not come forward. It is therefore not considered that there would be a cumulative impact with other solar developments.

13. Representations

Approximately 170 objections were received in connection with the proposal, including objections from Morebath Parish Council and neighbouring Bampton Town Council.

Objections relating to visual and landscape character impact, agricultural land classification, ecology, flooding and quality of the LVIA and other submitted documentation have been addressed in this report generally.

The efficiency of solar PV is not a material consideration as the Local Planning Authority needs to consider the benefits of producing renewable energy at the installed capacity of the scheme, rather than taking into consideration relative efficiencies and losses through the grid. Similarly, the economics of the scheme cannot be considered and the Local Planning Authority cannot take into account the need for renewable energy and the validity of the Government's renewable energy targets or subsidies.

Concern has been raised that noise from the operation of the equipment on site will have a negative effect on the amenities of residents. Bearing in mind the nearest dwelling is more than 200 metres from the site of the nearest inverter/transformer your officers do not consider this to be a material issue. Any noise nuisance, however unlikely, would be controlled by Environmental Health.

Concern has been raised that the supporting documentation is biased in favour of the developer and in particular the LVIA is inadequate with regard to the potential impact on nearby residents. This concern has been taken into account in the officer's assessment of the scheme.

Concern has been raised that the site is close to a military low-flying zone and the interference and glare could cause problems. The MOD was consulted on the application but to date no comments have been received. Air traffic control (NATS) has no objection to the proposal.

14. Consideration of alternative sites

Planning Practice Guidance on renewable and low carbon energy encourages the effective use of land by focusing large scale solar farms on previously developed and non-agricultural land, provided that it is not of high environmental value. It provides that where a proposal involves greenfield land (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.

The applicant has submitted a document setting out its consideration of alternative sites. The use of previously developed and non-agricultural sites has been considered and no viable sites have been identified that meet this criteria. Where no such viable sites are available, the use of agricultural land is required. As the site has been classified as Grades 3b and 4 agricultural land, it is intended to continue to

graze the site and biodiversity improvements are to be provided in the form of additional planting and management of existing hedgerows and trees, your officers consider that the Planning Practice Guidance tests have been met.

The Minister's speech referred to in the Planning Practice Guidance refers to not incentivising large scale solar on greenfield sites in the future but instead incentivising solar on buildings. It goes on to say that where agricultural land is used, this should be on low grade agricultural land, incorporating visual screening and involving communities. Development of solar PV should take into consideration the impacts on the landscape (considered above in this report) and on local communities. The speech also states that the development of solar PV is at the heart of the Government's green agenda.

Local Planning Authorities are required to balance the benefits of renewable energy provision against the potential harm and this report seeks to set out both the benefits and the harm and to balance these in making a recommendation.

15. Planning balance

Policy DM5 of the LP3 DMP requires the benefits of renewable energy to be weighed against its impact. It states that proposals for renewable energy will be permitted where they do not have significant adverse impacts on the character, amenity and visual quality of the area. The importance of assessing landscape impact is also set out in the National Planning Policy Framework which states that Local Planning Authorities should design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts.

The NPPF also states that planning "plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development." It requires Local Planning Authorities to have a positive strategy to promote energy from renewable and low carbon sources. Planning Practice Guidance supplements the NPPF and states the importance of considering landscape and visual impacts in assessing renewable energy schemes.

Your officers consider that the assessment of the proposal has identified negative impacts on landscape character and on the visual amenity of the area, and possibly some limited negative impact on tourism in the immediate area, but these negative impacts are not considered to be significant enough to outweigh the benefits of producing renewable energy which will play a part in contributing towards the Government's renewable energy targets.

