

Public Document Pack

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PLEASE NOTE: Members of the public wishing to speak to a planning application are requested to contact the Committee Administrator before the meeting starts.

MID DEVON DISTRICT COUNCIL

PLANNING COMMITTEE

A MEETING of the PLANNING COMMITTEE will be held in the Phoenix Chamber, Phoenix House, Tiverton on Wednesday, 31 July 2019 at 2.15 pm

The next ordinary meeting of the Committee will take place on Wednesday, 28 August 2019 at 2.15 pm in the Phoenix Chamber, Phoenix House, Tiverton

STEPHEN WALFORD

Chief Executive
23 July 2019

Councillors: E J Berry, S J Clist, Mrs C Collis, Mrs F J Colthorpe, L J Cruwys, Mrs C P Daw, D J Knowles, F W Letch, E G Luxton, R F Radford and B G J Warren

A G E N D A

MEMBERS ARE REMINDED OF THE NEED TO MAKE DECLARATIONS OF INTEREST PRIOR TO ANY DISCUSSION WHICH MAY TAKE PLACE

- 1 **APOLOGIES AND SUBSTITUTE MEMBERS**
To receive any apologies for absence and notices of appointment of substitute.
- 2 **PUBLIC QUESTION TIME**
To receive any questions relating to items on the Agenda from members of the public and replies thereto.

Note: A maximum of 30 minutes is allowed for this item.
- 3 **DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT**
Councillors are reminded of the requirement to declare any interest, including the type of interest, and reason for that interest at each item.
- 4 **MINUTES OF THE PREVIOUS MEETING** (*Pages 5 - 10*)
Members to consider whether to approve the minutes as a correct record of the meeting held on 3 July 2019.
- 5 **CHAIRMAN'S ANNOUNCEMENTS**
To receive any announcements the Chairman may wish to make.

- 6 **DEFERRALS FROM THE PLANS LIST**
To report any items appearing in the Plans List which have been deferred.
- 7 **THE PLANS LIST** (*Pages 11 - 54*)
To consider the planning applications contained in the list.
- 8 **MAJOR APPLICATIONS WITH NO DECISION** (*Pages 55 - 58*)
List attached for consideration of major applications and potential site visits.
- 9 **APPEAL DECISIONS** (*Pages 59 - 60*)
To receive for information a list of recent appeal decisions.
- 10 **APPLICATION 17/01359/MOUT - OUTLINE FOR THE ERECTION OF 60 DWELLINGS AND CONSTRUCTION OF NEW VEHICULAR ACCESS ONTO HIGHWAY TO THE WEST OF THE SITE - LAND AND BUILDINGS AT NGR 302469 114078, HIGHER TOWN, SAMPFORD PEVERELL** (*Pages 61 - 134*)
To consider an implications report of the Head of Planning, Economy and Regeneration regarding the above application; Members at a previous meeting were minded to refuse planning permission but a final decision was deferred pending consideration of this implications report.
- 11 **MOORHAYES COMMUNITY CENTRE, TIVERTON - S106 REVISIONS ARISING FROM PROPOSED TRANSFER OF OWNERSHIP (99/02780/FULL)** (*Pages 135 - 138*)
To consider a report of the Head of Planning, Economy and Regeneration setting out the S106 implications and revisions arising from the proposed change of ownership of the Moorhayes Community Centre in Tiverton.
- 12 **SCHEME OF DELEGATION AND THE CONSIDERATION OF ENFORCEMENT CASES** (*Pages 139 - 144*)
To consider a report of the Head of Planning, Economy and Regeneration regarding suggested changes to the Scheme of Delegation.
- 13 **PLANNING PERFORMANCE AGAINST TARGETS QUARTER ONE 1st APRIL- 30th JUNE 2019** (*Pages 145 - 152*)
To consider a report of the Head of Planning, Economy and Regeneration providing the Committee with information on the performance of aspects of the planning function of the Council for Quarter 1 of 19/20

The Human Rights Act 1998 came into force on 2nd October 2000. It requires all public authorities to act in a way which is compatible with the European Convention on Human Rights. The reports within this agenda have been prepared in light of the Council's obligations under the Act with regard to decisions to be informed by the principles of fair balance and non-discrimination.

Anyone wishing to film part or all of the proceedings may do so unless the press and public are excluded for that part of the meeting or there is good reason not to do so, as directed by the Chairman. Any filming must be done as unobtrusively as possible from a single fixed position without the use of any additional lighting; focusing only on those actively participating in the meeting and having regard also to the wishes of any member of the public present who may not wish to be filmed. As a matter of courtesy, anyone wishing to film proceedings is asked to advise the Chairman or the Member Services Officer in attendance so that all those present may be made aware that is happening.

Members of the public may also use other forms of social media to report on proceedings at this meeting.

Members of the public are welcome to attend the meeting and listen to discussion. Lift access to the first floor of the building is available from the main ground floor entrance. Toilet facilities, with wheelchair access, are also available. There is time set aside at the beginning of the meeting to allow the public to ask questions.

An induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, or

If you would like a copy of the Agenda in another format (for example in large print) please contact Sally Gabriel on:

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 3 July 2019 at 2.15 pm

Present Councillors

Mrs F J Colthorpe (Chairman), E J Berry,
S J Clist, Mrs C Collis, L J Cruwys,
D J Knowles, F W Letch, R F Radford,
R J Dolley and B A Moore

Apologies Councillor(s)

Mrs C P Daw, E G Luxton and
B G J Warren

Also Present Councillor(s)

G Barnell and Mrs M E Squires

Present Officers:

Lucy Hodgson (Area Team Leader), Adrian
Devereaux (Area Team Leader), Helen
Govier (Principal Planning Officer), Maria De
Leiburne (Solicitor) and Sally Gabriel
(Member Services Manager)

13 **APOLOGIES AND SUBSTITUTE MEMBERS**

Apologies were received from Cllr B G J Warren.

Apologies were also received from Cllr Mrs C P Daw, who was substituted by Cllr B A Moore and E G Luxton, who was substituted by Cllr R J Dolley.

14 **PUBLIC QUESTION TIME**

Mrs Stannard referring to item 1 on the Plans List (Land adjoining Ruffwell Inn, Thorverton) on the agenda stated that the parish councils of Silverton, Rewe and Thorverton had opposed the application as they had concerns that the issues they had raised had not been addressed. There had been 19 letters of objection with major concerns covering traffic issues, sewage arrangements and incompatibility of the caravan site with the rural area. There were 4-5 caravans on site without permission and the application was for the siting of 3 permanent caravans, 5 touring caravans and 2 tent pitches. There was a condition in the report with regard the owner keeping a register of names and addresses of those visiting the site and that this information should be made available to the Local Planning Authority. She made mention of a proposal for 3 permanent pitches with a 6 month lease, this had been removed, this raised the question with regard to the length of time people were staying in the caravans and who would enforce this, would it be the planning officer?

The Chairman indicated that answers to the questions would be provided when the item was debated.

15 **DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT (00-06-58)**

Members were reminded of the need to declare any interests when appropriate.

16 **MINUTES OF THE PREVIOUS MEETING (00-07-06)**

The minutes of the meeting held on 5 June 2019 were approved as a correct record and signed by the Chairman.

17 **CHAIRMAN'S ANNOUNCEMENTS (00-08-01)**

The Chairman had the following announcements to make:

- She informed the meeting that in respect of outline planning application 18/00504/MOUT relating to land north of Town Farm, Burlescombe, this had been refused under delegated powers on the 28th June 2019. Members may recall that this outline application was originally submitted for 10 dwellings in 2018 and when Members discussed the Major Applications list at Planning Committee decided to call in the application. Since the time of the initial submission, the applicant had revised the residential scheme, first down to 6 dwellings then down to 3 dwellings and finally down to 2 dwellings.

The application was therefore no longer a major planning application and back in November 2018, the Ward Member at the time (Councillor Bainbridge) confirmed that she would only wish to call in the application if officers were minded to approve. It was considered that this planning application should be refused given the objections received from the Local Highway Authority. Both Ward Members had confirmed that they were happy for this application to be refused under delegated powers on this basis.

- She reminded the committee that the next meeting would be on Wednesday 31 July.

18 **DEFERRALS FROM THE PLANS LIST**

There were no deferrals from the Plans List.

19 **THE PLANS LIST (00-11-15)**

The Committee considered the applications in the plans list *.

Note: *List previously circulated; copy attached to the signed Minutes.

(a) No 1 on the Plans List (**18/01840/FULL – change of use of land for the siting of permanent and touring pitches for tents and caravans – land adjoining Ruffwell Inn, Thorverton**).

The Area Team Leader outlined the contents of the report by way of presentation highlighting the location of the site, the nearest neighbours and the farm shop, the proposed site plan which depicted the permanent pitches and those to be used for

touring caravans, the elevations for the chemical disposal building and photographs from various aspects of the site.

She then addressed the question posed at public question time and provided the following answer: conditions would restrict the occupancy of all the pitches, if the applicant was to be found in breach of conditions, then planning enforcement powers would be used to seek compliance.

Consideration was given to:

- Policy DM24 – development for tourism
- Whether noise issues could be restricted by condition
- The number of days that a caravan could be occupied
- Landscaping issues
- Highways issues which included access to the site through the pub car park and possible difficulties accessing the campsite if the car park was full.
- The septic tank on the site (to be used for the 3 permanent pitches) and the chemical disposal unit (for touring vans)
- Whether there were any flooding issues in the area
- The caravans already on site
- The views of the applicant with regard to the successful public house business and the wish to expand facilities to include a camp site, the ideal location on the main road with good access and a central location for visitors who would also use the facilities of the public house and the location of the nearest neighbours
- The views of the Chairman of Silverton Parish Council with regard to the impact on the landscape, whether there was adequate screening in place, sewage facilities, the access on the busy junction, whether the caravans would be held on the road if the car park was full and that there were inadequate services on the site
- The views of the Ward Member (a written representation read by the Chairman) in which he voiced concerns raised by the Parish Council, whether this was a suitable application for the rural area, the distance between neighbouring properties, potential noise issues and that a poorly maintained site would have a negative impact on the local economy. He also highlighted the possible benefits to the area and that he had had discussions with the owner of the site
- The views of statutory consultees.

RESOLVED that: planning permission be granted subject to conditions as recommended by the Head of Planning, Economy and Regeneration.

(Proposed by Cllr R F Radford and seconded Cllr E J Berry)

Notes:

- i) Mr Cairns (applicant spoke);
- ii) Cllr Melville representing Silverton Parish Council spoke;
- iii) The Chairman read a written representation by the Ward Member (Cllr J Wright)
- iv) Cllr S J Clist requested that his abstention from voting be recorded.

(b) No 2 on the Plans *List (18/01935/MFUL – Erection of a 2-storey GP Practice – land at NGR 284429 99439 Joseph Locke Way, Crediton).*

The Area Team Leader outlined the contents of the report by way of presentation highlighting the site location plan of the proposed new shared facility for Crediton, the block plan of the proposal, the proposed parking areas, access, landscaping, the location of the bus stop, the ground and first floor plan, proposed elevations, section plans, the location of the attenuation area, the flood risk assessment, the design of the building and photographs from various aspects of the site.

Consideration was given to:

- The lack of objection from the statutory consultees
- The design of the proposal
- Sustainability issues
- The proposal had been well received by the majority of residents in Crediton

RESOLVED that: planning permission be granted subject to conditions and consideration of informative notes as recommended by the Head of Planning, Economy and Regeneration.

(Proposed by Cllr F W Letch and seconded Cllr R J Dolley)

Notes:

- i) Cllr Mrs F J Colthorpe made a declaration in accordance with the Protocol of Good Practice for Councillors dealing with Planning Matters as she knew the agent for the application;
- ii) Cllr F W Letch declared a personal interest as he used the doctors surgery and was Chairman of the Health and Wellbeing Group in Crediton and in that role had received a presentation on the proposal.

(c) No 3 on the Plans *List (19/00795/FULL – Erection an extension and alterations to residential home (revised scheme) – Ridge House, Church Street, Morchard Bishop).*

The Principal Planning officer outlined the contents of the report by way of presentation highlighting an aerial photograph which depicted the site location, the neighbouring property and church. She explained that this was a revised scheme following the previous concerns of the Conservation Officer and that the current proposal had addressed the concerns raised. Members viewed the existing and proposed floor plans and elevations and considered photographs from various aspects of the site.

Consideration was given to:

- The views of the applicant's agent who stated that accommodation was very much in demand, the revised scheme had significantly amended the previous application having considered the views of the Conservation officer and that the proposal could be seen as an investment for the community.
- The views of the Ward Member considering the views of the Parish Council who had concerns regarding the loss of evening light to the neighbour and that they enjoyed their use of the patio in their garden
- Whether the loss of evening light was to an unacceptable degree

RESOLVED that: planning permission be granted subject to conditions as recommended by the Head of Planning, Economy and Regeneration.

(Proposed by Cllr B A Moore and seconded Cllr S J Clist)

Notes:

- i) Mr Taylor (Agent) spoke;
- ii) Cllr Mrs M E Squires spoke as Ward Member
- iii) Cllr L J Cruwys requested that his abstention from voting be recorded.

20 MAJOR APPLICATIONS WITH NO DECISION (1-27-34)

The Committee had before it, and **NOTED**, a list * of major applications with no decision.

It was **AGREED** that:

Application 19/00928/MFUL – Hitchcocks Business Park, Uffculme be brought before committee for determination and that a site visit take place.

Application 18/00518/MFUL – Halberton Court Farm, Halberton, this had previously been considered in 2018 and it was agreed that the application should come to committee for determination, however Members **AGREED** that the application

should now only come before the Committee if the officer recommendation was one of approval.

Note: *List previously circulated; copy attached to the Minutes

21 **APPEAL DECISIONS (1-30-27)**

The Committee had before it and **NOTED** a list of appeal decisions * providing information on the outcome of recent planning appeals.

Note: *List previously circulated; copy attached to Minutes.

(The meeting ended at 3.47 pm)

CHAIRMAN

PLANNING COMMITTEE AGENDA - 31st July 2019

Applications of a non-delegated nature

<u>Item No.</u>	<u>Description</u>
01.	<p>19/00573/FULL - Variation of conditions 2, 3, 5, 6, 7 and 8 of planning permission 17/00910/FULL to allow substitution of plans at 10 Mayfair, Tiverton, Devon.</p> <p>RECOMMENDATION Grant permission subject to conditions.</p>
02.	<p>19/00075/MFUL - Erection of an agricultural educational/training facility to include demolition of farm buildings; erection of 5 buildings comprising of 20 residential apartments for service users; alterations to convert existing buildings to create classrooms and office suites; formation of an access track and overspill car park at Land and Buildings at NGR 286791 113761 (Kelly Farm), Nomansland, Devon.</p> <p>RECOMMENDATION Grant permission subject to conditions.</p>
03.	<p>19/00306/LBC - Listed Building Consent for the replacement of upvc windows to timber windows on South elevation at Middle Weeke Farm, Morchard Bishop, Crediton.</p> <p>RECOMMENDATION Grant Listed Building Consent subject to conditions.</p>

Application No. 19/00573/FULL

Grid Ref: 298625 : 113083

Applicant: Mr Peter Milton

Location: 10 Mayfair, Tiverton, Devon, EX16 4NQ

Proposal: Variation of conditions 2, 3, 5, 6, 7 and 8 of planning permission 17/00910/FULL to allow substitution of plans

Date Valid: 29th March 2019



APPLICATION NO: 19/00573/FULL

RECOMMENDATION

Approve subject to conditions

PROPOSED DEVELOPMENT

Planning permission was granted for the construction of five, two storey properties on this site in 2017 (Application Number 17/00910/FULL).

The site lies to the south of Post Hill - a principle route into Tiverton. The northern edge of this triangular site is bounded by 4 properties (No's 12, 14, 16 and 18) forming part of Mayfair. Each of these dwellings is located within a generous sized plot. No. 14 lies closest to the application boundary but maintains a distance of 38m from it. The remaining boundaries of the application site adjoin open countryside. This area of open countryside forms part of the Tiverton Eastern Urban Extension (EUE) and lies within the settlement limit of Tiverton.

The private drive serving the application site, and an existing retained bungalow (No. 10) gives access to two further properties (No's 6 and 8 Mayfair). It is noted that planning permission has recently been given for a detached bungalow in the rear garden of number 12 (Application No. 18/02043/FULL). This property will not be accessed from the private drive. The south eastern corner of the site is occupied by a number of mixed woodland trees that do not form part of the application site.

The application now submitted is to vary a number of the conditions attached to the 2017 application. Members of the public have been formally notified of these changes and given the opportunity to comment.

APPLICANT'S SUPPORTING INFORMATION

Access road construction details
Drainage details
Provisional spot levels / site layout plan
Plots 1, 2, 3, 4 & 5
Access drive
Foul surface water drainage
Schedule of amendments
Permavoid system
Notes of amendments
Site plan with existing approved layout
Technical memo. Surface water storage system
RIDGISTORM Check Orifice Plate data Sheet
Orifice_Plate_Flow_Control_Chambers
Tank Maintenance Schedule
Permavoid

RELEVANT PLANNING HISTORY

88/01893/FULL - PERMIT date 20th September 1988
Conversion of garage and store into granny annexe

17/00910/FULL - PERCON date 30th November 2017
Erection of 5 dwellings and alterations to existing bungalow and erection of garage

19/00573/FULL - PCO date
Variation of conditions 2, 3, 5, 6, 7 and 8 of planning permission 17/00910/FULL to allow substitution of plans

OTHER HISTORY

17/00251/PREAPP - CLO date 22nd March 2017
PROTECT - Proposed erection of 4 dwellings

18/01795/PREAPP - PCO date
PROTECT: Proposed alterations to existing permission 17/00910/FULL

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR1 – Sustainable Communities
COR2 – Local Distinctiveness
COR7 – Previously Developed Land
COR9 – Access
COR12 – Development Focus
COR13 - Tiverton

Mid Devon Local Plan Part 3 (Development Management Policies)

DM1 – Presumption in Favour of Sustainable Development
DM2 – High Quality Design
DM3 – Sustainable design
DM8 – Parking
DM14 – Design of Housing
DM15 – Dwelling Sizes

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

AL/DE/3 – Affordable Housing Target
AL/IN/3 – Public Open Space
AL/IN/5 – Education provision

National Planning Policy Framework (as amended Feb 2019)
Technical Housing Standards – Nationally Described Space Standards

CONSULTATIONS (as of 30.5.19)

DCC Highway Authority (21.05.19)

No Comments

DCC Highway Authority (01.04.19)

I can confirm the Highway Authority are happy to accept the change (*to Condition 6*) from commencement to occupation based on the condition of the existing road structure

DCC Lead Flood Authority (10.07.19)

The surface water drainage system has changed considerably. Therefore, clarification of the changes are needed.

- Model outputs should be submitted to demonstrate the interaction of the tanks and the change in positively drained area
- Correspondence from South West Water should be submitted to confirm their acceptance of the site draining into their system at the proposed rate
- Is Mid Devon District Council content with attenuation tanks being located beneath driveways? I am not sure whether there are maintenance implications here or not, this should be clarified by the applicant
- Was the existing pond identified previously? I don't remember seeing this previously, do you know if it is fed by water?

DCC Lead Flood Authority (10.07.19)

The proposed surface water drainage strategy is for the driveways to be formed of permeable materials and for the roofs to drain into these driveways. As infiltration has not been demonstrated to be viable, these features will drain to the South West Water sewer via an attenuation tank. The attenuation tank will also serve the road.

We have two concerns with the proposals which you may want addressing:

- The previous area used within the surface water drainage calculations was 2580m² but the calculations now use an area of 1260m²
- The proposed pipes to drain the permeable paving into the main system will be 24mm in diameter. This is quite small, although it will be within the sub base

The applicant should confirm who shall be responsible for maintaining the elements of the surface water drainage system. If the property owner shall be responsible for maintaining their driveway, will they also be responsible for the pipe connecting the paving to the main system? This pipe emanate from the paving (within the dwelling curtilage) but will drain outside of the curtilage into the main system.

Has a plan been submitted to confirm the proposed levels of the site? This would be useful to confirm that a gravity-fed drainage solution is viable.

The levels previously caused exceedance flows to be directed to the southeast of the site, but if the levels have been altered then these routes will may have changed. The applicant should clarify this.

DCC Lead Flood Authority (12.07.19)

It looks like the area being drained has also reduced as 10 Mayfair is no longer being accounted for within the drainage strategy. I have no concerns with this as the building is existing, but it was appreciated that this building was accounted for previously.

I didn't notice the Spot Levels plan before, but this plan does show proposed levels of the highway. From the levels in this plan it looks like most of the exceedance flows will flow to the southeast as previously proposed. It looks like there will be a gradient up to the existing access road from approximately 10 Mayfair onwards, could the applicant confirm this and if so, will exceedance flows pond in the highway here?

Could weeds be referred to in the maintenance plan please? As this maintenance plan will be passed onto homeowners I think the plan should be specific to ensure that all homeowners are aware of how the permeable paving should perform and what is required to ensure this. Details of potential contacts that homeowners can get in touch with should also be provided to homeowners in case they experience any difficulties.

Could the applicant provide any maintenance details for the flow control within the plot boundaries please? Will these manholes be lockable? If so, how will homeowners gain access to them? Details of potential contacts that homeowners can get in touch with should be provided to homeowners in case they experience any difficulties.

Could the applicant confirm that maintenance of the attenuation tanks shall be in accordance with the previously submitted maintenance schedule (for 17/00910/FULL)?

Will the attenuation tank/crates be capable of heavy loading? (I assume that bin lorries will be able to access the road to these plots)

DCC Lead Flood Authority (15.07.19)

I have no further concerns to advise you of.

The applicant should be aware that the design of the permeable paving should be informed by a ground investigation (to assess the ground conditions and any groundwater).

You may want the revised maintenance schedule for the permeable pavements.

South West Water (10.07.19)

Surface water needs to be limited to 2l/s which is acceptable.

Tiverton Town Council

A formal request for comments has been made to Tiverton Town Council. The town clerk has agreed to convene a special meeting to discuss the application. The comments of the Town Council will be provided as an update.

REPRESENTATIONS

7 letters of objection and general comment have been received, the main issues including:

- Application 17/00910/FULL made provision for a 2m wide footpath along the 5.5m wide private drive to serve new and existing residents. The revised drawings provide a 4.1 to 4.5m wide road with no footpath provision. This will be a risk to pedestrians of all ages.

- This risk to existing pedestrians will be enhanced with the traffic movements from the anticipated 9 new dwellings it will serve.
- The private drive should be completed (to an adoptable standard) before the construction of the 5 dwellings.
- The lane will not be adopted by DCC. Recycling lorries will therefore not be able to serve the new properties. Residents will have to carry their waste to the end of the drive.
- Will the new turning head be adequate for refuse lorries. The turning head is some distance from Plots 4 and 5.
- The private drive lies above neighbouring front gardens. Assurance that the drainage will inhibit surface water runoff would be welcomed.
- The developer wants to increase the height of the buildings to provide drainage without the need for a pumping system. This should not be permitted just because it is not financially viable. The additional height will impact on the neighbouring bungalows.
- It is outrageous that the original application can be varied.
- It is a disgrace that 2 storey properties have been permitted in front of bungalows

General Comment

- The threat of the lane being used as an access to Area B of the Tiverton EUE is a source of great anxiety to local residents.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main material considerations in respect of this proposal are:

- 1) **Principle of Development in this Location**
- 2) **Storm and Foul Water**
- 3) **Road and Access**
- 4) **Overall Design**
- 5) **Other**

Principle of Development in this Location

Planning permission was granted for the construction of five, two storey properties on this site in 2017 (Application Number 17/00910/FULL). As such, the principle of development, including the construction of 2 storey properties, is accepted.

This application is a revision to a previously agreed scheme for the same number of units. Variation of condition applications are a confirmed means by which to change an approved scheme. The changes are listed in the applicants 'Schedule of Changes' (See **Appendix A**) and specifically relate to Conditions 2, 3, 5, 6 and 8 (see **Appendix B**) of Application 17/00910/FULL.

This report does not seek to detail each specific change (available in the applicants' Schedule of Changes at Appendix A) but to provide an over view of the impact of the proposed changes on the approved scheme.

Storm and Foul Water

10 Mayfair is not served by a dedicated storm water sewer. The approved scheme therefore requires a pumped system for both the foul and storm water. This application seeks to remove the need for the sewage pumping unit within the site (as detailed on Drawing No. 16.095.102 P6, Application 17/00910/FULL) with replacement of a gravity fed system (Drawing No. 0472.404 A).

The revised drainage strategy will also provide on plot surface water attenuation with surface water being stored within the sub-base media of the driveways and released at a restricted rate. The discharges from the individual plots will be attenuated with the runoff from the estate road. An overall discharge of 2l/s will be made to the combined sewer as confirmed by South West Water (10 July 2019). DCC as Lead Flood Authority have expressed a number of concerns throughout the consultation process. Those concerns have been satisfied with the submission of additional information. DCC Lead Flood Authority have confirmed that they have no further concerns and as such have no objection to the proposal.

The changes proposed reduce overall development costs and negate the need for maintenance fees on the new home owners for the up-keep of the pumping unit. However, the implementation of a gravity fed system does have an impact on other elements of the scheme - including an increase in finished floor levels at Plots 1, 2, 3 and 4.

This application proposes a finished floor level of 108.15 for Plot 1 (Drawing No.s A(01)08A and A(08)04A) compared to a finished floor level of 106.65 for the approved scheme. However, the 1.5m increase in finished floor level and likely resultant increase in ridge height (should the approved house type at Plot 1 been retained) has been reduced by the introduction of a new house type at Plot 1. The approved scheme indicates a ridge height of 114.85m (Drawing No. 16.095.102 P6) whilst this application proposes a ridge height of 115.85 (Drawing No. A(01)08A). The implementation of a gravity fed foul and storm water system will result in a 1m increase in ridge height for Plot 1.

The implementation of a gravity fed system will also result in an increase of ridge height of Plots 2 and 4 (Drawing No. A(08)04A). This application proposes an increase in finished floor level of 1m for Plot 2 (approved scheme 107.05m, proposed scheme 108.05) and an increase of 0.3m for Plot 4 (approved scheme 107.95m, proposed scheme 108.25). The applicant has sought to minimise the impact of the increase in finished floor level by reducing the ridge height of Plots 2 and 4 by 0.25m. (Plot 2 approved scheme 7.95m, revised scheme 7.7m and Plot 4 approved scheme 7.95m, revised scheme 7.7m). As such, Drawing No. A(08)04A of this application indicates an increase in ridge height for Plot 2 of 0.75m (approved scheme 115.00m, proposed scheme 115.75m) and an increase of 0.05m for Plot 4 (approved scheme 115.90m, proposed scheme 115.95m),

Drawing No. 16.095.102 of the approved scheme indicates a ridge height of 113.40 for the retained No. 10 Mayfair. At its nearest point, a distance of 19m separates 10 Mayfair and Plot 1. The two properties are positioned at an oblique angle to one another. Plot 2 is some 15m distant from 10 Mayfair and Plot 4 some 20m. An increase in ridge height for Plot 1 of 1m, and 0.75m for Plot 2, whilst of some significance, is, on balance, unlikely to have an over bearing impact or have a significant adverse impact on the quality of amenity enjoyed by the residents on No.10. Other near (existing) neighbours to Plots, 1, 2 and 4 are in excess of 53m. A maximum increase in ridge height of 1m is not, on balance, considered to significantly impact on outlook or privacy.

It is noted that whilst the finished floor level of Plot 3 is proposed to increase by 0.5m (approved scheme 107.55, revised scheme 108.05) the ridge height of Plot 3 will stay the same (115.75). This is achieved by means of a revised house type that introduces a reduced ridge height of 0.5m (approved scheme 8.2m, revised scheme 7.7m). This application whilst introducing a new house type at Plot 5, retains the same finished floor level as the approved scheme. However, the revised house type would introduce a reduced ridge height of 0.25m (approved scheme 7.95m, revised scheme 7.7m). The reduction in ridge height is welcomed.

Road and Access

At the applicant's request, the previously agreed scheme provided an access that was capable in highway terms of accommodating significantly more vehicles than the 5 dwellings proposed. However, Cabinet resolved at its meeting on the 26 October 2017 that access into Area B of the Tiverton Eastern Urban Extension would not include Mayfair and/or the Manley Lane / Post Hill Junction.

This application seeks amendments to the scheme including a change to the location of the internal road layout, the introduction of an additional turning head adjacent to Plot 1, a reduction in the road width and reduced pavement width. The approved road width of 5.5m wide with 2m wide pavement (Drawing No. 16.095.102, Application No. 17/00910/FULL) is proposed to be reduced to a nominal road width of 4.5m (minimum width 4.1m) with 1m wide pavement (reducing to .05m at the centre of the site), Drawing No. A(01)08A. The Highway Authority have confirmed that a 4.1m width road and shared surface is appropriate to serve the current and proposed number of dwellings (with associated vehicles, pedestrians, cyclists and refuse lorries with associated turning). The scheme is also compliant with Manual for Streets. The Highway Authority has confirmed it has no objection to the proposed amendments. A comment has been received relating to surface water runoff from the private drive. It is advised that Condition 3 ensures surface water outfall will not adversely impact on existing neighbouring properties. It is also noted that the proposed road widths would not be sufficient to serve any future development on Area B.

Significantly, the applicant is also proposing that Condition 6 of the approved scheme be amended to allow the development to commence prior to the completion of certain highway works (detailed in Parts A,B and C of Condition 6). Revised wording would ensure the highway works are completed prior to occupation of the units. DCC have confirmed (1st April 2019) the change from commencement to occupation, based on the condition of the existing road structure is acceptable. The road, whilst not proposed for adoption by DCC Highway Authority, will be constructed to an adoptable standard. For these reasons, the planning authority are content that Condition 6 of the approved scheme can be revised as follows:

No part of the development can be occupied until:

- A] The access road has been laid out, kerbed, drained and constructed up to base course level for the first 20.00 metres back from its junction with the public highway
- B] The ironwork has been set to base course level and the visibility splays required by this permission laid out
- C] The footway on the public highway frontage required by this permission has been constructed up to base course level
- D] A site compound and car park have been constructed to the written satisfaction of the Local Planning Authority

Overall Design

The application submitted proposes a change to the location of a number of the units. These are detailed on Drawing No. A(08)06 A that overlays the proposed scheme on the existing planning approval. Plot 5 has been rotated and moved back into the site. The impact of this is that the side elevation of the garage is positioned 1.5m closer to the boundary shared with existing residents. The applicant has sought to amend this by introducing a change in unit type including a reduction in ridge height (0.25m) and the introduction of the double garage. The double garage would be located towards the boundary with existing dwellings. This has the effect of moving the main dwelling (ridge height 7.7m) an additional 1m off the boundary shared with existing dwellings. In so doing, the depth of the planting screen approved through the 2017 planning application is retained.

However, the garage (ridge height of 4.7m) is 1.5m closer to the boundary with existing neighbours. As a means to minimise its impact on the quality of amenity and outlook enjoyed by existing residents, the garage roof has been hipped. Of the remaining Plots, the location of units 1, 2, 3 and 4 have not significantly changed. On balance, the proposed changes to the location of the units are considered acceptable.

Changes in unit type, including changes to ridge heights (as previously outlined) have also been introduced. In summary, this application seeks to increase the footprint of Unit 4 by approximately 0.3m (width) and 0.4m (length). The unit and attached garage will be 'handed'. The overall design remains largely similar, albeit the depth that the garage is set back into the site is reduced by 1.2m, fenestration on the rear and side elevation is amended, the location of the (pedestrian) garage door is amended. Similarly, unit 2 remains largely the same, albeit a change to the fenestration (rear and side elevation).

Whilst the location of Plot 3 has not changed significantly this application seeks to increase the length of Plot 3 by approximately 0.4m. The overall design is revised including the 'handing' of the attached garage. The balcony on the first floor front elevation is removed. The internal layout and overall design of Unit 1 is revised. The attached (now double) garage is 'handed'. The balcony on the first floor front elevation is removed. On balance, the detailed changes to the units are considered acceptable.

Perhaps more significantly, are the changes to the brick type and roofing material (slate replacing roof tile). Whilst clay tile is the dominant roofing material, particularly when viewed in its immediate context, slate is not uncommon both within Mayfair and beyond. The use of roof slates would not be out of keeping.

More generally, with respect to the change in materials, the material palette is broadly similar to that approved, but with their use simplified. For example cladding over the first floor front elevation windows is removed. The proposed changes include specific design details not previously incorporated into the scheme, including raked joint dentil courses at ground and first floor level and soldier courses over ground floor windows. Such details are welcomed, lifting the quality of design and detailing.

Other

DCC Lead Flood Authority in their correspondence make reference to an existing pond. The Technical Memo confirms that this is two lined ornamental ponds shown on the Topographical Survey associated with the existing property. They serve no functional purpose in relation to surface water management and will be removed as part of the construction works.

Summary

The revised drawings have given further consideration to the overall layout, design and scale of the proposed dwellings including upon near existing residents. Local residents have had an opportunity to comment on the scheme. Those concerns has been addressed throughout the report. The erection of five dwellings is in accordance with adopted planning policies. Subject to conditions, the development is considered, on balance, acceptable in terms of highway safety, effect on the visual quality and amenity of neighbouring residents. The proposal is considered to comply with policies COR1, COR2, COR8, COR9 and COR13 of the Mid Devon Core Strategy (LP1), AL/IN/3 and AL/TIV/2 of the Allocations and Infrastructure Development Plan (LP2) and DM1, DM2, DM3, DM8 and DM14 of the Local Plan Part 3 (Development Management Policies)

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three* years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. No development shall take place until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. Unless it is demonstrated that it is unfeasible to do so, the scheme shall use appropriate Sustainable Urban Drainage Systems. The drainage scheme shall be designed so that there is no increase in the rate of surface water runoff from the site resulting from the development and so that storm water flows are attenuated. The development shall be carried out in accordance with the approved scheme.
4. Demolition should be carried out in such a manner as to minimise the potential for airborne nuisance, additional land contamination and/or the creation of additional contamination pathways either on the site or at adjacent properties/other sensitive receptors. Prior to demolition commencing, a works plan and risk assessment shall be submitted for approval to the Local Planning Authority for consultation with Environmental Health Services. This plan and assessment should identify and risk-assess any potential hazardous material in above or below ground structures that will be removed or disturbed during demolition and measures to deal with these safely. All potentially hazardous materials should be assessed.
5. The proposed estate road, footways, 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. No part of the development can be occupied until:
 - A] The access road has been laid out, kerbed, drained and constructed up to base course level for the first 20.00 metres back from its junction with the public highway
 - B] The ironwork has been set to base course level and the visibility splays required by this permission laid out
 - C] The footway on the public highway frontage required by this permission has been constructed up to base course level
 - D] A site compound and car park have been constructed to the written satisfaction of the Local Planning Authority
7. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority. The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.

8. No development shall begin until details / samples of the materials to be used for all the external surfaces of the building[s] have been submitted to, and approved in writing by, the Local Planning Authority. Such approved materials shall be so used and retained.
9. 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 prior to the occupation of the development [or phases 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.
10. Notwithstanding the provisions of Article 3 of The Town and Country Planning [General Permitted Development] Order 2015 [as amended] [or any Order revoking and re-enacting that Order with or without modification] no development of the types referred to in Classes A, B, C of Part 1 of Schedule 2, relating to the enlargement of a dwelling including an addition or alteration to its roof, shall be undertaken within the application site without the Local Planning Authority first granting planning permission.
11. The development shall be carried out in accordance with the recommendations and mitigation measures set out in the 'Preliminary Ecological Appraisal' prepared by WYG dated May 2017 for application 17/00910/FULL and shall be approved by the Local Planning Authority before construction begins.
12. The landscape scheme, to be approved in writing by the Local Planning Authority prior to the commencement of any development, shall provide heavy standard trees.
13. The occupation of any dwelling shall not take place until the Local Planning Authority have viewed and agreed in writing a maintenance plan with specific reference to the function and maintenance of the sustainable urban drainage system.

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 protect water quality and minimise flood risk in accordance with Flood Management Act and in accordance with Policy of the DM2 Local Plan Part 3 [Development Management Policies].
4. In the interests of public health and protection of the environment.
5. To ensure that adequate information is available for the proper consideration of the detailed proposals.

6. 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.
7. To ensure, in accordance with paragraph 141 of the National Planning Policy Framework [2012] and the supporting text in paragraph 5.3 of the Mid Devon Local Plan Part 3: Development Management Policy DM27 [2013], that an appropriate record is made of archaeological evidence that may be affected by the development.
8. 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].
9. To ensure the use of materials and detailing appropriate to the character and appearance of the building and boundary treatments in accordance with Mid Devon Core Strategy [Local Plan Part 1] Policy COR2 and Local Plan Part 3: [Development Management Policies] Policies DM2 and DM14.
10. To safeguard the residential amenity of neighbouring residents in accordance with Policy DM2 of the Local Plan Part 3 [Development Management Policies].
11. To limit the impact of the development on any protected species which may be present.
12. In the interest of the character and visual amenity of the area in accordance with Policy DM2 of the Local Plan Part 3 (Development Management Policies).
13. To ensure that adequate information is available for the proper consideration of the detailed proposals.

INFORMATIVES

1. The maintenance plan will be passed onto homeowners. As such, the plan should be specific to ensure that all homeowners are aware of how the permeable paving should perform and what is required to ensure this. Details of potential contacts that homeowners can get in touch with should also be provided to homeowners in case they experience any difficulties.

The Human Rights Act 1998 came into force on 2nd October 2000. It requires all public authorities to act in a way which is compatible with the European Convention on Human Rights. This report has been prepared in light of the Council's obligations under the Act with regard to decisions to be informed by the principles of fair balance and non-discrimination.

