

Public Document Pack

Committee Administrator
Sally Gabriel
Tel: 01884 234229
E-Mail: sgabriel@middevon.gov.uk

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, 28 August 2019 at 2.15 pm

The next ordinary meeting of the Committee will take place on Wednesday, 25 September 2019 at 2.15 pm in the Phoenix Chamber, Phoenix House, Tiverton

STEPHEN WALFORD

Chief Executive
19 August 2019

Councillors: Mrs F J Colthorpe (Chairman) E J Berry, S J Clist, Mrs C Collis, 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 - 20*)
Members to consider whether to approve the minutes as a correct record of the meeting held on 31 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 21 - 26*)
To consider the planning applications contained in the list.
- 8 **MAJOR APPLICATIONS WITH NO DECISION** (*Pages 27 - 30*)
List attached for consideration of major applications and potential site visits.
- 9 **APPEAL DECISIONS**
To receive for information a list of recent appeal decisions.
- No appeal decisions have been received since the last meeting of the committee.*
- 10 **APPLICATION 19/00573/FULL - VARIATION OF CONDITIONS 2, 3, 5, 6, 7, AND 8 OF PLANNING PERMISSION 17/00910/FULL, TO ALLOW SUBSTITUTION PLANS, 10 MAYFAIR, TIVERTON** (*Pages 31 - 48*)
To consider a report of the Head of Planning, Economy and Regeneration with regard to this application.

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:

Tel: 01884 234229

Fax:

E-Mail: sgabriel@middevon.gov.uk

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 31 July 2019 at 2.15 pm

Present Councillors

Mrs F J Colthorpe (Chairman), E J Berry,
Mrs C Collis, L J Cruwys, Mrs C P Daw,
D J Knowles, E G Luxton, R F Radford,
B G J Warren, J Cairney and J M Downes

**Apologies
Councillor(s)** S J Clist and F W Letch

**Also Present
Councillor(s)** Miss J Norton

**Present
Officers:** Kathryn Tebbey (Group Manager for Legal Services and Monitoring Officer), David Green (Group Manager for Development), Lucy Hodgson (Area Team Leader), Adrian Devereaux (Area Team Leader), Daniel Rance (Principal Planning Officer), Ian Sorenson, Ben Lucas (Forward Planning Officer), Ian Sorenson (Devon County Council, Highway Authority) and Sally Gabriel (Member Services Manager)

22 APOLOGIES AND SUBSTITUTE MEMBERS

Apologies were received from:

Cllr S J Clist to be substituted by Cllr J Cairney
Cllr F W Letch to be substituted by Cllr J M Downes.

23 PUBLIC QUESTION TIME (00-03-16)

Peter Dumble referring to item 10 (Higher Town, Sampford Peverell) on the agenda stated that two reports carried out by Highways experts, Mark Baker Consultants, have never been brought to Councillors' attention.

In both reports from February and May 2018, he advises that "The Council should refuse the planning application on a number of concerns regarding access". Concerning, the proposed crossing point on Turnpike near the canal bridge, Mark Baker states that:

“... there would be only 14m visibility to the north “This is severely deficient for a crossing located in a 30mph area where 43 metres is required”.

Since then, the independent highway review by Trace Design asked the applicant to redraw lines of visibility to a safer standard. If done this would reduce visibility to only 9m. It should be 43m.

The applicant has told planning officers that they have addressed all Trace Design’s points, but they have not changed visibility lines at this crossing point or justified why not.

Furthermore, the proposed new footpath on Turnpike is to be only 1.2m wide. The government guidance, “Inclusive Mobility”, says that 1.5m is the minimum. The Council must provide safe access for all including disabled users. This footpath and crossing do not. “Inclusive Mobility” has never been mentioned by the applicant, the Highway Authority or your officers.

Moving on to the north-east access, Mark Baker finds that

“... the cycleway onto Higher Town directs vulnerable users onto a section of shared surface with restricted widths, where vehicles are entering a built-up area”. Trace Design expressed concerns and have asked for visibility lines to be re-drawn and for road widths to be shown on plans. The applicant has not done this. If they were to do so, the plan would show ...

- that visibility to the south drops to 12m. It should be 43m.
- that only 4.2m road width is available where Trace Design want 4.8m.
- that where the Highway Authority wants 3.5m road width, only c.2.5m is available.

Officers say that the applicant has responded to Trace Design’s suggestions “where appropriate”. This is simply not true. Trace Design’s work shows the design is even more seriously sub-standard than you were told last July.

Officers have chosen not to put the Trace Design Review or Place Lands response to the review out to consultation. This is unfair. Councillors, it is not ‘unreasonable’ to refuse permission on grounds of road safety when a highways expert directly recommends that this is what you should do.

Let us not forget that Mark Baker’s advice matches the experience of those of you who visited the site during term-time last year. You saw the heavy traffic in the shared space outside the Primary School and parents with children struggling to cross Turnpike near the canal bridge.

In conclusion, Councillors, please stand firm on “Reason for Refusal 3”, but in doing so, please add that highway safety concerns also extend to the north-east access via Higher Town.