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 begin until a detailed Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority, to include the site itself and the access and access track, during construction and operation of the facility. Such Environmental Management Plan shall include details of measures to protect habitats and wildlife on and surrounding the site and access route during the construction period; buffer zones between the panels and fencing and hedges, trees and woodland; details of any tree/hedge removal and planting/landscaping scheme, including any changes proposed to existing ground levels; details of on-going management of the site and its boundary vegetation. The planting scheme shall be carried out in full by the planting season following substantial completion of the development. All retained and new trees on the site as identified in the Environmental Management Plan shall be retained and maintained in accordance with the approved scheme for at least the lifetime of this planning permission and any trees or plants which

have been provided as part of the landscaping scheme and which within a period of 5 years from completion of the landscaping scheme die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

4. The development shall be carried out in accordance with the submitted Construction Traffic Management Plan dated August 2014 with the addition of road sweeping facilities should the wheel washing facilities provided be insufficient to ensure that no mud or detritus is deposited on the public highway.
5. The development shall be carried out in accordance with the submitted Flood Risk Assessment dated August 2014 and before the development is substantially completed swales shall be provided in accordance with submitted drawing Figure 1.2 Sheet 2 Rev A dated 5 August 2014.
6. The external colour of the inverter enclosure/housing and control building shall meet with either BS4800 12B25, BS4800 18B29 or BS4800 10B25. Once provided the structures shall be maintained in one of these approved colours.
7. No external artificial lighting shall be installed at the site without planning permission first having been obtained.
8. All cables shall be placed underground.
9. Notwithstanding the provision of The Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no development of the type referred to in Class A of Part 2 of Schedule 2, relating to the erection, construction or alteration of a gate, fence, wall, or other means of enclosure, shall be undertaken within the application site without the Local Planning Authority first granting planning permission.
10. The solar PV facility shall cease to generate electricity 25 years and 12 weeks following commencement of development which commencement shall be notified in writing to the Local Planning Authority. The developer shall notify the Local Planning Authority of the permanent cessation of electricity generation in writing no later than five working days following this event. Prior to the permanent cessation of electricity generation a scheme for the decommissioning and restoration of the site shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include the following information:
 - a) details of the removal of the solar PV panels, frames, inverter modules, substation, fencing and cabling and restoration of the land;
 - b) parking of vehicles for site personnel operatives and visitors;
 - c) loading and unloading of plant and materials;
 - d) storage of plant and materials;
 - e) programme of works including measures for traffic management;
 - f) provision of boundary hoarding behind any visibility zones;
 - g) vehicle wheel wash facilities;
 - h) highway condition surveys;
 - i) extended Phase 1 Habitat survey which covers the whole of the site and predates the date of cessation of electricity generation by no more than 12 months;
 - j) soil management strategy to bring the site back into agricultural use.

The approved decommissioning and restoration scheme shall be fully implemented within 6 months of the cessation of electricity generation.

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 the visual amenity of the area is preserved in accordance with Mid Devon Core Strategy (Local Plan Part 1) Policy COR2 and Local Plan Part 3 (Development Management Policies) DM2.
4. In the interest of highway safety to prevent surface water, mud and other debris being carried onto the public highway in accordance with Local Plan Part 3 (Development Management Policies) DM2 and the National Planning Policy Framework.
5. To provide adequate means of surface water disposal, in accordance with Mid Devon Core Strategy (Local Plan Part 1) Policy COR11, Mid Devon Local Plan Part 3 (Development Management Policies) DM2.
6. To ensure that the visual amenity of the area is preserved in accordance with Mid Devon Core Strategy (Local Plan Part 1) Policy COR2 and Local Plan Part 3 (Development Management Policies) DM2.
7. To minimise the potential for light pollution and disturbance to local amenity in accordance with Mid Devon Local Plan Part 3 (Development Management Policies) DM2.
8. To safeguard the visual amenities of the area in accordance with Mid Devon Core Strategy (Local Plan Part 1) COR2 and Mid Devon Local Plan Part 3 (Development Management Policies) DM2.
9. To safeguard the visual amenities of the area and the movement of protected species across the site in accordance with Mid Devon Core Strategy (Local Plan Part 1) Policy COR2, Mid Devon Local Plan Part 3 (Development Management Policies) DM2.
10. To reflect the temporary nature of the proposal and to achieve restoration of the site in the interests of visual amenity, highway safety and protected species in accordance with Mid Devon Core Strategy (Local Plan Part 1) Policy COR2 and Local Plan Part 3 (Development Management Policies) DM2.