APPENDIX A

10 Mayfair Schedule of Changes (Planning Approval Ref 17/00910/Full)

Location	Desc	Item	Approved	Proposed	Conditions Requiring Amendment	Drawing References		
						Existing	Proposed	
Plot 1	Levels							
		Finished Floor Level	106.65	108.15	2	16.095.102	A(08)01, A(08)02, A(08)03,	
		Ridge Level	114.85	115.85	2	16.095.102	A(08)01, A(08)02, A(08)03,	
	Materials							
		Driveway	Block Paving	Block Paving	Block Paving or Gravel grid			
		Walls	Brickwork - Ibstock Laybrook Imperial Red Stock Render - K Rend, Ash white Cladding - Hardi plank - Select	Brickwork - Hanson Royal Blend. Red sand pointing with 5mm raked joint dentil courses as drawing. Render - Ash White painted smooth render. Cladding - Hardi plank - Select light grey		8		
		Windows	Windows - UPVC, double glazed.	Windows - UPVC, double glazed.		8		
		Doors	Assume - UPVC	Composite Ral 2017		8		
		Roof	Roof tiles - Marley Eternit Ashmore smooth brown plain tile.	Brazilian Grey slate		8		
		Facias	Facias, soffits - White	Facias, soffits - White		8		
		Gutters and downpipes	Rainwater goods - White plastic	Rainwater goods - black plastic		8		
	Boundary Changes	Front Elevation		Moved .5m to south	Remove balcony and replace with window. Change porch roof design. Remove cladding board over first floor window and replace with brick. Add dentil courses to ground and first floor.	2	16.095.102	A(08)01 & A(08)03,
		Rear Elevation		Alteration of window layouts to incorporate window with Juliet balcony to master bedroom Add brick plinth and dentil course. Add soldier course over windows GF. Change folding sliding doors to French door.		2		A(08)01 & A(08)03,
		LHS Elevation (when viewed from front)		Add brick plinth and dentil course. Add window.		2		A(08)01 & A(08)03,
	RHS Elevation (when viewed from front)		Change window to double casement. Render to gable. Brick plinth and dentil course. Brick wrapped round side elevation 1.2m		2		A(08)01 & A(08)03,	
	Ground Floor Plan		Alter layout of family room. Alter entrance to include side lights to front door.		2		A(08)01 & A(08)03,	
	First Floor Plan		Remove balcony . Add en-suite. Reconfigure hallway		2		A(08)01 & A(08)03,	
	Garage	Single Garage	Double garage hipped roof rendered with brick plinth		2		A(08)01 & A(08)03,	
	Location		moved .3m to south			16.095.102		
Plot 2	Levels							
		Finished Floor Level	107.05	108.05	2	16.095.102	A(08)01, A(08)02, A(08)03, A(08)04,	
		Ridge Level	115	115.75	2	16.095.102	A(08)01, A(08)02, A(08)03,	
	Materials							
		Driveway	Block Paving	Block paving	Block paving or gravel grid.			
		Walls	Brickwork - Ibstock Laybrook Imperial Red Stock Render - K Rend, Ash white Cladding - Hardi plank - Select	Brickwork - Hanson Royal Blend. Red sand pointing with 5mm raked joint dentil courses as drawing. Render - ash white painted smooth render. Cladding - Hardi plank - Select light grey		8		
		Windows	Windows - UPVC, double glazed.	Windows - UPVC, double glazed.		8		
		Doors	Assume - UPVC	Composite Ral 2017		8		
		Roof	Roof tiles - Marley Eternit Ashmore smooth brown plain tile.	Brazilian Grey slate		8		
		Facias	Facias, soffits - White	Facias, soffits - White		8		
		Gutters and downpipes	Rainwater goods - White plastic	Rainwater goods - black plastic		8		
	Boundary Changes	Front Elevation		As previously proposed	Remove cladding Add dentil course to ground and first floor. Increase size of w.c. window Add brick plinth	2		

		Rear Elevation		Amend fenestration	2		
		LHS Elevation (when viewed from front)		Remove cladding board Add dentil course and brick plinth	2		
		RHS Elevation (when viewed from front)		Remove cladding board Add window to porch Add dentil course and brick plinth	2		
		Ground Floor Plan		Revised- hall and family room	2		
		First Floor Plan					
		Garage	Single Garage				
		Canopy	Entrance canopy - House of Canopies - Glass door canopy with tie rods - Type P - 755mm x 2400mm		8		
		Location		As previously proposed	2	16.095.102	
Plot 3	Levels						
		Finished Floor Level	107.55	108.05	2	16.095.102	A(08)01, A(08)02, A(08)03,
		Ridge Level	115.75	115.75	2	16.095.102	A(08)01, A(08)02, A(08)03,
	Materials						
		Driveway	Block Paving	Block paving or gravel grid			
		Walls	Brickwork - Ibstock Laybrook Imperial Red Stock Render - K Rend, Ash white Cladding - Hardi plank - Select	Brickwork - Hanson Royal Blend. Red sand pointing with 5mm raked joint dentil courses as drawing. Render - ash white painted smooth render. Cladding - Hardi plank - Select light grey	8		
		Windows	Windows-UPVC, double glazed.	Windows - UPVC, double glazed.	8		
		Doors	Assume - UPVC	Composite Ral 2017	8		
		Roof	Roof tiles - Marley Eternit Ashmore smooth brown plain tile.	Brazilian Grey slate	8		
		Fascias	Fascias, soffits - White	Fascias, soffits - White	8		
		Gutters and downpipes	Rainwater goods - White plastic	Rainwater goods - black plastic	8		
	Boundary Changes			As previously proposed			
		Front Elevation		Remove balcony and replace with window. Change porch roof design. Remove cladding board over first floor window and replace with brick. Add dentil courses to ground and first floor	2		A(08)01 & A(08)03,
		Rear Elevation		Alteration of window layouts to incorporate window with Juliet balcony to master bedroom. Add brick plinth and dentil course. Add soldier course over windows GF. Change folding sliding doors to French door.	2		A(08)01 & A(08)03,
		LHS Elevation (when viewed from front)		Add brick plinth and dentil course. Add window	2		A(08)01 & A(08)03,
		RHS Elevation (when viewed from front)		Change window to double casement. Render to gable. Brick plinth and dentil course. Brick wrapped round side elevation 1.2m	2		A(08)01 & A(08)03,
		Ground Floor Plan		Alter layout of family room. Alter entrance to include side lights to front door.	2		A(08)01 & A(08)03,
		First Floor Plan		Remove balcony Add en-suite Reconfigure hallway	2		A(08)01 & A(08)03,
		Garage	Single Garage	Single with rendered with brick plinth	2		A(08)01 & A(08)03,
		Location		As previously proposed		16.095.102	
Plot 4	Levels						
		Finished Floor Level	107.95	108.25	2	16.095.102	A(08)01, A(08)02, A(08)03,
		Ridge Level	115.9	115.95	2	16.095.102	A(08)01, A(08)02, A(08)03,
	Materials						
		Driveway	Block Paving	Block Paving or gravel grid.		16.095.06	
		Walls	Brickwork - Ibstock Laybrook Imperial Red Stock Render - K Rend, Ash white Cladding - Hardi plank - Select	Brickwork - Hanson Royal Blend. Red sand pointing with 5mm raked joint dentil courses as drawing. Render - ash white painted smooth render. Cladding - Hardi plank - Select light grey	8	16.095.06	
		Windows	Windows-UPVC, double glazed.	Windows - UPVC, double glazed.	8	16.095.06	
		Doors	Assume - UPVC	Composite Ral 2017	8	16.095.06	
		Roof	Roof tiles - Marley Eternit Ashmore smooth brown plain tile.	Brazilian Grey slate	8	16.095.06	
		Fascias	Fascias, soffits - White	Fascias, soffits - White	8	16.095.06	
		Gutters and downpipes	Rainwater goods - White plastic	Rainwater goods - black plastic	8	16.095.06	
	Boundary					16.095.102	

	Changes	Front Elevation		Remove cladding Add dentil course to ground and first floor. Increase size of w.c. window. Add brick plinth	2	6.095.06	
		Rear Elevation		Amend Fenestration	2	6.095.06	
		LHS Elevation (when viewed from front)		Remove cladding board Add dentil course and Brick plinth	2	6.095.06	
		RHS Elevation (when viewed from front)		Remove cladding board Add window to porch Add dentil course and brick plinth	2	6.095.06	
		Ground Floor Plan		Revised - hall and family room	2	6.095.06	
		First Floor Plan			2	6.095.06	
		Garage	Single Garage	Double garage	2		
	Location			As previously proposed		16.095.102	A(08)01, A(08)04.
Plot 5	Levels						
		Finished Floor Level	108.35	108.35	2	16.095.102	A(08)01, A(08)02, A(08)03,
		Ridge Level	116.3	116.05	2	16.095.102	A(08)01, A(08)02, A(08)03,
	Materials						
		Driveway	Block Paving	Block paving or gravel grid		16.095.07	
		Walls	Brickwork - Ibstock Laybrook Imperial Red StockRender - K Rend, Ash white Cladding - Hardi plank - Select	Brickwork - Hanson Royal Blend, Red sand pointing with 5mm raked joint dentil courses as drawing. Render - ash white painted smooth render. Cladding - Hardi Plank - Select light grey	8	16.095.07	
		Windows	Windows - UPVC, double glazed.	Windows - UPVC, double glazed.	8	16.095.07	
		Doors	Assume - UPVC	Composite Ral 2017	8	16.095.07	
		Roof	Roof tiles - Marley Eternit Ashmore smooth brown plain tile.	Brazilian Grey slate	8	16.095.07	
		Facias	Fascias, soffits - White	Fascias, soffits - White	8	16.095.07	
		Gutters and downpipes	Rainwater goods - White plastic	Rainwater goods - black plastic	8	16.095.07	
	Boundary					16.095.102	A(08)01 & A(08)03,
	Changes	Front Elevation		Remove balcony and replace with window. Change porch roof design. Remove cladding board over first floor window and replace with brick. Add dentil courses to ground and first floor.		16.095.07	A(08)01 & A(08)03,
		Rear Elevation		Alteration of window layouts to incorporate window with Juliet balcony to master bedroom. Add brick plinth and dentil course. Add soldier course over windows GF. Change folding sliding doors to French door.		16.095.07	A(08)01 & A(08)03,
		LHS Elevation (when viewed from front)		Add brick plinth and dentil course. Add window.		16.095.07	A(08)01 & A(08)03,
		RHS Elevation (when viewed from front)		Change window to double casement. Render to gable. Brick plinth and dentil course. Brick wrapped round side elevation 1.2m.		16.095.07	A(08)01 & A(08)03,
		Ground Floor Plan		Alter layout of family room. Alter entrance to include side lights to front door.		16.095.07	A(08)01 & A(08)03,
		First Floor Plan		Remove balcony. Add en-suite. Reconfigure hallway.		16.095.07	A(08)01 & A(08)03,
		Garage	Single Garage	Double garage. Hipped roof. Rendered with brick plinth.			A(08)01 & A(08)03,
	Location			rotated and pushed back into the site			
Site	Drainage	Foul and Surface Water Drainage		Revised gravity fed scheme	3,5		A(08)04, A(09)01 A(01)08, 0472.404
Road and access				We request road layout and detail to be revised in accordance with drawings A(08)03, A(01)07 A(01)08 and T7501_04_P (Previously Approved) and A(09)01	5,6 A,B,C		
site compound				We request confirmation that D) site compound and car park has been constructed to the written satisfaction of the Local Planning Authority	6D		

APPENDIX B

Reference No: 17/00910/FULL

Parish: Tiverton 52

Date of Permission: 30th November 2017

Proposal: Erection of 5 dwellings and alterations to existing bungalow and erection of garage

Location: 10 Mayfair Tiverton Devon EX16 4NQ

Condition 2

The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.

Condition 3

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

Condition 5

The proposed estate road, footways, 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.

Condition 6

No part of the development hereby approved shall be commenced until:

A] The access road has been laid out, kerbed, drained and constructed up to base course level for the first 20.00 metres back from its junction with the public highway

B] The ironwork has been set to base course level and the visibility splays required by this permission laid out

C] The footway on the public highway frontage required by this permission has been constructed up to base course level

D] A site compound and car park have been constructed to the written satisfaction of the Local Planning Authority

Condition 8

No development shall begin until details / samples of the materials to be used for all the external surfaces of the building[s] have been submitted to, and approved in writing by, the Local Planning Authority. Such approved materials shall be so used and retained.

APPLICATION NO: 19/00075/MFUL

MEMBER CALL-IN

This planning application has been called in by Members as a result of discussions held on planning applications appearing on the majors list.

RECOMMENDATION

Grant permission subject to conditions

PROPOSED DEVELOPMENT

The applicant seeks planning permission for the erection of an agricultural educational/training facility to include demolition of farm buildings; erection of 5 buildings comprising of 20 residential apartments for service users; alterations to convert existing buildings to create classrooms and office suites; formation of an access track and overspill car park on land at Kelly Farm, Nomansland.

The applicant is The Bradbury Group which is a leading provider of high-quality care and support for adults with complex needs in the south-west. The Bradbury House Group provides residential and Day-Service provision for adults with learning disabilities, autism, mental health needs, associated behaviours that challenge and for people who have experienced living in secure, institutional settings or are at risk of being detained.

The philosophy of the Bradbury House Group is to enable people to live within a community setting and for them to benefit from living as a valued member of a family, which is both sympathetic to their individual needs and encourages them to progress and succeed with their own goals in life. Current provision comprises ten residential homes based in the Bristol, Wells, Cheddar and Weston Super Mare areas. With a range of facilities, including utilising a unique model of care focusing on the therapeutic use of a fully-working farm to provide Day-Service provision, education, skills-training and work opportunities for individuals using the service. All the services provided by the Bradbury House Group are underpinned by a positive behavioural support model overseen by a behavioural specialist support team. The Bradbury House Group currently operate a similar residential education centre at Bendalls Farm Priddy in the Mendips AONB with residential and Day-Services.

APPLICANT'S SUPPORTING INFORMATION

Application Form, Plans, Planning Statement, Energy and Sustainability Statement, Structural Appraisal, Preliminary Ecological Assessment Report, Waste Audit Statement

RELEVANT PLANNING HISTORY

81/00197/FULL - PERMIT date 9th March 1981
Erection of a milking parlour, dairy boxes, cubicles and silo

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR1 – Sustainable Communities
COR2 – Local Distinctiveness
COR3 – Meeting Housing Needs
COR4 – Meeting Employment Needs
COR7 – Previously Developed Land
COR8 – Infrastructure Provision
COR9 – Access
COR11 – Flooding
COR12 – Development Focus
COR18 – Countryside

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

AL/IN/3 - Public Open Space

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
DM6 – Transport and Air Quality
DM7 – Pollution
DM8 – Parking
DM17 – Development outside Town centres
DM20 – Rural employment development
DM25 – Community Facilities
DM28 – Green Infrastructure in Major Development

CONSULTATIONS

Cruwys Morchard Parish Council - 15th April 2019:

Cruwys Morchard Parish Council recommends refusal of the above application for the following reasons:

1. Although there were no objections to the actual development there were some major concerns in connection with the road access:

- There is very bad visibility when leaving the lane from Kelly Farm and it is suggested that the landowners on either side could be made to improve this.
- On leaving Kelly Farm and turning left on to the lane which comes out onto the B3137, visibility once again is very poor.
- From leaving the B3137 the junction is very difficult and dangerous for large vehicles and this road is already used by many large lorries frequently going to and from the nearby Anaerobic Digester together with other farm vehicles. The lane is relatively narrow with no passing places and the condition continues to deteriorate with so much heavy traffic.
- It is expected that this development will only bring more traffic to Kelly Farm to bring supplies, staff and other vehicles used to transport the residents.
- At present this road off the B3137 is being used as a traffic diversion due to ongoing road repairs between Nomansland and Looseland Cross which has now been closed for over 18 months and it is not sure when the road will open again.

2. Another concern was that the development stated that they had already taken away some hedging along the lane up to Kelly Farm without seeking permission to do so, and we wanted to ensure this no longer happened. The developer was unaware that there was a need to get approval to remove hedges.

Cruwys Morchard Parish Council – 24th June 2019

Cruwys Morchard Parish Council discussed the revised planning application (see above) on Thursday and objections raised previously still stand. The Council felt that none of the traffic issues raised previously had been addressed in the revised documentation

Highway Authority – 13th May 2019

Observations:

I have visited the site and the existing farm access is substandard in terms of visibility onto the public highway and the Highway Authority would seek and improvement to meet current standards. A visibility splay of 2.40m back along the centre line of the access and extending to a point on the nearside kerb 43m either side of the access with no obstruction greater than 600mm above the road surface should be provided and the below condition should be imposed. The proposed traffic generation is an increase in traffic generation of the farm use but is spread out through the day with 3 shifts proposed and the imposition of the travel plan assisting the reductions, notwithstanding the extant use has a generation and the increase is minimal albeit of a different type. The applicants have submitted a revised access route which is in keeping with the highways authority's expectations. Therefore the Highway Authority would raise no objections subject to 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:

1. Visibility splays shall be provided, laid out and maintained for that purpose at the site access where the visibility splays provide inter visibility between any points on the X and Y axes at a height of 0.60 metres above the adjacent carriageway/drive level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be 2.40 metres and the visibility distances along the nearer edge of the carriageway of the public highway (identified as Y) shall be 43.00 metres in both directions.

REASON: To provide adequate visibility from and of emerging vehicles.

Highway Authority - 25th June 2019

Previous comments and conditions apply

Historic Environment Team – 19th March 2019

Comments from Stephen Reed, Senior Historic Environment Officer
Devon County Historic Environment Team ref: Arch/DM/MD/33953a

I refer to the above application and your recent consultation. Assessment of the Historic Environment Record (HER) and the details submitted by the applicant do not suggest that the scale and situation of this development will have any impact upon any known heritage assets.

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

Historic Environment – 3rd July 2019

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 any impact upon any known heritage assets.

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

Devon Cornwall and Dorset Police – 29th March 2019

Police have no objections in principle to the proposal. However, following a recent site visit, a review of the available plans and drawings and an informative conversation with the applicant regarding crime and disorder considerations, please note the following information, advice and recommendations from a designing out crime, fear of crime, antisocial behaviour (ASB) and conflict perspective.

Given the isolated location, extensive grounds of what will remain in many aspects a 'working farm' and the potential vulnerability of the residents and service users, a sensible and practical level of security, which will not adversely affect the efficiency of the centre, is essential for a successful and sustainable facility.

The security element within the Building Regulations, namely Approved Document Q (ADQ) creates security requirements in relation to all new dwellings including those resulting from a change of use, for example commercial, warehouse or barns undergoing conversion into dwellings. It also applies to Conservation Areas.

All doors at the entrance to a building, including garage doors where there is a connecting door to the dwelling and ground floor, basement and other easily accessible windows including roof lights, must be shown to have been manufactured to a design that has been tested to an acceptable security standard.

To fully comply with the requirements of ADQ it is recommended that all doors and windows meet the standards and specifications of Secured by Design (SBD). SBD requires that doors and windows are not only tested by the product manufacturer, but that independent third-party certification from a UKAS accredited independent third-party certification authority is also in place. This requirement exceeds the requirements of ADQ.

Site specific

It is recommended consideration is given to all doors and windows within the residential blocks being certified to PAS 24:2016 or STS 201 Issue 7:2015 (doors) / STS 204 Issue 6:2016 (windows) standard as a minimum. Farm equipment and plant should be kept in secure storage when not in use with the building preferably covered by CCTV and alarmed.

A lockable gate or barrier should be considered for installed on the access road just prior to the existing farm house to prevent unauthorised vehicular access into the main farm yard thus enhancing safety and security. I welcome the intention for additional lighting to be installed along the access road. Following my discussions with the applicant, it is my understanding that Kelly Farm will operate the safety and security practices and principles currently adopted by the Bradbury House Group across its existing sites in line with CQC requirements.

Devon Cornwall and Dorset police - 26th June 2019

Thank you for this application - (Revised & additional drawings).
Police have no further comments regarding the additional material.

Public Health – 20th March 2019

Contaminated Land: No objection to this proposal (12.3.19).

Air Quality: No objection to this proposal (12.3.19).

Environmental Permitting: No objection to this proposal (12.3.19).

Drainage: No objection to this proposal (12.3.19).

Noise & other nuisances: No objection to this proposal (12.3.19).

Housing Standards: No comment (18.3.19).

Licensing: No comments (12.3.19).

Food Hygiene: No objection to this proposal.

Informative: If food or drink is provided, stored, processed for those attending this is considered a food business. All new food businesses are required to register with their Local Authority 28 days prior to opening.

The appropriate form can be found in this link.

<https://www.middevon.gov.uk/media/114739/foodregistrationform.pdf>

Free advice on requirements can be given by Environmental Health. For structural requirements this is ideally sought before works start. The Food Standards

Agency's website is also a useful source of information <https://www.food.gov.uk/> . (12.3.19).

Private Water Supplies: If a private supply is to be used by more than one property or has a commercial function, The Private Water Supply (England) Regulations 2016 as amended will apply. A risk assessment and sampling regime will be necessary.

The supply must not be used until the Local Authority (Mid Devon District Council) is satisfied that the supply does not constitute a potential danger to human health, including single domestic use.

Please contact Public Health at Mid Devon District Council on completion of proposal.

If mains water is to be used, would have no comment (12.3.19).

Health and Safety: No objection to this proposal enforced by HSE.

Informative: There is a foreseeable risk of asbestos being present in the structure. Please review the information in this link, so you are aware of the hazards, risks and your legal obligations with asbestos <http://www.hse.gov.uk/asbestos/> . If asbestos may be present a Refurbishment and Demolition Survey following HSG264 available at <http://www.hse.gov.uk/pUbns/priced/hsg264.pdf> should be carried out before work commences to identify precautions and legal requirements enforced by Health and Safety Executive (12.3.19).

DCC - Flood and Coastal Risk - 3rd April 2019

Recommendation:

At this stage, we object to this planning application because we do not believe it satisfactorily conforms to Policy DM2, specifically part (f), of Mid Devon District Council's Local Plan (Adopted October 2013), which requires developments to include sustainable drainage systems. The applicant will therefore be required to submit additional information in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.

Observations:

We are delighted to see that infiltration techniques are proposed however, in the absence of on site infiltration testing to BRE 365 Digest at this stage, to determine the feasibility of infiltration at the site, we would require an alternative surface water drainage strategy in case infiltration testing proves unviable. The applicant must note that infiltration tests, undertaken in strict accordance with BRE Digest 365 Soakaway Design (2016) must be undertaken in order to demonstrate whether

infiltration is a viable means of surface water drainage management on this site. A representative number of tests must be conducted in order to provide adequate coverage of the site, with particular focus placed on the locations and depths of potential infiltration devices.

Please note we also have a requirement for one years worth of groundwater monitoring to determine there is an unsaturated zone of 1 m in depth between the maximum groundwater level and the invert level of the soakaway device.

The applicant must submit information regarding the adoption and maintenance of the proposed surface water drainage management system in order to demonstrate that all components will remain fully operational throughout the lifetime of the development.

The applicant must submit details of the exceedance pathways and overland flow routes across the site in the event of rainfall in excess of the design standard of the surface water drainage management system.

The applicant will also be required to submit MicroDrainage model outputs, or similar, in order to demonstrate that all components of the proposed surface water drainage system have been designed to the 1 in 100 year (+40% allowance for climate change) rainfall event.

We would be happy to provide another substantive review if additional information is submitted to the local planning authority.

DCC - Flood and Coastal Risk – 10th July 2019 (Following submission of drainage strategy)

Recommendation:

Our objection is withdrawn and we have no in-principle objections to the above planning application at this stage, assuming that the following pre-commencement planning conditions are imposed on any approved permission:

No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems, and those set out in the Drainage Strategy June 2019 Kelly Farm, Nomansland AVO19007-190620-R-DS Rev A01. No part of the development shall be occupied until the surface water management scheme serving that part of the development has been provided in accordance with the approved details and the drainage infrastructure shall be retained and maintained for the lifetime of the development.

Reason: To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems.

Advice: Refer to Devon County Council's Sustainable Drainage Guidance.

No part of the development hereby permitted shall be commenced until the full details of the adoption and maintenance arrangements for the proposed permanent surface water drainage management consultation with Devon County Council as the Lead Local Flood Authority.

Reason: To ensure that the development's permanent surface water drainage management systems will remain fully operational throughout the lifetime of the development.

Reason for being a pre-commencement condition: These details need to be submitted prior to commencement of any works to ensure that suitable plans are in place for the maintenance of the permanent surface water drainage management plan, for the reason above.

No part of the development hereby permitted shall be commenced until details of the exceedance pathways and overland flow routes across the site in the event of rainfall in excess of the design standard of the proposed surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority.

Reason: To ensure that the surface water runoff generated from rainfall events in excess of the design standard of the proposed surface water drainage management system is safely managed.

No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. This temporary surface water drainage management system must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site.

Reason: To ensure that surface water runoff from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area.

Reason for being a pre-commencement condition: A plan needs to be demonstrated prior to the commencement of any works to ensure that surface water can be managed suitably without increasing flood risk downstream, negatively affecting water quality downstream or negatively impacting on surrounding areas and infrastructure.

Advice: Refer to Devon County Council's Sustainable Drainage Guidance.

Observations:

Following my previous consultation response FRM/MD/00075/2019 dated 03/04/2019, the applicant has submitted additional information in relation to the surface water drainage aspects of the above planning application, for which I am grateful.

Drainage Strategy, Kelly Farm, Nomansland, Devon AVO-19007-190620-R-DS, Rev A01
The applicant is proposing to attenuate flows within an attenuation basin which will provide treatment of the surface water runoff as well as a level of biodiversity and amenity to the wider site. The runoff will be restricted to greenfield rates so there will be no increase in runoff as a result of this development. We would advise that a Land Drainage Consent may be required for the discharge of runoff into the watercourse adjacent to the site. Further information is available here <https://www.devon.gov.uk/floodriskmanagement/land-drainage-consent/>. This would not form a planning requirement but would be required prior to works starting at the site. We would also recommend that the basin is shaped to look 'less engineered' with varying side slopes of no greater than 1 in 3 and ideally less than this, for landscaping requirements.

Natural England – 21st March 2019

Natural England has no comments to make on this application.

Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

Natural England and the Forestry Commission have also published standing advice on ancient woodland and veteran trees which you can use to assess any impacts on ancient woodland.

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

We recommend referring to our SSSI Impact Risk Zones (available on Magic and as a downloadable dataset) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available on gov.uk at <https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice>

REPRESENTATIONS

One letter of objection has been received with the objections summarised as follows:

- There are discrepancies in the Transport Plan whereby Fig 1, Site location shows a route from Kelly Farm to Tiverton which is neither acceptable nor described in the Transport Plan.
- The junctions at Kelly Farm onto the unnamed road and at Mudford Gate Crossroads onto the B3137 are all restricted visibility to an extent of being dangerous.
- The unnamed road is unsuitable for any increase in traffic and indeed construction traffic.
- Traffic has increased along the unnamed road over the last 10 years due to the development of multiple aerobic digesters and chicken farms within 3 kms and is used as a cut-through route to the A361 North Devon Link road. This traffic includes tractors and trailers delivering feed and waste materials, tractors and slurry tankers, articulated feed lorries and chicken farm waste, and this is all on top of the local traffic.
- The unnamed road is also being used as a diversion for the previously used road to Nomansland which has been so severely damaged by all this increased traffic.
- The unnamed road has no passing places, and is not suitable for pedestrians, cyclists or horse riders due to the dangers from these large vehicles.
- The Applicant has already recognised the lack of passing places on Kelly Lane, by demolishing Devon hedges (without permission) and creating some passing places in Kelly Lane.
- The Transport Plan seems to have been based largely around a 2 hourly bus service Stagecoach 155 which runs from Exeter via Tiverton to Barnstaple. This bus service suffers significant cancellations causing disruption to local people so there is likely to be a reliance on private vehicles.
- Whilst there are 9 parking spaces to be provided and overflow car park of 20 spaces is to be provided which demonstrates the reliance on private transport.
- The cumulative increase in traffic on low classification roads in this area has made these local roads and junctions very dangerous.
- The unnamed road is not on the Devon County Council Primary salting network, and at a height of over 220m, suffers from frost, icy roads and snow on numerous occasions during the winter and can at times be completely impassable.
- The Applicant does not seem to have considered a Transport Plan for Construction Traffic, which we understand will be for a 2 year period.
- Whilst it is noted that a facility of this kind is needed in Devon, situated outside a settlement boundary, other sites with better access arrangements should be considered.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

This application seeks permission for the erection of an agricultural educational/training facility to include demolition of farm buildings; erection of 5 buildings comprising of 20 residential apartments for service users; alterations to convert existing buildings to create classrooms and office suites; formation of an access track and overspill car park on land at Kelly Farm, Nomansland.

The site at Kelly Farm is a 100-acre farm that was purchased by the applicant. The farm has a farmhouse and annexe and a range of outbuildings but the farm has not been actively used for at least ten years by the previous owner but was previously used for keeping livestock. The farm consists of a large farmhouse, and extensive outbuildings situated on the southern side of the valley. The site is located outside of the settlement limits for any recognised settlement within both the current saved Local Plan and within the Emerging Local Plan, located close to Nomansland (2 miles) and Tiverton (7 miles).

The main issues in the determination of this application are:

- 1. Policy**
- 2. Provision of the community facility within a countryside location**
- 3. Transport, access and parking issues**
- 4. Flooding and drainage**
- 5. Design and appearance of development and visual impact on the landscape**
- 6. Living conditions of the occupiers of nearby residential properties**
- 7. Ecology**
- 8. Sustainable development balance including carbon reduction measures**
- 9. Other Matters**

1. Policy

The NPPF sets out the Government's planning policies for England and it sets out a presumption in favour of sustainable development. It sets out the three objectives to sustainable development which are economic, social and environmental and seeks positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life. Since the introduction of the NPPF in 2012 and its latest revision in 2019, full weight can continue to be given to policies in Local Plans adopted in accordance with the Planning and Compulsory Purchase Act 2004. These policies are those in the Mid Devon Core Strategy (LP1), the Allocations and Infrastructure DPD (LP2) and those within the Local Plan Part 3 Development Management Policies. Less weight can be given to policies that are considered out of date (i.e. not adopted in accordance with the Planning and Compulsory Purchase Act 2004), particularly where these policies are in conflict with the NPPF.

It is considered that this development should be assessed in terms of policies COR1, COR2, COR3, COR4, COR7, COR8, COR9, COR11, COR12 and COR18 of the Mid Devon Local Plan Part 1 (Core Strategy). COR1 (Sustainable Communities) stresses the need for development to meet sustainability objectives, Policy COR2 (Local Distinctiveness) seeks development which will sustain the distinctive quality, character and diversity of Mid Devon's environmental assets, Policy COR3 (Meeting Housing Needs) relates to meeting the diverse housing needs of the community, Policy COR4 (meeting employment needs) states that employment space in Mid Devon is covered by Use Classes B1 (business), B2 (general industry) and B8 (storage and distribution).

COR7 (Previously Developed Land) seeks to guide development towards the most sustainable locations available, COR8 (Infrastructure Provision) outlines that the location, scale and form of

development will be guided by the need for community facilities and any existing shortages. COR9 (Access) aims to reduce the need to travel by car and increase public transport, COR11 (Flooding) outlines the need ensure that development does not increase flooding to properties elsewhere, COR12 (Development Focus) states that development will be concentrated at the main towns and Policy COR18 further deals with appropriate development within the countryside.

With regard to the Development Management Policies, Policy DM1 picks up on sustainable development principles, Policy DM2 requires design of new development to be high quality and demonstrate a clear understanding of the characteristics of the site, its wider context and surrounding area and create attractive places. Policy DM3 focuses on sustainable design of a major commercial development whereas Policy DM4 deals with waste management. Policy DM6 relates to transport and air quality considerations for any development and Policy DM7 outlines the assessment required on pollution. Policy DM8 states the required parking levels for a development/use; Policy DM17 identifies how development outside of town centres should be considered. Policy DM20 deals with employment within rural areas, Policy DM25 outlines support for community facilities and Policy DM28 focuses on green infrastructure.

An assessment of the proposed development is carried out in line with the above policies through the rest of this report.

2. Provision of the community facility within a countryside location

Given the location of the site outside of any recognised settlement limit within the countryside, Policy COR18 is relevant which seeks to control development outside defined settlement limits to appropriate rural uses. This policy excludes new market housing but does support appropriate scaled employment and farm diversification and community facilities such as educational facilities and it is outlined that the residential apartments are proposed for the service users.

With respect to the residential accommodation, this is to be closely linked with the educational/training element of the project and to the wider farm with the key aim of this development being to promote greater levels of independence, improve life-skills and provide an opportunity for people with complex needs to successfully engage with their local community. The applicant has a similar facility at Priddy which is similar in some respects to a residential college having campus accommodation with the residential accommodation at Priddy set around the main hub where there is office accommodation and classrooms, with farming (poultry, pigs, and other livestock) surrounding the site. A site visit was undertaken to the complex at Priddy and it was explained that the day service curriculum is set around a 13 week term where residents and outside visitors/users sign up for classes where support staff are then allocated to meet the recognised needs of those users. Therefore the staff support levels can begin high and then fall away once the individual obtains more skills/knowledge and becomes able to move into housing within the wider community. These sessions vary from both indoor and outdoor activities with lesson plans including animal care, horticulture, kindling/wood skills, tree planting, I.T. cooking etc. with a focus on the therapeutic and vocational use of a functioning farm, including working with animals. It was demonstrated that living on site also allows the residents to take an active role in activities such as lambing, calving and taking animals to market.

Policy DM25 (Community facilities) states that 'The development of new community facilities providing a local community benefit or environmental enhancement will be permitted where they are easily accessible by the local community and well related to a settlement. Proposals for the redevelopment of existing community facilities that enables them to modernise, remain viable and continue to be retained for the benefit of the community will be supported.' Whilst located in a countryside location, this is the preferred area for a facility as this.

Through pre-application discussions and the planning process, it has been demonstrated that there is a high need for this type of development in terms of housing and teaching people with learning and other social difficulties. Correspondence was provided from The Senior Commissioning Officer (Disabilities) of the Adult Commissioning and Health Directorate at Devon County Council who has confirmed that *'Devon County Council supports this development due to its close alignment with their commissioning intentions set out within the refreshed Disabilities Transformation plan 2018-2021, The Living well with a Learning Disability in Devon strategy 2018-21 and the STP LD and Autism Mandate.*

The programmes of work stemming from these strategies have clear common goals:

- 1. Promoting citizenship and maximising independence*
- 2. Providing people with complex needs and whose behaviour challenges services to receive support that enables them to live in their local communities*
- 3. Developing a workforce that has the skills, knowledge and competence to support and deliver the priorities.'*

Confirmation was also provided that the development of new models of care and support is paramount to achieving these aims and that Devon County Council and its NHS partners have previously visited the Bradbury House site run by the applicant and considered this model provided a good quality of personalised support with opportunities for people to progress to be as independent as possible and live a meaningful life. Therefore they fully support the implementation of this model in Devon.

In balancing the current adopted planning policies and guidance within the NPPF, support is offered for this development through paragraphs 61, 77 and 92 in terms of the NPPF where there are housing needs for different groups to be provided including people with disabilities, support for housing developments that reflect local needs in rural areas and that policies and decisions should take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community.

On the matter of the overall ownership of the residential accommodation, it was stated that this would remain with the Bradbury House Group (applicant) where the accommodation would form part of an individual's wider care pathway whereby they would be helped to move onto less supported housing options with greater degrees of responsibilities, such as holding their own tenancies. It is understood that timescales would be negotiated on an individual basis and would form part of an overall outcome focused support model. In terms of payment for the accommodation, this was identified as being paid for by the relevant stakeholders, such as Devon County Council or the Clinical Commissioning Group (CCG) and would provide an opportunity to relocate individuals currently placed out of County back to Devon as well as achieving a key aim of meeting the transforming care agenda by providing opportunity for people detained in hospital that could otherwise live in the community.

With respect to control of the residential accommodation, the applicant has confirmed that they are happy to accept a condition controlling the use for this purpose. With the facility at Priddy, there is a condition worded that *'Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any order revoking and re-enacting that Order with or without modification) the premises shall be used only for persons with learning difficulties or mental health needs, or staff caring for those persons....and for no other purpose within Use Class C3 of the schedule to that Order, without the prior written approval of the Local Planning Authority.'* A similar condition is recommended with this application.

In terms of employment and Policy DM20, the facility would be supported by up to 35 staff members with manager's accommodation provided on-site. Whilst there will be staff

accommodation in the existing farmhouse, the aim is to foster independent living within a managed and supervised environment.

There is considered to be a lack of this type of community facility within Devon and whilst the proposal is to provide a facility with residential accommodation comprising 20 residential apartments, this is to be set around the main hub where there is office accommodation and classrooms, with farming (poultry, pigs, and other livestock) surrounding the site. It is considered that this type of community facility would be supported by COR18, DM20, DM25 and the guidance within the NPPF.

3. Transport, access and parking issues

Any proposal must not adversely affect the safe functioning of the highway and provide appropriate parking facilities in line with policy COR9 of the Core Strategy and DM8 (Parking) of Local Plan 3 Development Management Policies. It is noted that most objections received relate to an increase in traffic movements to the site with the surrounding highway infrastructure being inadequate.

The lane to Kelly Farm is located off the B3137 which links Tiverton to the east with South Molton and the A361 to the northwest. A transport statement and travel plan has been submitted in support of this application whereby it is commented by the applicant that it is anticipated that the operators will provide the majority of transport for service users to and from the site, in the form of dedicated people carriers which is currently used for the similar facility run by the Bradbury Group in Priddy, near Wells in Somerset. In terms of accessibility by public transport, the 155 bus service between Tiverton and Page's Cross, and from South Molton to Page's Cross, provides a regular bus service to within 1 mile of the site throughout the day. The 155 also operates as a connecting service with onward travel from South Molton to Barnstaple, and from Tiverton to Exeter.