Hayley Keary referring to item 10 (Higher Town, Sampford Peverell) stated that - I live in one of the heritage houses, several feet below and a few feet away from SP2 ground level. The Conservation Officer tried to assess any impact on the heritage assets at the north-east. The Framework requires ‘clear and convincing justification’

of any harm to heritage assets. Page 106 of your pack shows that the Conservation Officer made a huge mistake. She believes that the access at the north-east is “less than 2m wide”. But the applicant’s detailed plans show that it is at least 18m wide and over 2.5m high. She bases her findings on an error of over 900%. Any access at the north-east will need to cut back into the field for at least 35m to reach ground level. She never once mentions this. She fails to mention this enormous cutting into an ancient Devon bank within 15 metres of the assets she is assessing. Her assessment cannot be ‘clear and convincing’ which is what the Framework requires. For this reason, it is not unreasonable to refuse permission.

Heritage and Landscape Assessments from the applicant also completely fail to mention this cutting, as does the independent assessment by CEC. None of them looked at the plans that had been published well before their assessments were made. CEC worked from the Conservation Officer report with its serious error and they only used the applicant’s illustrative plan rather than detailed designs. All of the applicant’s assessments assume that there will be screening around the north-east edge of the site, but this is not part of the application. If there is screening, our house will be deprived of natural light. If there is no screening, we lose privacy. Land heights mean that people on what would then be a public space could stand two metres from windows into sitting rooms and bedrooms and look in. No fencing or shrubbery can retain both light and privacy. It is key to today’s decision to have an explanation of how Officers plan to resolve this. It cannot wait or be put off.

Despite not seeing accurate plans, CEC still conclude that ...

‘The sunken rural character of (Higher Town) should be preserved e.g. without introducing pavements, kerbs, or excessive signage’. But the plans you are asked to approve today

- cut into the bank
- open up the sunken lane
- add a large, raised paved-area
- mark it with eight bollards and two signs
- create a coloured road surface and
- add painted ‘Give Way’ and other road markings.

These do not “preserve the sunken rural character” of the road, Higher Town.

Please don’t let officers tell you that this can be resolved later. Any access at the north-east would have to be wide, high and long to make up the height difference from road to field.

It cannot be ‘unreasonable’ to refuse permission when the impact on this historic location has been so inadequately assessed. May I ask Councillors, that you please include ‘harmful impact on the character of Higher Town and its heritage assets’ in your reasons for refusal?

Roz Thomas referring to item 10 (Higher Town, Sampford Peverell) stated that - I have voiced several of my questions over the years, but would like to focus on the issue of Transport Safety today. Myself, my husband and 3 young children live on the section of Turnpike without any pavement, overlooked by the proposed development site. The busy road has been a concern for our family since moving to the property, and we have had several close calls whilst walking to and from the village to our house on the roadside, with high solid banks either side, cars and large farm vehicles travelling too fast, and sections with poor visibility. My eldest son

catches a bus to Uffculme High School each morning from Batten's Cross. On 26 February 2018, I wrote a letter of objection. I attached an email from the Devon County Council School Transport team. The team confirmed that it does not think it is safe for secondary age pupils to be picked up or dropped off in the main body of the village outside the Globe and left to walk to and from Turnpike. That is why they arranged a separate stop at Batten's Cross, at the top of this dangerous section of road. Officers and the Devon Local Highways Authority have never responded or commented on this point that I have made.

Being a physiotherapist, a mother who has used a pushchair, and having cared for my own father, who used a mobility scooter, I am acutely aware of the implications to people's lives when access is denied due to poor design of walkways.

This application proposes highway improvements along Turnpike, due to the subsequent increase in population at this end of the village. These involve the addition of a "sub-standard" crossing point, a 1.2m footpath that fails to meet the required width set out in "Inclusive Mobility", and safety railings at the canal bridge are to be removed. I was concerned to hear that Councillors chose not to visit or use the proposed new crossing point on their site visit yesterday. Its only when you experience it, you truly understand the risks, especially with young children. I trust you will bow to the experience of previous Councillors who did attempt the crossing last July. One described it as "nerve-wracking". Another asked – "Why do that on a blind bend?"

I ask Councillors –

1. Do you think these proposed 'improvements' would make this route to and from the village safe enough for the Battens Cross school transport bus–stop be dropped by Devon County Council? (No one is actually proposing this, but if the application proceeds it could be suggested, as the new footway must be regarded as safe for all users).
2. Pedestrian access along this stretch of road MUST be safe and inclusive for all users. Would Councillors be happy to see pupils from homes on Turnpike and the new site walk to and from the Globe Inn using the new crossing point each school day?

If Councillors have any doubts about this, I urge you to refuse permission for this application with its unsafe highway arrangements.