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The proposal is considered to be acceptable in that although negative impacts have been identified in relation to landscape character and visual amenity of the area, and to a lesser extent on rural tourism, these negative impacts are not considered to be significant enough to outweigh the benefits of producing renewable energy. It has been demonstrated that there are no alternative, viable, previously developed sites, and the site is not best grade agricultural land and will continue to be grazed. Subject to conditions, impacts on the highway network, flooding and biodiversity are considered capable of adequate mitigation. The proposal is considered to accord with the relevant policies: COR5, COR9, COR11 and COR18 of the Mid Devon Core Strategy (LP1) and DM5, DM7 and DM30 of the LP3 DMP. The proposal is not considered to accord with policies COR2 of the Mid Devon Core Strategy (LP1) and DM2 of the LP3 DMP in respect of its impacts on landscape character and visual amenity but these impacts are not considered significant enough to warrant a refusal, when weighed against the benefit of producing renewable energy.

Grid Ref: 298704 : 113325

Applicant: Mr Tim Baker

Location: 10 Fairway Tiverton Devon

Proposal: Provision of pedestrian/cycle route with associated boundary treatments, safety barriers and landscape planting following demolition of existing dwelling, garage and garden.

Date Valid: 8th September 2014



Application No. 14/01521/FULL

RECOMMENDATION

Grant permission subject to conditions.

COUNCILLOR NEAL DAVEY HAS REQUESTED THAT THIS APPLICATION BE DETERMINED BY THE PLANNING COMMITTEE FOR THE FOLLOWING REASON:

To consider the potential adverse effect of the proposal on the amenity of residents in Fairway

PROPOSED DEVELOPMENT

The application is for a pedestrian and cycle link to and from Fairway into the Waddeton Park development site. The proposal involves the demolition of an existing house at 10 Fairway and the provision of a 2.5 metre wide tarmac pathway with kerb edging in the centre of the site with soft landscaping to either side of the pathway, 1.8 metre high timber fences to the boundaries and cycle barriers to each end of the pathway into Fairway and the new development. It is proposed that the Highway Authority adopt the pedestrian and cycle link.

APPLICANT'S SUPPORTING INFORMATION

None

PLANNING HISTORY

13/01616/MOUT Outline for the development of up to 330 dwellings together with public open space, associated infrastructure and other works including vehicular access, pedestrian/cycle links and highway improvements - COMMITTEE RESOLUTION TO GRANT PERMISSION SUBJECT TO CONDITIONS AND FINALISING SECTION 106 AGREEMENT

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR1 - Sustainable Communities
COR2 - Local Distinctiveness
COR8 - Infrastructure Provision
COR9 - Access

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

AL/TIV/1 - Eastern Urban Extension
AL/TIV/2 - Eastern urban Extension

Mid Devon Local Plan Part 3 (Development Management Policies)

DM1 - Presumption in favour of sustainable development
DM2 - High quality design

CONSULTATIONS

HIGHWAY AUTHORITY - 6th October 2014 - The Highway Authority has no objection to the above planning application and the proposed footway cycleway represents part of the wider application site which has been granted outline planning consent. Therefore should consent be granted the following conditions should be imposed.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, HAS NO OBJECTION TO THE PROPOSED DEVELOPMENT:-

CONDITIONS FOR RESIDENTIAL ESTATES

1. The proposed cycleway, footpaths, verges, street lighting, sewers, drains, surface water outfall, visibility splays, 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.

TIVERTON TOWN COUNCIL - 14th October 2014 - Serious concerns regarding traffic crossing Posthill - therefore unable to support this on health and safety grounds.