Parking is shown to be provided on site which includes an overflow car park, but with regards to residential service users, given their needs, no parking provision would be needed for residential users, as residents would typically arrive and depart the site via communal transport provided by the County Council or by the applicant. It has been noted that a sustainable travel pack would be made available to staff, and also to potential visitors to residential service users, which would detail the bus and rail services available, together with details of the shuttle service between the site and Page's Cross. For staff unable to access the site by public transport, details of a car-sharing scheme would be provided, to reduce the number of vehicles accessing the site. Shower and changing facilities would be provided on site for employees or day service users who choose to cycle, walk or run to the site, together with secure cycle storage.

Notwithstanding the measures outlined above and the proximity of public transport services, it is considered that another important fact to consider is that the proposed facility would address a need currently not met within the Devon area, and service users would no longer have to travel to Priddy in Somerset, which typically involves a 60-90 minute journey, either by private car, or by community transport provided by the County Council. This would therefore represent be a more sustainable option.

The Local Highway Authority has raised no objection to the proposed development on highway grounds recommending a planning condition to provide the required visibility splays at the site entrance. With respect to the surrounding roads, it is noted that a number of passing places have been provided along the drive/lane to Kelly Farm and there are a couple of passing places along the country lane to the main road. Therefore the access and parking arrangements are considered acceptable with the development in accordance with policies COR9 and DM8.

4. Flooding and drainage

The application site is shown as being located within flood zone 1 which is the area of lowest risk from flooding. Policy COR11 outlines that the risk of flooding to life and property should be reduced where possible with development guided to sustainable locations with the lowest flood risk by applying a sequential test and to locate appropriate development in areas of higher flood risk only where the benefits outweigh the risk of flooding and also ensure that development does not increase the risk of flooding of properties elsewhere. Policy DM2 requires appropriate drainage including sustainable drainage systems (SUDS) and connection of foul drainage to a mains sewer where available.

A drainage strategy has been submitted as part of this planning application and The Lead Local Flood Authority (D.C.C) raises no objections confirming that they have no in principle objections to the proposals but recommend conditions for the final details of the permanent surface water drainage management system and system during construction to be provided and approved. Conditions have been recommended in line with the response from the Lead Local Flood Authority. As such it is considered that a surface water drainage strategy for this development that complies with current best practices can be provided in accordance with adopted policy.

5. Design and appearance of development and visual impact on the landscape

As can be seen from the plans, it is proposed to convert existing modern agricultural buildings to provide a Classroom, Staff room, Meeting room and Offices in the learning hub (Barns A and B). It is intended to replace existing steel framed agricultural buildings with 5 buildings comprising a total of 20no. residential apartments to be used as managed accommodation. These will be designed as a village of buildings but will be rebuilt to appear as converted agricultural buildings.

The existing topography of the site and surrounding fields was noted following site visits with the field to the south being at a higher land level than the buildings to be replaced on site and that the new buildings would be on a similar footprint, overall height and material finish. In light of this it is considered that a case could be made for the mix of single storey and two storey buildings on site with little impact on the wider landscape. The overflow parking area is to be at a higher level but landscaping is proposed around this area to mitigate any harm. New hedgerow planting is proposed in the areas of hedgerow removed to create passing places along the lane to Kelly Farm as was commented upon by the objector.

With respect to the residential apartments, Policy DM14 is relevant and the policy outlines that 'New housing development should be designed to deliver:

- a) High quality local places taking into account physical context, local character, density and land use mix;
- b) Adequate levels of daylight, sunlight and privacy to private amenity spaces and principal windows;
- c) Suitably sized rooms and overall floorspace which allows for adequate storage and movement within the building together with external space for recycling, refuse and cycle storage;
- d) Adaptable dwellings that can accommodate a range of occupiers and their changing needs over time which will include the provision of a stairway suitable for stairlift installation or space for the provision of a lift in homes with more than one storey;
- e) Private amenity space that reflects the size, location, floorspace and orientation of the property;
- f) Sustainable forms of development that maximise the natural benefits of the site through design, materials, technology and orientation;
- g) On sites of 10 houses or more the provision of 20% of dwellings built to the lifetime homes standard;

h) Car parking in accordance with Policy DM8.'

It is considered that the 20 units of residential accommodation proposed in the form of single bed apartments would accord with this policy. Landscaping of the site is to be provided but final landscape details are to be conditioned and it is not considered that the proposal would have a significant detrimental impact on the landscape and on balance; it is considered that the design and layout of the educational/training facility would be acceptable in accordance with policies COR2 of the Mid Devon Core Strategy and policies DM2, DM7 and DM28 Local Plan Part 3 (Development Management Policies).

6. Living conditions of the occupiers of nearby residential properties

The NPPF indicates that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. No concerns have been raised from the Public Health Team on the grounds of lighting, noise etc. and the nearest neighbouring residential buildings are some distance away and their views would not significantly change to that of the previous buildings seen on site.

In terms of living conditions of occupiers on site (service users), whilst all the residential accommodation is to be retained in the ownership of the applicant, it is considered that the accommodation to be provided would be acceptable with adequate room sizes provided with the relationship with adjoining/adjacent apartments and those of the educational/training facilities also acceptable. The proposals are considered to comply with policy DM2 of LP3 DMP not having a significant detrimental impact on the amenity of occupiers of either neighbouring residential properties or service users.

7. Ecology

In order to provide the necessary information to the Council to demonstrate compliance with the ecological/biodiversity aspects of policies DM2 and DM28 of the Development Management Policies document, a Phase 1 Protected Species Survey has taken place. The Report states that swallow nests were found in Barn B and potential roosting locations were found on Barn A and Barn B, and no signs of bats were found. It has been concluded that Barns C and D can be demolished without further bat surveys. The report indicates that to convert Barns A and B, emergent surveys between May and September and a lighting strategy for reduced lighting over the entire site is suggested. A mitigation measure outlined is that bird and bat boxes can be designed into the new buildings to ensure that a beneficial impact will result.

A condition is recommended for these mitigation/enhancement measures to be implemented as part of the development. Therefore subject to these conditions, the proposal would be in accordance with policy DM2 of the Local Plan Part 3 [DMP].

8. Sustainable development balance including carbon reduction measures

The NPPF sets a strong emphasis on the delivery of sustainable development. The site is within the countryside but public transport links have been identified as has the need for a rural location for this type of community facility with associated residential apartments for service users.

In terms of demonstrating that the proposal complies with the objectives of sustainable development as set out in the National Planning Policy Framework (2018), the economic, social and environmental objectives are considered as follows. With regard to economic benefits, the proposal will facilitate the development of employment skills for disadvantaged members of the community, providing potential to take people out of public care and into a self-sufficient lifestyle.

The proposal will generate jobs for local people with there being in the region of 30 full-time jobs for educational staff, carers and maintenance/agricultural workers to be created. This would compare positively with the limited amount of jobs which would be created by the existing farm if it was fully operational. In addition, the proposal will reduce the cost to the public purse of using facilities in the Somerset and Bristol areas.

As far as social objectives, these are seen as the community benefits as the proposal would provide specialist residential care within the Devon area for disadvantaged and vulnerable members of the community. Currently no such facility exists in the Devon area, and people are often faced with the choice of living in a community where there is little or no specialist support, or being placed in an institutionalised and secure facility where there is little prospect of developing the necessary life or vocational skills necessary to transition to independent living. The proposal would provide a specialist therapeutic educational facility for individuals who are disadvantaged members of the community.

With respect to environmental considerations, the proposed development would reuse existing building or replace buildings in similar positions and of a similar scale, which reduces the impact on landscape. The proposals also outline potential benefits with regard to drainage and ecology. On the matter of carbon reduction, the applicant has chosen to create their own community heating system using high efficiency heat pumps supplying underfloor heating throughout the site. This system would also provide the heating for the highly insulated hot water systems, being housed in Barn B providing a central location for maintenance. In addition the development would utilise LED lighting throughout with a minimum of 100 lumens per circuit watt and within the non domestic spaces fitting PIR sensors in low occupancy areas and highly efficient extract fans. The development would also utilise Solar PV to reduce its CO₂ emissions by the minimum 10%. The Solar PV would be mounted on the South facing roofs with each dwelling having a 1 panel system of 250 watts. The non domestic spaces will have systems that range from 0.25 to 0.75 KWP

Other matters put forward in favour of the development include an absence of harm to ecology, visual amenity, highway safety and a limited impact on the living conditions of the occupiers of nearby residential properties. Mitigation measures are to be implemented to address drainage. Nonetheless, these are mitigating factors rather than benefits and the weight to be given to them is therefore limited.

9. Other Matters

Policy AL/IN/3 of the AIDPD concerns requirements for the provision of public open space and play areas that apply to all new residential development. The supplementary planning document entitled "The Provision and funding of Open Space through Development" sets out the level of contribution required to meet this increased demand on public services. Due to the nature of the development and the service users who will reside on site and the isolation of the proposed residential accommodation and area of farm land associated at Kelly Farm for use by occupiers, it is considered that such a contribution in this case would fail to meet the requirements of the CIL Tests in that a contribution towards public open space would not be fairly and reasonably related in scale and kind to the development. Therefore no contribution towards public open space has been requested.

As this is a major planning application, the applicant has confirmed that a private refuse collection arrangement would be put in place for this facility.

SUMMARY

The proposal involving the erection of an agricultural educational/training facility which includes residential apartments for the service users is considered to be a much needed community facility in providing a specialist residential and educational facility for use by Devon County Council and other local stakeholders on a Day-Service and fulltime basis with the aim to support the therapeutic education of individuals with complex needs, including those with learning disabilities and mental health needs, in a rural environment. It is not considered to adversely impact on the amenity of the occupiers of nearby properties; will be served by an appropriate access and parking facilities and will not present an unacceptable flood risk. The proposed appearance, design and scale of the buildings are considered to be acceptable. Having regard to all material considerations, it is concluded on balance that the application does accord with the presumption in favour of sustainable development. When tested against Paragraph 11 of the Framework the Local Planning Authority consider that the adverse impacts of the proposed development would not significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF as a whole. Overall, the proposal is considered to be in accordance with policies DM1, DM2, DM7, DM8, DM17, DM20, DM25 and DM28 of the Mid Devon Local Plan Part 3 (Development Management Policies), COR1, COR2, COR3, COR4, COR7, COR8, COR9, COR11, COR12 and COR18 of the Mid Devon Core Strategy and the National Planning Policy Framework.

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. Visibility splays shall be provided, laid out and maintained for that purpose at the site access where the visibility splays provide inter visibility between any points on the X and Y axes at a height of 0.60 metres above the adjacent carriageway/drive level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be 2.40 metres and the visibility distances along the nearer edge of the carriageway of the public highway (identified as Y) shall be 43.00 metres in both directions.
4. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any order revoking and re-enacting that Order with or without modification) the premises (including occupation of the residential units) shall be used only for persons with learning difficulties or mental health needs, or staff caring for those persons and for no other purpose within Use Class C2 or C3 of the schedule to that Order, without the prior written approval of the Local Planning Authority.
5. Before the commencement of any building works on site, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, dust and waste disposal during construction and operation to avoid damage to retained habitats, neighbouring habitats/wildlife species and a to prevent pollution to ponds that may be created by diffuse and point source discharge caused by possible working methods works and/or the incorrect storage location of equipment, vehicles and materials. Once approved

the CEMP shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

6. Prior to their use on site, details and/or samples of the materials to be used for all the external surfaces of the buildings shall have been submitted to and approved in writing by the Local Planning Authority. Such approved materials shall be so used and retained.
7. Prior to the first occupation of the education/training facility (including residential blocks) hereby approved, details of any external lighting within the application site shall be submitted, to and agreed in writing by the Local Planning Authority as part of a lighting strategy with external lighting installed in accordance with the agreed details. For the avoidance of doubt, new lighting on site shall be directed away from existing vegetation with any mature trees on site to be kept as dark as possible without compromising safety on site. Lights in the car parks shall be the minimum required for safety and security and lights shall be hooded and directional to prevent light spill onto any surrounding habitat.
8. The development hereby approved shall be carried out in accordance with the ecological constraints and opportunities outlined within the Preliminary Ecological Assessment Report prepared by the Bat Consultancy dated November 2018. These measures highlight the need to provide a Construction Environmental Management Plan and sensitive lighting scheme as required by conditions 5 and 7 above but also includes the installation and bat and bird boxes to the buildings and in order to ensure no bats are present when barn 1 or the stable block is converted within the active season, a further dusk and dawn emergence survey should be completed to check that bats are still not present.
9. The educational/training facility hereby approved including residential element shall not be occupied until the access, parking and turning areas associated with the development have been provided in accordance with the approved plans, drawing no. 3681.PL.090 Rev B. Following their provision these facilities shall be so retained.
10. Notwithstanding the details submitted for the proposed new Cornish hedgerow planting to be formed adjacent the newly formed passing places as shown on drawing no. 3681.PL.091 or the new tree and hedge planting across the site as shown on drawing no. 3681.PL.090 Rev B, prior to the use of any part of the development hereby approved, full details of the plant species to be used as part of the landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. 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 first planting season (whichever is sooner). 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. Once provided, the landscaping scheme shall be so retained.
11. No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems, and those set out in the Drainage Strategy June 2019 Kelly Farm, Nomansland AVO19007-190620-R-DS Rev A01. No part of the development shall be occupied until the surface water management scheme serving that part of the development has been provided in accordance with the approved details and the drainage infrastructure shall be retained and maintained for the lifetime of the development.

12. No part of the development hereby permitted shall be commenced until the full details of the adoption and maintenance arrangements for the proposed permanent surface water drainage management consultation with Devon County Council as the Lead Local Flood Authority.
13. No part of the development hereby permitted shall be commenced until details of the exceedance pathways and overland flow routes across the site in the event of rainfall in excess of the design standard of the proposed surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority.
14. No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. This temporary surface water drainage management system must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site.

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 provide adequate visibility from and of emerging vehicles.
4. In accordance with the submitted details and because the site is outside of defined settlement limits in the open countryside, where permanent residential dwellings with unrestricted occupation would be contrary to adopted planning policy, and this proposal is considered to be in accordance with policy COR18 of the Core Strategy and DM25 of the Local Plan part 3 (Development Management Policies).
5. To ensure the protection of endangered species, under the European Habitats Directive and the Conservation of Natural Habitats and of Wild Fauna and Flora [Council Directive 92/43/EEC] which is implemented in the UK by the Conservation [Natural Habitats & Conservation] Regulations 1994 [Statutory Instrument No 2716] amended in 2007 and in accordance with policy DM2 of Mid Devon Local Plan Part 3 [Development Management Policies].
6. To ensure the use of materials appropriate to the development in order to safeguard the visual amenities of the area in accordance with policy DM2 of the Local Plan Part 3 [Development Management Policies].
7. To safeguard the amenity levels enjoyed by the occupiers of neighbouring properties and to protect wildlife in accordance with policy DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).
8. To ensure the protection of endangered species, under the European Habitats Directive and the Conservation of Natural Habitats and of Wild Fauna and Flora [Council Directive

92/43/DDC] which is implemented in the UK by the Conservation [Natural Habitats & Conservation] Regulations 1994 [Statutory Instrument No 2716] amended in 2007 and in accordance with policy DM2 of Mid Devon Local Plan Part 3 [Development Management Policies].

9. In the interest of highway safety, and to ensure that adequate on-site facilities are available for traffic attracted to the site in accordance with Policy DM8 of Local Plan Part 3: [Development Management Policies].
10. To ensure that the development makes a positive contribution to the character and amenity of the area in accordance with policy DM2 of Local Plan Part 3: [Development Management Policies].
11. To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems.
12. To ensure that the development's permanent surface water drainage management systems will remain fully operational throughout the lifetime of the development.
13. To ensure that the surface water runoff generated from rainfall events in excess of the design standard of the proposed surface water drainage management system is safely managed.
14. To ensure that surface water runoff from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area.

INFORMATIVES

1. If food or drink is provided, stored, processed for those attending this is considered a food business. All new food businesses are required to register with their Local Authority 28 days prior to opening. The appropriate form can be found in this link.

<https://www.middevon.gov.uk/media/114739/foodregistrationform.pdf>

Free advice on requirements can be given by Environmental Health. For structural requirements this is ideally sought before works start. The Food Standards Agency's website is also a useful source of information <https://www.food.gov.uk/>.

2. If a private supply is to be used by more than one property or has a commercial function, The Private Water Supply (England) Regulations 2016 as amended will apply. A risk assessment and sampling regime will be necessary. The supply must not be used until the Local Authority (Mid Devon District Council) is satisfied that the supply does not constitute a potential danger to human health, including single domestic use. Please contact Public Health at Mid Devon District Council on completion of proposal.

3. There is a foreseeable risk of asbestos being present in the structures to be demolished. Please review the information in this link, so you are aware of the hazards, risks and your legal obligations with asbestos <http://www.hse.gov.uk/asbestos/>. If asbestos may be present a Refurbishment and Demolition Survey following HSG264 available at <http://www.hse.gov.uk/pUbns/priced/hsg264.pdf> should be carried out before work commences to identify precautions and legal requirements enforced by Health and Safety Executive.

REASON FOR/ APPROVAL OF PERMISSION/GRANT OF CONSENT

The proposed erection of an agricultural educational/training facility to include demolition of farm buildings; erection of 5 buildings comprising of 20 residential apartments for service users; alterations to convert existing buildings to create classrooms and office suites; formation of an access track and overspill car park is considered to be supportable in policy terms providing a needed community facility within the county. The proposal whilst sited in a countryside location is considered to be acceptable given its intended use, will not adversely impact on the amenity of the occupiers of nearby properties; will be served by an appropriate access and parking facilities and will not present an unacceptable flood risk. The proposed appearance, design and scale of the buildings are considered to be acceptable. Having regard to all material considerations, it is concluded on balance that the application does accord with the presumption in favour of sustainable development. When tested against Paragraph 11 of the Framework the Local Planning Authority consider that the adverse impacts of the proposed development would not significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF as a whole. Overall, the proposal is considered to be in accordance with policies DM1, DM2, DM7, DM8, DM17, DM20, DM25 and DM28 of the Mid Devon Local Plan Part 3 (Development Management Policies), COR1, COR2, COR3, COR4, COR7, COR8, COR9, COR11, COR12 and COR18 of the Mid Devon Core Strategy and the National Planning Policy Framework.

The Human Rights Act 1998 came into force on 2nd October 2000. It requires all public authorities to act in a way which is compatible with the European Convention on Human Rights. This report has been prepared in light of the Council's obligations under the Act with regard to decisions to be informed by the principles of fair balance and non-discrimination.

Application No. 19/00306/LBC

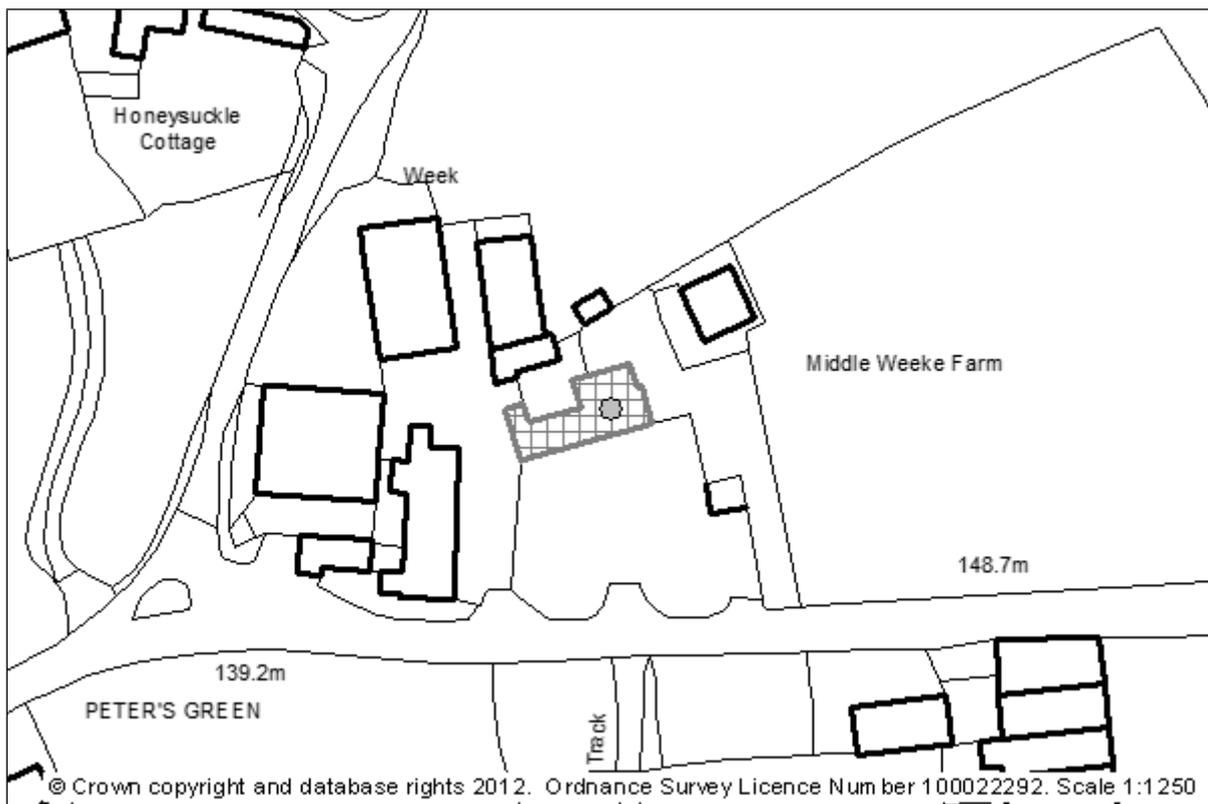
Grid Ref: 276208 : 106245

Applicant: Mr and Mrs J Daw

Location: Middle Weeke Farm
Morchard Bishop
Crediton
Devon

Proposal: Listed Building Consent for the replacement of upvc windows to timber windows on South elevation

Date Valid: 21st February 2019



APPLICATION NO: 19/00306/LBC

MEMBER APPLICATION

RECOMMENDATION

Grant Listed Building Consent subject to conditions

PROPOSED DEVELOPMENT

The applicant seeks Listed Building Consent for the replacement of UPVC windows to timber windows to the south elevation of Middle Weeke Farmhouse, Morchard Bishop. The farmhouse is located on Down Hill between Morchard Bishop and Morchard Road railway Station and about 10 km north west of Crediton.

A previous retrospective application for Listed Building Consent Ref. 18/01243/LBC to retain recently installed UPVC windows to the south elevation of Middle Weeke Farmhouse was considered by members on the 31st October 2018. It was resolved that the application be deferred to allow for further discussion to take place between the Conservation Officer and the applicant with regard to finding a scheme (with suitable design and materials) that would be acceptable to both parties.

Accordingly the Conservation Officer met with the applicants and their agent and the result of the discussions was that application 18/01243/LBC was withdrawn and the application before committee today was submitted as a revised Listed Building Consent application to replace the UPVC windows for flush fitting timber casement windows with slim double glazed units of 12 mm. These proposals relate to the complete replacement of all the UPVC windows on the principle, south elevation of the Middle Weeke Farmhouse a grade II listed building.

The applicants first moved into the family home, Middle Weeke in 1998 taking on the management of the holding. Prior to their occupation of the farmhouse and in the 1960's the Family had carried out extensive works to the property. These works included the replacement of the roof covering and new softwood timber, double hung, single glazed sash windows. Works which "modernised" the property changing the external appearance of the building away from that as original. It is understood the windows prior to that date were a mixture of multi pane timber sliding sash windows and flush fitting casement windows.

In 1985 the property was listed grade II with the above alterations although the occupants were apparently unaware of this fact until notified by the Local Planning Authority following the installation in 2018 of UPVC replacement of all the windows to the south elevation without listed building consent.

RELEVANT PLANNING HISTORY

77/01513/FULL - PERMIT date 29th November 1977

Removal of barn, construction of new access and improvement of two existing entrances

18/01205/FULL - PERMIT date 4th October 2018

Erection of extension to livestock building

18/01243/LBC - WDN date 20th December 2018

Listed Building Consent for replacement windows

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

DM27 – Development affecting heritage assets

National Planning Policy Framework

CONSULTATIONS

Morchard Bishop Parish Council - 15th March 2019

Supported: Unanimous

REPRESENTATIONS

No letters of representation has been received.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The application seeks listed building consent for replacement of upvc windows to timber windows on South elevation of Middle Weeke Farmhouse. The applicants considered that the 1960's replacement windows made no effort to retain the original design which together with their loose hung sashes they proved to be thermally inefficient to the detriment of the property.

The list description for the property does not indicate the form of the window only the openings. They initially replaced them without appropriate listed building consent to UPVC. These are a non-traditional material which is considered inappropriate for use on the listed building by virtue of the modern extruded plastic material which has a dull appearance, heavy thickness and profile of frames, and standard double glazed units that give a double register visual appearance. The glazing bars are false and not integral being placed onto the surface either side of the large undivided glass units. In addition the design and opening form of the replacement windows is inconsistent, with a mixture of side casements and top hung opening windows.

The applicant is now seeking to rectify these works through this application seeking listed building consent for the replacement. The proposed replacement windows are considered to be a good example of traditional flush fitting casement windows prevalent in the 19th century with window technology at that time and are considered generally suitable for the vernacular farmhouses of Mid Devon.

No structural changes have been made and all the new frames are to be provided under existing lintels and to fit existing openings. The casements are side hung opening with a single central, through glass, horizontal ovulo profile glazing bar of 25 mm and 12 mm double glazed units.

The principle issue to be considered is that the current unauthorised UPVC windows are considered to cause 'less than substantial harm' to the significance of the listed building and are contrary to Local Plan Policy DM27. Policy DM 27 seeks alterations to heritage assets to consider their significance and character and local distinctiveness and opportunities to enhance them.

The principles for preservation of listed buildings are established in the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 Section 1 which advises that buildings are listed for their architectural and historic interest and National Planning Policy.

Historic England guidance advice on the Care, Repair and Upgrading of Traditional Windows advises at page 55.

'In cases where the significance of a building has been harmed by the installation of replacement windows of non-historic design, consideration may be given to the installation of new slim-profile double-glazed replacement windows where, the new windows are of a more sympathetic design and the net impact on significance will be neutral or positive and no incidental damage to the building fabric will result from the removal of the existing windows.'

The installation of the replacement windows is considered to be justified as it will reinstate timber windows of an appropriate design and that removed the less than substantial harm caused by the use the existing UPVC windows. The use of 12 mm thick (4 mm - 4mm - 4mm) slim double glazed units is supported in this instance as it is considered to be a beneficial as the material, and the design of the proposed replacement windows which are sympathetic in appearance and will facilitate the removal of the existing non historic design and incongruous material of the windows currently installed.

A timeframe of one year has been given to complete the replacement of these windows in accordance with the submitted information. For these reasons the development is considered to accord to the aims and objectives of good conservation guidance and practice, National Planning Policy Framework paragraph 196 and Mid Devon District Council Policy DM27 of the Local Plan Part 3 (DMP).

CONDITIONS

1. Unless otherwise agreed in writing by the Local Planning Authority, within one year of the date of this listed building consent hereby approved, the replacement windows in the south elevation shall be installed to the detailed of the design, materials and external finish as shown on the approved plans.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.

REASONS FOR CONDITIONS

1. To ensure the completion of the works in order to safeguard the character and appearance of the listed building in accordance with Local Plan Part 3: (Development Management Policies) DM27.
2. For the avoidance of doubt in the interests of proper planning.

INFORMATIVES

The current UPVC windows are not authorised and are considered unacceptable. The applicant should initiate the replacement of the windows within the time frame of this consent. Should this not occur then the Local Planning Authority will consider appropriate Enforcement actions to safeguard the harm caused to the listed building.

REASON FOR GRANT OF CONSENT

The installation of the replacement windows is considered to be justified as it will reinstate timber windows of an appropriate design and will remove the less than substantial harm caused by the use the existing UPVC windows.

The Human Rights Act 1998 came into force on 2nd October 2000. It requires all public authorities to act in a way which is compatible with the European Convention on Human Rights. This report has been prepared in light of the Council's obligations under the Act with regard to decisions to be informed by the principles of fair balance and non-discrimination.

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Major Applications with no Decision

Members are asked to note that some major applications will be dealt with under the delegation scheme. Members are also requested to direct any questions about these applications to the relevant case officer. It was resolved at the meeting of Planning Committee on 21st March 2018 that with the exception of small scale proposals, applications for ground mounted solar PV arrays recommended for approval be brought before the Committee for determination.

Item No.	Weeks	TARGET DATE	REFVAL	PROPOSAL	LOCATION	NAME	Expected Decision Level	
							Delegated	Committee
1	5	07/09/2019	19/00928/MFUL	Erection of buildings incorporating employment (B1/B2/B8) with associated infrastructure, including estate roads, drainage, public open space and incidental landscaping Erection of buildings incorporating employment (B1/B2/B8) with associated infrastructure, including estate roads, drainage, public open space and incidental landscaping	Land at NGR 305390 112177 (Hitchcocks Business Park) Uffculme Devon	Mrs Alison Fish	DEL	
2	12	25/07/2019	19/00718/MOUT	Outline for the erection of 28 dwellings	Land at NGR 270904 112818(The Barton) Belle Vue Chawleigh Devon	Mr Adrian Devereaux	DEL	DEL
3	15	03/07/2019	19/00384/MFUL	Change of use of land from Sui Generis to B8 Storage for the siting of 133 storage containers and 8 Portacabin offices, caravan/motorhome storage, erection of 2.4m high fencing, 3 4.00m high security cameras on steel posts and associated landscaping works	Quad World Bradninch Exeter Devon EX5 4LB	Mr Daniel Rance	DEL	COMM
4	17	19/06/2019	19/00413/MOUT	Outline for the erection of up to 37 dwellings with associated vehicular and pedestrian access	Land at NGR 295599 122818 (North of Frog Street) Bampton Devon	Miss Lucy Hodgson	DEL	COMM
5	18	11/06/2019	19/00075/MFUL	Erection of an agricultural educational/training facility to include demolition of farm buildings; erection of 5 buildings comprising of 20 residential apartments for service users; alterations to convert existing buildings to create classrooms and office suites; formation of an access track and overspill car park	Land and Buildings at NGR 286791 113761 (Kelly Farm) Nomansland Devon	Mr Adrian Devereaux	DEL	COMM
6	18	11/06/2019	19/00362/MFUL	Erection of 2 replacement chicken sheds (3075sqm)	Ladylands Farm Staple Cross Hockworthy Devon TA21 0NH	Mr Daniel Rance	DEL	DEL
7	19	05/06/2019	19/00210/MFUL	Demolition of buildings and erection of 18 dwellings and associated works, including vehicular access, garages, parking and landscaping	36 Post Hill Tiverton Devon EX16 4ND	Mrs Christie McCombe	DEL	COMM

<i>Item</i> <i>No.</i>	<i>Weeks</i>	<i>TARGET DATE</i>	<i>REFVAL</i>	<i>PROPOSAL</i>	<i>LOCATION</i>	<i>NAME</i>	<i>Expected Decision Level</i>	
							<i>Delegated</i>	<i>Committee</i>
8	19	31/05/2019	19/00364/MARM	Reserved Matters application, pursuant to Outline application 15/01332/MOUT, for employment development of up to 5,256m2 of B1, 2,651m2 of B2 and 4,919m2 of B8 units together with internal access roads, parking and associated infrastructure	Land at NGR 303681 111677 (North Of Mid Devon Business Park) Muxbeare Lane Willand Devon	Ms Naomi Morgan	DEL	DEL
9	25	24/04/2019	19/00118/MOUT	Outline for the erection of up to 105 dwellings, associated landscaping, public open space and allotments together with vehicle and pedestrian access from Siskin Chase and pedestrian access from Colebrooke Lane	Land at NGR 301216 106714 (West of Siskin Chase) Colebrooke Lane Cullompton Devon	Mrs Alison Fish	DEL	COMM
10	27	10/04/2019	19/00038/MOUT	Outline for a mixed use development of approximately 40 dwellings, 600 sq. m. of B1 employment space, public open space, access, and associated works, following demolition of existing poultry sheds	Land and Buildings at NGR 314051 113316 (Culmbridge Farm) Culmbridge Road Hemyock Devon	Mrs Alison Fish	DEL	COMM
11	30	15/03/2019	18/02019/MOUT	Outline for the erection of up to 20 dwellings and associated access	Land at NGR 295508 103228 (Silverdale) Silverton Devon	Miss Lucy Hodgson	DEL	COMM
12	34	20/02/2019	18/01814/MFUL	Change of use of agricultural land for the siting of 6 holiday lodges and alterations to existing access	Land at NGR 299541 113262 Crown Hill Halberton Tiverton Devon	Mrs Alison Fish	DEL	COMM
13	35	12/02/2019	18/01634/MFUL	Erection of 19 dwellings (6 affordable)	Land at NGR 310020 113953 Linhay Close Culmstock Devon	Mrs Alison Fish	COMM	COMM
14	40	08/01/2019	18/01711/MFUL	Formation of an open clamp (4630m2) for the storage of silage and provision of new access	Land and Buildings at NGR 288069 117081 (Gibbet Moor Farm) Rackenford Devon	Mr Oliver Dorrell	DEL	COMM
15	47	22/11/2018	18/00742/MOUT	Outline for the erection of 8 industrial units, access road, with parking and recycling areas	Land at NGR 284328 100184 Commonmarsh Lane Lords Meadow Industrial Estate Crediton Devon	Mr Adrian Devereaux	DEL	
16	53	09/10/2018	18/01091/MOUT	Outline for the erection of up to 10 dwellings including alterations to existing vehicular and pedestrian access	Land at NGR 300172 112650 West of Fishers Way Pethertons Halberton Devon	Mrs Alison Fish	DEL	DEL
17	59	29/08/2018	18/00786/MOUT	Outline for the erection of up to 65 dwellings, public open space, ancillary works and associated infrastructure, including access	Land at NGR 282727 100936 Higher Road Crediton Devon	Mr Adrian Devereaux	COMM	COMM

<i>Item</i>							<i>Expected Decision Level</i>	
<i>No.</i>	<i>Weeks</i>	<i>TARGET DATE</i>	<i>REFVAL</i>	<i>PROPOSAL</i>	<i>LOCATION</i>	<i>NAME</i>	<i>Delegated</i>	<i>Committee</i>
18	66	12/07/2018	18/00518/MFUL	Erection of 40 dwellings, conversion of barns to 7 dwellings, formation of new accesses and car parking areas, with associated works including access and landscaping	Halberton Court Farm High Street Halberton Tiverton Devon EX16 7AW	Mr Daniel Rance	DEL	COMM
19	68	27/06/2018	18/00414/MFUL	Erection of extension to brewery to include alterations to provide additional restaurant/bar floorspace, amended entrance arrangements and outdoor dining area, and erection of 11 holiday lodges	Yellow Hammer Brewing Limited Hanlons Brewery Hill Farm Newton St Cyres Devon	Miss Helen Govier	COMM	COMM
20	77	24/04/2018	17/01904/MFUL	Change of use and refurbishment of house to hotel and spa with 24 letting rooms, Piazza garden, 36 letting rooms in Pavilion (60 letting rooms in total) with Botanical Gardens, restoration of walled garden with new orchard and amphitheatre, erection of 7 detached dwellings, all associated car parking and erection of bat house	Blackborough House Blackborough Cullompton Devon EX15 2HJ	Mr Daniel Rance	COMM	COMM
21	80	03/04/2018	17/02020/MFUL	Erection of building comprising 44 retirement apartments with associated communal lounge, manager's office, guest suite, rechargeable electric buggy store, car parking, sub-station, and landscaping	Astra Printing and Crown Works Site Willand Road Cullompton Devon EX15 1AP	Mrs Alison Fish	COMM	COMM
22	97	04/12/2017	17/01359/MOUT	Outline for the erection of 60 dwellings and construction of new vehicular access onto highway to the West of the site	Land and Buildings at NGR 302469 114078 Higher Town Sampford Peverell Devon	Mr Daniel Rance	COMM	COMM
23	100	05/12/2017	17/01346/MOUT	Outline hybrid planning application for the erection of 200 dwellings together with associated infrastructure and public open space and Full permission for portion of Link Road (land comprising southern portion of Phase 1 of North West Cullompton Urban Extension)	Land at NGR 301536 107900 North of Tiverton Road Cullompton Devon	Ms Tina Maryan	COMM	COMM
24	102	22/11/2017	17/01178/MFUL	Erection of 200 dwellings, formation of new access, provision of phase of link road, primary school site, open space, landscaping and associated works	Land at NGR 302103 108277 (West Of Willand Road) Cullompton Devon	Ms Tina Maryan	COMM	COMM
25	104	03/11/2017	17/01170/MOUT	Outline application for the erection of up to 200 dwellings, together with associated infrastructure and other works, including vehicular access, on land comprising northern portion of Phase 1 of the North West Cullompton Urban Extension	Land at NGR 302186 108607 North of Rull Lane and to The West of Willand Road Cullompton Devon	Ms Tina Maryan	COMM	COMM

<i>Item No.</i>	<i>Weeks</i>	<i>TARGET DATE</i>	<i>REFVAL</i>	<i>PROPOSAL</i>	<i>LOCATION</i>	<i>NAME</i>	<i>Expected Decision Level</i>	
							<i>Delegated</i>	<i>Committee</i>
26	123	05/06/2017	17/00348/MOUT	Residential development of up to 257 dwellings and upto 5 Gypsy and Traveller pitches; 8.6 hectares of land made available to facilitate the relocation of Crediton Rugby Club; up to 1.1 hectares of land safeguarded for the delivery of a primary school; access arrangements from A3072 (Exhibition Way); pedestrian and cycle access on to Pounds Hill/Stonewall Cross junction, Old Tiverton Road and Pedlerspool Lane; landscaping and area of public open space; and other associated infrastructure and engineering operations	Land at NGR 284185 101165 (Creedy Bridge) Crediton Devon	Mr David Green	COMM	COMM

LIST OF APPEAL DECISIONS FROM 20th June 2019 to 18th July 2019

Application No	Description	Location	Officer Recommendation	Committee or Delegated	Decision	Appeal Type	Inspector Decision
18/01083/OUT	Outline for the erection of 2 dwellings	Land at NGR 277002 107452 (London Inn) Morchard Bishop Devon	Refuse permission	Delegated Decision	Refuse permission	Written Representations	Appeal Dismissed
18/01102/FULL	Erection of 9 dwellings following demolition of Public House	Yeo Vale Hotel Lapford Crediton Devon EX17 6QT	Refuse permission	Delegated Decision	Refuse permission	Written Representations	Appeal Dismissed
18/01089/PNCOU	Prior Notification for the change of use of an agricultural building to a dwelling under Class Q	Land and Buildings at NGR 307104 113338 (East Of Ashley Close) Denners Way Uffculme Devon	Refusal of Prior Approval	Delegated Decision	Refusal of Prior Approval	Written Representations	Appeal Allowed
17/00942/MOUT	Outline for the erection of upto 50 dwellings with associated access	Land at NGR 296202 112164 Exeter Hill Tiverton Devon	Refuse permission	Delegated Decision	Refuse permission	Written Representations	Appeal Dismissed

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PLANNING COMMITTEE
31st July 2019

REPORT OF THE HEAD OF PLANNING AND REGENERATION

17/01359/MOUT - Outline for the erection of 60 dwellings and construction of new vehicular access onto highway to the West of the site, along with 3 pedestrian/cycle access points to serve the site, with all other matters to be reserved – land and Buildings at NGR 302469 114078, High Town, Sampford Peverell

Description of Development:

This application seeks outline planning permission for the erection of 60 dwellings, access, public open space, landscaping, and associated works on land to the west of the village of Sandford Peverell. Access is to be determined as part of this application with all other matters reserved for future consideration.

The application site is proposed to utilise a new access to the west of the site breaching a low-level stone wall, which will be replaced behind any visibility line. This access is off an unnamed rural road between Battens Cross and Higher Town. In addition to the main vehicular entrance there are to be three further pedestrian and cycle way links, off Battens Cross (Pedestrian only), Turnpike and Highertown.

The application site is outside of any defined settlement limits of a village or town and so is in the countryside in planning terms. Furthermore, other than for the access, the site of this application does form part of a proposed allocation for development in the Local Plan Review SP2, which will also alter the settlement limits to encompass the site.

The site is sloping north south and in an elevated position. It is bound to the northern boundary, part of the eastern boundary, southern boundary and part of the western boundary by trees and hedging, and generally sits above the road level to the south and north by approximately 2.5m.

REASON FOR REPORT: To consider the reasons for refusal proposed by the Planning Committee at the meeting of 11th June 2018 in light of further advice from Officers.

RECOMMENDATION(S)

Grant permission subject to conditions and the signing of a S106 agreement to secure.

1. 35% affordable housing on-site (21 dwellings, tenure and mix to be agreed)
2. Financial contributions towards primary, early years and secondary education totalling £243,398 Broken down as set out below
The contribution sought is £197,289 (based on the DfE extension rate of £21,921 per pupil) which will be used to provide education facilities to meet the need arising from those living in the development.
Devon County Council has also requested a financial contribution of £30,609 towards secondary school transport costs due to the development being further than 2.25 miles from Uffculme School. The costs required are as follows: -

9.00 secondary pupils

£3.58 per day x 9 pupils x 190 academic days x 5 years = £30,609

In addition, a contribution towards Early Years provision is needed to ensure delivery of provision for 2, 3 and 4 year olds. This would cost approximately £15,000 (based on £250 per dwelling). This will be used to provide early years provision for pupils likely to be generated by the proposed development.

3. Public open space/green infrastructure to be offered together with a commuted sum for maintenance by a management company maintenance (amount to be agreed);
4. A travel plan to reduce the reliance on private motor vehicles.
5. A management plan to protect the future of the remaining GI space from future development

Relationship to Corporate Plan:

Homes

- Facilitating the housing growth that Mid Devon needs, including affordable housing,
- Planning and enhancing the built environment

Environment

- Protect the natural environment

Financial Implications: An appeal will require the appointment of planning consultants to assist in the defence of the reasons for refusal. The applicant may make an application for costs on any appeal against the Council and such costs claims are made by demonstrating that there has been unreasonable behaviour. That being the case, Members must be able to clearly justify each and every reason for refusal-in line with the development plan and all other material considerations.

Legal Implications: The report identifies the risks in proceeding with an appeal based on the reasons given by the Committee on 11th June 2018 – both in terms of outcome of an appeal and the risk of a costs decision. The Council will still need to prepare draft planning conditions for the appeal and negotiate and complete a section 106 agreement. External legal representation may be required if the appeal proceeds to a public inquiry.

Risk Assessment: If Committee decide to refuse the application for reasons that cannot be sustained at appeal there is a risk of a successful appeal costs claim against the Council for reasons of unreasonable behaviour.

1.0 Introduction

1.1 At the Planning Committee held on 11th June 2018 Members of Planning Committee resolved that they were minded to refuse the above application contrary to officer recommendation and requested a further report to consider the following suggested reasons for refusal –

- A) The proposed outline application for 60 dwellings on this prominent site will have a significant adverse visual impact on the surrounding landscape character and appearance.
- B) The site is not considered to be a sustainable location for this scale of housing development due to poor pedestrian access. 60 dwellings would be a significant increase in the population of the village, which has little employment and which would result in an unsustainable pattern of car-based commuting.

- C) The introduction of the substandard pedestrian footway at Sampford Peverell and the associated crossing points are considered to be unacceptable and unsafe. The introduction of 60 dwellings on this site will create a substantial increase in the numbers of cars which will need to access Sampford Peverell.

2.0 Letter from the Planning Inspectorate following the recent hearing on the Local Plan

2.1 Since the planning committee meeting of the 11th June Members will be aware that this sites acceptability for inclusion in the Local Plan Review (LPR) was assessed by the Planning Inspector at the LPR hearing session which took place on 20th - 21st November 2018. The Inspector has now reported his findings and these are attached below.

To Mid Devon District Council

I have given a great deal of thought to what I heard at the recent Preliminary Hearings and having done so, I am content that the Examination should continue to Main Hearings and I will now be working on a series of Matters and Issues with a view to making these available in early December 2018. At this stage, I expect the Main Hearings to occupy 8 sitting days, over two consecutive weeks, if possible.

There are some preliminary conclusions that it might be useful to share, at this stage. In terms of Policy J27, I am obviously conscious of advice in (the previous version of) the Framework that Plans should be aspirational but realistic. In that context, I see no 'in principle' difficulty with the allocation. Moreover, from what I heard, it seems that a development of the nature proposed (or something broadly similar) could take place without any significant adverse impacts on the economic, social, or environmental dimensions of sustainable development. That said, bearing in mind the nature of the evidence base, I have some reservations about the detailed and specific nature of the policy as drafted, and the way it seems to be directed at a particular scheme, rather than more generally at a tourism-based development. This may have the effect of preventing other schemes, that take a different approach to the site, or the mix of uses on it, coming forward. I propose therefore to address this point, and the precise wording of the policy, in one of Main Hearings.

In terms of Policy SP2, I recognise the strong feelings it has generated amongst the local community. Nevertheless, and bearing in mind that such exercises inevitably involve matters of judgment, I do not share the view, expressed by some, that the process by which the site was selected over others was flawed. In particular, I am content that the Council's conclusion that development of the site proposed for allocation could take place with very little or no harmful impact on the setting or the significance of the Grand Western Canal Conservation Area is not an unreasonable one. There are some aspects of the detailed wording of the policy that I will want to return to in one of the Main Hearings.

On the basis of the useful discussion, and contributions made by the EA, the allocation of the Policy TIV16 site is soundly based, and there is no need for a tie within it to Policy J27.

Mid Devon Local Plan Review 2013-2033
Proposed Submission (incorporating proposed modifications)
Examination

Inspector: Paul Griffiths BSc (Hons) BArch IHBC

POST-HEARINGS ADVICE NOTE

21/05/19

Policy SP2

This was discussed in some detail at the Hearings. I would observe first of all that the Plan's OAN of 7860 (393 pa) is an overall figure that reflects the inclusion of the Policy J27 allocation. Given that the Policy SP2 allocation is included so that the overall housing requirement can be addressed; the tie to Policy J27 serves no purpose. Reference to it should be removed.

Moreover, it was clear from the helpful submissions of the Highway Authority, that the limitation on development until the completion of improved access works to the A361 is unnecessary. Criterion b) needs to be removed.

These changes will require Main Modification.

3.0 The implications of refusing the application

3.1 In respect of the determination of planning applications, the planning Acts (section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004) state that they should be determined in accordance with the development plan unless material indications indicate otherwise. The development plan is therefore the primary consideration and the NPPF acts as non-statutory guidance which should be taken as a material consideration and this is clear from paragraph 2 of the NPPF which states that it is a material consideration in planning decisions. In this instance, significant regard must be had to the content of the NPPF in-so-far as it relates to housing delivery. This is because the Local Plan review, although at an advanced stage, is not yet adopted as the development plan. Whilst the local plan review is accorded significant weight at this stage, the fact remains that the current development plan is out of date.

3.2 Paragraph 11 of the NPPF and sub note 7 states in part:

Approving development proposals that accord with an up-to –date development plan without delay; or

Where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date (7 footnote).

Footnote 7 This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in Paragraph 73). However MDDC are now able to demonstrate a 5 year land supply, although a number of policies are out of date including COR18

4.0 Consideration of the proposed reasons for refusal

4.1 Reason for Refusal 1

The proposed outline application for 60 dwellings on this prominent site will have a significant adverse visual impact on the surrounding landscape character and appearance.

4.2 The following section will assess the evidence to support the aforementioned suggested reason for refusal.

4.3 A Landscape and visual impact assessment (LVIA) was undertaken by the applicant which considered the impacts of the proposed site on the surrounding area which concluded:

The assessment has shown that landscape impacts would be largely as a result of the addition of built form on the site. Due to the scale, location and nature of the development it is not considered that this change will result in an important impact on the character of the wider study area or the more sensitive landscape such as the AONB which lies to the west of the site. Consideration has also been given to the landscape and setting on the Sampford Peverell Conservation Area, Grand Western canal Conservation Area and the listed building 42 Highertown located adjacent to the site.

4.4 The Local Authority also instructed independent assessment of the applicants (LVIA) Their review was broadly in agreement with the applicants LVIA's main conclusions, they did identify a number of areas where the LVIA would benefit from further evaluation of landscape and visual effects to present a clearer picture to the local Authority. The Authorities Consultants considered that the visual effects are not likely to be at a level that would be unacceptable. It is important to also note that the extent and nature of effects will depend on the final layout, detail design and quality of mitigation, which will be fully considered at reserved matters stage.

4.5 During the allocation of the site SP2 for the Local Plan Review a landscape character assessment was undertaken to consider the appropriateness of the site for development. The final proposal takes into consideration the elevated position of the site, with the highest ground to remain as undeveloped green space, low density to respect the existing character of the edge-of village housing.

4.6 The Planning Inspector when considering SP2 in the recent preliminary hearing for the local plan did not consider, the process of establishing the site for development was flawed, and stated "In particular, I am content that the Council's conclusion that development of the site proposed for allocation could take place with very little or no harmful impact on the setting or the significance of the Grand western Canal Conservation Area is not an unreasonable one". As part of this process the inspector did not suggest he wished to remove the site from the LPR and therefore considered the site as a suitable for housing development.

4.7 Officers are concerned that a reason for refusal on the grounds of adverse visual impact of the development would conflict with the applicants and MDDC consultants LVIA's and the Inspectors recommendation to bring the site forward for development in the Local Plan Review SP2. This could lead to an application for an award of costs should a decision to refuse outline planning permission be appealed.

4.8 In relation to costs applications, the Planning Practice Guidance states that Local Planning Authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal. The following are selected examples given in the Guidance:

- Preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations;

- Not determining similar cases in a consistent manner.

The two bullet point examples given above are considered relevant should this application be refused on adverse visual impact of the development. An award of costs is therefore considered to be a distinct possibility should an appeal and corresponding costs application be made.

5.0 Reason for refusal 2

The site is not considered to be a sustainable location for this scale of housing development due to poor pedestrian access. 60 dwellings would be a significant increase in the population of the village, which has little employment and which would result in an unsustainable pattern of car-based commuting.

5.1 Having regard to the inspector's letter which retained the site as part of the LPR, your officers would advise that the Inspector has clearly advised that site is considered as sustainable. In view of this officers feel that the 2nd suggested reason for refusal is now no longer supportable. An award of costs is therefore considered to be a distinct possibility should an appeal and corresponding costs application be made.

6.0 Reason for refusal 3

The introduction of the substandard pedestrian footway at Sampford Peverell and the associated crossing points are considered to be unacceptable and unsafe. The introduction of 60 dwellings on this site will create a substantial increase in the numbers of cars which will need to access Sampford Peverell.

6.1 Devon County Council Highways have commented on this application and assessed the proposal, they are of the view that although the proposed is below the standard they would wish to see for this area around Sampford Bridge their professional opinion is that the proposal provides an improvement to the present situation.

6.2 The Authority commissioned an independent review to assess the appropriateness and safety of:

- a. The vehicular access
- b. All pedestrian and cycle accesses
- c. The offsite works by the Listed Bridge to provide a new footpath and crossing point.

In addition it also requested an assessment on whether a condition requesting the development of improved access works to the A361 junction at Sampford Peverell would be reasonable and legitimate.

This report is now available and published as part of this application.

The appointed consultants have made suggestions for improvements in their report but have also advised that they "cannot find sufficient grounds for refusing the application on highway safety grounds" and they have gone on to clarify that "All the points mentioned in our assessment would help the scheme be safer and more convenient for its use by all people accessing and egressing the site, however, and based on our wide and extensive experience in the preparation of transport reports and schemes in support of outline planning applications, we do not find the proposed scheme to cause a "severe" impact in highway safety as based on the NPPF and would be difficult to defend highway safety as a reason for refusal on any subsequent appeal that may happen in the future.

Furthermore, DCC Highways did not raise any objections in terms of highway safety, which would make the case more difficult to defend”

6.3 The next section of the report considers the MDDC appointed consultants suggested points to help the scheme be safer and more convenient.

6.4 With regard to the main point of access the consultants considered that although appropriate there were measures which could be included to make this part of the proposal safer these suggestions were as follows:

- a) Increase the width of the main site access road and the loop road to 5.5m rather than 4.8m.
The applicant has submitted amended plans to provide a 5.5m wide site access.
- b) The 1.0m distance (away from the nearside of the road in either direction as set out in Manual for Streets) in this case is likely to be too great and a figure of 0.5m would be more appropriate for calculating the visibility splay.
DCC highways Authority are content with the process the applicant has utilised as such there is to be no change to this part of the proposal. It is considered that it is improbable that a cyclist would be both obscured within a 1.0m corridor from the carriageway edge and be travelling uphill at 30mph in this area.
- c) Forward visibility on the area from the access to Battens cross has been taken as the centre line of the road rather than the centre of the inner lane as recommended in Manual for Streets. Therefore it would be more beneficial to have this amended. The bend should also be widened to 6.5m to ensure that two large vehicles can pass.
This road does not have a centre (marking) line, it has been agreed with DCC that the splays as shown by Hydrock are acceptable. DCC have also agreed that the MDDC consultants proposal to increase the width of the carriage way would not only cause undue impact on the existing remaining verge but would be likely to increase the potential for higher speeds. On this basis DCC have agreed that the submitted existing scheme is a more suitable and acceptable in this situation.

6.5 Pedestrian and cycle accesses

- a) Turnpike Consistency with other visibility splays need to be maintained with the visibility splay provision to be considered on 0.5m rather than the 1.0m. It is considered that there should be a provision of 30mph at this point to reduce speeds. (it is understood that this will be the case).
It is considered by DCC that a dropped curb should be included to the west of the proposed access for cyclists to leave the highway. DCC have agreed that there is no need to alter the visibility splays as suggested by Trace Design as this would not be betterment; the applicant has provided amended drawings to the access point to include an additional dropped curb on Turnpike road.
- b) Higher Town again consistency with visibility to be 0.5m rather than 1.0m. No details provided of the width of the road along this point and of any pinch points, and that the width at the give way line is given and be a minimum of 4.8m. Provision of passing bays to provide 5.5m

width. Also provide carriageway width just to the north east of the red line boundary to consider the impact of the building.

DCC have confirmed that the highway safety improvement scheme was sought by DCC in order to provide a wider benefit to the village. However on noting that the site itself will give rise to very little traffic on Higher Town, DCC have agreed that the provision of widenings, passing places, etc. would be unreasonable as it would be unrelated to the effect of the proposed development.

- d) Pedestrian Link to GWC there is no connection between the dropped curbs and the route leading to the canal. The land for the foot path is not highway land and confirmation of the land being available for development is required. There are two routes shown to the canal one needs to be provided.

The pedestrian link does not now go through the field access on the south side of Turnpike. Therefore no third-party land issues exist.

6.6 Off site works by Sampford Bridge

- a) Visibility splays should be consistent and realistic, and should be provided utilising the 0.5m off the kerb. Although substandard visibility splays it is considered by DCC to be an improvement to the local highway against its existing situation.

6.7 A361 Slip Road

- a) Traffic generation is low and unlikely to have a significant impact on the local highway network, and so would be minimal on the Sampford Peverell junction to the A361. A specific condition would not be reasonable to make the site acceptable and so would not meet the tests required for a condition.

- 6.8 In view of the above officers feel it is important to emphasise again that our appointed consultants “cannot find sufficient grounds for refusing the application on highway safety grounds”. Whilst they have suggested improvements, these are to help the scheme to be safer and more convenient for people accessing and egressing the site. Where appropriate these suggestions have now been included by the applicant following consultation with DCC highways.

It is however important to emphasise that the MDDC appointed consultants have advised that “based on our wide and extensive experience in the preparation of transport reports and schemes in support of outline planning applications, we do not find the proposed scheme to cause a “severe” impact in highway safety as based on the NPPF and would be difficult to defend highway safety as a reason for refusal on any subsequent appeal that may happen in the future. Furthermore, DCC Highways did not raise any objections in terms of highway safety, which would make the case more difficult to defend”

- 6.9 In view of this additional expert highways advice your officers would advise that the 3rd suggested reason for refusal would be very difficult to defend given the expert Highways advice received on this application. An award of costs is therefore considered to be a distinct possibility should an appeal and corresponding costs application be made.

7.0 Conclusion:

7.1 The Council has submitted the Local Plan Review for examination and has granted planning permission for a number of applications for residential development. Mid Devon District: Housing land supply and application of development plan policies position statement at 16 April 2019 is set out below:

The 2019 NPPF and updated planning practice guidance make clear the need to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against local housing need (based on the Government's standard method), where strategic policies are more than five years old. The approach takes account of the recently published Housing Delivery Test results.

A 7.43 year housing land supply can be demonstrated against an annual housing need of 364 for the period 1 April 2018 to 31 March 2023. This takes account of the identified supply of deliverable sites and a 5% buffer based on the results of the Housing Delivery Test. Notwithstanding that a 5 year supply requirement has been met, adopted Mid Devon Core Strategy Policies COR3, COR17 and COR18 are not consistent with relevant policies in the 2019 NPPF and therefore should be accorded limited weight in planning decisions until they are replaced. The tilted balance will continue to apply to the determination of planning applications concerning proposed housing development in Mid Devon.

Draft policies in the Mid Devon Local Plan Review, where relevant, will be material to the determination of planning proposals and weight given in accordance with paragraph 48 of the 2019 NPPF. The adoption of the Mid Devon Local Plan Review will establish a new housing land supply position and policies that will carry full legal weight for the determination of planning applications concerning proposed housing development in Mid Devon.

Other development plans, including the Devon Minerals and Waste Local Plans and Neighbourhood Development Plans (once 'made'), adopted masterplans and supplementary planning documents, where relevant, can also be material to the determination of planning proposals for housing development.

Whilst the Local Plan Review has been submitted to the Planning Inspectorate for examination, and it has been through its final examination, the hearing has been undertaken and the letter(s) submitted by the Planning Inspectorate sets out his thoughts in paragraph 2.1 above - this indicates that the site is acceptable the need for a link with the A361 and J27 are no-longer required and the process of allocating it is not flawed. The proposed allocations and delivery policies of the Local Plan Review have not been shown to be sound as yet and the plan must therefore be afforded restricted weight in the determination of this application. The Local Planning Authority can now demonstrate a 5-year supply of deliverable housing land although some policies relating to the supply of housing are out-of-date as stated above. Other policies, such as policy COR18 which restrict the pattern of development are also afforded limited weight in the context of considering whether or not the application would amount to sustainable development when assessed against paragraph 11 of the NPPF.

In this instance and having regard to the findings of the appeal inspector, a reason for refusal on the grounds of adverse visual impact of the development' sustainability of the site and highways impacts is not recommended.

Your Officers are of the opinion that refusal of this current planning application for the reasons given cannot be substantiated and approval remains the recommendation.

Contact for any more information

Mr Daniel Rance, Principal Planning Officer
01884 234929

Background Papers

Committee report

File Reference

17/01359/MOUT

Circulation of the Report

Cllr Graeme Barnell
Members of Planning Committee

Application No. 17/01359/MOUT

Grid Ref: 302469 : 114078

Applicant: Mr Neal Jillings

Location: Land and Buildings at NGR 302469 114078

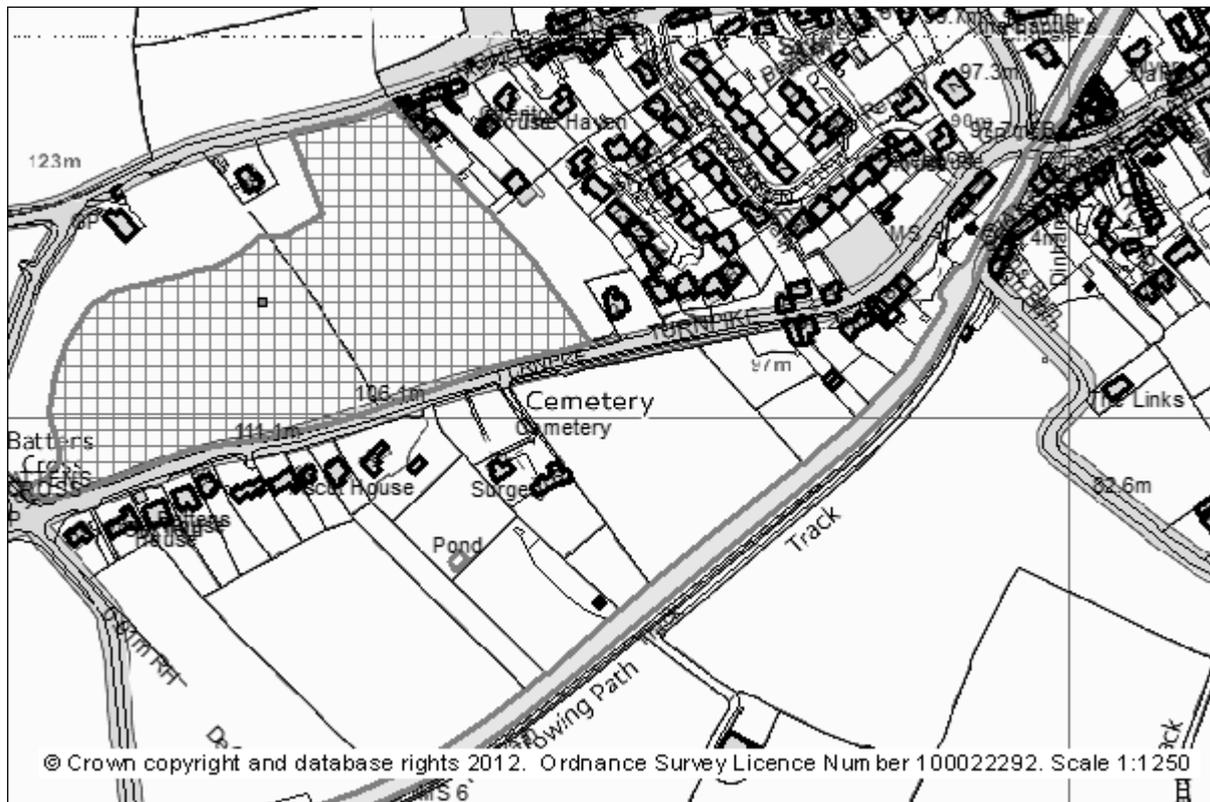
Higher Town

Sampford Peverell

Devon

Proposal: Outline for the erection of 60 dwellings and construction of new vehicular access onto highway to the West of the site, along with 3 pedestrian/cycle access points to serve the site, with all other matters to be reserved.

Date Valid: 4th September 2017



APPLICATION NO: 17/01359/MOUT

RECOMMENDATION

Grant permission subject to conditions and to the prior signing of a Section 106 agreement to provide for

1. 35% affordable housing (21 dwellings, tenure and mix to be agreed);
2. Financial contributions towards primary, early years and secondary education totalling together with secondary school transport of £243,398;
3. Public open space/LEAP to be provided in accordance with Policy AL/IN/3 and for maintenance to be undertaken by an appropriate management company
4. Retention of Green infrastructure located to the North of the site and the Green buffer area shown on the Indicative plan to the east of the site. A management plan to protect the future of the GI space and the Green Buffer zone from future development.
5. Submission and implementation of a travel plan to reduce the reliance on private motor vehicles.

PROPOSED DEVELOPMENT

Outline for the erection of 60 dwellings and construction of new vehicular access onto highway to the west of the site, along with 3 pedestrian/cycle access points to serve the site, provision of open space and local equipped area for play (LEAP), green infrastructure to the north of the site and to the east, the latter part to include possible location for the sustainable urban drainage system, with all other matters to be reserved.

APPLICANT'S SUPPORTING INFORMATION

Covering Letter

Topographical survey

Archaeological assessment

Design and Access statement

Flood risk assessment

Ecological Appraisal

Historical assessment

Landscape and Visual Impact Assessment LVIA

Travel Plan

Utility Statement

Location Plan

Section 106 Heads of terms

RELEVANT PLANNING HISTORY

03/01243/FULL - PERMIT date 23rd June 2003

Erection of timber framed storage building

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
COR12 Development Focus
COR17 Villages
COR18 Countryside

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

AL/DE/2 Overall Affordable Housing Provision
AL/DE/3 Affordable Housing Site Target
AL/IN/3 Public Open Space
AL/IN/5 Education Provision
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
DM27- Development affecting heritage assets

CONSULTATIONS

DCC - FLOOD/COASTAL RISK MANAGEMENT TEAM - 28th September 2017

Recommendation:

At this stage, we object to this planning application because we do not believe it satisfactorily conforms to Policy DM2, specifically part (f), of Mid Devon District Council's Local Plan (Adopted October 2013), which requires developments to include sustainable drainage systems. The applicant will therefore be required to submit additional information in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.

Observations:

The applicant has not provided any information in relation to the disposal of surface water from the site to enable me to make observations on the proposal. The applicant must therefore submit a surface water drainage management plan which demonstrates how surface water from the development will be disposed of in a manner that does not increase flood risk elsewhere, in accordance with the principles of Sustainable Drainage Systems. The applicant is therefore advised to refer to Devon County Council's draft Sustainable

Drainage Design Guidance, which can be found at the following address:

<https://new.devon.gov.uk/floodriskmanagement/sustainable-drainage/>.

DCC - FLOOD/COASTAL RISK MANAGEMENT TEAM - 26th January 2018

Recommendation:

Although we have no in-principle objection to the above planning application at this stage, the applicant must submit additional information, as outlined below, in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.

Observations:

It is noted that preliminary infiltration testing was undertaken within the site boundary however given that full infiltration testing (3 test runs) was unable to be undertaken within the time constraints the applicant should demonstrate that an alternative attenuation based system can be accommodated within the western portion of the site should additional testing show that infiltration is not viable.

The proposed infiltration system has been designed to accommodate the 30 yr. event within the soakaways themselves and exceedance contained within the bunded areas above surrounding the infiltration devices. The applicant should clarify the minimum height of the bunding which is required to accommodate the volume between the 30 to 100 year event. The Highway Authority should also confirm that they are happy with this arrangement as it appears they are proposed for adoption.

We are supportive of the use of permeable paving in the private areas proposed within the development as a method of source control with their detailed design being secured at the detailed design stage once a layout has been confirmed.

It is noted that a private 100 year attenuation tank is proposed for the eastern catchment, subject to adoption requirements (due to the connection to a public surface water sewer) the use of an open attenuation feature should be explored at the detail design stage.

DCC - FLOOD/COASTAL RISK MANAGEMENT TEAM - 22nd March 2018

Recommendation:

Although we have no in-principle objection to the above planning application at this stage, the applicant must submit additional information, as outlined below, in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.

Observations:

It is noted that preliminary infiltration testing was undertaken within the site boundary however given that full infiltration testing (3 test runs) was unable to be undertaken within the time constraints the applicant should demonstrate that an alternative attenuation based system can be accommodated within the western portion of the site should additional testing show that infiltration is not viable.

The proposed infiltration systems have been designed to accommodate the 30 yr. event within the soakaways themselves and exceedance contained within the bunded areas above surrounding the infiltration devices. The applicant should clarify the minimum height of the bunding which is required to accommodate the volume between the 30 to 100 year event. The Highway Authority should also confirm that they are happy with this arrangement as it appears they are proposed for adoption.

The applicant should also provide MicroDrainage model outputs, or similar, to demonstrate that the attenuation system draining to the east of the site has been designed to the 1 in 100 year (+40% allowance for climate change) rainfall event.

We are supportive of the use of permeable paving in the private areas proposed within the development as a method of source control with the detailed design of these being secured at the detailed design stage once a layout has been confirmed.

The applicant must submit information regarding the adoption and maintenance of the proposed surface water drainage management system in order to demonstrate that all components will remain fully operational throughout the lifetime of the development.

It is noted that a private 100 year attenuation tank is proposed for the eastern catchment; subject to adoption requirements (due to the connection to a public surface water sewer) the use of an open attenuation feature should be explored at the detail design stage.

DCC - FLOOD/COASTAL RISK MANAGEMENT TEAM - 17th May 2018

Our objection is withdrawn and we have no in-principle objections to the above planning application at this stage, assuming that the following pre-commencement planning conditions are imposed on any approved permission:

- No part of the development hereby permitted shall be commenced until a programme of percolation tests has been carried out in accordance with BRE Digest 365 Soakaway Design (2016), and the results approved in writing by the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. A representative number of tests should be conducted to provide adequate coverage of the site, with particular focus placed on the locations and depths of the proposed infiltration devices.

Reason: To ensure that surface water from the development is discharged as high up the drainage hierarchy as is feasible.

- No part of the development hereby permitted shall be commenced until the full results of a groundwater monitoring programme, undertaken over a period of 12 months, has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. This monitoring should be conducted to provide adequate coverage of the site, with particular focus placed on the locations and depths of the proposed infiltration devices.

Reason: To ensure that the use of infiltration devices on the site is an appropriate means of surface water drainage management.

- No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The design of this permanent surface water drainage management system will be informed by the programme of approved BRE Digest 365 Soakaway Design (2016) percolation tests and in accordance with the principles set out in the Flood Risk Assessment and Drainage Strategy (Ref. C-06685-C; Rev. P4; dated 1st February 2018), Drainage Strategy Layout Sheet 1 of 2 (Drawing No. C-06685-C-002; Rev. C; dated 9th May 2018), Drainage Strategy Layout Sheet 2 of 2 (Drawing No. C-06685-C-003; Rev. C; dated 9th May 2018), Drainage Strategy Layout Option B: No Infiltration Sheet 1 of 2 (Drawing No. C-06685-C-005; Rev. B; dated 9th May 2018), Drainage Strategy Layout Option B: No Infiltration Sheet 2 of 2 (Drawing No. C-06685-C-006; Rev. B; dated 9th May 2018), MicroDrainage outputs of greenfield runoff rates for the

site (File Attenuation – 30 YEAR_WHOLE; dated 23rd March 2018), MicroDrainage outputs for proposed Highway Soakaways (Ref. Highways Soakaway 1 - Rev A; File Highway soakaway; dated 23rd March 2018, as well as Ref. Highway Soakaway 2; File Highway soakaway; dated 23rd March 2018) and MicroDrainage outputs for attenuation option (Ref. Whole Site: 30 Year Only; File Attenuation - 30 YEAR_WHOLE; dated 23rd March 2018, as well as Ref. Whole Site: 100 Year + 40%; File Attenuation 30 YEAR_WHOLE; dated 23rd March 2018).

Reason: To ensure that surface water runoff from the development is discharged as high up the drainage hierarchy as is feasible, and is managed in accordance with the principles of sustainable drainage systems.

Advice: Refer to Devon County Council's Sustainable Drainage Guidance.

- No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. This temporary surface water drainage management system must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site.

Reason: To ensure that surface water runoff from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area.

Advice: Refer to Devon County Council's Sustainable Drainage Guidance.

Observations:

Following my previous consultation response (FRM/MD/01359/2017; dated 21st March 2018), the applicant has provided additional information in relation to the surface water drainage aspects of the above planning application, in e-mails dated 30th March 2018 and 9th May 2018, for which I am grateful. If not already done so, the applicant should submit the following information to the Local Planning Authority:

- MicroDrainage outputs of greenfield runoff rates for the site (File Attenuation - 30 YEAR_WHOLE; dated 23rd March 2018)
- MicroDrainage outputs for proposed Highway Soakaways (Ref. Highways Soakaway 1 - Rev A; File Highway soakaway; dated 23rd March 2018, as well as Ref. Highway Soakaway 2; File Highway soakaway; dated 23rd March 2018) - MicroDrainage outputs for attenuation option (Ref. Whole Site: 30 Year Only; File Attenuation – 30 YEAR_WHOLE; dated 23rd March 2018, as well as Ref. Whole Site: 100 Year + 40%; File Attenuation 30 YEAR_WHOLE; dated 23rd March 2018)
- Drainage Strategy Layout Sheet 1 of 2 (Drawing No. C-06685-C-002; Rev. C; dated 9th May 2018)
- Drainage Strategy Layout Sheet 2 of 2 (Drawing No. C-06685-C-003; Rev. C; dated 9th May 2018)
- Drainage Strategy Layout Option B: No Infiltration Sheet 1 of 2 (Drawing No. C-06685-C-005; Rev. B; dated 9th May 2018)
- Drainage Strategy Layout Option B: No Infiltration Sheet 2 of 2 (Drawing No. C-06685-C-006; Rev. B; dated 9th May 2018)

If infiltration methods are carried forward then further details of the proposed bund above the soakaways will be required to ensure that they are appropriately designed.

If infiltration is found to be less viable than anticipated, then further analysis of source control components will need to be completed.

The Above observations are for details required at Reserved matters Stage

SOUTH WEST WATER - No Objections - 11th June 2018

DEVON COUNTY EDUCATION - 4th October 2017

Regarding the above planning application, Devon County Council would need to request an education contribution to mitigate its impact.

The proposed 84 family-type dwellings will generate an additional 21 primary pupils and 12.6 secondary pupils.

There is currently capacity at the nearest primary for the number of pupils likely to be generated by the proposed development. Devon County Council will however seek a contribution towards additional education infrastructure at the local secondary school that serves the address of the proposed development. The contribution sought is £276,204 (based on the DfE extension rate of £21,921 per pupil) which will be used to provide education facilities for those living in the development.

We would also require a contribution towards secondary school transport costs due to the development being further than 2.25 miles from Uffculme school. The costs required are as follows: -

13.00 secondary pupils

£3.58 per day x 13 pupils x 190 academic days x 5 years = £44,213.00

In addition, a contribution towards Early Years provision is needed to ensure delivery of provision for 2, 3 and 4 year olds. This would cost approximately £21,000 (based on £250 per dwelling). This will be used to provide early years provision for pupils likely to be generated by the proposed development.

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

DEVON COUNTY EDUCATION - 21st March 2018

Regarding the above planning application, Devon County Council would need to request an education contribution to mitigate its impact.

The proposed 60 family-type dwellings will generate an additional 15 primary pupils and 9 secondary pupils.

There is currently capacity at the nearest primary for the number of pupils likely to be generated by the proposed development. Devon County Council will however seek a contribution towards additional education infrastructure at the local secondary school that serves the address of the proposed development. The contribution sought is £197,289 (based on the DfE extension rate of £21,921 per pupil) which will be used to provide education facilities for those living in the development.

We would also require a contribution towards secondary school transport costs due to the development being further than 2.25 miles from Uffculme school. The costs required are as follows: -

9.00 secondary pupils

£3.58 per day x 9 pupils x 190 academic days x 5 years = £30,609

In addition, a contribution towards Early Years provision is needed to ensure delivery of provision for 2, 3 and 4 year olds. This would cost approximately £15,000 (based on £250 per dwelling). This will be used to provide early years provision for pupils likely to be generated by the proposed development.

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.

HIGHWAY AUTHORITY - 6th December 2017

Observations:

The Highway Authority have seen the revised access to the west, the proposed footway construction to Turnpike at its junction with Higher road, and proposed pedestrian egress to Higher road. In addition access to the south east corner for pedestrians and cyclists and re use of the existing gate way for pedestrians is accepted a. These will form part of a legal agreement under section 278 of the highways act and detail design will be required at this stage which will need to be accompanied by a stage 2 safety audit. Based upon the submitted information the highway Authority would have no further observations to make save that of further information over the requested permissive footway for inclusion in the highway agreement and while this is desirable it would not represent a reason for refusal given the other pedestrian route provided.

Therefore the highway Authority would recommend that the following conditions be imposed should consent be granted.

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

1. The proposed estate road, cycleway, 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. 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.

3. No development shall take place until a surface water drainage scheme has been submitted to and approved in writing by the County Planning Authority. Unless it is

demonstrated that it is unfeasible to do so, the scheme shall use appropriate Sustainable Urban Drainage Systems. The drainage scheme shall be designed so that there is no increase in the rate of surface water runoff from the site resulting from the development and so that storm water flows are attenuated. The development shall be carried out in accordance with the approved scheme.