REPRESENTATIONS

10 objections summarised as follows:

1. The walkway/cycle path would be a hazard as it joins Fairway at a blind bend in the road and there is poor visibility as Fairway joins Post Hill.
2. The proposed link through the hospital site is preferable in terms of direction and safety. The link through Fairway would take pedestrians and cyclists away from the town.
3. The property is in keeping with Fairway and a viable property should not be demolished with so little benefit.
4. The link would have an unacceptable impact on the amenities of residents of Fairway.
5. The open space would attract children/youths which could lead to unacceptable noise, disturbance and anti-social behaviour.
6. Fairway has a quiet character which will be altered by the link from the much larger Waddeton Park development.
7. The development is far in excess of what is required to provide a usable pedestrian/cycle link. The width of the proposed access could result in it becoming a vehicle access in the future and providing a rat run from Waddeton Park.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The key issues in the determination of the application are:

1. **Need for development**
2. **Highway safety**
3. **Effect on the visual quality of the street scene**
4. **Effects on amenities of neighbouring residents**

1. **Need for development**

The pedestrian and cycle link is required to serve a development of 330 houses known as the Waddeton Park development for which Planning Committee has resolved to grant planning permission, subject to finalising the Section 106 Agreement.

Policy COR1 of the Mid Devon Core Strategy (LP1) provides for accessible forms of development that reduce the need to travel by car, are integrated with public transport and other sustainable modes of travel, allow ease of movement and provide safe environments. Policy COR8 seeks to ensure that new development is served by necessary infrastructure in a timely manner and COR9 requires improved accessibility, reducing the need to travel by car and increasing public transport, cycling and walking.

The Waddeton Park development is within the area allocated for development at the Tiverton Eastern Urban Extension. Policy AL/TIV/1 of the AIDPD (LP2) requires for the transport provision within the allocation to ensure appropriate accessibility for all modes and AL/TIV/2 requires for provision of pedestrian and cycle

routes at appropriate locations throughout the development, creating an attractive and permeable network for non-car modes and new and improved off-site pedestrian and cycle links. The masterplan shows the site as the possible location of a non-vehicular link through Fairway.

The provision of a pedestrian and cycle link from the Waddeton Park development into Fairway was shown on the submitted plans to the Waddeton Park planning application. This link was shown at approximately 2.5 metres wide and running between 8 and 10 Fairway, following the demolition of the garage to 10 Fairway. Given the tight relationship between the house buildings, this was considered to be unacceptable in terms of its width and relationship with the adjoining houses to carry the level of pedestrian and cycle traffic generated by the development, and to have an unacceptable impact on the amenities of the existing occupiers of Fairway. A condition of the planning permission proposed to be granted for the development of this site requires the submission of details of an alternative pedestrian link. The officer's report states that the preferred route for the pedestrian and cycle link (and vehicular link) would be through the former Post Hill Hospital site, as shown on the masterplan.

The Post Hill Hospital site link is still the preferred link and its carry provision is sought. However the proposed planning permission for the Waddeton Park development does not require the provision of a road through the Post Hill Hospital Site, only the provision of a pedestrian/cycle link (details to be agreed) and the provision of a vehicular link up to the boundary of the Post Hill Hospital site. The current application would provide the required pedestrian/ cycle link should the Post Hill Hospital site not be developed, or there is a delay in its development.

Although the dwelling to be demolished provides well proportioned, family-sized accommodation, the building itself is not of outstanding architectural merit. The loss of one dwelling is considered to be outweighed by the benefits of providing a new pedestrian and cycle link for the Waddeton Park development. In terms of accessibility linking the site to public transport on Blundells Road and towards the site of the proposed neighbourhood centre as identified within the masterplan.

2 Highway Safety

Concern has been raised with regard to the safety of pedestrians and cyclists exiting onto Fairway on a blind bend and exiting onto Post Hill on the summit of a hill with poor access visibility. Concern has also been raised with regard to pedestrians crossing Post Hill to access the bus stop on the opposite side of the road at a point with poor visibility and high traffic speeds.