REASON: To protect water quality and minimise flood risk in accordance with Flood management act

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) The footway on the public highway frontage required by this permission has been constructed up to base course level

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

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

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. Off-Site Highway Works No occupation of the development shall take place on site until the off-site highway works for the pedestrian access to the North west onto Higher road, the pedestrian footway link at the junction of Turnpike and Higher road, and pedestrian accesses from the site to Turnpike via the existing farm gate and the pedestrian link at the south east corner of the site have been designed and approved in writing by the Local Planning Authority funded and have been constructed and made available for use.

REASON: To minimise the impact of the development on the highway network in accordance with paragraph 32 of NPPF

HIGHWAY AUTHORITY - 26th March 2018

Observations:

The Highway Authority has assessed the amended plans and proposals for the pedestrian accesses. The Highway Authority (HA) has also viewed the objection comments, concerns, and observations and would offer the following observations comments and conditions.

The objection comments have raised a number of issues.

The availability of documentation on the planning web site is a matter for the Local Planning Authority (LPA) to consider. However the Highway Authority is in receipt of safety audits and design responses.

Construction details will be addressed through and in accordance with Devon county council specifications under section 38 and 278 of the highways act. Please note street lighting will be designed at this stage and may necessitate extension of the current lighting on existing roads as well as estate road lighting on the elevated plateau.

Alignment, layout, visibilities are considered under the planning process and will be subject to appropriate conditions.

Where the access is proposed on the link road between Turnpike and Higher Town, the professional opinion of the Highway Authority is that the observed speed of 30 mph is appropriate in considering the visibility splays and is the norm. The HA has been informed that it is backed up by speed data undertaken by the Developer which indicates an 85%ile speed of 28 and 29 mph. The LPA may wish to verify these figures with the developer.

(For members information the applicant has submitted to the Authority details with regard to speed data and the HA have considered these figures on the Authorities behalf and are of the view they are appropriate and provide sufficient information to be able to assess the new access to be acceptable to HA. The figures are available for scrutiny on the website)

Some concern at the wording of conditions is raised and for avoidance of doubt clarification of conditions will be set out below.

Some comments have indicated that the junction should be designed to TD 42 /95. this is not the appropriate standards as they are predominantly used for trunk roads and the location of the site and hierarchy of the roads warrant designs under Manual for Streets 1 and Manual for streets 2(MfS). The observed speed and subsequent supporting data require visibility splays of 2.4 m by 43 m with no obstruction greater than 600 mm above the roads surface.

Concern is raised that the inclusion of forward visibility splays will increase speeds on the road particularly downhill. This is disputed as the mean speed of the road is governed by the physical radii of the bend which is between 20 to 25 m and warrants a forward visibility of 33

m. The improved visibility will not impact the physical constraints but will provide an improvement of visibility and safety of the HGV, commercial and agricultural vehicles.

The reduction of residential units takes the requirement for emergency vehicle access below the conditional threshold and the HA can confirm our verbal acknowledgement of this to the Developer and officers. The footway cycle way onto Turnpike can be provided without such a requirement and can be redesigned to cater for the improved gradients, width, alignment and pedestrian barriers.

Concerns have been raised about the visibility splays and gradients of the footway cycle way onto Higher town. It is intended that a new gate way feature is incorporated and consideration of a relocated 30 mph limit is provided as part of the Highway agreement.

Notwithstanding the observed speeds of 30 mph have been noted and the visibility splays are in accordance with Sight stopping distances in Manual for Streets (MfS) with a 43m distance. The HA would agree that gradients within the site should be in accordance with the maximums, and the reserve matter application which deals with such matters should comply and the estate road condition covers this .

Loss of the informal parking on the carriageway has been raised however this parking already raises the issue of the extended narrowing raised as a concern over the new layout and while it is not enforced any obstruction of the highway by parked vehicles even without formal restrictions is an enforceable issue. Notwithstanding there is an opportunity when considering the internal layout to provide some visitor parking spaces which can be located close to the footway/cycle way which can be utilised by those residents who feel they need to park on road in Higher Town.

A lot of concern over the footway adjacent to the canal road bridge at the junction of Higher Town and Turnpike. This has been subject to an independent safety audit which did not find any issue but commented outside of the brief to acknowledge that the proposed works while substandard in some of its design criteria is a significant improvement on pedestrian facilities in the village. The objectors have raised concerns over the legitimate planting of evergreens on private land reducing forward visibility; however this will further exacerbate the existing situation where residents now walk further giving weight to the improvements. Much has been made of Devon design guide "Highways in residential and commercial estates" but as is acknowledged it is a guide and MfS being the overriding design principles. This is reinforced on Devon County Council

Web site page which states "In recent years the approach to the design of the space between buildings has evolved away from the traditional dominance of the engineered carriageway. There is now recognition that the public realm has many wider functions than just the movement of vehicles. This has been recognised in the national launch of the Manual for Streets (MfS) and MfS2."

Objectors have identified that the internal estate road as an R2 type access road which requires a 5.5m wide road, however the HA have recommended an R31 which has a 4.8m wide carriageway. The lower category of road is compliant with MfS and the reduced carriageway width will encourage slower speeds and allow for a more flexible internal layout without the need for physical speed reducing features except for speed reducing bends . It will also provide for lower maintenance costs. The internal design is not a matter for this application.

Reference has been made to the HA request for "Vissim model of Halberton," The applicants consultants have submitted a technical note to the HA which has satisfied the HA that the traffic increases will not be significant on the village.

Reference has been made to the content of the travel plan, the development having been reduced in size no longer meets the trigger for a conditional travel plan and while it is not conditional it is welcomed and any proposal to assist in the reduction of car borne traffic will be beneficial.

One of the residents has engaged a transport consultant to support his objection with many of the items being addressed above and will be addressed in the comments on the amended plans.

The following comments relate to the submitted plans

06685-HYD-xx-xx-Dr-TP-106 rev P3

The above plan is compliant with the requirements of the Highway Authority in the provision of an R31 Estate road as required by the design guide and off which are a number of Cul-de-sacs. The road design junction and layout is compliant with MfS and while the proposed development is some 10 units only over the maximum limit in the design guide it is reiterated that it is a guide and the road is compliant with the principles of MfS. The acceptance of the reduced width of carriageway (the only difference between the R2 and R31) is of a desire to maintain low speeds both entering and traversing the site. The wider width is likely to give rise to physical constraints which interfere in the free flow of vehicles and represent an increase in maintenance costs. Notwithstanding this the internal layout is a matter for reserve matter application and not for consideration but is for illustrative purposes.

Should the LPA desire to see the greater width the Highway Authority would have no objection but developers should be designing the road for a 20mph design speed.

Objectors have raised the issue of spacing of junctions, however manual for streets indicates in 7.3.17 to 7.3.19 that spacing are no longer considered in such prescriptive distances and again the internal layout is not for consideration.

It should be noted the independent safety auditor have raised no issue with the junction onto the link road

06685-HYD-xx-xx-Dr-TP-107

Forward visibility is governed by sight stopping distance and it is the physical constraint of the bend that will dictate the speed on the bends. The Devon design guide sets out in table 7.3.3 such details. Given that the bend is some 20-25m the mean speed is 20mph requiring a 33m of forward visibility? The Highway Authority is opting for the slightly greater splay in recognition of the agricultural and commercial vehicles using the road.

06685-HYD-XX-XX-DR-TP-0108 P1

The provision of an access for emergency vehicles is welcome but given the reduction in house numbers is no longer conditional of any consent and a better layout and design for pedestrians and cyclists can be achieved. The visibility splays shown are acceptable but provision of a small section of footway with tactile paving at a crossing point to the footway on the canal side away from existing drives would be preferable. Given the gradients and concerns for vulnerable users entering turnpike without constraint, better alignment with appropriate 1 in 12 gradients and provision of staggered barriers can be employed. This will also enable the LPA to consider the width and a more aesthetic look. This design change can be part of the reserve matter application, as the provided access has not had any safety issued raised by the auditor as briefed and can be dealt with as part of the condition set out below.

06685-HYD-XX-XX-DR-TP-0110-P1

This plan is acceptable for the point where it accesses the junction of Turnpike and the link road. However details of the crossing point, tactile paving, and footway on the canal side required. Also details of access to the permissive footway and the lane with a drop kerb should be provided. These will form part of the section 278 requirements and will be subject to further stages of the safety audit process.

06685-HYD-XX-XX-DR-TP-P05

The layout and design is acceptable to the Highway Authority and while there are some deficiencies in the design standards the safety auditors consideration is that " 3.1 while the Audit team note that achievable visibility distances in particular are below requirements for the design standards the highway is constricted with a boundary wall directly impacting an available visibility splay. The team note that while substandard the proposals are a significant

Improvement in pedestrian facilities within the village and are provided on an observed desire line." This is within the independent safety auditors stage 1 audit received from the developers on 13/10/2017.

C06685-C-S2 traffic calming

The Auditors in response to the above plan have queried the width of the road passed the hard standing. The Highway Authority has sought a minimum distance of 3.5m to allow for commercial and emergency vehicles

Concerns has been raised that vehicles will have some 60m of narrowing to traverse as vehicle will park adjacent to the give way marking where the road widens adjacent to the barn. Such parking on what can be considered a linear junction would be an obstruction of the highway and would be an obstruction of the visibility splay and could be prosecuted as such by the police. A traffic regulation order restricting such parking formally could be appropriate. Both Mr Baker and the Independent safety auditor have recommended that the priority be reversed and will have the added advantage of speed reduction. They are happy to consider this option as part of the section 278 agreement works and will seek a Traffic regulation order for the extension of the 30 mph in conjunction with the gateway features. The advanced signage both permanent and temporary will also form part of the section 278 submission for technical approval.

The safety audits, and recommended standards in Manual for Streets and the design guide answer the issues raised by the residents and the Highway Authority would raise no objection to the proposal subject to the legal agreements, conditions and Grampian conditions, and would recommend that the LPA consider the following conditions in addition to conditions 1 to 5 in my original response.

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

1. Off-Site Highway Works No development shall take place on site until the off-site highway works generally as shown on drawing no. 06685-HYD-xx-xx-DR-TP-05-REV P have been approved in writing, funded and constructed and made available for use.

REASON: To minimise the impact of the development on the highway network in accordance with Paragraph 32 of NPPF

2. Off-Site Highway Works No development shall take place on site until the off-site highway works as shown generally in accordance with drawing number C06685-CS" traffic calming have been designed, approved in writing, have been constructed and made available for use.

REASON: To minimise the impact of the development on the highway network in accordance with paragraph 32 NPPF

3. Off-Site Highway Works No occupation of the development shall take place on site until the off-site highway works for a footway/cycle way onto Turnpike inclusive of but not limited to footway, tactile crossing facilities, width, gradients, drainage and alignments have been designed approved in writing by the local planning authority and have been constructed and made available for use.

REASON: To minimise the impact of the development on the highway network in accordance with paragraph 32 of NPPF

4. Off-Site Highway Works No occupation of the development shall take place on site until the off-site highway works for the provision of a footway at the junction of Turnpike and linking road inclusive of but not limited to footway, tactile crossings, drainage, visibility splays has been designed, approved in writing by the local planning Authority and have been constructed and made available for use.

REASON: To minimise the impact of the development on the highway network in accordance with paragraph 32 of the NPPF.

5. Off-Site Highway Works No development shall take place on site until the off-site highway works as shown on drawing no. 06685-HYD-XX-XX-DR-TP-107-P1 have been constructed and made available for use.

REASON: To minimise the impact of the development on the highway network in accordance with paragraph 32 of NPPF

6. Off-Site Highway Works No development shall take place on site until the off-site highway works as shown on drawing no. 06685-HYD-XX-XX-DR-TP-0111-P1 have been constructed and made available for use.

REASON: To minimise the impact of the development on the highway network in accordance with paragraph 32 of NPPF.

HIGHWAY AUTHORITY 25th May 2018

Observations:

Further to the Highway Authority comments of the 26th March the applicant has submitted amended plans and the Highway Authority can confirm that the following drawings are acceptable subject to the conditions previously set out,

- a) 06685-HYD-XX-XX-DR-TP-0110rev P2
- b) 06685-HYD-XX-XX-DR-TP-106rev P4
- c) 06685-HYD-XX-XX-DR-TP-0108-P3
- d) 06685-HYD-XX-XX-DR-TP-p-04-Rev P3

SAMPFORD PEVERELL PARISH COUNCIL - 11th September 2017

Members of Sampford Peverell Parish Council, having studied and discussed this application, are not able to support it.

Sampford Peverell is identified by Mid Devon District Council Planning Department as a rural settlement suitable for limited development. The proposal to construct 84 dwellings on a site between Turnpike and Higher Town would add almost a fifth to the number of dwellings in the village and its immediate surrounding area: it is thus contrary to the concept of limited development (and in conflict with Policy S13 for rural settlements). As such, it is considered to be totally unsuitable for the community of Sampford Peverell.

However, the Parish Council does recognise the need for some limited development within the village. This would include some affordable housing and single storey dwellings to meet local needs.

The Parish Council has commissioned 'Devon Communities Together' to carry out a Housing Needs Survey. The survey identified and quantified an immediate need for 4 affordable dwellings to meet local needs, with another five dwellings required within the next five years. The Parish Council is now moving towards the setting up of a Community Land Trust as a means of implementing this development.

Following the publication of the Housing Needs Survey, a number of possible sites for a small development were identified, one of which was the site proposed by this current planning application. It was ruled out by Mid Devon Planners because of its proximity to the Grand Western Canal Country Park Conservation Area. (The preferred location for this limited development is the site of the former Parkway Hotel in Lower Town (designated SP1 in the emerging Local Plan) which has now become available for development.)

The application site, as well as being adjacent to the Conservation Area, is elevated and thus very prominent. The proposed development would be very obtrusive visually to the detriment of the Canal Conservation Area.

The proposed vehicular entrance off Turnpike will require extensive excavation of soil and a massive loss of ancient hedgerows will be required to create the necessary visibility splays.

Safe pedestrian access to village amenities, including the primary school, presents a major problem for large scale development on this site. Higher Town is but a single-track lane with no footways. The footway in Turnpike (which is the main road through the village) ends just before a blind bend and narrow bridge over the Canal. Access to the school would require the highway to be crossed at this point. It is extremely dangerous. Mid Devon District Council planners recognise this problem and thus require any applicant to provide measures to overcome this. No such measures regarding this fundamental problem are addressed in the current application.

All vehicular traffic associated with development on this site travelling either to Tiverton Parkway Station or to the North Devon Link Road and the M5 motorway will, of necessity, have to pass through the centre of the village, thus adding to the hazard for pedestrians referred to above. There are perhaps better sites for housing development on the eastern side of the village.

A development of the size proposed is likely to attract a significant number of children of primary school age. The village primary school is on a constrained site and is virtually full, with local children currently unable to be guaranteed places there. The latest figure available to the Parish Council suggests that ten extra children could be accommodated, but only of certain specific ages.

Sampford Peverell Parish Council is of the opinion that this application is premature and that determination should not be made until after the publication of the Planning Inspector's interim findings on the site designated as SP2 in the emerging Local Plan.

The Parish Council notes that this application is in conflict with the emerging Local Plan, which allocates site SP2 for no more than 60 dwellings to come forward following the commencement of development at Junction 27 of the M5 Motorway and associated highways works.

The proposed site lies outside the present development envelope for the village of Sampford Peverell. Any residential development would thus be in conflict with current planning policy.

If the Planning Officer is minded to determine this application, the Ward Members are asked to call it into Committee for determination.

Members of Sampford Peverell Parish Council urge that, in the process of determination of this current application, Members of Mid Devon District Council Planning Committee conduct a site visit to include a walk to the school and other village amenities from the proposed site.

SAMPFORD PEVERELL PARISH COUNCIL - 22nd January 2018

Members of Sampford Peverell Parish Council have already made a response to the original application for housing development on this site. It is on land between Higher Town and Turnpike on the western edge of the village, outside of the development curtilage, and in a prominent elevated position.

Sampford Peverell is identified by MDDC as a rural settlement suitable for limited development. The Parish Council was strongly opposed to the original application for the construction of 84 dwellings on this site because of the size and location of the development. It is noted that the proposal is now for 60 dwellings, but despite this fact, and the revised vehicular access and the pedestrian routes now described, it remains unable to support the application for exactly the same reasons.

The revised draft Local Plan has identified a need for additional housing associated with proposals for commercial development at J27 on the M5 motorway, with 60 of these new dwellings to be accommodated on a site identified as SP2 between Higher Town and Turnpike on the western edge of the village. In its response to the consultation on the draft Local Plan, Sampford Peverell Parish Council was strongly opposed to this allocation.

Adjacent to the Conservation Area, this site is in an elevated position: any development is going to be visible for miles around and be obtrusive on the skyline. The creation of road access to the site will require loss of extensive ancient hedges. There is no safe access to the village and its school for pedestrians. The single track called Higher Town to the north has no footways. Turnpike, the road to the south of the site, is the main road through the village and has no footway on the approach to the Canal bridge, where pedestrians have to cross the highway on a blind bend. This proposed development will create significant additional traffic movement on Turnpike. Added to that will be the effect of proposed development at Halberton at Halberton Court Farm, as well as the Eastern Urban Extension at Tiverton. Traffic from these developments will pass through the village of Sampford Peverell to gain access to Tiverton Parkway Station, adding very significantly to existing traffic volumes.

The site is thus considered totally unsuitable for housing development of the proposed type and size.

The ability of the village primary school to accommodate the children that a development of the proposed size would generate has been questioned. MDDC planning staff state that the

school has 40 spare places. This is absolute nonsense. Children of families moving into the village in recent times have had to go elsewhere. The Parish Council has been told by a Governor of the school that there is space for 10 children, but of specific ages. The school is on a constrained site with no realistic scope for expansion.

An addition of 60 dwellings, with the 10 dwellings proposed on the site SP1 of the draft Local Plan, would increase the number of dwellings in the village by nearly 15%, rather more than the present infrastructure could accommodate, and a level incompatible with the concept of limited development, in conflict with Policy S13 for rural settlements. It is too many, and in the wrong place.

With reference to the emerging Local Plan, this application is premature. Development of this site (SP2) for 60 dwellings is proposed to follow the commencement of development at J27. The Planning Application 17/01359/MOUT is thus in conflict with the emerging Local Plan, and also in conflict with current planning policy regarding development outside development curtilages. For these reasons, and because of concerns relating to this site expressed above, the Parish Council is strongly opposed to this application.

The Parish Council requests that the Ward Members call this application into Committee for determination. It is also requested that Members of Mid Devon District Council's Planning Committee conduct a site visit which will include a walk to the school and to the other village amenities from the proposed site.

SAMPFORD PEVERELL PARISH COUNCIL - 5th March 2018

Members of Sampford Peverell Parish Council have reviewed the revised drawings and information submitted by the applicants as further amendment of the original application for development at this site.

Notwithstanding the reduction of the number of dwellings now proposed and the revised position of the main vehicular access to the site, Members remain totally opposed to the application.

Simply, the proposed development is in the wrong place. If development at Junction 27 proceeds, then the provision in Sampford Peverell of the 60 extra dwellings said to be required by that development should be at a more suitable location, there being such sites available to the eastern side of the village. But until Junction 27 comes forward, this proposal is premature, and as such it is contrary to the provisions of the emerging Local Plan.

The proposed Higher Town site would negatively impact of the appearance and character of the village and of the adjacent Grand Western Canal Country Park Conservation Area. Traffic generated by the scheme will have to pass through the already congested village of Halberton in order to access the nearest major town of Tiverton or pass through the village of Sampford Peverell itself in order to access Tiverton Parkway Station or the M5 motorway.

These latter movements will add to the dangers to pedestrians accessing the village school, the Post Office and general store, the medical centre, and all other village amenities, given that there is no continuous footway along the two roads serving the site, Turnpike and Higher Town. The latest revised proposals do not adequately address this serious problem.

Sampford Peverell Parish Council, having listened to the views of its parishioners, remains totally opposed to this application and urges refusal of permission.

PUBLIC HEALTH - 14th September 2017

Contaminated Land - The Phase 1 desk study report is noted. In accordance with the report recommendations a further Phase 2 assessment is required. It is recommended that this is

secured by means of the recommended condition below (see comments). See also informative note.

Air Quality - In accordance with policy DM6 Development proposals that would give rise to significant levels of vehicular movement must be accompanied by an integrated Transport

Assessment, Travel Plan, traffic pollution assessment and Low Emission

Assessment. Whilst the separate travel assessment and travel plan documents are noted, the submitted application does not meet DM6 requirements in full. Without adequate information I object to the proposal.

Environmental Permitting - N/A

Drainage - I have no objection to this proposal

Noise & other nuisances - Before the commencement of development, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, dust and waste disposal resulting from the site preparation, groundwork and construction phases of the development and manage Heavy/Large Goods Vehicle access to the site. It shall include details of measures to be employed to prevent the egress of mud, water and other detritus onto the public and any non-adopted highways. Once approved the CEMP shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

Housing Standards - No comment

Licensing -No Comment

Food Hygiene - Not applicable

Private Water Supplies - Not applicable

Health and Safety - I have no objection to this proposal enforced by HSE.

Contaminated Land - Recommended conditions:

- 1) Before the development hereby approved is commenced, a site investigation and risk assessment shall be carried out to determine the nature and extent of land contamination that may be present and the likely impact on all receptors that may result. A full report of the investigation and risk assessment shall be forwarded to the LPA for approval. No work shall proceed on site until either the LPA grants written consent for the development to commence or the requirements of condition (2) below are met.
- 2) Where actual or probable significant pollutant linkages are found following the investigation and risk assessment required by condition (1) above, the applicant shall submit a remediation statement together with a timescale for completion of the required works for approval in writing by the LPA.
- 3) Following completion of any works required by condition (2) above, a remediation validation report shall be submitted to the LPA for approval in writing. Occupation on the site, or parts of the site affected by land contamination, shall not take place until approval of the validation report has been granted.

Reason: In the interests of public health and the protection of the environment

Informative note: It is recommended that applicants, agents and developers take specialist consultant advice before complying with these conditions.

PUBLIC HEALTH - 17th January 2018

Contaminated Land - no objection to this proposal
Air Quality - no objection to this proposal
Environmental Permitting - no objection to this proposal
Drainage- no objection to this proposal

Noise & other nuisances - Before the commencement of development, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, dust and waste disposal resulting from the site preparation, groundwork and construction phases of the development and manage Heavy/Large Goods Vehicle access to the site. It shall include details of the hours of operation and measures to be employed to prevent the egress of mud, water and other detritus onto the public and any non-adopted highways. Once approved the CEMP shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

Housing Standards - No comment

Licensing - No comments

Food Hygiene - Not applicable

Private Water Supplies - Not applicable

Health and Safety - no objection to this proposal enforced by HSE.

For additional consultations please note that we have received:

Revised Drawings and Additional Information

The items listed below refer to any Revised / Additional / Drawings / Information.

TRANSPORT ASSESSMENT ADDENDUM NOTE

06685-HYD-XX-XX-DR-TP-106 REV. P3 - ACCESS & PROFILE FROM W.

06685-HYD-XX-XX-DR-TP-107 REV. P1 - FORWARD VISIBILITY

06685-HYD-XX-XX-DR-TP-TR-02 REV. P - SWEPT PATH ANALYSIS

06685-HYD-XX-XX-DR-TP-TR-01 REV. P - SWEPT PATH ANALYSIS

06685-HYD-XX-XX-DR-TP-P-05 REV. P - HIGHWAY IMPROVEMENTS

06685-HYD-XX-XX-DR-TP-0108 REV. P1 - PED., CYCLE & EMERGENCY

06685-HYD-XX-XX-DR-TP-0109 REV. P1 - PED., CYCLE & EMERGENCY

06685-HYD-XX-XX-DR-TP-0111 REV. P1 - VISIBILITY SPLAYS

06685-HYD-XX-XX-DR-TP-0110 REV. P1 - PEDESTRIAN ACCESS

C-06685-C - TRAFFIC CALMING MEASURES

C-06685-C-002 REV. B - DRAINAGE STRATEGY LAYOUT (1 OF 2)

C-06685-C-003 REV. B - DRAINAGE STRATEGY LAYOUT (2 OF 2)

HERITAGE STATEMENT

LANDSCAPE & VISUAL IMPACT ASSESSMENT

DESIGN & ACCESS STATEMENT

1238-01 - SITE LOCATION PLAN

1238.04 - ILLUSTRATIVE SITE LAYOUT PLAN

DEVON COUNTY COUNCIL HISTORIC ENVIRONMENT SERVICE - 9th January 2018

I refer to the above application and your recent re-consultation. I have no additional comments to make to those already made, namely:

The proposed development occupies a large area within an area of archaeological potential within a landscape that shows evidence of settlement from the prehistoric period onwards. The south-facing prospect of the site would have made it an attractive site for early settlement. As such, groundworks for the construction of the proposed development have the potential to expose and destroy archaeological and artefactual deposits that may be present and associated with early settlement here.

For this reason and in accordance with paragraph 141 of the National Planning Policy Framework (2012) I would advise that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95, whereby:

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

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

Reason

'To ensure, in accordance with paragraph 141 of the National Planning Policy Framework (2012) and the supporting text in paragraph 5.3 of the Mid Devon Local Plan Part 3: Development Management Policy DM27 (2013) that an appropriate record is made of archaeological evidence that may be affected by the development.'

I would envisage a suitable programme of work as taking the form of a staged programme of archaeological works, commencing with an archaeological geophysical survey of the application area, followed - if required - by the excavation of a series of evaluative trenches to investigate any anomalies identified and to determine the presence and significance of any heritage assets with archaeological interest that will be affected by the development. Based on the results of this initial stage of works the requirement and scope of any further archaeological mitigation can be determined and implemented either in advance of or during construction works. This archaeological mitigation work may take the form of full area excavation in advance of groundworks or the monitoring and recording of groundworks associated with the construction of the proposed development to allow for the identification, investigation and recording of any exposed archaeological or artefactual deposits. The

results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report.

I will be happy to discuss this further with you, the applicant or their agent. The Historic Environment Team can also provide the applicant with advice of the scope of the works required, as well as contact details for archaeological contractors who would be able to undertake this work. Provision of detailed advice to non-householder developers may incur a charge. For further information on the historic environment and planning, and our charging schedule please refer the applicant to:

<https://new.devon.gov.uk/historicenvironment/development-management/>.

DEVON COUNTY COUNCIL HISTORIC ENVIRONMENT SERVICE - 15th February 2018

The proposed development occupies a large area within an area of archaeological potential within a landscape that shows evidence of settlement from the prehistoric period onwards. The south-facing prospect of the site would have made it an attractive site for early settlement. As such, groundworks for the construction of the proposed development have the potential to expose and destroy archaeological and artefactual deposits that may be present and associated with early settlement here.

For this reason and in accordance with paragraph 141 of the National Planning Policy Framework (2012) I would advise that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95, whereby:

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

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

Reason

'To ensure, in accordance with paragraph 141 of the National Planning Policy Framework (2012) and the supporting text in paragraph 5.3 of the Mid Devon Local Plan Part 3: Development Management Policy DM27 (2013) that an appropriate record is made of archaeological evidence that may be affected by the development.'

I would envisage a suitable programme of work as taking the form of a staged programme of archaeological works, commencing with an archaeological geophysical survey of the application area, followed - if required - by the excavation of a series of evaluative trenches to investigate any anomalies identified and to determine the presence and significance of any heritage assets with archaeological interest that will be affected by the development. Based on the results of this initial stage of works the requirement and scope of any further archaeological mitigation can be determined and implemented either in advance of or during construction works. This archaeological mitigation work may take the form of full area excavation in advance of groundworks or the monitoring and recording of groundworks associated with the construction of the proposed development to allow for the identification, investigation and recording of any exposed archaeological or artefactual deposits. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report.

I will be happy to discuss this further with you, the applicant or their agent. The Historic Environment Team can also provide the applicant with advice of the scope of the works

required, as well as contact details for archaeological contractors who would be able to undertake this work. Provision of detailed advice to non-householder developers may incur a charge. For further information on the historic environment and planning, and our charging schedule please refer the applicant to:

<https://new.devon.gov.uk/historicenvironment/development-management/>.

DEVON COUNTY COUNCIL HISTORIC ENVIRONMENT SERVICE - 10th April 2018

I refer to the above application and your recent re-consultation on this revised application. I have no additional comments to make to those already made, namely:

The proposed development occupies a large area within an area of archaeological potential within a landscape that shows evidence of settlement from the prehistoric period onwards. The south-facing prospect of the site would have made it an attractive site for early settlement. As such, groundworks for the construction of the proposed development have the potential to expose and destroy archaeological and artefactual deposits that may be present and associated with early settlement here.

For this reason and in accordance with paragraph 141 of the National Planning Policy Framework (2012) I would advise that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95, whereby:

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

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

Reason

'To ensure, in accordance with paragraph 141 of the National Planning Policy Framework (2012) and the supporting text in paragraph 5.3 of the Mid Devon Local Plan Part 3: Development Management Policy DM27 (2013) that an appropriate record is made of archaeological evidence that may be affected by the development.'

I would envisage a suitable programme of work as taking the form of a staged programme of archaeological works, commencing with an archaeological geophysical survey of the application area, followed - if required - by the excavation of a series of evaluative trenches to investigate any anomalies identified and to determine the presence and significance of any heritage assets with archaeological interest that will be affected by the development. Based on the results of this initial stage of works the requirement and scope of any further archaeological mitigation can be determined and implemented either in advance of or during construction works. This archaeological mitigation work may take the form of full area excavation in advance of groundworks or the monitoring and recording of groundworks associated with the construction of the proposed development to allow for the identification, investigation and recording of any exposed archaeological or artefactual deposits. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report.

I will be happy to discuss this further with you, the applicant or their agent. The Historic Environment Team can also provide the applicant with advice of the scope of the works required, as well as contact details for archaeological contractors who would be able to undertake this work. Provision of detailed advice to non-householder developers may incur a

charge. For further information on the historic environment and planning, and our charging schedule please refer the applicant to:

<https://new.devon.gov.uk/historicenvironment/development-management/>.

NATURAL ENGLAND - 14th September 2017

Natural England has no comments to make on this application.

Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

Natural England and the Forestry Commission have also published standing advice on ancient woodland and veteran trees which you can use to assess any impacts on ancient woodland.

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

We recommend referring to our SSSI Impact Risk Zones (available on Magic and as a downloadable dataset) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available on gov.uk at <https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice2>

NATURAL ENGLAND - 22nd January 2018

Natural England has previously commented on this proposal and made comments to the authority in our letter dated 13 September 2017

The advice provided in our previous response applies equally to this amendment although we made no objection to the original proposal.

The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

NATURAL ENGLAND - 22nd February 2018

Natural England has previously commented on this proposal and made comments to the authority in our letters dated 13 September 2017.

The advice provided in our previous response applies equally to this amendment although we made no objection to the original proposal.

The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially

affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

NATURAL ENGLAND - 14th March 2018

Natural England has been contacted by a member of public who has raised concerns in relation to the perceived lack of survey effort carried out for protected species which utilise the application site.

Badgers: They have highlighted that the Standing Advice for badgers states that a survey for badgers should be undertaken if 'there are signs of setts or badgers in the development site or nearby'. They also do not consider that the applicant has been able to show that the area surrounding the badger sett will not be impacted. They have highlighted the potential extension of the 'cutting and the design of the cycleway as examples where more consideration may be required.

Reptiles: They have also highlighted that the Standing Advice for reptiles states that a survey for reptiles should be undertaken if the 'site has habitat suitable for reptiles'. They question the comment in the ecological appraisal that 'No predicted loss as reptile habitat will not be impacted' as a number of works are proposed in this area. They have highlighted the new 2m wide footway and the removal of the wall as examples of where more consideration may be required.

In determining a planning application, it is the responsibility of the Local Planning Authority to ensure that protected species issues are fully considered and that ecological surveys have been carried out where appropriate. Natural England has issued Standing Advice to assist Local Planning Authorities and developers in deciding whether there is a reasonable likelihood of protected species being present on a proposed development site. It provides detailed advice on those protected species most often affected by development to enable an assessment to be made of the suitability of a protected species survey and, where appropriate, a mitigation strategy to protect the species affected by the development. Further advice on protected species, over and above that covered by standing advice, will only be provided in limited circumstances such as where specifically requested.

Standing Advice is a material consideration in the determination of applications in the same way as bespoke advice provided by Natural England.

NATURAL ENGLAND - 10th April 2018

Natural England has previously commented on this proposal and made comments to the authority in our letter dated 13 September 2017.

The advice provided in our previous response applies equally to this amendment although we made no objection to the original proposal.

The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially

affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

DEVON, CORNWALL & DORSET POLICE - 8th September 2017

It is appreciated that at this time it is for outline only, as such I am unable to comment in depth as the available Illustrative Site Layout Plan does not reveal any specific details that would be of concern to the police.

However, all relevant planning applications should demonstrate, generally within the Design and Access Statement, the principles of Crime Prevention through Environmental Design (CPTED) and how they have been considered and incorporated into the design and layout of all new developments. The reference to the principles of Secured By Design (SBD) is noted and welcomed.

The seven attributes of Crime Prevention Through Environmental Design (CPTED) are key to ensuring a safe and sustainable community and in addition to the layout the physical security is now a consideration.

- Access and movement: Places with well-defined and well used routes, with spaces and entrances that provide for convenient movement without compromising security.
- Structure: Places that are structured so that different uses do not cause conflict
- Surveillance: Places where all publicly accessible spaces are overlooked, have a purpose and are managed to prevent the creation of problem areas which can attract the antisocial to gather, dumping and dog fouling etc.
- Ownership: Places that promote a sense of ownership, respect, territorial responsibility and community
- Physical protection: Places that include necessary, well-designed security features as laid out in SBD Homes 2016
- Activity: Places where the level of human activity is appropriate to the location and creates a reduced risk of crime and a sense of safety at all times.
- Management and maintenance: Places that are designed with management and maintenance in mind, to discourage crime and ASB.

Secured by Design (SBD) is a crime prevention initiative owned by the Mayor's Office for Policing and Crime (MOPAC) on behalf of the UK police services. SBD aims to reduce crime, the fear of crime and opportunities for antisocial behaviour and conflict within developments by applying the attributes of Environmental Design, as detailed above.

Please note the following information, initial advice and recommendations from a designing out crime, fear of crime, antisocial behaviour (ASB) and conflict perspective:-

I would advise that for all plots that private front gardens are suitably defined. Open frontage, particularly but not exclusively, on corner plots, can for many reasons frequently lead to community conflict, for example, desire lines for pedestrians and cyclists are created, dog fouling, ball games and anti-social behaviour.

Perimeter security is one the basic principles of crime prevention, being the first line of defence against unwanted trespassers, as such all rear boundary treatments must be 1.8m high, as a minimum requirement, and be solid and robust to prevent being breached. Close boarded fencing or walls would be deemed appropriate. If more surveillance is required or 1.8m would feel too closed in for smaller gardens then a 1.5m solid structure with a .3m

trellis topping would be acceptable. It is accepted that on some occasions gradients of land or other permanent solid structures can have an impact on the need, choice and height of boundary treatments but these should be assessed on their own merits to ensure the boundary treatment is appropriate to any potential risk of trespass.

Too much permeability in a development makes controlling crime and anti-social behaviour very difficult as it allows easy intrusion around the development by potential offenders and does not serve the community. All planned routes should be needed, well used by generating adequate footfall, well overlooked and well integrated. Research confirms that inappropriate access can create hiding places and give anonymity to offenders enabling them to familiarise themselves with an area, search for vulnerable targets, offend and escape. Crime is always easier to commit where there is little or no chance of an offender being challenged or recognised. Levels of anti-social behaviour will also be correspondingly high in designs that reduce residential influence.

Care is required when providing communal parking areas as experience shows they can become unofficial play parks and targets for crime, vandalism and anti-social behaviour, forcing residents to park on the street.

Car parking areas should be well illuminated to provide the potential for natural surveillance during hours of darkness.

If existing hedgerow is likely to comprise new rear garden boundaries as appears will be the case then it must be fit for purpose. They should be of sufficient height and depth to provide both a consistent and effective defensive boundary as soon as residents move in. If additional planting will be required to achieve this then temporary fencing may be required until such planting has matured. Any hedge must be of a type which does not undergo radical seasonal change which would affect its security function.

Early consultation with the police frequently prevents delays further down the planning process when crime and disorder issues present a problem with the layout of a submitted design.

I look forward to reviewing a more detailed application in due course but in the meantime please do not hesitate to contact me if I can assist further.

DEVON, CORNWALL & DORSET POLICE - 8th January 2018

The layout for the most part will offer reasonable overlooking and active frontages to the new internal streets and adjacent open space and I note the Illustrative site layout plan (1238.04 - 19/12/17), which I appreciate may change. In addition to my comments of the 8th September 2017 relating to the original application for 84 dwellings, I have concerns regarding the 'rear parking layout' for plots 1 - 5 on the eastern boundary which is not that well overlooked. There may be housing adjacent but in there is no direct frontage or windows directly looking over these spaces, thus offering little or no surveillance of parked vehicles or rear access to these dwellings. I would suggest either these plots were turned to face onto this space or, as with the majority of other plots, the parking brought within curtilage.

DEVON, CORNWALL & DORSET POLICE - 12th February 2018

Police have no further comments at this time.

DEVON, CORNWALL & DORSET POLICE - 4th April 2018

Thank you for this application, Police have no further comments at this time.

HISTORIC ENGLAND - 16th October 2017

On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

HISTORIC ENGLAND - 9th January 2018

Thank you for your letter of 3 January 2018 regarding further information on the above application for planning permission. On the basis of this information, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.

HISTORIC ENGLAND - 14th February 2018

Thank you for your letter of 9 February 2018 regarding further information on the above application for planning permission. On the basis of this information, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.

HISTORIC ENGLAND - 6th April 2018

On the basis of this information, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.

HOUSING ENABLING & BUSINESS SUPPORT MANAGER - 5th September 2017

Sampford Peverell is currently showing a need of 5, as of 1st August 2017. Figures extracted from Devon Home Choice - For those living in the village or working in the village. (Housing Enabling have confirmed that the 1st August 2017 figures are the most up to date figures).

REPRESENTATIONS

There have been 152 representations all of which are objections although a number of those relate to the initial application for 84 houses and access off Turnpike, although comments that are made which relate and have content relevant to the revised scheme will be considered. The majority of the objections cover the same issues and as such these have been summarised collectively as set out below.

1. There is no footway along Higher Town thus leading to health and safety issues
2. 10% increase in the population SP unable to cope
3. Surface water is a problem
4. Increase in heavy Lorries over the listed bridge.

5. School unable to cope with the influx of children
6. Elevated position clearly visible
7. Application submitted prior to the new local plan being considered and is premature.
8. Impact on the conservation areas.
9. Volume of traffic through the village is unacceptable.
10. The land is prime agricultural land
11. MDDC stated no development in the emerging policy SP2 unless J27 and 361 slip roads are developed.
12. The site is outside the present local plan and settlement limits.
13. The site is not a sustainable location, and totally unsuitable for development.
14. There is no traffic data with regard to flows to and from Halberton and potential increase due to the Eastern Urban developments.
15. Planning department and committee should stick to the promises of the triple lock on the site.
16. Incomplete conflicting information to enable the public to consider the proposal.
17. Outlook from nearby properties will be impacted.
18. There will be an adverse impact on the adjacent Historic grade II properties and conservation areas
19. The proposal is premature as there is to be no development prior to Junction 27 being brought forward.
20. The proposed new entrance location is poorly sited.
21. New development should be located at Lower Town.
22. The application should be withdrawn to allow time for clarification of information.
23. Committee should visit at school times to understand the traffic concerns.
24. If the Local Plan was produced on time this application would not be allowed.
25. The houses will be built on the skyline, and visible from the Grand Western Canal Conservation Area.
26. The proposal is unwanted and not needed.
27. That any development on this elevated position at the “wrong” end of the village would be an outrageous eyesore.
28. It will destroy a rural way of life.
29. The committee should visit the adjacent listed properties prior to determination.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

1. **Principle of development, including 5 year housing land supply, NPPF, and Emerging Local Plan Review Policy SP2**
 - 1.1 **Adopted Local Plan and NPPF 5 year land supply**
 - 1.2 **Emerging Local Plan Review Policy SP2**
2. **The scale and character of the development within Sampford Peverell.**
3. **Landscape impacts and effects on the Conservation Areas and Listed Buildings, Archaeology and Ecology**
 - 3.1 **Landscape and Visual Impacts**
 - 3.2 **Impact on Heritage Assets and Conservation Areas**
 - 3.3 **Archaeology**
 - 3.4 **Ecology**
4. **Access and highway safety**
5. **Effects on neighbouring residents**
6. **Drainage**
7. **Education.**
8. **Other matters**
9. **Section 106 agreement**
10. **Planning balance**

1. Principle of development, including 5 year housing land supply, NPPF, and Emerging Local Plan Policy SP2

1.1 The Adopted Local Plan

Policy COR1 of the Mid Devon Core Strategy (LP1) seeks to manage growth in a sustainable way to support the diverse needs of communities, including the provision of affordable housing and making the most efficient use of land. Policy COR3 seeks to meet the diverse housing needs of the community, including a target provision of approximately 100 affordable dwellings per year across the District.

Policy COR17 of the Core Strategy adopted July 2007 provides a definition of villages with defined settlement limits and sets out the type and scale of development that is acceptable within defined settlement limits. Policy COR18 of the Core Strategy adopted July 2007 seeks to control development outside defined settlement limits to appropriate rural uses, excluding new market housing.

The development is on agricultural land outside, but adjacent to the village of Sampford Peverell's defined settlement boundary. The site is not allocated for development within the adopted development plan therefore the proposal is considered to be contrary to policies COR17 and COR18 of Mid Devon's adopted development plan.

However, Members will also be aware that Mid Devon has been found not to currently be able to demonstrate a 5 year housing land supply. In summary the latest evidence shows that Mid Devon has a deliverable housing land supply of 4.15 years as compared with a requirement for 5 years. The NPPF advises that where a five year land supply of deliverable housing sites cannot be demonstrated, policies on housing supply should not

be considered up to date. This includes settlement limits identifying areas which are open countryside and those which are within defined settlements.

Paragraph 14 of the NPPF states that where development plan policies are considered to be out of date, planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the NPPF as a whole or specific policies in the NPPF indicate development should be restricted. Housing applications need therefore to be considered in the context of sustainable development, unless specific policies indicate development should be restricted.

The proposal is outside defined settlement limits of the adopted Local Plan and is therefore contrary to Policy COR17 and COR18 of the Core Strategy (adopted 2007). Policies COR17 and COR18 are directly relevant to the supply of housing in the District and are now considered to be “contributing to a restriction on bringing forward development in the district in line with the Framework requirement to boost significantly the supply of Housing” (APP/Y1138/W/17/3172380 Land off Silver Street, Willand Appeal Decision). This does not mean that Mid Devon’s policies must be cast aside, but the weight given to them is proportionate to their consistency with the National Planning Policy Framework (NPPF).

The NPPF contains a presumption in favour of sustainable development. Paragraph 47 of the NPPF requires local authorities to “boost significantly the supply of housing” and to consider housing applications in the context of the presumption in favour of sustainable development. To promote development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

The Council is currently unable to demonstrate a 5 year supply of deliverable housing sites and as such NPPF paragraphs 14 and 49 will be applicable. Footnote 9 of paragraph 14 relates to designated heritage assets and gives examples of where development should be restricted, including the need to consider designated heritage assets. In this case whilst there are no designated heritage assets on the site it should be noted that immediately abutting the north eastern corner of the site there is a grade II listed building 42 Higher Town which lies within a group of undesignated historic buildings which includes 44 and 46 Higher Town and a former barn that is used as a garage. It should also be noted that the Sampford Peverell Conservation Area also abuts the north eastern corner of the site and the Grand Western Canal Conservation Area is located approximately 50m to the south east of the site.

Therefore, the setting of these buildings and the Conservation Areas carry’s great weight when considering the proposal.

1.2 Emerging Local Plan Review Policy SP2

The application site lies within the area of land proposed for allocation in policy SP2 of the Local Plan Review Proposed Submission (incorporating proposed modifications) that was submitted for examination to the Secretary of State on 31 March 2017.

The emerging Local Plan Review seeks to allocate the site for 60 dwellings and associated green infrastructure under policy SP2 which is considered below.

“Emerging Policy SP2

Higher Town, Sampford Peverell

A site of 6 hectares at Higher Town, Sampford Peverell is allocated for a low density residential development, to come forward following the commencement of development of the M5 Junction 27 allocation, subject to the following:

- a) No more than 60 dwellings with 30% affordable housing;*
- b) No development until the completion of improved access works to the A361;*
- c) Landscaping and design which respect the setting and character of the area, conservation area and listed building;*
- d) Provision of a drainage strategy and Sustainable Urban Drainage Scheme to deal with all surface water from the development and arrangements for future maintenance;*
- e) Mitigation of any wildlife impact including protection of hedgerows;*
- f) Archaeological investigation and appropriate mitigation; and*
- g) 2 hectares of Green Infrastructure laid out and managed with landscaping and open space.*

Two proposed amendments to Policy SP2 were also submitted to the Secretary of State following the public consultation in January / February 2017 which are as follows:

Include new criterion "Improved access to the village for pedestrians and cyclists"

Amend criterion g) as follows "2.5 hectares of Green Infrastructure laid out and managed with landscaping and open space."

Consideration of the affordable housing provision, highways, landscape and design, heritage, drainage, wildlife, archaeology, and green infrastructure are separately considered below and the weight that should be attributed to policy SP2 will be assessed as part of these considerations.

The scale of development in Sampford Peverell

Sampford Peverell is a village 5.5 miles north-east of Tiverton. Sampford Peverell parish has a population of 1302 people and consists of around 2,000 acres of land. The village is situated near to the Bristol to Exeter main railway line and has a station (Tiverton Parkway) just on its outskirts. It is near to junction 27 of the M5. In addition, the Grand Western Canal (Tiverton to Lowdells) runs through the village.

The village of Sampford Peverell has a small shop with post office, doctor's surgery, a primary school, a pub and a hotel and some other local facilities including tennis courts and a play area. To the east of Sampford Peverell on the approach road to Tiverton Parkway Railway station, there is a farm shop.

Sampford Peverell is a sustainable location having good road links, bus links (No 1 daily service which runs between Exeter and Tiverton via Parkway Train Station) and rail links within close proximity with Tiverton 5.5 miles away and Wellington (Somerset) 9 miles. There is easy access to the main train station (Tiverton) and a public footpath is presently being considered from Lower Town to the Station with lighting by DCC Highways.

With regard to Policy SP2 of the LPR the proposal includes no more than 60 dwellings therefore this proposal is also in compliance with Policy SP2 of the LPR.

MDDC has assessed the scale of development in relation to the Village as part of the Local Plan Review (LPR) process and have agreed that the site should be taken forward as part of the LPR. Therefore the level of growth in relation to the village of Sampford Peverell is considered to be appropriate.

Landscape and Visual impacts, and effects on the Conservation Areas and Listed Buildings, Ecology and trees.

3.1 Landscape and Visual impacts

The site is open agricultural land located to the eastern fringe of Sampford Peverell settlement limits. The land is Grade 2 and characterised in the Mid Devon Landscape Character assessment October 2011 as 3E Lowland Plains. This Landscape has an open, low lying with gently rolling ground to lowland flat landscape, with smooth, rounded hilltops.

This type of landscape is sensitive to a number of potential changes due to the uncertain future for the agricultural economy, continued trend in hobby farming, development, climate change and diversification.

A landscape and visual impact assessment (LVIA) has been provided as part of this application. The Authority has sought the independent assessment of the LVIA by CEC Consultants. Their expert comments/conclusion relating to the submitted LVIA are set out below.

CEC Consultants Comments

The applicants LVIA follows appropriate industry guidance, based on a reasonable methodology and is a well written and considered report. We broadly agree with the conclusions, subject to the points requiring clarification as set out in this review, though we would suggest that certain key landscape and visual receptors have not been fully covered and should have been specifically assessed on account of their value. It is recommended that the Authority seeks further input from the applicant to cover the assessment of these specific receptors.

Some visual effects have been under-assessed, and the scheme should be reviewed with particular regard to visual effects on the Grand Western Canal users along the 180m section south east of the site, including users of that Conservation Area, Country Park, NCN route and boat users. Appropriate layout and mitigation measures to minimise perception of a larger developed area from this section of canal are considered important.

It should be feasible to integrate the development with the existing village, the Conservation Areas of Sampford Peverell and the Grand Western Canal, and the setting of no 42 Higher town (Listed Building) without causing undue adverse effects, and without causing more than negligible landscape effects to the contemporary setting of Sampford Peverell Conservation Area as a whole, subject to:

- 1. Conserving the strong rural character of the sunken lane at Higher Town (between no.42 and no. 48)*
- 2. Sensitive design of the new pedestrian links to the north east and south east of the site, with an emphasis on minimising visual clutter and sympathetic choices of walling and surfacing materials to match the vernacular constructions styles already existing in the immediate locality. This is of particular relevance to the north east access, to protect the setting of the adjacent Listed Building (but also of relevance to the setting of the Conservation Area to the south west).*
- 3. Sensitive alterations to the surrounding roadways generally, minimising road widening and realignment of hedgebanks as far as practical and ensuring any reinstatement is carried out in line with the local landscape character.*
- 4. Dispersed tree planting throughout the scheme, with further tree planting focused around the boundaries and greenspaces to reduce landscape and visual effects.*

5. *Development pattern, style and materials to reflect that of adjacent areas of development and the older vernacular in the village, without creating pastiche.*

6. *Consideration of neighbours and neighbouring uses (e.g. the Cemetery) avoiding any overbearing or substantial change.*

It is considered that the site is not unsuitable for the proposed type of development, but that the extent and nature of effects will depend on the final layout, detail design and quality of mitigation. Those aspects will need to be conditioned appropriately, and an updated LVIA, detailed mitigation strategy, landscape masterplan, tree planting and integration plan and long-term maintenance plan including responsibilities and delivery vehicle for maintenance should be prepared at detail application stage to fully confirm the level and nature of effects and ensure the scheme is as integrated as possible with its surroundings, with a long-term successful landscape scheme implemented with the development.

The Applicant has subsequently submitted an amended LVIA to take into consideration the shortcomings presented above, this additional information has been re-assessed by the Authorities appointed consultants.

Their summary is set out below;

*“In **summary**, it is clear that the LVIA has now been updated in response to many comments from our original feedback; however other comments have not been picked up upon. Whilst we accept there will be differences in professional opinions between different practices and individuals, we would still consider that the LVIA fails to conform to relevant guidelines, with the GLVIA 3rd edition allowing the assessor to focus on what they believe to be the primary landscape and visual effects (and omit others from the assessment). The overall assessment has benefited greatly from the additional details given to potential landscape effects on 42 Highertown (listed building) and both conservation areas, with minor landscape effects now acknowledged for each of these landscape receptors. We would still consider that certain relevant visual receptors have been omitted from the assessment, for which visual effects should probably have been assessed (particularly canal boat users and users of NCN route 3).*

Whilst the recommended mitigation within the report is well reasoned, a more detailed and definable green infrastructure strategy will be required to secure the mitigation effects discussed.

Key to potential effects on 42 Highertown will be retaining the rural character of the lane to the west. Whilst no changes or effects are described, the lane falls within the site (red line) boundary and any alterations will need to be sympathetically design, as will the new pedestrian access adjacent to the property.

Road alterations along Turnpike should also be a consideration in terms of potential effects on Sampford Peverell Conservation Area.

The local authority may feel that these can be suitably secured through the detailed application or planning conditions.”

Following the report from the authority’s consultants (CEC), the applicants have submitted a fourth amendment to the LVIA to further address the comments by the authority’s consultants.

This further LVIA has been assessed by the authority’s consultants and their summary is set out below;

Review of the submitted LVIA for a Residential Development on Land west of

Sampford Peverell (Ref: 17_01359_MOUT)

In April 2018 CEC were commissioned by Mid Devon District Council to undertake a LVIA review and evaluation of related documents submitted as part of the outline planning application 17_01359_MOUT. The proposal is for a development of 60 dwellings over two agricultural fields, immediately west of the developed area of Sampford Peverell. The developer LVIA was undertaken by AECOM.

Although our review was broadly in agreement with the developer LVIA's main conclusions, we did identify a number of areas where the LVIA would benefit from further evaluation of landscape and visual effects to present a clearer picture to the Local Authority, particularly with regards to potential effects on the two adjacent Conservation Areas (Sampford Peverell Conservation Area and The Grand Western Canal Conservation Area) and their users.

Prior to submitting our LVIA review report, CEC prepared an email response summarising the key findings of the sitework and initial LVIA review. A full report containing the LVIA Review and an independent assessment undertaken by CEC Ltd was then issued to the LPA on 09 April 2018, which was also sent to AECOM. AECOM subsequently submitted a revised LVIA (Rev 04 issued 20/04/18), with CEC then commissioned to evaluate the changes made with regards to whether the resubmitted LVIA now adequately addressed the points we raised in our original feedback.

A number of additions were found to be made to the resubmitted LVIA Rev 04, which addressed several points that we raised in our original email feedback (particularly with regards to potential landscape effects on the two adjacent Conservation Areas, and inclusion of reference to receptors we identified as being missing for the original LVIA submission).

However, some difference in professional judgement remained over aspects of the methodology and the sensitivity assigned to some visual receptors in particular, whom had been omitted from assessment based on the LVIA's methodology.

AECOM have subsequently submitted a further revision of their LVIA (Rev 05). CEC have now been commissioned by Mid Devon District Council to evaluate the changes made to Rev 05 of the LVIA, with regards to whether this now addresses the points raised. We have provided a table as Appendix 1 to this letter, evaluating whether the Rev 05 addresses the points made in the original email summary and subsequent key points identified in the Review Report (CEC3124 Review of LVIA dated 09 April 2018).

In summary, the key changes in Rev 05 of the LVIA are the corrections of the inconsistent terminology within the methodology section of the report (with correct terminology now referred to within the body of the report) along with further explanation on how sensitivity has been assigned. Susceptibility and value have now also been independently referred to within table 11 (which further clarifies how sensitivity ratings have been assigned).

Whilst these are all welcome improvements which strengthen the integrity of the LVIA report, our previous comments regarding the omission of what we would consider to be relevant visual receptors are still applicable (see our letter dated the 9th May for further detail), as well as points outlined again in the table appended to this letter.

Our further comments (within our letter dated the 9th May) regarding detailed mitigation proposals and preserving the rural character of Highertown should also be considered to be applicable.

We trust this assists in your consideration of the application and suitability of the LVIA as a tool for evaluation of likely effects and compliance with planning policy.

This report/letter set out above refers to the LVIA REV 05 the applicants consultant AECOM have referenced their latest LVIA as No 4

Having fully assessed the submitted LVIA it is concluded that the visual effects are not likely to be at a level that would be unacceptable. Whilst, there will be some harm to the landscape character and visual amenities of the area this is not considered to be unacceptable and when the development is viewed from a distance it will appear as part of the built form of Sampford Peverell. The site is considered to be suitable for the proposed type of development and the extent and nature of the effects can be suitably controlled through the imposition of conditions to control the final layout, detail of design and quality of landscaping. It is considered that proposal is considered to be in accordance with policies COR2 and DM2.

With regard to Policy SP2 of the Local Plan Review this requires Landscaping and design which respect the setting and character of the area, conservation area and listed building. It is considered that the proposal is in compliance with this element of Policy SP2.

3.2 Impact on Heritage Assets and Conservation Areas

The site is not within any specific designated area, although bounded to the east by the Sampford Peverell Conservation area, adjacent to a grade II listed dwelling and within 50m at its closest point to the Grand Western Canal Conservation Area (GWC). Policy COR2 of the Mid Devon Core Strategy (LP1) requires development to preserve and enhance the distinctive qualities of Mid Devon's landscape and to protect their setting. Policy DM2 of the Local Plan Part 3 Development Management Policies requires development to demonstrate a clear understanding of the characteristics of the site, its wider context and surrounding area and make a positive contribution to local character.

Paragraph 128 of the NPPF states that in determining planning applications, local planning authorities should require an applicant to describe the significance of any heritage asset affected, including any contribution made by their setting. The NPPF states that development should be restricted where there may be an impact on designated heritage assets and gives a number of criteria which need to be met in order for development to be acceptable. These criteria are reflected in policy DM27 of the Local Plan 3 Development Management Policies.

Policy DM27 of the Local Plan 3 Development Management Policies considers a presumption in favour of preservation in situ in respect of the most important heritage assets; requiring development proposals likely to affect heritage assets and their setting to consider their significance, character, setting and local distinctiveness. This policy reflects the NPPF. As such there is a need to consider whether the proposal is in the public interest and does not adversely impact on these areas and heritage assets.

The Council's Conservation Officer has been consulted on the application and has commented as follows:

The site at Higher Town is adjacent to part of the western boundary of the Sampford Peverell conservation area; the Grand Western Canal lies to the south east. A listed building (42 Higher Town) lies adjacent to east boundary and the north east corner of the application site together with three other historic buildings 44 and 46 Higher Town and a barn north of 42 Higher Town. The remainder of the eastern boundary is adjoined by modern housing including bungalows. The land is currently in agricultural use and comprises two fields.

Turnpike the road linking Sampford Peverell to Tiverton runs along the southern boundary at a lower level separated from it by a bank topped with a hedge. To the south side of this road is a ribbon of modern development and a cemetery.

Higher Town runs along the northern boundary with these two roads linked by another road forming the western boundary. The linking road is bounded by a hedge and a dressed stone wall.

The land lies on a sloping elevated site rising from 110m in the south east corner to 125m in the north west corner.

Proposal

The proposal is in outline with all matters reserved apart from the access arrangements. There is an illustrative site layout showing the roads, the public open spaces including a SUDS feature and landscaping.

As currently set out there is a vehicular access from the road on the west boundary. It is unclear if the existing stone wall is to be set back and rebuilt on a new line or whether only the section breached for the access road is the only section to be removed. There also appears to be a requirement to remove/ relocate a section of hedge to provide the required visibility splay.

Pedestrian accesses are shown to the south west and north east corners. The access to the south west corner is intended to provide a walking route to Battens Bridge and to the tow path on the south side of the canal; the access to the north east corner of the site emerges adjacent to the barn north of the listed building and there is an associated traffic calming scheme on the approach to the village involving a build out, signage and road markings.

There is a further access in the location of an existing field gate currently shown as a combined pedestrian and cycle way together with an emergency access. However it is understood that the emergency access is no longer considered essential. The line of the path is quite straight and steep.

Other works are proposed within the highway in the vicinity of the site including new section of pavement, 1.2m wide from the junction of Higher Town with Turnpike for around 55m and an associated traffic calming gateway feature.

Impact upon the listed building, locally listed buildings and conservation areas.

The impact of the proposed new vehicular access needs to be considered in terms of the potential loss of the attractive dressed stone wall and the requirement to set back a length of hedgebank to provide the necessary visibility splay. If the stone wall can be left in situ and only the section for the new road access removed, combined with reusing the stone to form the return curves of the visibility splay this would minimise the visual impact of the new opening. The possible removal of the length of hedge to the south of the entrance would be offset if the line of the visibility splay was defined by a Devon hedgebank with traditional planting on top. This would represent a visual gain as the current hedge is very thin. Much of the visual impact of the new access on the rural character of this road could be mitigated by these measures. The proposed footpath access at the junction of this road with Turnpike is shown as a 2m wide strip with a hard surfaced pedestrian refuge on the verge.

The impact of the north east pedestrian access (less than 2m wide) is minimal on the listed building, the important unlisted building and the conservation area whilst the traffic calming measures in the highway on the approach to the conservation area do have a slightly negative visual impact on the character of the rural approach road. This causes less than substantial harm to the setting of the conservation area and the setting of the small barn identified as an important unlisted building.

The development is quite low density at around 15 dwellings per hectare giving plenty of scope for landscaping as illustrated by the notional layout provided. The illustrative layout

shows that the listed buildings and important unlisted buildings to the north east edge of the site could have a green buffer. There is also potential for some single storey dwellings which may be appropriate on higher parts of the site.

Good design reflecting the local vernacular and use of an appropriate palette of materials will contribute to the assimilation of the development into the landscape. This also applies to the surfacing of the various footpath / cycle paths.

The impact of the proposal on the setting of the two conservation areas is variable.

Sampford Peverell is the most closely affected as the development site runs adjacent to part of the western boundary and the required traffic calming/ pedestrian safety measures required by the highway authority are on the approaches or within the Sampford Peverell conservation area.

The Grand Western Canal conservation area in this locality runs on a north east –southwest line apart from a small wedge of land running at right angles from the northern canal bank and containing a house previously a doctor's surgery. This property is the nearest point the canal conservation area comes to the development site. Apart from small settlements like Westleigh / Burlescome the canal conservation area follows the line of the canal taking in its related historical structures such as bridges some by Isambard Kingdom Brunel and John Rennie the main canal engineer. Some individual properties of various ages were included where these immediately adjoin the canal bank such as in the case of the former doctor's surgery. The significance of the canal conservation area arises predominantly from its history and the engineering used in its construction.

For the distance of about 180m along the tow path there are views across two fields towards the development site after which heading south west along the canal towpath towards Battens Bridge the views are dominated by the ribbon of modern detached houses along the south side of Turnpike. The canal conservation area is increasingly distant from the site towards the west. The impact on the setting would be mainly from the intervisibility between the site and the section of canal immediately adjoining the two open fields and the finger of land encompassing the former surgery. None of the proposed access works would have any significant detrimental impact on the setting of the canal conservation area. There would be some limited visual impact from the pedestrian cycleway emerging on to Turnpike as currently configured although a less steep and direct route with appropriate surfacing could mitigate some of the less than substantial harm to the setting of the heritage asset of the canal conservation area.

Any harm identified even if less than substantial should be weighed against the public benefits arising from the proposed development in line with NPPF paragraphs 131 -135 and Local Plan Policy DM27.

Summary

No objections in principle to the works proposed subject to comments above on details, mitigation measures and the assessment of public benefits.

(Historic Environment Good Practice Advice Planning notes 2 and 3 (regarding significance and setting of heritage assets) were taken into account in the course of discussions with the applicants agents. Although the application is in outline the potential impacts including harm on the setting of Sampford Peverell Conservation Area and on the setting of the Grand Western Canal Conservation Area together with the potential impact on the setting of the Grade II listed 42 Higher Town and the adjacent important unlisted buildings were discussed in some detail. Those discussions resulted in a more detailed Heritage Statement from the applicants as well as amendments to the proposal in particular to the access arrangements.)

It is the view of the Conservation Officer that there will be less than substantial harm to the listed building, conservation areas and the unlisted historic assets. Para 132 of the NPPF makes it clear that great weight should be given to the assets conservation irrespective of the level of harm. The failure to give considerable importance and weight to the less than substantial harm to the Grade II listed building (arising from development within its setting) would amount to a failure to discharge the duty at s.66(1) of the Planning (listed buildings and Conservation Areas) Act 1990. Therefore officers must fully assess the harm to the conservation of the listed building, conservation areas and unlisted historic assets and balance this against the public benefits of the development to reflect the balance within paragraph 134 of the NPPF.

There have been concerns raised that the proposed development will have an adverse impact on the setting of the two conservation areas, the nearby listed building, the unlisted historic buildings and the stone wall on the western boundary which is considered by the objectors to be an unlisted heritage asset.

The Listed building no 42 Higher Town (dwelling) which is located to the north east corner adjacent to east boundary will undoubtedly have its setting affected to a degree. However the setting has already been impacted by the provision of other dwellings since its inception as a farm house and the proposal indicates on the illustrative site layout that there will be a good sized buffer of approximately 40m between the new houses and the Listed building. As such it is considered that a development in accordance with the illustrative layout would result in a minimal impact on the listed building.

With regard to the unlisted historic buildings also on the north east corner adjacent to eastern boundary of the site they will also have their setting affected to a degree. However, the setting of these buildings has already been impacted by the provision of other dwellings and the proposal indicates on the illustrative site layout that there will be a good sized buffer between the new houses and the unlisted historic buildings. As such it is considered that a development in accordance with the illustrative layout would also result in a minimal impact on the unlisted historic buildings.

The Sampford Peverell Conservation Area is the most closely affected as the development site runs adjacent to part of its western boundary and the required traffic calming/ pedestrian safety measures required by the highway authority are on the approaches or within the Sampford Peverell conservation area. Whilst there will be an impact on the character of the conservation area. It is considered that this is a low density development that will include a significant green buffer between the development and the conservation area. The highway improvements will affect the rural character of these approach roads however the impact of these highway improvements are slight and therefore the harm to the character of the conservation area will be minimal.

The Grand Western Canal (GWC) conservation area at its closest point is 50m from the site. However this area where the Conservation Area is at its closest to the application site is in private ownership and so there is little public impact on this immediate part. From the tow path of the Canal there are areas where the site is visible, however this is only partial and will not significantly impact on the GWC conservation area.

With regard to the unlisted wall on the western boundary of the site, the 2008 Sampford Peverell Conservation Area appraisal does not specifically mention this wall and it is not included in the list of unlisted buildings or structures. The Local Plan Review Historic Environment Appraisal of proposed allocations dated December 2016 undertook a desk top analysis and referenced the wall on the western boundary and suggested the wall should be retained.

The wall on the western boundary of the site will have a section removed and rebuilt to provide the necessary access to the site but this will be kept to a minimum (approx. 60m). The specific details associated with the wall and visibility splay will be controlled through a condition. It is intended that with the exception of the alterations for the access, where the wall will be re-built to follow the line of the visibility required, the remainder of the wall will be untouched and retained.

The Conservation Officer has been on site and considered the proposed access and has concluded that provided the wall is re-instated once the required visibility has been created, then it is considered to be acceptable as it will also achieve the benefit of retaining the hedge bank along Turnpike.

The balanced judgement in this case considering harm falls to be low and so it is considered that the impact on the character of the area from the proposed change to the wall is small and an acceptable alteration to provide a suitable access to the site.

The proposed footpath to the north eastern corner of the site will need to be designed sympathetically to ensure there is minimal impact on the listed building, the unlisted historic buildings and the conservation areas. It is considered that this detail can be suitably controlled by conditions to ensure the design and landscaping of this access point is appropriate and sympathetic to the setting of the Listed building.

With regard to the footpath/cycleway emerging onto Turnpike at the south eastern corner of the site, this will utilise the existing field entrance and no longer provides emergency vehicle access. Therefore the reduced width has lessened the impact on the conservation areas and it is considered that the detailed design (including gradient) and landscaping of this access can also be suitably controlled by conditions to ensure the impact of this access point is acceptable. The internal layout of the paths will also be conditioned to ensure appropriate design, incline and landscaping are provided as part of the reserved matters application.

In view of the above it is considered that the harm to the character of the conservation areas and historic buildings from the proposed access works will be minimal.

Under NPPF para 134 it is necessary to also weigh the potential harm against the significance of a designated heritage asset in relation to the public benefits of the proposal, including securing its optimum viable use.

As outlined above it is considered that the scheme for 60 dwellings in this location will have an impact on the setting of the listed buildings and conservation areas however there are significant public benefits from the provision of much needed market and affordable housing. There will also be public benefits from the green infrastructure which will assist in preserving the setting of the immediate area around the heritage assets. The proposal will also provide pedestrian footpath provision to Turnpike and Higher Town and traffic calming to Higher Town, sec 106 contributions towards primary, early years and secondary education. Therefore it is considered that the benefits will be not only to Sampford Peverell but also to the wider Mid Devon area through providing further much needed dwellings. Having assessed the proposal against the balance within Para 134 of the NPPF and given the correct weight to the harm officers are of the view that the public benefits outweigh the harm to the assets.

In view of the above the proposal is felt to be compliant with Policy DM27 and NPPF para 129, 131-135.

With regard to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 this sets out the general duty as respects conservation areas in exercise of planning functions. Subsection (1) of this section considers that for any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in

subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

As the proposed is not within a conservation area it is considered that Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is not engaged by this application.

With regard to Policy SP2 of the Local Plan Review this requires Landscaping and design which respect the setting and character of the area, conservation area and listed building. It is considered that the proposal is in compliance with this element of Policy SP2.

3.3 Archaeology

The Devon County Council Archaeologist has considered this proposal and has commented that the proposed development occupies a large area within an area of archaeological potential within a landscape that shows evidence of settlement from the prehistoric period onwards. The south-facing prospect of the site would have made it an attractive site for early settlement. As such, groundworks for the construction of the proposed development have the potential to expose and destroy archaeological and artefactual deposits that may be present and associated with early settlement here.

For this reason and in accordance with paragraph 141 of the National Planning Policy Framework (2012) The County Archaeologist has advised that any consent the Authority may be minded to issue should carry the following condition based on model Condition 55 as set out in Appendix A of Circular 11/95.:

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

Turning to Policy SP2 of the Local Plan Review this requires that an appropriate condition will be placed on the outline decision to provide for suitable Archaeology mitigation. It is considered that the proposal is in compliance with this element of Policy SP2.

3.4 Ecology

The Ecological Appraisal dated January 2018 provides a survey which covers all habitats and potential species and their ecological value. Within the Ecological Appraisal report it is indicated that there is a Badger sett (Figure three identifies a 20m protected non-impact zone (Not to Scale)). Within the Ecological Appraisal plan figure 2 there is also an area which has been shown as potential for reptiles on the highway verge north of Battens Cross which is affected by some of the highways and pedestrian access improvements .

Natural England has been consulted and has referred to their standing advice which sets out the procedure for considering impacts on the Badger sett and reptiles.

Natural England standing advice for badgers is set out below:

“BADGERS

What a sett is

A sett is any structure or place which shows signs indicating it's currently being used by a badger. This means that the tunnels and chambers and the areas immediately outside the entrances are all part of the sett. Other structures used by badgers for shelter and refuge could also be classed as a sett, including spaces:

- among rocks and boulders

- under garden sheds and raised buildings
- among hay bales
- under hedges or bushes

Survey methods

You can survey at any time of year. The best time is in early spring or late autumn when badgers are active but there's less vegetation to hide the signs.

When you find evidence of a sett you must decide whether there are signs that it's currently in use. The sett is protected if there are signs of badgers, even if they aren't occupying it at the time.

Look for:

- sett entrances, eg entrances that are normally 25 to 35cm in diameter and shaped like a 'D' on its side
- large spoil heaps outside sett entrances
- bedding outside sett entrances
- badger footprints
- badger paths
- latrines
- badger hairs on fences or bushes
- scratching posts
- signs of digging for food

These signs could remain for several weeks after the last occupation by a badger.

Bait marking

You should carry out a bait marking survey to find out:

- the territorial boundaries of different badger groups in an area affected by a development project
- if there are alternative setts used by the same badger group nearby which badgers could move to if a sett is destroyed
- the best site for a replacement artificial sett, if needed

To bait mark you should:

- place small coloured beads in a food bait that will be eaten by badgers, eg peanuts and syrup, at the entrance of each sett (buy the beads from a wildlife equipment supplier to make sure they are the correct composition and size)
- use different coloured beads for each sett
- check dung pits or latrines in the area and record the colour of any beads you find

- plot the locations and colours of beads you find on a map of the area - a boundary line drawn around the outermost points for the same coloured beads indicates a particular badger group's territory

Survey effort required

Monitor sett entrances over an extended period of time, eg up to 4 weeks, to see if they're active. You can use various ways to monitor the entrances, including:

- footprint traps, ie placing sand or soil on the entrance floor
- inserting small sticks firmly into the sett entrance so that they won't fall down unless pushed by a badger or other animal - you can attach sticky tape to the sticks to catch the hairs of animals moving through the entrance
- camera traps

Extra surveys must be done if there are active setts or foraging grounds. Use these surveys to:

- prove that a sett is in current use
- monitor use of the sett and determine if it's a significant sett for the group
- estimate territorial boundaries
- identify locations for mitigation measures

Assess the impacts

As part of your licence application, provide an assessment of the impacts this development will have on badgers if no mitigation measures were planned. Impacts you should consider include:

- damage to setts
- loss of setts
- loss of foraging areas
- disturbing badgers while they're occupying setts with noise, lights, vibration, fires or chemicals

Mitigation and compensation methods

Address the potential impacts on badgers with your mitigation and compensation plans using the following approach:

1. Aim to avoid negative effects.
2. Use mitigation measures to reduce the impacts.
3. Use compensation measures to offset any remaining negative impacts for badgers.

Avoid affecting badgers

Your plans should first attempt to avoid affecting badgers, for example by:

- keeping heavy machinery and excavation work away from setts

- deciding appropriate working distances for activities that might either damage the sett or disturb badgers in the sett
- not using fire or chemicals within 20 metres of a sett entrance
- felling trees so they fall away from active sett entrances
- clearing felled trees away from badger paths and sett entrances
- avoiding loud noises and vibrations near active setts, over and above what the badgers would be used to

Mitigation measures

Mitigation measures can include:

- maintaining foraging and watering areas, or creating new areas if needed
- maintaining habitat connectivity, for example with tunnels or underpasses
- excluding badgers from an area temporarily using badger fencing, provided you don't exclude access to setts
- creating badger crossings for roads

You can't translocate badgers for a development project. You're breaking the law if you intentionally capture, kill or injure a badger and you could be prosecuted and fined.

Compensation measures

Compensation measures can include replacing setts that will be destroyed, and improving or creating new habitat.

Excluding badgers from setts

Before setts are destroyed, you must be certain that all badgers have been excluded. This work must be done under [license](#). Licenses to exclude badgers and to close down or destroy a sett are only issued between 1 July and 30 November, other than in exceptional circumstances.

If you need to exclude badgers from a sett:

- make sure there are alternative setts nearby that badgers can relocate to (bait marking should help identify if these setts are used by the same badger group)
- if required, build artificial setts as early as possible and before excluding badgers from the original sett - ensure that badgers have found artificial setts before excluding them from original setts
- use [1-way badger gates](#) (PDF, 59.7KB, 2 pages) kept in place for at least 21 days from the last sign of badgers accessing the sett - gates must be checked at least once every 3 days for signs of badgers entering or leaving the sett
- don't use chemical repellents (as none are approved)

Once badgers have been excluded, you should:

- destroy the sett (if appropriate) as soon as possible to reduce the chances of badgers re-occupying

- ensure the sett is securely proofed against re-entry by badgers by using heavy-gauge chainlink or weldmesh

The above standing advice has been considered in respect of this application and against the information received under the ecology report submitted and the additional supporting information submitted following concerns raised by objectors to Natural England.

The information submitted and assessing against the criterion of standing advice shows there to be negligible impact on the sett although if required following any consent the badger sett is capable of closure under license. Licenses to exclude badgers and to close down or destroy a sett are only issued between 1 July and 30 November, other than in exceptional circumstances.

However mitigation measures should be considered, as set out below

Mitigation measures

Mitigation measures can include:

- maintaining foraging and watering areas, or creating new areas if needed
- maintaining habitat connectivity, for example with tunnels or underpasses
- excluding badgers from an area temporarily using badger fencing, provided you don't exclude access to setts
- creating badger crossings for roads

The area around the badger sett is to be maintained in pasture land, and habitat will be maintained in this area, along with connectivity to other parts of the site.

If there is a need to exclude badgers from a sett:

- make sure there are alternative setts nearby that badgers can relocate to (bait marking should help identify if these setts are used by the same badger group)
- if required, build artificial setts as early as possible and before excluding badgers from the original sett - ensure that badgers have found artificial setts before excluding them from original setts."

Having assessed the proposal against Natural England's standing advice, a sett which requires destruction will require the exclusion of the Badgers and the work must be undertaken under a licence. In this case there is no intention of impacting on the badgers or removing the sett and the proposed works are sufficiently distant from the sett not to be of significant concern.