The proposed pedestrian and cycle link will exit onto Fairway onto an existing pavement where your officers consider there to be adequate visibility in both directions. There is also considered to be adequate visibility onto Post Hill (40 mph speed limit) from which there is a pavement into Tiverton and access to a bus stop. The provision of a link in this location was considered at the masterplanning stage and included as a possible link in the adopted masterplan document.

The Highway Authority has no objection to the proposal, subject to the imposition of a condition with regard to approval of details. Your officers do not consider the provision of the pedestrian/cycle link will have an unacceptable impact on highway safety. The proposed development is considered to be in accordance with policy DM2 of the LP3 DMP and the National Planning Policy Framework in this respect. The proposal is also considered to contribute to an attractive, permeable network for non-car modes for the Eastern Urban Extension as provided for in AL/TIV/2 of the AIDPD (LP2).

3. Effect on the visual quality of the street scene

The proposal will provide a wide, landscaped area which is not considered to detract from the character of the existing street scene where houses tend to be set in wide plots with landscaped gardens. The wide nature of the proposed link is considered to preserve the open character of Fairway and the landscaping will help blend the development into the street scene. It is recommended that a condition requires full details of the landscaping to be submitted for approval. Overall, subject to conditions, it is considered that the proposed development will preserve the street scene and is in accordance with policies COR2 of the Mid Devon Core Strategy (LP1) and DM2 of the LP3 DMP.

4. Effects on amenities of neighbouring residents

Objections have been received that the proposed link will have an unacceptable impact on the amenities of existing residents in Fairway due to increased noise, disturbance and anti-social behaviour through children and youths being attracted to the open space and the increase in use of Fairway. The officer's report in the Waddeton Park application referred to an unacceptable impact on the amenities of the existing residents but this was in respect of a much narrower link that would be close to existing dwellings. The wider link that can be provided through the demolition of the dwelling on the site will improve the distances between the pathway and the neighbouring residents, reducing any negative effects on their amenities. Any increase in use of Fairway will be by pedestrians and cyclists passing through to access Post Hill and/or the bus stops. Barriers are proposed that will prevent the use by vehicles.

The areas to either side of the pathway will be landscaped and planted with shrubs to avoid providing areas for ball games or for children and youths to gather. The revised scheme is considered to address the issues highlighted in the officer's report on the Waddeton Park application and the proposed development is not considered to have an unacceptable effect on the amenities of neighbouring residents, in accordance with policy DM2 of the LP3 DMP.

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 cycleway, footpaths, verges, street lighting, sewers, drains, surface water outfall, visibility splays, and street furniture shall be constructed and laid out in accordance with details to be submitted to and approved in writing by the Local Planning Authority before their construction begins. Such details shall include plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction.
4. No development shall begin until there has been submitted to, and approved in writing by the Local Planning Authority, a landscaping scheme, including details of any changes proposed in existing ground levels. All planting, seeding, turfing or earth reprofiling comprised in the approved details of landscaping shall be carried out within 9 months of the substantial completion of the development, (or phase thereof), and any trees or plants which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species. The landscaping scheme shall be retained in accordance with the approved scheme.

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 the development makes a positive contribution to the character and amenity of the area in accordance Policy DM2 of Local Plan Part 3 (Development Management Policies).

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The proposal is considered to be acceptable in that the need for the pedestrian and cycle link is established and is a condition of the approval of planning permission for the adjacent Waddeton Park development. Subject to conditions, the development is considered to be acceptable in terms of highway safety and the effect on the visual quality of the street scene, and issues with regard to the effects on amenities of neighbouring residents have been addressed. The proposal is considered to comply with the relevant policies: COR1, COR2, COR8 and COR9 of the Mid Devon Core Strategy (LP1), AL/TIV/1 and AL/TIV/2 of the AIDPD (LP2) and DM1 and DM2 of the LP3 DMP.

Jonathan Guscott
Head of Planning and Regeneration