Concerns have been raised by objectors with regard to the location of this Badger Sett in relation to the development. The objectors concern is that the location of the sett may conflict with the proposed pedestrian/cycle way. However the proposal for this application is for access only, the final route of the proposed pedestrian/cycle way is to be determined at reserved matters stage. It is considered there is sufficient area to provide the appropriate gradient without harm to the Badger sett provided an appropriate route is taken and designed, this will be subject to reserved matters. The Ecology representative for Place Land has confirmed that it is unlikely the proposal will impact on the Badger sett but that a licence is able to be obtained from Natural England if required.

It is concluded that there is to be no substantive harm to the Badger setts which would be sufficient to alter the scheme or to recommend refusal.

With regard to reptiles standing advice from Natural England reads as follows:

“REPTILES

Survey methods

Acceptable methods for surveying most reptiles are:

- searching for basking animals on banks, piles of wood and edges of woodland
- laying out artificial refuges like corrugated iron sheets (this is the only method recommended for slow worms and smooth snakes)
- carpet tiles or roofing felt bedded down well into the vegetation

Survey for reptiles in April, May and September. Avoid July to August and November to February.

Combine daytime searches with artificial refuges, and look at hibernation sites as well as summer sites.

Look at suitable habitat within the home range of (the distance the animal normally travels from) the development site. Surveys should aim to establish the population size and distribution of reptiles on and near the development site.

Assess the impacts

Assess the impacts this development would have on reptiles if no mitigation measures were planned. Impacts to consider include:

- losing links between habitats
- separating summer and hibernation sites
- reduction in habitat quality
- risk of fire
- effect of increased litter

Avoidance, mitigation and compensation methods

Address the potential impacts you've identified on reptiles with your mitigation plans.

For reptiles, mitigation planning should include:

- consider changing the layout and not developing the areas used by reptiles
- displace them from sensitive areas by changing the vegetation
- changing the timing of the work
- move the reptiles (translocate) to another area that has been specially prepared, but only as a last resort, maintaining networks across the site (for large schemes)

Compensation methods can include:

- creating links to other habitats

- creating new habitat
- improving existing habitat

Temporary fencing for mitigation

You can use fencing to prevent reptiles moving into areas where there are damaging activities. Make sure the reptiles can't pass over, under or through the fencing, eg by keeping vegetation close to the fence short on both sides.

Moving reptiles (translocation) as mitigation

If you need to move reptiles to a new location you'll have to choose a receptor site:

- as close as possible to the development site, and within the same local planning authority if possible
- that is at least the same size as the habitat that will be lost, and larger if the habitat to be lost is high quality (you can provide smaller habitat if it's substantially better quality)
- that will serve the same function as the habitat to be lost, eg it has hibernation features
- with similar habitat to the area that will be lost, including water bodies
- that doesn't currently support the same species, but can be improved to make it suitable
- that will be safe from future development and managed in the long term

You can introduce small numbers of reptiles to an area with an existing population if you have improved the habitat so it can support the increased numbers.

You must allow enough time for new habitats to become suitable for the reptiles before you start to capture them.

Capture methods for mitigation

You can:

- use artificial refuges (but capture legged lizards by hand or noose)
- gradually reduce the amount of suitable habitat to concentrate the reptiles in certain areas, making it easier to capture them eg by strimming rough grass
- dismantle rubble, rock and wood piles carefully by hand to capture any reptiles using them as refuges

Only use invasive methods like mechanical excavation under expert supervision and after exhausting other methods.

Allow enough time to capture and release the reptiles, and build this into the development plans. For large populations, this can take up to 3 years, capturing between March and September. For small populations, 1 year is usually enough. Try to capture reptiles early in the season to avoid problems before hibernation or increased numbers due to breeding.

Don't capture reptiles:

- that are heavily gravid (pregnant or egg-laden, usually found in early summer)
- during autumn

- that are hibernating
- in extreme weather (heat, drought, flooding)”

Within the Ecological Appraisal there is an area which has been shown as potential for reptiles on the highway verge north of Battens Cross. It is considered that there is likely to be an impact on this area due to the visibility splay provision and footpath. A specific reptile survey is being carried out on site and will finish on 2nd July. At the time of writing the report there was no evidence of reptiles on site however a further update will be provided to members at planning Committee on the final findings of the survey.

Natural England has referred to standing advice and it is considered by your officers that the proposal conforms to this advice.

It will be necessary to ensure survey work and mitigation is undertaken prior to and during any development on site. A specific condition will be included to ensure that prior to any development/works being undertaken within 25m of the Badger sett the developer will be required to submit a mitigation plan and comply with any licence requirement by Natural England to ensure protection of the Badger sett.

It is considered that it will also be necessary to ensure mitigation is undertaken prior to and during any development on site in the area the Ecological Appraisal report indicates as a potential site for reptiles. A suitable condition will be imposed to ensure this happens.

Concerns have been raised by objectors with regard to lighting and the potential impacts on bats. The ecological report considers the site to have negligible potential to support foraging bats and no evidence of bats was found on site. Lighting will be a reserved matters proposal and this subject will be considered then.

Subject to the recommended mitigation measures, the development is not considered to harm habitats and protected species and is considered to be in accordance with Natural England’s standing advice and policy DM2(d) of the Local Plan 3 Development Management Policies in this respect. In addition, there is opportunity to enhance landscape features on the site such as hedges and trees, and the proposal would contribute towards the provision of additional green infrastructure close to and associated with the village of Sandford Peverell. The inclusion of green buffers and additional planting will provide a significant improvement over that which is there at the moment. On this basis the impact of the proposed on ecology is deemed to be acceptable.

With regard to Policy SP2 of the Local Plan Review this requires mitigation of any wildlife impact including protection of hedgerows. It is considered that the proposal is in compliance with this element of Policy SP2.

4. Access and highway safety

This application was originally submitted for 84 dwellings with a main access point off Turnpike, additional pedestrian links located to the north east corner of the site, a pedestrian link at the crossroads and onto the road bounding the west of the site, close to the existing field access off this road.

Officers considered that the proposed access of Turnpike would have a detrimental visual impact on the street scene and the conservation areas. Therefore amended access arrangements were sought which now show the site accessed from the western boundary road running from Higher Town to Battens Cross. In addition the number of dwellings was reduced from 84 to 60. Access drawings have been submitted showing the new access at the western side of the field. New footways are proposed from the site onto Turnpike, and Highertown, there is a requirement for localised road widening and minor junction

realignment at the bend on the road between Higher Town and Battens Cross. Also traffic Calming features are required on Higher Town to the north east of the site associated with the new pedestrian/cycleway. In addition a new footpath is to be provided off site to the west and on the northern side of Turnpike immediately to the west of the listed bridge. Visibility splays at the entrance would require the removal of part of the stone wall (approx. 60m). This is intended to be re-built utilising the existing stone to follow the line of the visibility splay, apart from this the hedge along Turnpike is proposed to remain intact, with some minor alterations to accommodate the footpath and cycle way from the site. It is also proposed to provide pedestrian/cycle access to the north/east corner of the site, with an area of hedge and bank to be removed and re-profiled. There is currently poor visibility at this pedestrian access point and an appropriate highway build out as shown on the plan 06685-HYD-xx-xx-DR-TP-p-04 P3 would be required to improve visibility for pedestrians.

Concern has been raised by local residents with regard to a number of highway related issues, including the ability of local roads to cope with additional traffic, on road parking and congestion in the vicinity and over the bridge within Sampford Peverell. The off-site highway works would facilitate safer walking to school from the development with the installation of improved footway crossing provision and traffic calming.

The Highway Authority has not raised any particular concerns regarding traffic circulation within the village but has recommended that the off-site highway works shown on the plans are conditioned prior to development and are subject to a section 106 agreement. Subject to these improvement works, the Highway Authority considers the access arrangements to be acceptable. Set out below are aspects assessed by the Highway Authority.

The Highway Authority has assessed the amended plans and proposals for the pedestrian accesses. The Highway Authority (HA) has also viewed the objection comments, concerns, and observations and would offer the following observations comments and conditions.

The objection comments have raised a number of issues.

The availability of documentation on the planning web site is a matter for the Local Planning Authority (LPA) to consider. However the Highway Authority is in receipt of safety audits and design responses.

Construction details will be addressed through and in accordance with Devon county council specifications under section 38 and 278 of the highways act. Please note street lighting will be designed at this stage and may necessitate extension of the current lighting on existing roads as well as estate road lighting on the elevated plateau.

Alignment, layout, visibilities are considered under the planning process and will be subject to appropriate conditions.

Where the access is proposed on the link road between Turnpike and Higher Town, the professional opinion of the Highway Authority is that the observed speed of 30 mph is appropriate in considering the visibility splays and are the norm. The HA has been informed that it is backed up by speed data undertaken by the Developer which indicates an 85%ile speed of 28 and 29 mph. Details have been supplied concerning speed data which has been considered by DCC highways who have confirmed they are satisfied with the approach and findings.

Some concern at the wording of conditions is raised and for avoidance of doubt clarification of conditions will be set out below.

Some comments have indicated that the junction should be designed to TD 42 /95. this is not the appropriate standards as they are predominantly used for trunk roads and the location of the site and hierarchy of the roads warrant designs under Manual for Streets 1

and Manual for streets 2(MfS). The observed speed and subsequent supporting data require visibility splays of 2.4 m by 43 m with no obstruction greater than 600 mm above the roads surface.

Concern is raised that the inclusion of forward visibility splays will increase speeds on the road particularly down hill. This is disputed as the mean speed of the road is governed by the physical radii of the bend which is between 20 to 25 m and warrants a forward visibility of 33 m . The improved visibility will not impact the physical constraints but will provide an improvement of visibility and safety of the HGV, commercial and agricultural vehicles.

The reduction of residential units takes the requirement for emergency vehicle access below the conditional threshold and the HA can confirm our verbal acknowledgement of this to the Developer and officers. The footway cycle way onto Turnpike can be provided without such a requirement and can be redesigned to cater for the improved gradients, width, alignment and pedestrian barriers.

Concerns have been raised about the visibility splays and gradients of the footway cycle way onto Higher town. It is intended that a new gate way feature is incorporated and consideration of a relocated 30 mph limit is provided as part of the Highway agreement.

Notwithstanding the observed speeds of 30 mph have been noted and the visibility splays are in accordance with Sight stopping distances in MfS with a 43m distance. The HA would agree that gradients within the site should be in accordance with the maximums, and the reserve matter application which deals with such matters should comply and the estate road condition covers this .

Loss of the informal parking on the carriageway has been raised however this parking already raises the issue of the extended narrowing raised as a concern over the new layout and while it is not enforced any obstruction of the highway by parked vehicles even without formal restrictions is an enforceable issue. Notwithstanding there is an opportunity when considering the internal layout to provide some visitor parking spaces which can be located close to the footway/cycle way which can be utilised by those residents who feel they need to park on road in Higher Town.

A lot of concern over the footway adjacent to the canal road bridge at the junction of Higher Town and Turnpike. This has been subject to an independent safety audit which did not find any issue but commented outside of the brief to acknowledge that the proposed works while substandard in some of its design criteria is a significant improvement on pedestrian facilities in the village. The objectors have raised concerns over the legitimate planting of evergreens on private land reducing forward visibility; however this will further exacerbate the existing situation where residents now walk further giving weight to the improvements. Much has been made of Devon design guide" Highways in residential and commercial estates" but as is acknowledged it is a guide and MfS being the overriding design principles. This is reinforced on Devon County Council Web site page which states "In recent years the approach to the design of the space between buildings has evolved away from the traditional dominance of the engineered carriageway. There is now recognition that the public realm has many wider functions than just the movement of vehicles. This has been recognised in the national launch of the Manual for Streets (MfS) and MfS2."

Objectors have identified that the internal estate road as an R2 type access road which requires a 5.5m wide road, however the HA have recommended an R31 which has a 4.8m wide carriageway. The lower category of road is compliant with MfS and the reduced carriageway width will encourage slower speeds and allow for a more flexible internal layout without the need for physical speed reducing features except for speed reducing bends . It

will also provide for lower maintenance costs . The internal design is not a matter for this application.

Reference has been made to the HA request for "Vissim model of Halberton," The applicants consultants have submitted a technical note to the HA which has satisfied the HA that the traffic increases will not be significant on the village.

Reference has been made to the content of the travel plan, the development having been reduced in size no longer meets the trigger for a conditional travel plan and while it is not conditional it is welcomed and any proposal to assist in the reduction of car borne traffic will be beneficial

The submitted Travel Plan seeks to reduce the number of single person car journeys to and from the village and also to make sure new residents are informed of travel options. The Travel Plan also includes an element of traffic monitoring. It is recommended that compliance with the Travel Plan is secured within the Section 106 Agreement.

With regard to Policy SP2 of the LPR it is important to note that the development site is coming forward prior to the commencement of development of the M5 Junction 27 allocation, and that development will be coming forward prior to the completion of improved access works to the A361. However it is also important to note that Devon County Council as the Highway Authority has been consulted on this application. Having assessed the application, the Highway Authority has not required that it only comes forward following the provision of improved access works to the A361. The capacity of the existing highway network is considered to be acceptable to accommodate additional traffic arising from this development; this includes the potential additional traffic flows through Halberton towards Tiverton.

The Highway Authority has also recommended conditions relating to the provision of the access roads, footways and other highways infrastructure, as well as approval of a construction management plan to minimise the impact on local residents.

Subject to these provisions, the development is considered to be acceptable in terms of its access arrangements and impact on highway safety, in accordance with policies COR9 of the Mid Devon Core Strategy (LP1) which seeks to co-ordinate development and transport planning and provides for development to consider its impact on highway safety and policy DM2 of the Local Plan 3 Development Management Policies which seeks the creation of safe and accessible places.

5. Effects on neighbouring residents

Concern has been raised by local residents that the development would have an unacceptable overbearing impact on listed buildings and the residents of Higher Town 42-46, Turnpike, Paultett and the nearby residential dwelling 48 higher Town.

48 Higher Town is a detached isolated property located to the north of the site. The proposed scheme will affect the outlook of this property although loss of views are not a material concern. It is not considered that there will be any significant overbearing impact on the property arising from the development. A Green Infrastructure (GI) area will be provided, to the northern and eastern side of the site, to assist with reducing any potential impacts of the site on adjacent properties such as 48 Higher Town 42-46 Higher Town.

42-46 higher Town are a group of cottages no 42 being a listed property which are located to the eastern edge of the site set down below the level of the site by approximately 1 metre. Views out of the properties are generally across the development site. Ground floor views look out onto the site with the ground level of the site being at eye level when inside the existing property. The properties on this site boundary are a mixture of old historic cottages

set below the level of the land and newly built bungalows at the same level of the site. For the properties at a reduced level, the area of the site immediately adjacent is indicated on the illustrative plan to remain undeveloped with the exception of a pedestrian access point to Higher Town. This area at the north east corner where the path will exit is also GI. The area at the southern part of the eastern boundary is also to be an open area where the suds will be located and is intended to be kept primarily as green infrastructure. The relationship between these properties and the development can be considered further at reserved matters, but at this outline stage is not considered so detrimental as to warrant the refusal of the application.

Paullett is a cul-de-sac of properties set to the eastern side of the site, the older properties not being contiguous with the site, 4 bungalows have recently been granted planning permission off Paullett and once constructed, will be located adjacent to the site boundary. The new dwellings according to the indicative layout plan will be approximately 50m from the nearest property with a GI and Sustainable Urban Drainage (SUDs) area separating them from the built scheme.

The road Turnpike runs east west along the southern boundary of the site. The site is elevated above the generally modern built form of a line of detached dwellings, generally set back from the road frontage along Turnpike. These existing dwellings are on the southern side of Turnpike. The indicative plan shows the nearest property of the scheme to the closest existing property (26 Turnpike) is approximately 30m. It is intended that the existing hedge will be reinforced to assist with screening and to assimilate the proposed into the landscape. Objectors have raised concerns about the potential overbearing nature of the proposal on properties in Turnpike, primarily due to the former being on higher ground to the north. It is your officers view that although there will be a change in the appearance of the landscape, the nearest properties on the development site will be set far enough away from those existing properties as to not be so overbearing as to warrant refusal. Although scale and massing will be subject to reserved matters the indicative layout shows properties on Turnpike to be between 35m and 60m away from the development on site and will have intervening existing vegetation on the site boundary which is to be enhanced with additional planting. No levels have as yet been provided at this stage although requested and so this will be addressed at reserved matters and through the imposition of suitable worded levels conditions. The edge of the site along Turnpike varies in height but is generally 1.5-2m above the level of the highway, with a greater height differential as you move away from the site further south toward the Canal. The distances involved when combined with the mitigating planting is considered to not cause excessive visual impact on the existing dwellings located on Turnpike. The height of buildings, location, scale and their mass will be considered at reserved matters stage. Illustrative information submitted as part of the landscape and visual assessment includes a visualisation along Turnpike, and other vantage points, it needs to be stressed that this is indicative only.

The proposed development has the potential to directly affect a number of properties which surround the site. However it is considered that this can be controlled through the imposition of suitable conditions and through the reserved matters application. Therefore it is not considered there will be an unacceptable loss of privacy and amenity for the residents of these dwellings.

The LVIA has considered the impact of the proposal on the various receptors which include (Historic buildings, Conservation Areas) during and post construction; it has concluded that there is medium/low sensitivity during construction, within 1 year of the scheme being built medium/low sensitivity also, and post 15 years medium/negligible sensitivity.

Your officers consider the development to be compliant with policy DM2 of the Local Plan 3 Development Management Policies in respect of its impact on the privacy and amenity of existing residents within the immediate area.

6. Drainage

The site is located in Flood Zones 1 (low flood probability). The Environment Agency has raised no in principle objections to the development. Although DCC Lead Flood Authority have concerns about the surface water management programme. The proposed site to be developed is entirely outside of the Flood Zones 2 and 3, which meets the flood risk sequential test and complies with policies in the National Planning Policy Framework and COR11 of the Mid Devon Core Strategy (LP1) which seek to direct development to the areas least likely to flood.

A sustainable urban drainage system (SUDS) is proposed which directs surface water from the development via swales and porous paving to an attenuation pond with a restricted outfall. The drainage strategy confirms that the drainage scheme will provide betterment to existing greenfield run-off rates. The Lead Local Flood Authority has confirmed it has no in-principle objections from a surface water drainage perspective, subject to the imposition of suitably worded conditions.

Details of the final SUDS solution will be required to be submitted prior to commencement of development and the Lead Local Flood Authority has recommended conditions in respect of additional percolation testing and the approval of a detailed design for the SUDS. Management and maintenance of the SUDS will also be conditioned for approval, as well as details of temporary surface water management provisions during the construction period. In this way the impact of the development upon surface water drainage both during construction and during the lifetime of the development will be controlled.

Foul drainage would discharge into the main sewer.

With regard to Policy SP2 of the Local Plan Review this requires the provision of a drainage strategy and Sustainable Urban Drainage Scheme to deal with all surface water from the development and arrangements for future maintenance. It is considered that the proposal is in compliance with this element of Policy SP2.

The drainage proposals are considered to be in accordance with policies COR11 of the Mid Devon Core Strategy (LP1) and DM2 of the Local Plan 3 Development Management Policies in respect of flood risk and sustainable drainage principles.

7. Education.

Devon County Council Education has confirmed there is currently capacity at the nearest primary school (Sampford Peverell) for the number of pupils likely to be generated by the proposed development. Devon County Council will however seek a contribution towards additional education infrastructure at the local secondary school (Uffculme) that serves the address of the proposed development. The contribution sought is £197,289 (based on the DfE extension rate of £21,921 per pupil) which will be used to provide education facilities to meet the need arising from for those living in the development.

Devon County Council has also requested a financial contribution of £30,609 towards secondary school transport costs due to the development being further than 2.25 miles from Uffculme school. The costs required are as follows: -

9.00 secondary pupils £3.58 per day x 9 pupils x 190 academic days x 5 years = £30,609

In addition, a contribution towards Early Years provision is needed to ensure delivery of provision for 2, 3 and 4 year olds. This would cost approximately £15,000 (based on £250 per dwelling). This will be used to provide early years provision for pupils likely to be generated by the proposed development.

These financial contributions meet the need arising from the development in accordance with policy.

8. Other matters

Green infrastructure.

The application is for 60 dwellings to the west of Sampford Peverell, and set out broadly in line with the emerging Local Plan Policy SP2. However there is some divergence from the plan of the proposed SP2 allocation in relation to the area of proposed green infrastructure (GI). The GI area identified in SP2 is approximately 2.5ha including open space. The proposed scheme is to provide a similar amount of space when the LEAP, open space and GI are combined. It is intended to include the GI area within the section 106 agreement to protect this area from future development. It is proposed that the area of land to the north and west of the site will be retained as agricultural pasture land, and the area to the east as open amenity space and suds provision. The section 106 will need to ensure that this area is retained for these purposes whilst also establishing an appropriate management plan. The precise wording of the documents will be considered by the Authority's legal team when drawing up the section 106 agreements. The northern and eastern GI area is generally outside of the application red line but is within the blue ownership area identified in the application drawings.

With regard to Policy SP2 of the Local Plan Review this requires the provision of 2.5 hectares of Green Infrastructure laid out and managed with landscaping and open space. It is considered that the proposal is in compliance with this element of Policy SP2.

Recreational opportunities

The application includes an indicative area to provide for public open space and recreational opportunities in connection with the development for the residents of the site and potentially Sampford Peverell, as well as providing land for the SUDS scheme. Recreational opportunities in the surrounding area are likely to be improved as the development is capable of being used by existing dwellings located to the west of the village. Officers consider that the development would have a positive impact on the enjoyment of recreational facilities in the area.

New homes bonus

The proposed dwellings would be eligible for counting towards the New Homes Bonus. If the New Homes Bonus is distributed across Council Tax Bands in the same way as in 2015, the award for each house would be £1,028 per year (each affordable house attracting a further £350 bonus), paid for a period 5 years. The amount of New Homes Bonus to be generated by this development would be £237,210. Whilst a material consideration in the determination of this application that counts towards the development, your officers consider that this is of little weight to decision making when assessed against other material considerations.

9. Section 106 agreement.

The applicant has agreed to make these financial contributions through a Section 106 Agreement.

Protection of the Green infrastructure

Off-site highway works for the provision of the new foot path near the listed bridge, the traffic calming facilities at higher town and the provision of a foot path link at Battern Cross.

Affordable housing

Policy AL/DE/3 of the AIDPD sets an affordable housing target of 35%. Policies AL/DE/4 and AL/DE/5 set criteria for the occupation, design and location of affordable dwellings.

The applicant has agreed to enter into a Section 106 Agreement in order to provide 35% affordable dwellings on the site totalling 21 affordable dwellings, tenure and mix to be agreed.

With regard to Policy SP2 of the Local Plan Review this requires the provision of no more than 60 dwellings with 30% affordable housing. It is considered that the proposal is in compliance with this element of Policy SP2.

Policy AL/IN/3 requires 60 square metres of equipped and landscaped public open space per dwelling, equating to 3,600sq m. The applicant has agreed to this provision and the illustrative plan submitted with this application shows how public open space of this scale could be accommodated on the site in accordance with this requirement. It is expected that public open space will be transferred to a management company. Management and maintenance arrangements will be controlled by condition.

10. Planning balance

Policy COR1 of the Mid Devon Core Strategy (LP1) seeks to manage growth in a sustainable way to support the diverse needs of communities, including the provision of affordable housing and making the most efficient use of land. Policy COR3 seeks to meet the diverse housing needs of the community, including a target provision of approximately 100 affordable dwellings per year across the District.

Policy COR17 of the Core Strategy adopted July 2007 provides a definition of villages with defined settlement limits and sets out the type and scale of development that is acceptable within defined settlement limits. Policy COR18 of the Core Strategy adopted July 2007 seeks to control development outside defined settlement limits to appropriate rural uses, excluding new market housing.

The development is on agricultural land outside, but adjacent to the village of Sampford Peverell's defined settlement boundary. The site is not allocated for development within the adopted development plan therefore the proposal is considered to be contrary to policies COR17 and COR18 of Mid Devon's adopted development plan.

Policies COR17 and COR18 are directly relevant to the supply of housing in the District and are now considered to be "contributing to a restriction on bringing forward development in the district in line with the Framework requirement to boost significantly the supply of Housing" (APP/Y1138/W/17/3172380 Land off Silver Street, Willand Appeal Decision). This does not mean that Mid Devon's policies must be cast aside, but the weight given to them is proportionate to their consistency with the National Planning Policy Framework (NPPF).

Mid Devon DC has been found not to currently be able to demonstrate a 5 year housing land supply and the latest evidence shows that Mid Devon has a deliverable housing land supply of 4.15 years as compared with a requirement for 5 years. The NPPF advises that where a five year land supply of deliverable housing sites cannot be demonstrated, policies on housing supply should not be considered up to date. This includes settlement limits identifying areas which are open countryside and those which are within defined settlements.

Paragraph 14 of the NPPF states that where development plan policies are considered to be out of date, planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the NPPF as a whole or specific policies in the NPPF indicate development should be restricted. Housing applications need therefore to be considered in the context of sustainable development, unless specific policies indicate development should be restricted.

Footnote 9 of paragraph 14 relates to designated heritage assets and gives examples of where development should be restricted, including the need to consider designated heritage assets. In this case whilst there are no designated heritage assets on the site it should be noted that immediately abutting the north eastern corner of the site there is a grade II listed building 42 Higher Town which lies within a group of undesignated historic buildings which includes 44 and 46 Higher Town and a former barn that is used as a garage. It should also be noted that the Sampford Peverell Conservation Area also abuts the north eastern corner of the site and the Grand Western Canal Conservation Area is located approximately 50m to the south east of the site.

Therefore, the setting of these buildings and the Conservation Areas has been given great weight when considering the proposal.

It is the view of the Conservation Officer that there will be less than substantial harm to the listed building, conservation areas and the unlisted historic assets. In accordance with Para 132 of the NPPF your officers have given great weight to the assets conservation irrespective of the level of harm. The failure to give considerable importance and weight to the less than substantial harm to the Grade II listed building (arising from development within its setting) would amount to a failure to discharge the duty at s.66(1) of the Planning (listed buildings and Conservation Areas) Act 1990.

Therefore officers have fully assessed the harm to the conservation of the listed building, conservation areas and unlisted historic assets and then balanced this against the public benefits of the development to reflect the balance within paragraph 134 of the NPPF.

As outlined above it is considered that the scheme for 60 dwellings in this location will have an impact on the setting of the listed buildings and conservation areas however the public benefits of the scheme in the provision of much needed market and affordable housing when combined with the green infrastructure which will assist in preserving the setting of the immediate area around the heritage assets. In terms of the public benefits it will provide significant public benefits through the provision of affordable and market housing, public open space and green infrastructure with footpath provision to Turnpike and Higher Town and traffic calming to Higher Town. There will also be sec 106 contributions towards primary, early years and secondary education. Therefore it is considered that the public benefits will be not only to Sampford Peverell but also to the wider Mid Devon area through providing further much needed dwellings.

Having assessed the proposal against the balance within Para 134 of the NPPF and given the correct weight to the harm officers are of the view that the public benefits do outweigh the harm to the assets.

The NPPF contains a presumption in favour of sustainable development. Paragraph 47 of the NPPF requires local authorities to “boost significantly the supply of housing” and to consider housing applications in the context of the presumption in favour of sustainable development. To promote development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

The development will provide 39 open market and 21 affordable dwellings which assist in meeting the deliverable housing land supply of 4.15 years as compared with a requirement for 5 years and would also provide economic and social benefits for Sampford Peverell.

The NPPF requires that where Local Plan policies are considered to be out of date (see above), planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole or specific policies in the NPPF indicate development should be restricted.

Policy COR1 of the Mid Devon Core Strategy (LP1) seeks sustainable growth which enhances the self-sufficiency of communities and provides access to education, jobs and sustainable transport. Policy COR12 focuses development on the towns and states that other settlements should have only limited development to meet local needs and promote vibrant rural communities. This is reflected in policy DM1 of the Local Plan 3 Development Management Policies which takes a positive approach to sustainable development, allowing development to be approved wherever appropriate.

Sampford Peverell is classed as a village where development should be limited to meet local needs. It is considered that this application will bring forward a sustainable proposal for 60 dwellings on a site which is allocated in the LPR for the same number of units under Policy SP2.

With regard to the weight that can be given to LPR Policy SP2, NPPF paragraph 216 provides guidance on the weight to be given to emerging plans. The more advanced the preparation, the greater the weight that may be given. The degree of weight that can be given to Policy SP2 is affected by the formal representations that have been received to this policy. The fact that Policy SP2 has yet to be tested through the Local Plan's examination means that policy SP2 can carry little weight in the assessment of this application. Therefore it follows that the timing requirements within SP2 as drafted, which requires that this site should only come forward following the commencement of development of the M5 Junction 27 allocation, also carry's little weight in the assessment of this application.

Whilst the emerging policy can carry little weight, the processes that have been undertaken as part of the allocation of this site are a material consideration when assessing the sustainability of the site. Clearly the fact that the site has been proposed for allocation as a suitable site for housing under policy SP2 of the LPR demonstrates that Mid Devon District Council considers the site to be a sustainable site that complies with the NPPF. This is a significant factor in the assessment of whether the site is considered to be sustainable and also whether the site will enhance or maintain the vitality of rural communities.

It can also be argued that there is a need for the development in order to help meet the housing needs of the village and, to meet market demand for additional market housing within Mid Devon. This is reflected in policy DM1 of the Local Plan 3 Development Management Policies which takes a positive approach to sustainable development, allowing development to be approved wherever appropriate.

Your officers consider that there would be some harm to the landscape qualities of the area but visual effects are not likely to be at a level that would be unacceptable and this can be further mitigated through conditions that ensure good design, layout and landscaping. The design, size, scale, form, and layout of the houses, together with materials will be critical factors in how well the proposal fits in to the village and the wider landscape. However these issues can be suitably controlled through conditions and through the submission of a reserved matters application.

In the wider landscape, your officers consider that the development would be seen in the context of the existing built form of Sampford Peverell.

The impacts on the highway network and local schools can be off-set by financial contributions towards improvements and physical off-site highway works. This when combined with the inclusion of an area of public open space within the proposed development, the change to the proposed access and the improvements to the public footway at the bridge, are significant benefits that weigh in favour of the development.

Taking all the above into account, your officers consider that the delivery of housing on a sustainable site results in a development that accords with the NPPF. Subject to appropriate

conditions and provisions of the proposed s106 agreement there are no technical objections to the application. The Local Planning Authority concludes that the adverse impacts of the development would not significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. Accordingly the development is recommended for approval.

SUMMARY/REASON

The proposal is considered to be acceptable in that the development would provide 39 market and 21 affordable dwellings to meet an identified need, as well as a substantial area of public open space/green infrastructure. The impacts on the highway network and local schools can be off-set by financial contributions towards improvements and physical off-site highway works. The impact on the Listed building, Conservation Areas and other historic buildings is considered to be acceptable and can be controlled further through the imposition of suitably worded conditions to address design, landscaping and layout. The wider visual effects of the development are also considered to be acceptable and again can be controlled through conditions relating to the design, size, scale, form, layout of the houses and the landscaping proposals to be approved under later reserved matters application(s). In terms of the wider landscape, the development would be seen in the context of the existing built form of Sampford Peverell and mitigated through the presence of green infrastructure on the most elevated part. The provision of an area of public open space within the development will meet the needs of the site along with substantial highway improvements around the Listed bridge area by improving highway safety and so assists in weighing in favour of the development sufficient to warrant approval in the public interest.

The development is considered to be in accordance with policies COR1, COR2, COR3, COR9 and COR11 of the Mid Devon Core Strategy (Local Plan Part 1), AL/DE/3, AL/DE/4, AL/DE/5 and AL/IN/3 of the Allocations and Infrastructure Development Plan Document (Local Plan Part 2), DM1, DM2, DM8, and DM27 of the Mid Devon Local Plan part 3 (Development Management Policies) and the National Planning Policy Framework as a whole, and the SPDs on parking, public open space and meeting housing needs. The proposed development is considered to be contrary to policies COR17 and COR18 of the Mid Devon Core Strategy (Local Plan Part 1) as it is outside any defined settlement boundary and is not allocated for 100% affordable housing. The Local Planning Authority concludes that the adverse impacts of the development would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole and accordingly permission should be granted.

CONDITIONS

1. Before development begins, detailed drawings to an appropriate scale of the scale and appearance of the buildings, roads, pavements, the wall to the west access and the landscaping (including the attenuation pond area) (the Reserved Matters) shall be submitted to and 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 begin 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 details required to be submitted by condition 1 shall include the following additional information: boundary treatments, existing and proposed site levels, finished floor levels, tree protection plan and arboricultural method statement.

5. No development shall begin until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation which shall have been previously submitted to and approved by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority, and the results of the fieldwork and post-excavation specialist analysis shall be undertaken and submitted to the Local Planning Authority in an appropriately detailed and illustrated report.

6. No Development shall take place on site until the off-site highways works generally as shown on drawing no. 06685-HYD-XX-XX-DR-TP-P-05 Rev P set out in the Transport statement have been approved in writing, funded and constructed and made available for use.

7. No occupation of the development shall take place on site until the off-site highway works generally as shown on drawing no. 06685-HYD-xx-xx-DR-TP-106 REV P4 set out in the Transport statement have been approved in writing, funded and constructed and made available for use.

8. No occupation of the development shall take place on site until the off-site highway works as shown generally in accordance with drawing number 06685-HYD-XX-XX-DR-TP-p-04 P3 traffic calming have been designed, approved in writing, have been constructed and made available for use.

9. No occupation of the development shall take place on site until the off-site highway works for a footway/cycle way onto Turnpike inclusive of but not limited to footway, tactile crossing facilities, width ,gradients, drainage and alignments have been designed approved in writing by the local planning authority and have been constructed in accordance with the approved details, are made available for use and shall be so retained.

10. No occupation of the development shall take place on site until the off-site highway works for the provision of a footway at the junction off Turnpike and linking road inclusive of but not limited to footway, tactile crossings, drainage, visibility splays has been designed, approved in writing by the local planning Authority and have been constructed in accordance with the approved details, are made available for use and shall be so retained.

11. No occupation of the development shall take place on site until the off-site highway works as shown on drawing no. 06685-HYD-XX-XX-DR-TP-108-P3 have been constructed and made available for use.

12. No occupation of the development shall take place on site until the off-site highway works as shown on drawing no. 06685-HYD-XX-XX-DR-TP-0110-P2 have been constructed and made available for use.

13. No development shall begin until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Works shall be carried out in accordance with the approved details. Such Construction Management Plan shall include:

- 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, with such vehicular movements being restricted to between 8.00am and

6.00pm on Mondays to Fridays inclusive, 9.00am to 1.00pm no Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the Local Planning Authority in advance;

- e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
 - f) the proposed route of all construction traffic exceeding 7.5 tonnes;
 - g) 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;
 - h) 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;
 - i) the means of enclosure of the site during construction works;
 - j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking on-site;
 - k) details of wheel washing facilities and obligations;
 - 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.
14. 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 and approved in writing by the Local Planning Authority.
15. 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 in accordance with approved Plan 06685-HYD-xx-xx-DR-TP-106 REV P4.
 - 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 carpark have been constructed to the written satisfaction of the Local Planning Authority.
16. 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.
17. No development shall begin until a temporary surface water drainage management system to serve the development site for the full period of its construction has been implemented and is operational. Details of such temporary surface water drainage management system shall be submitted to and approved in writing by the Local Planning

Authority before its implementation and shall address both the rates and volumes, and quality, of the surface water runoff from the construction site. The temporary surface water management system shall be implemented in accordance with the approved details and so retained during the construction works.

18. No development shall begin until a programme of percolation tests have been carried out in accordance with BRE Digest 365 Soakaway Design (2016), and the results approved in writing by the Local Planning Authority. The programme shall take the form of a representative number of tests to provide adequate coverage of the site, with particular focus on the locations and depths of the proposed infiltration devices.

19. No part of the development hereby permitted within the site shall be commenced until the full results of a groundwater monitoring programme, undertaken over a period of 12 months, has been submitted to, and approved in writing by, the Local Planning Authority. This monitoring should be conducted to provide adequate coverage of the site, with particular focus placed on the locations and depths of the proposed infiltration devices.

20. No development shall begin until details of the permanent surface water drainage management system to serve the development has been submitted to and approved in writing by the Local Planning Authority. The permanent surface water drainage management system shall be informed by the programme of percolation tests required by condition 5. and the principles set out in the Level 2 Flood Risk Assessment (Report Ref: 422/FRA2, Rev. V1, dated 20/10/2016). Once approved, the development shall be constructed in accordance with the approved the permanent surface water drainage management system, the system shall be fully operational before any of the proposed dwellings are first occupied and be so retained.

21. No dwelling shall be first occupied until the full details of the adoption and maintenance arrangements for the permanent surface water drainage management system have been submitted to and approved in writing by the Local Planning Authority. The permanent surface water drainage management system shall be retained and maintained in accordance with the approved adoption and maintenance arrangements for the lifetime of the development.

22. No dwelling in any agreed phase of the development shall be first occupied until the following works have been carried out in accordance with the approved details:

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 have 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.

23. 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 in accordance with the approved details.

24. No external lighting shall be installed on site except in accordance with a sensitive lighting plan that shall have previously been submitted to and approved in writing by the Local Planning Authority before any external lighting is installed.

25. Notwithstanding the provisions of Article 3 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development of the types referred to in Classes [B, C,] of Part 1, of Schedule 2, relating to Dormer windows and alterations to roof including roof lights, shall be undertaken within the application site without the Local Planning Authority first granting planning permission.

26. Prior to commencement of any site works, a repeat survey for the presence of Badgers on the site and surrounding suitable habitat, with associated mitigation/compensation measures, shall be submitted to and approved in writing by the local planning authority in consultation with specialist advisors. Site works shall be carried out in accordance with the survey unless otherwise agreed in writing by the local planning authority.

27. The reptile mitigation strategy report undertaken by Ecological Surveys Ltd dated May 2018 is to be fully implemented and maintained during the course of developments associated with this area of the site as set out within this report.

28. Before the development hereby approved is commenced, a site investigation and risk assessment shall be carried out to determine the nature and extent of land contamination that may be present and the likely impact on all receptors that may result. A full report of the investigation and risk assessment shall be forwarded to the LPA for approval. No work shall proceed on site until either the LPA grants written consent for the development to commence or the requirements of condition (29) below are met.

29. Where actual or probable significant pollutant linkages are found following the investigation and risk assessment required by condition (28) above, the applicant shall submit a remediation statement together with a timescale for completion of the required works for approval in writing by the LPA.

30. Following completion of any works required by condition (29) above, a remediation validation report shall be submitted to the LPA for approval in writing. Occupation on the site, or parts of the site affected by land contamination, shall not take place until approval of the validation report has been granted.

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 ensure that adequate information is available for the proper consideration of the detailed proposals.
5. To ensure that an appropriate record is made of archaeological evidence that may be affected by the development, in accordance with paragraph 141 of the National Planning Policy Framework and Mid Devon Local Plan Part 3 Development Management Policy DM27.
6. To minimise the impact of the development on the highway network in accordance with Paragraph 32 of NPPF.
7. To minimise the impact of the development on the highway network in accordance with Paragraph 32 of NPPF.
8. To minimise the impact of the development on the highway network in accordance with paragraph 32 NPPF.
9. To minimise the impact of the development on the highway network in accordance with paragraph 32 of NPPF.
10. To minimise the impact of the development on the highway network in accordance with paragraph 32 of the NPPF.
11. To minimise the impact of the development on the highway network in accordance with paragraph 32 of NPPF.
12. To minimise the impact of the development on the highway network in accordance with paragraph 32 of NPPF.
13. To ensure adequate facilities are available on site during the construction period in the interests of highway safety and to protect the amenities of existing residents, in accordance with policy DM2 of the Mid Devon Local Plan part 3 (Development Management Policies).
14. To ensure that adequate information is available for the proper consideration of the detailed proposals.
15. To ensure 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.
16. To ensure the proper development of the site.
17. To ensure that surface water runoff from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area.
18. To ensure that surface water runoff from the development is discharged as high up the drainage hierarchy as is feasible, and is managed in accordance with the principles of sustainable drainage systems.

19. To ensure tht the use of infiltration devices on the site is an appropriate means of surface water drainage management.
20. To ensure that surface water runoff from the development is discharged as high up the drainage hierarchy as is feasible, and is managed in accordance with the principles of sustainable drainage systems.
21. To ensure that the development's permanent surface water drainage management systems will remain fully operational throughout the lifetime of the development.
22. To ensure that adequate access and associated facilities are available for the traffic attracted to the site.
23. To ensure that adequate access and associated facilities are available for the traffic attracted to the site.
24. In order to minimise light pollution and to minimise the development's impact on bats.
25. To safeguard the visual amenities of the area and residential amenity of neighbouring residents in proximity of the site in accordance with Mid Devon Core Strategy (Local Plan 1) policy COR2 Local Plan Part 3: (Development Management Policies) DM2.
26. To ensure that protected species are fully considered and impacts on them are mitigated.
27. To ensure that protected species are fully considered and impacts on them are mitigated.
28. In the interests of public health and the protection of the environment.
29. In the interests of public health and the protection of the environment.
30. In the interests of public health and the protection of the environment.

INFORMATIVE NOTE:

You are advised that a suitable programme of work should take the form of the archaeological excavation of all areas where iron-working has been identified by the geophysical survey and field evaluation works already undertaken within the application area to ensure an appropriate record is made of these heritage assets.

The Human Rights Act 1998 came into force on 2nd October 2000. It requires all public authorities to act in a way which is compatible with the European Convention on Human Rights. This report has been prepared in light of the Council's obligations under the Act with regard to decisions to be informed by the principles of fair balance and non-discrimination.

PLANNING COMMITTEE
31st July 2019

REPORT OF THE HEAD OF PLANNING, ECONOMY AND REGENERATION

MOORHAYES COMMUNITY CENTRE, TIVERTON – S106 REVISIONS ARISING FROM PROPOSED TRANSFER OF OWNERSHIP (99/02780/FULL)

Reason for Report:

To consider the S106 implications and revisions arising from the proposed change of ownership of the Moorhayes Community Centre in Tiverton.

RECOMMENDATION

That the revisions to the s106 agreement as set out in paragraph 2.2 be agreed and a supplemental S106 agreement be entered into.

FINANCIAL IMPLICATIONS: None in connection with the planning considerations of the proposed transfer of ownership with the exception of clause 5.3 at paragraph 2.1 below and the legal costs of entering into a supplemental agreement.

LEGAL IMPLICATIONS: It is proposed that the ownership of the Moorhayes Centre and associated facilities be transferred to the Moorhayes Community Association. This report addresses consequential legal implications arising from a S106 entered into in 2000. The restrictive clauses in the original S106 will require amendment in order to allow for the proposed change in ownership and to ensure that the necessary planning safeguards will apply to the new owner and ensure the continued community and public open space use of these assets. A supplemental S106 agreement will be entered into simultaneously with the transfer to the proposed new owner.

RISK ASSESSMENT: The revision of the original S106 agreement will address legal constraints arising from the original S106 agreement. The supplemental S106 agreement proposed will safeguard these community assets for the future use of residents.

EQUALITY IMPACT ASSESSMENT: It is not considered that the proposed S106 changes will have any impact upon equality matters.

RELATIONSHIP TO CORPORATE PLAN: Community Aim 1 – Support local communities to retain and develop their local facilities and services.

IMPACT UPON CLIMATE CHANGE: No climate change issues are identified arising from this report.

Consultation carried out with:

1. Chairman of Planning Committee

2. Vice Chairman Planning Committee
3. Ward Members
4. Tiverton Town Council

1.0 BACKGROUND

- 1.1 The Moorhayes Community Centre, Tiverton was provided in 2007 as part of the planning requirements in connection with residential development at Moorhayes on the northern side of Tiverton. Originally granted planning permission under 05/01543/FULL and subsequently extended, the centre comprises a community building together with football pitch, outdoor hard play court facilities, car parking and amenity space. It was planned to provide the community facilities at the heart of the residential development. A S106 agreement dated 16th October 2000 relating to residential development at Moorhayes Park, Tiverton was entered into in connection with application 99/02780/FULL. It includes obligations relating to these community facilities on the Moorhayes estate.
- 1.2 A report was considered at the meeting of Cabinet on 4th April 2019 outlining options for the disposal of the Moorhayes Community Centre in Tiverton. This Cabinet report was considered to involve the likely disclosure of exempt information defined in paragraph 3 of Part 1 of the Schedule 12A of the Local Government Act 1972 (namely information relating to the financial or business affairs of any particular person (including the authority holding that information)). The minutes of the meeting identify that it was resolved that the recommendations outlined in the report be approved. For the purposes of this Planning Committee report, Members are advised that it is intended for the ownership of the community centre and associated facilities to be transferred to the Moorhayes Community Association. There are planning related implications arising from this due to the need to make changes to the original S106 agreement to reflect the change of ownership and to secure obligations in order to safeguard continued community use once the ownership changes. This report addresses these planning implications.

2.0 THE ORIGINAL S106 AGREEMENT AND PROPOSED REVISIONS.

2.1 The existing situation.

The S106 agreement as it stands places a series of requirements upon the Moorhayes Community Centre and associated facilities:

Clause 5.2 requires that the land, provided for the community centre and/or all buildings and structures constructed thereon *'shall be used only for the purposes of public open space or a community centre for the benefit of the local community.'*

Clause 5.3 requires a covenant that *'any monies received by the Council as a result of the Council allowing the community centre ... to be used commercially (which for the avoidance of doubt is any use which results in a*

monetary profit arising) shall be utilised by the Council only in the maintenance of the community centre'

Clause 5.6 applies a restrictive covenant to the public open space requiring that it should not be used other than as '*public open space in pursuance of the Open Spaces Act 1906*'.

2.2 The proposed changes.

In order to reflect the change in ownership and to secure continued obligations safeguarding the future use of the facilities for the community and as public open space it will be necessary for a supplemental S106 to be entered into with the Community Association. This will provide for the change in ownership away from the Council and require that the property continues to be held for the benefit of occupiers of the development and the local community for use as public open space and a community centre and to ensure that monies generated from community use continue to be utilised only for maintenance of the community centre. The requirements of clauses 5.2, 5.3 and 5.6 referred to above will therefore need to be re-imposed and to apply to the new owner and any successors in title in order to continue to safeguard these community assets for the purpose they were provided.

3.0 VIEWS ARISING FROM CONSULTATION.

3.1 The planning issues arising from the proposed change in ownership were identified as part of wider Cabinet consideration on 4th April 2019. Within the context of this report addressing the S106 implications, the Chairman of Planning Committee, Vice Chairman, Ward Members and Town Council have been consulted in accordance with the agreed procedure.

3.2 No comments had been received at the time of writing this report so officers will provide a verbal update on these responses at the Planning Committee Meeting.

4.0 CONCLUSIONS.

4.1 The disposal of the community centre together with associated facilities to the Moorhayes Community Association has already been addressed via a recent report to Cabinet. This report deals with the planning implications of that, specifically the need to vary the original S106 agreement to not only allow for this change of ownership to take place, but also to ensure a continuation of obligations which seek to safeguard the future use and operation of these facilities for the community and as public open space.

4.2 There is no objection to the proposed changes from a planning perspective. The assets will continue to be used for the community purposes for which they were initially provided and the safeguards within the supplemental S106 will

ensure that. The changes to the S106 agreement are not considered to raise any planning concerns or policy consequences.

Contact for any more information

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234346

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Development
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Background Papers

S106 agreement entered into in
connection with application
99/02780/FULL

File Reference

99/02780/FULL Further variation of
condition (3) of planning permission no.
4/52/90/1600 to extend the time limit for
the submission of Reserved Matters from
6 years to 14 years (previously extended
under planning permission no.
4/52/96/735) to 16 June 2007 and
variation of condition (6) - relating to
surface water drainage works - in respect
of off-site drainage works

05/01543/FULL Erection of community
and sports centre, provision of football
pitch and multi-use games area, with
ancillary parking (Revised scheme)

Circulation of the Report

Members of Planning Committee

PLANNING COMMITTEE
31ST JULY 2019

REPORT OF MRS JENNY CLIFFORD, THE HEAD OF PLANNING, ECONOMY AND REGENERATION

SCHEME OF DELEGATION AND THE CONSIDERATION OF ENFORCEMENT CASES

REASON FOR REPORT:

To consider whether Planning Committee wish to continue to determine all instances where non urgent formal enforcement action is proposed irrespective of the scale of the proposal. Members are asked to consider whether the scheme of delegation should be amended to allow the consideration of enforcement cases (except in specific circumstances) under delegated powers rather than referring them to Planning Committee.

MATTERS FOR CONSIDERATION:

The scheme of delegation in relation to planning enforcement matters.

RECOMMENDATION:

That the scheme of delegation be amended in relation to planning enforcement to read as follows:

‘PLANNING SERVICES

Scheme of Delegation to the Head of Planning, Economy and Regeneration

To exercise all powers of the Council as Local Planning Authority (including the conduct of appeals and enquiries) under the Planning Acts, the Localism Act and the Growth and Infrastructure Act (unless expressly delegated to another officer) except where:-

In the case of Formal enforcement action:

1. In the opinion of the Head of Planning, Economy and Regeneration, or the Group Manager for Development, the proposed enforcement action raises matters of significant public interest and /or significant cost to the Council for which there is no budget and/or would prevent a person from residing or continuing to reside on land within the district;
2. The action relates to land in which the Council, a Member or an Officer has an interest;
3. The action is the issue of an enforcement notice, stop notice, temporary stop notice or legal proceedings, in which case the notice or proceedings will be issued by the Group Manager for Legal Services or a solicitor employed by the Council, in consultation with the Head of Planning Economy and Regeneration or the Group Manager for Development.

(Note: Formal action does not include the service of a Planning Contravention Notice or Section 330 requisition for information).’

FINANCIAL IMPLICATIONS: Effective enforcement performance has the potential for financial implications through generating planning fees and preventing the need for costly direct action.

LEGAL IMPLICATIONS: Government monitors planning performance in terms of speed and quality of decision making. An efficient enforcement process can reduce the risk of unlawful

development. However, the Legal Services will continue to be involved with the issue of formal notices and legal proceedings, in accordance with the existing delegation in Article 16 of the Constitution. Further, officers will still need to consider the equalities and human rights issues before taking action and the best way of doing this is to set them out in a delegated officer report for the file.

RISK ASSESSMENT: Reputational risk can occur as a result of unauthorised works continuing whilst waiting for a Committee meeting to take place.

EQUALITIES IMPACT ASSESSMENT: Equalities and human rights issues are assessed in advance of taking formal enforcement action. This will continue irrespective of whether an enforcement case is considered under delegated powers or via Planning Committee. Of significance is the need to properly assess and record these considerations. Equalities issues are not expected to be prejudiced through consideration of delegated powers. In addition, where enforcement action would result in someone being made homeless, Committee consideration of the case is proposed.

RELATIONSHIP TO CORPORATE PLAN:

One of the Corporate Plan priority areas is Environment, including focus upon protecting the built and natural environment. Effective operation of enforcement powers is an important component of the planning system and in providing public confidence in the system.

IMPACT UPON CLIMATE CHANGE: No climate change issues are identified arising from this report.

1.0 BACKGROUND

1.1 The existing scheme of delegation to the Head of Planning and Regeneration is worded as follows:

“PLANNING SERVICES

Scheme of Delegation to the Head of Planning and Regeneration.

To exercise all powers of the Council as Local Planning Authority (including the conduct of appeals and enquiries) under the Planning Acts, the Localism Act and the Growth and Infrastructure Act (unless expressly delegated to another officer) except where:-

In the case of Enforcement:

- 1. Formal enforcement action is proposed other than a Breach of Condition Notice or in the case where urgent action is required to commence enforcement proceedings, consisting of the service of a Temporary Stop Notice, Enforcement Notice, Stop Notice or commence Injunction proceedings. These proceedings to be only instigated in consultation with one or more of the following: Planning Chairman, Vice Chairman, Ward Member.*
- 2. Other than in consultation with the Legal Services Manager prosecution proceedings regarding any unauthorised advertising/fly posting.*

(Note: Formal action does not include the service of a Planning Contravention Notice or Section 330 requisition for information).”

1.2 The effect of the existing scheme of delegation is therefore for all formal action other than a breach of condition notice to require committee authorisations. The only exception to this is where urgent action is required for the issue of a Temporary Stop Notice, Enforcement Notice, Stop Notice or to commence Injunction proceedings.

Provision is in place for these to be instigated urgently in consultation with Members as listed.

- 1.3 Several reports have identified the scheme of delegation in relation to planning enforcement as an area for review. In March 2017, a report on the outcomes of a productivity review in the Planning Service was considered at meetings of Planning and Scrutiny Committees. This review was undertaken via the Local Government Association's productivity expect programme, giving access to external advice to undertake a review of aspects of the service with a particular focus on how best to realise efficiency and productivity gains. This review was delivered on a peer basis via a consultant holding a Head of Planning position in another authority. A series of recommendations were made across a range of topics. For enforcement these recommendations included changing the scheme of delegation to allow the Head of Service to authorise the serving of enforcement notices. The consultant noted that Planning Committee almost always agreed the enforcement action recommended to be taken. The administrative burden and delays of 2-3 weeks (due to Committee lead in time) were commented upon.
- 1.4 An audit of planning enforcement took place in July 2017. One of the findings from this exercise was that whilst Enforcement Officers have the power to issue a breach of condition notice, a temporary stop notice or a planning contravention notice, all other enforcement notices are required to go through Planning Committee before approval before issuing the notice. The report recognised this as a risk of reputational damage and to be time consuming. The recommendation made was to seek delegated powers. The target date for completion was set at the end of March 2018. Completion is therefore overdue and this is currently an outstanding audit recommendation.
- 1.5 It is also to be noted that a Local Enforcement Plan for Mid Devon was adopted in April 2018. This sets out how planning permission implementation is monitored, how planning enforcement operates, how complaints will be investigated and action taken where appropriate. It also sets out a scheme of prioritisation of complaints and performance standards which are monitored and reported.

2.0 CONSIDERATION BY PLANNING COMMITTEE.

- 1.1 In practice, the majority of cases where formal enforcement action is proposed are currently considered by Planning Committee as they have not been deemed to be urgent (defined as highest priority in the Local Enforcement Plan). This is irrespective of the scale of the breach. Over an 18 month period between January 2018 and the end of June 2019, the following 12 enforcement reports were presented to Planning Committee. The outcome is also indicated and in all cases the resolution of Committee was in accordance with the recommendation:
1. *ENF/17/00076/COU – Untidy site having an adverse effect upon the visual amenity of the locality arising from the unauthorised deposition of excavated soil on the land – land and buildings at NGR 296197 122000, Ashleigh Park, Bampton*). Authorisation granted in accordance with recommendation
 2. *ENF/16/00243/UDRU– Erection of two storey building in rear garden – 6 Forestry Houses, Chenson, Chulmleigh*. Authorisation granted in accordance with recommendation
 3. *Enforcement Case ENF/17/00213/LB – Dilapidation of listed building in particular thatched roof at the Three Tuns, Public House, 14, Exeter Road, Silverton* Authorisation granted in accordance with recommendation

4. ENF/17/00070/RURAL – *Unauthorised building operations concerning the extension of a former tractor storage shed and the unauthorised change of use of the land from woodland to a mixed use of woodland and recreational use – Culm Wood, (Gaddon Down Plantation), Ashill*). Authorisation granted in accordance with recommendation.
 5. ENF/17/00160/COU – *Change of use of land from agriculture to mixed use agriculture and the siting and use of a caravan for human habitation together with domestic paraphernalia ancillary to such use and the storage of two non-agricultural motor vehicles – land lying to the north of Petton Cross, Shillingford* Authorisation granted in accordance with recommendation.
 6. *Enforcement Case ENF/17/00266/RURAL – Unauthorised material change of use of land from agriculture to a mixed use of agriculture and the slaughtering, process, packing, freezing, storage and distribution of meat, together with ancillary operational development comprising the erection of two structures and a concrete base – land and buildings at NGR 307589 114376 (Land at Escotts Farm, Uffculme)*. Authorisation granted in accordance with recommendation.
 7. ENF/17/00072/RURAL – Unauthorised building operations concerning the construction of a mixed used building comprising a farm workshop, storage, smoker, cold store, food processing area, farm office, welfare facilities, kennels and stables – land at NGR 317450 1100777 (Tickle Penny) Clayhidon.) Authorisation granted in accordance with recommendation.
 8. ENF/18/00114/LB – Urgent and appropriate repairs to the Grade II* Listed Building part of the Manor House Hotel are required in order to preserve it and prevent damage arising from decay and potential poor underlying structural integrity of parts of the Fore Street frontage – Manor House Hotel Part) at 2 Fore Street, Cullompton). Authorisation granted in accordance with recommendation.
 9. ENF/18/00083/UNTIDY – Untidy site having an adverse effect upon the visual amenity of the locality. Eastmere Farm, Lapford, Crediton). Authorisation granted in accordance with recommendation.
 10. ENF/17/00326/RURAL – Unauthorised operational development in the permanent fixing of a shipping container on the land and unauthorised material change of use from agriculture to a mixed use of agriculture and the storage of materials not required for agriculture – Bradford farm, Uplowman) Authorisation granted in accordance with recommendation.
 11. ENF/19/00036/LB – without listed building consent, the insertion of uPVC sliding doors and windows to the 20th century rear single storey extension and uPVC dormer windows to the south elevation – Loram Cottage, Copplestone). Recommendation agreed.
 12. ENF/19/00053/COU – *Change of use of land and buildings to a use for human habitation and to the other to facilitate the storage of materials required or intended for use in the building works – agricultural buildings on Ratsash lane, Uffculme*. Authorisation granted in accordance with recommendation.
- 1.2 The cases above and their outcomes follow a wider pattern in the consideration of enforcement reports at Planning Committee over a longer period, in that the resolutions are rarely at odds with the recommendations.
- 1.3 Given the high levels of agreement by Planning Committee with officer recommendations, the inherent delay as a result of Committee timescale and lead in

times, it is considered that a review of levels of delegation is warranted. The Committee process not only has implications on timescale for action, but also makes additional demands on officer time. This impacts upon the ability of the team to efficiently deal with other cases which increases the reputational risk to the Authority.

1.4 Officers have also checked the extent of delegated powers to take planning enforcement action with other Councils in the area. It is clear from this that the extent of delegated authority to take planning enforcement action in Mid Devon is significantly less than that at other councils in the locality.

1.5 Members are requested to relook at the resolution in respect of enforcement to consider whether wider formal enforcement action could be determined under delegated powers. This would be subject to criteria as set out in the recommendation. The proposed exceptions would be where:

- Matters of significant public interest arise,
- There would be significant expenditure for the Council without budget (such as in some instances of direct action)
- A person would be prevented from residing or continuing to reside on land within the district;
- The action relates to land in which the Council, a Member or an Officer has an interest;
- In addition where the action is the issue of an enforcement notice, stop notice, temporary stop notice or legal proceedings, the notice or proceedings will be issued by the Group Manager for Legal Services or a solicitor employed by the Council, in consultation with the Head of Planning Economy and Regeneration or the Group Manager for Development

These are considered appropriate safeguards within which the wider delegated powers would operate. In addition, it is proposed that Ward Members would be consulted prior to the taking of formal action relating to land within their Ward.

Summary

Members are therefore asked whether subject to specific criteria, enforcement action as specified can be delegated and accordingly that the scheme of delegation be amended to read as follows:

PLANNING SERVICES

Scheme of Delegation to the Head of Planning, Economy and Regeneration

To exercise all powers of the Council as Local Planning Authority (including the conduct of appeals and enquiries) under the Planning Acts, the Localism Act and the Growth and Infrastructure Act (unless expressly delegated to another officer) except where:-

In the case of Formal enforcement action:

- 1. In the opinion of the Head of Planning, Economy and Regeneration, or the Group Manager for Development, the proposed enforcement action raises matters of significant public interest and /or significant cost to the Council for which there is no budget and/or would prevent a person from residing or continuing to reside on land within the district;*
- 2. The action relates to land in which the Council, a Member or an Officer has an interest;*
- 3. The action is the issue of an enforcement notice, stop notice, temporary stop notice or legal proceedings, in which case the notice or proceedings will be issued by the*

Group Manager for Legal Services or a solicitor employed by the Council, in consultation with the Head of Planning Economy and Regeneration or the Group Manager for Development.

(Note: Formal action does not include the service of a Planning Contravention Notice or Section 330 requisition for information).

Contact for Information: David Green, Group Manager for Development
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List of Background Papers: None

Circulation of the Report: Cllr Graeme Barnell
Members of Planning Committee

**PLANNING COMMITTEE
31ST JULY 2019**

REPORT OF MRS JENNY CLIFFORD, THE HEAD OF PLANNING, ECONOMY AND REGENERATION

PLANNING PERFORMANCE AGAINST TARGETS QUARTER ONE 1ST APRIL- 30^T JUNE 2019

REASON FOR REPORT:

To provide the Committee with information on the performance of aspects of the planning function of the Council for Quarter 1 of 19/20

MATTERS FOR CONSIDERATION:

Performance against targets, the Government's performance assessment and resources within the Planning Service.

RECOMMENDATION: For information and discussion.

FINANCIAL IMPLICATIONS: Planning performance has the potential for significant financial implications in the event that applications are not determined within 26 weeks or an extension of time negotiated. In that instance the planning fee is returned. Through the issue of planning permissions for new dwellings the service enables the award of New Homes Bonus money to the Council.

LEGAL IMPLICATIONS: The Government monitors planning performance in terms of speed and quality of decision making. In the event minimum standards are not met, an authority may be designated as underperforming with special measures applied that allow applicants for major development to apply for permission direct from the Planning Inspectorate and bypassing local decision making.

The speed measure is twofold: firstly the percentage of major applications determined within 13 weeks as measured over a 2 year period and secondly the percentage of non- major applications determined within 8 weeks as measured over a 2 year period. Accordingly it is important to continue to meet these targets.

The quality measure is also twofold: firstly the percentage of all major applications determined over a two year period that have been overturned at appeal and secondly, the percentage of all non-major applications determined over a two year period that have been overturned at appeal. The target for both measures is not less than 10%. It is important to continue to meet these targets.

RISK ASSESSMENT: Financial risk as a result of fee return and the designation of planning authorities in special measures for underperformance is referred to above. These aspects are actively monitored, to allow priorities to be adjusted as required to reduce the risk. The speed and quality of the determination of major applications has been the subject of Government performance indicators for some time.

EQUALITY IMPACT ASSESSMENT: No equality issues identified for this report.

RELATIONSHIP TO CORPORATE PLAN: The effective operation of the planning function of the Planning, Economy and Regeneration Service including the processing of applications is central to achieving priorities in the Corporate Plan.

IMPACT UPON CLIMATE CHANGE: No climate change issues are identified arising from this report on service performance.

1.0 PLANNING PERFORMANCE

1.1 Set out below are the Planning Service performance figures for Qu1 2019/20 and showing a comparison against those achieved for 16/17, 17/18 and 18/19. Performance data is published quarterly on the Council's website at <https://new.middevon.gov.uk/planning/performance-standards/>

1.2 Performance is set out below and expressed as a percentage unless marked otherwise and reports against a mix of Government and local performance targets.

Planning Service Performance	Target	16/17	17/18	18/19				19/20
				Q1	Q2	Q3	Q4	Q1
				Major applications determined within 13 weeks	60%	90%	82%	75%
Minor applications determined within 8 weeks	65%	80%	85%	73%	72%	74%	73%	65%
Other applications determined within 8 weeks	80%	89%	90%	87%	77%	88%	84%	75%
Householder applications determined in 8 weeks	85%	98%	95%	78%	89%	94%	93%	86%
Listed Building Consents determined in 8 weeks	80%	84%	84%	73%	50%	74%	65%	64%
Enforcement site visits undertaken within 15 days of complaint receipt	87%	96%	92%	80%	85%	77%	80%	68%
Delegated decisions	90%	94%	93%	86%	98%	95%	96%	95%
No of applications over 13 weeks old without a decision	Less than 45 apps	29	44	68	75	68	88	82
Major applications determined within 13 weeks (over preceding 2 years)	More than 60%	82%	74%	86%	95%	77%	81%	72%
Major applications overturned at appeal as % of all major decisions (over preceding 2 years)	Less than 10%	7%	4%	3%	3%	3%	3%	0%
Non-major applications determined within 8 weeks (over preceding 2 years)	More than 70%	77%	79%	80%	79%	80%	79%	77%
Non-major applications overturned at appeal as % of all non-major decisions over preceding 2 years	Less than 10%	<1%	<1%	0%	0%	0%	0%	0%
Determine all applications within 26 weeks or with an extension of time (per annum –Government planning guarantee)	100%	100%	99%	100%	99%	99%	99%	99%
Building Regulations Applications examined within 3 weeks	95%	88%	93%	95%	92%	87%	89%	84%

Building Regulation Full Plan applications determined in 2 months	95%	91%	96%	99%	97%	96%	97%	99%
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For all applications determined within 8 or 13 weeks, the performance figures include those where there has been an extension of time. This is in accordance with the methodology for reporting planning application determination set out by the Government.

2.0 APPLICATION PROCESSING-DEVELOPMENT MANAGEMENT.

2.1 As reported on previous occasions, the Government sets a range of additional performance targets for planning authorities in order to drive performance. Those for planning application decision making are used by the Government as indicators of performance in terms of both speed and quality of decision making. They are as follows:

Speed:

- Majors: More than 60% of major applications determined within 13 weeks (over 2 year period). Mid Devon performance on this for the last 2 years is **72%**.
- Non majors: More than 70% of non-major applications determined within 8 weeks (over 2 year period). Mid Devon performance on this for the last 2 years is **77%**.

Quality:

- Majors: No more than 10% of decisions to be overturned at appeal. The Mid Devon figure over the last 2 years is **0%**.
- Non majors: No more than 10% of decisions to be overturned at appeal. The Mid Devon figure over the last 2 years is **0%**.

Authorities not meeting these targets risk being designated as underperforming, resulting in the application of special measures.

2.2 Application determination performance results for quarter one in Qu 19/20 indicate that the national planning performance indicators continue to be met and exceeded by the service in many areas. This does rely heavily upon the agreement of extensions of time with the applicant. There is provision for such agreements in accordance with Government methodology on calculating performance. However, there are a number of areas where performance in quarter 1 is of concern:

- Listed building consent application determination time was recorded as below the 80% target over all four quarters in 18/19 and this is also the case of quarter 1 19/20 at 64%. (Listed Building Consent applications fall within the 'other' application category, the 80% target for which was met for the majority of 18/19 and in quarter 1 of 19/20. The efficiency of processing these heritage applications is being reviewed to see if improvements can be made to raise performance in this area of work.
- For this quarter, the wider group of 'other' applications also did not meet the 80% determined within 8 weeks performance target. A figure of 75% was recorded.
- Major applications determined within 13 weeks. Closer consideration indicates that the 33% of applications determined within 13 weeks against a target of 60% (based on a total of 9 decisions within this quarter). This is an

area of performance that will need to be monitored closely over the next reporting period.

- The number of applications on hand that are over 13 weeks old continues to be high following a pattern of increase over consecutive quarters. The rising number of older applications on hand is an indicator of case worker pressure, as is the number of cases on hand per officer at present. A range of measures are being put in place to seek to reduce this pressure.

2.3 The 'planning guarantee' of 100% of applications determined within 26 weeks was recorded at 99%. Extensions of time are secured which reduces the financial risk to the Council of fee return. Such extensions of time are normally sought in order to secure completion of S106 agreements.

2.4 In conclusion, performance in Development Management mainly exceeds Government requirements, however there are some areas which require further attention and are an indicator of higher workloads. The Development Management team has experienced a period of staffing fluctuation over the past 9 months or so which has resulted in a backlog of work that despite efforts of staff has not been cleared. Over the past two months the team has been operating without a full complement of staff. Recruitment has taken place to fill the vacant Principal Planning Officer post. The new post holder is due to be in place by the date of this Committee meeting. The filling of this post will reduce the pressure on officers as will other measures that have been put in place. These include revising arrangements to deal with householder applications, case officer availability and the temporary suspension of the pre-application advice service for new enquiries during July. The workload in Development Management is being monitored.

3.0 PLANNING ENFORCEMENT.

3.1 The Local Enforcement Plan was agreed by Council on 21st February 2018. It sets out prioritisation criteria for compliant investigation together with performance standards. These are now the performance standards being monitored and therefore this is the first quarterly performance report that reflects this agreed approach.

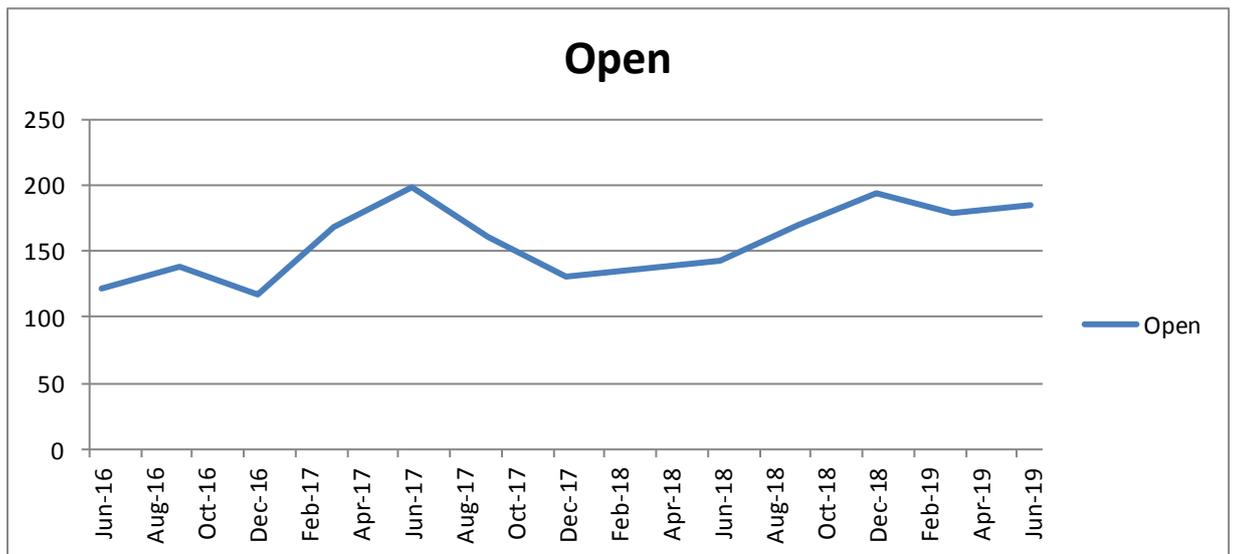
3.2 Activity within the enforcement part of the planning service by quarter for 18/19 and quarter one 19/20 is as follows:

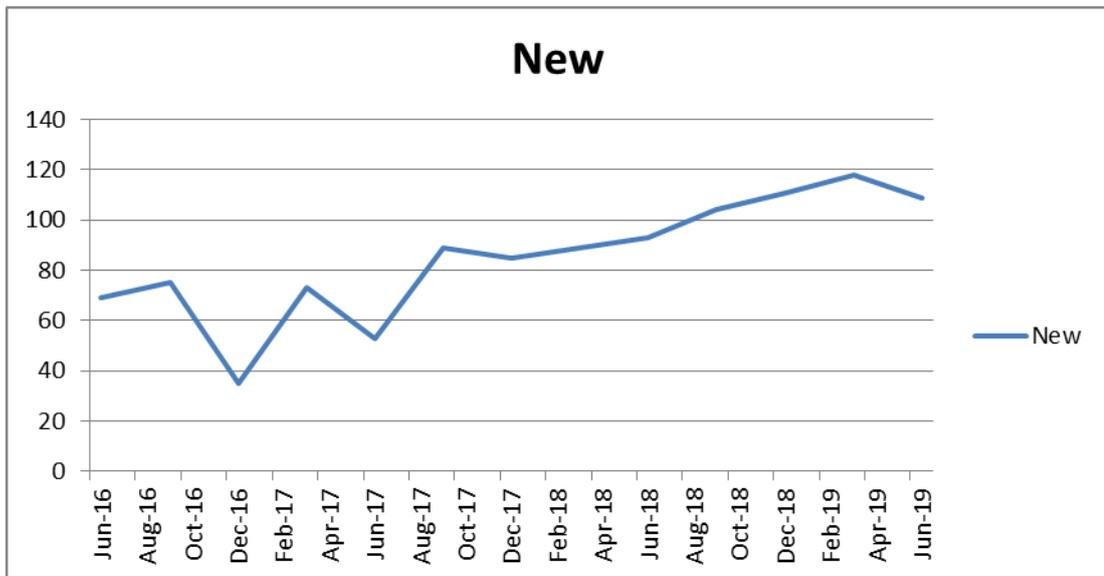
Q ref	Details	Target	18/19 Quarters 1, 2, 3, 4				19/20 Q4
PE01	Register and acknowledge all written complaints. Indicator – within 3 working days	100%	98%	92%	90%	99%	100%
PE02	Highest priority complaint investigation. Indicator - 90% of first site visits before the end of the next working day following registration.	90%	100%	100%	None reported	100%	None reported
PE03	High priority complaint investigation. Indicator - First site visit within 3 working days of registration.	100%	100%	100%	100%	100%	100%
PE04	Medium priority complaint investigation. Indicator - First site visit within 10 working days of registration.	100%	94%	88%	100%	100%	75%
PE05	Low priority complaint investigation. Indicator - First site visit within 15 working days of registration.	100%	97%	89%	76%	97%	96%

PE06	Initial response to complainant setting out progress or informing about a decision in cases where there is no breach. Indicator – within 5 working days of the date of the initial site visit.	100%	92%	92%	91%	98%	89%
PE07	Notify complainant that Enforcement Notice has been served or decision that ‘no action’ will be taken. Indicator – within 5 working days of the issue of the notice [or decision to take no further action].	100%	92%	92%	98%	98%	89%
PE08	New enforcement cases registered (See PE01)		93	104	111	118	131
PE09	Enforcement cases closed (in quarter)		71	77	96	133	104
PE10	Committee authorisations sought		1	1	1	1	1
PE11	Total Notices Served		10	3	2	3	6
	<i>Planning contravention notices served (PCN)</i>		5	2	0	3	4
	<i>Breach of condition notices served</i>		0	1	0	0	0
	<i>Section 215 notice (untidy land)</i>		0	0	0	0	0
	<i>Section 330 notice (requisition for information)</i>		4	0	0	0	0
PE12	Total outstanding cases at end of quarter				194	179	184

3.3 1 high priority complaint was received during this period. A total of 12 medium priority complaints were received of which 9 received an initial site visit within the 10 working day target. 85 out of the 89 low priority complaints received an initial site visit within 15 working days.

3.4 The following graphs show the number of enforcement cases opened, closed and new over a two year period.





An administration resource within the enforcement team now supports the two Enforcement Officers increasing the effectiveness of the service.

4.0 **BUILDING CONTROL.**

4.1 The Building Control performance target over the assessment of full plans applications was met for this quarter. Plan checking within 3 weeks in this quarter was under target, as it has been for several reporting periods. This is attributed to fluctuations in staffing. Due to a challenging recruitment environment, a surveyor was replaced by a trainee in January in order to 'grow' our own. The trainee is making good progress and specific work is beginning to be allocated to him which will reduce the workload of some other officers. The service is also working to improve performance against this indicator.

4.2 It should be noted that Building Control performance is now primarily reported to the meetings of the Joint Committee which oversees the Building Control Partnership service that is being jointly operated with North Devon Council.

Contact for Information:

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Jenny Clifford, Head of Planning, Economy and
Regeneration
jclifford@middevon.gov.uk 01884 234346

List of Background Papers:

PS1 and PS2 returns
HM Treasury 'Fixing the foundations – creating a more
prosperous nation' July 2015
Improving Planning Performance: Criteria for
Designation, MHCLG November 2018

Circulation of the Report:

Cllr Graeme Barnell
Members of Planning Committee

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