Greeta Tucker referring to item 10 (Higher Town, Sampford Peverell) stated that the applicant wants to build a new main access road across the highest land in the site. This cannot be allowed. Policy SP2 says the highest ground on this site must be undeveloped. On Page 66 your officers say that the Inspector has advised that this site is sustainable. He cannot mean it is sustainable regardless of the SP2 conditions. If that were so he would for example have removed the limit set at 60 houses. Your officers use the Inspector's approval of the site to advise you that Reason for Refusal 2 is unsupportable. If the Inspector's words have that much force, then your officers should also be telling you that the main access cannot be built across the highest ground. SP2 clearly says the Green Infrastructure over the highest ground must be "undeveloped." That was what all Councillors were promised by officers when the allocation was added. Your existing policy COR2 says you must

“preserve and enhance” distinctive qualities in our landscape. Building a road across the crest of the highest land does not do this. Not one single assessment of the site ever mentions that the main access will run across the highest land. But before you vote, you need to know exactly what you are being asked to approve. You also need to know whether the Highways Authority approves. On page 68 of the pack, officers say that the applicant has included a new plan for this main entrance. It is now even wider than before. On page 128 of the pack is a list conditions for this application. You are being asked to approve these today. But those conditions tie the applicant to use the old drawings. Also, on page 84, the Highways Authority approves the old drawings. We have no written evidence that it approves the new ones.

So, Councillors ...

- you don't even know what plans you are being asked to approve today
- you don't know whether they have been approved by Highways
- but you do know that the latest plans and Highways' supposed approval have never gone to consultation

Councillors, will you agree with me that, with all these difficulties and failing to meet the sustainability conditions set in SP2, it is certainly not unreasonable to refuse permission and vote accordingly?

Leigh Menheneott referring to item 1 on the plans List (Mayfair, Tiverton) asked will the access lane to the site at 10 Mayfair be constructed with a tarmac pavement as suggested in the document A (06)08 A? Or is it to be more in line with A (01) 08 A? Why is there no clarity as to exactly what is proposed for this access road? Is the committee to vote on an application where details are not available to the public, or indeed to the members themselves? Can the officer confirm whether the applicant is responsible for the construction and maintenance of the access road or whether the owner of the lane will hold that responsibility? Or indeed, whether the buyers of the houses will have to meet the demands of the condition?

Mary Chesney referring to the Sampford Peverell application stated that I am a mobility scooter user to get to the local amenities and I have to have a large scooter because there is no pavement and the pavement on the other side of the road isn't wide enough for my scooter. I have two related questions:

The Government guidance document, “Inclusive Mobility”, recommends that there be ... “consultation, at an early stage, with local groups representing disabled people in the process of planning and implementing accessible buildings and other infrastructure”.

Q1. What local groups representing the disabled have been consulted about access, especially the proposed new, substandard 1.2m footway on Turnpike?

I can see no sign that the needs of people with disabilities have been properly assessed in any of the papers relating to this application.

Q2 - Is this Committee confident that it will be properly fulfilling its Public Sector Equality Duty if it approves this application and therefore should consider no approval.

Hon Alderman Mel Lucas in relation to the Sampford Peverell application stated that he had the great pleasure of representing Sampford Peverell both as parish Chairman and District Councillor for 28 years and in those 28 years I have never known any time such a wave on uncertain respect for the planning in front of you this afternoon. Something like over 250 people took the time and trouble to express their concerns about what you are about to discuss this afternoon.

I would now like to point you please members of the committee to page no 85 which is a report from Sampford Peverell Parish Council and 85/86/87 those three pages contain the concerns of the Parish Council and the people whom they represent. I sometimes wonder where democracy has gone because if you are taking into consideration those concerns that is not shown in any shape or form in this report. Once again the little people are going to be trampled on. They are going to be trampled on not that we don't want or need it at all, and I very much doubt that 60 extra homes within the village are needed, but we are being trampled on because we are concerned about the actual site. It is the site that is at fault, not the location of the village but the site within that village and those concerns have already been expressed this afternoon by other people prior to myself.

I have become very passionate about my village, exceptionally passionate about it, and about the people who live in there. That road at Turnpike is absolutely a death trap if you don't live there you don't know it. We who live there know it and no matter what Devon County Highways say that will always be the most dangerous part of that particular road. There are other sites, and we know where those other sites are within village. They have been put forward in the past and they have been rejected and I would again ask members of the committee go to page 85 paragraph 5. You will read there that a particular site was ruled out by Mid Devon Planners because of its proximity to the Grand Western Canal Country Park Conservation Area. If you have concerns there I would suggest you go to Crown Hill and really see where we went wrong because that was passed some few years ago.

The Chairman indicated that answers to any questions would be given during the debate on the item.

24 DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT (00-26-00)

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

25 MINUTES OF THE PREVIOUS MEETING (00-26-16)

The minutes of the meeting held on 3 July 2019 were approved as a correct record and signed by the Chairman.

26 CHAIRMAN'S ANNOUNCEMENTS (00-26-54)

The Chairman welcomed the new Principal Planning Officer (John Miller) to the meeting.

27 DEFERRALS FROM THE PLANS LIST (00-27-33)

There were no deferrals from the Plans List.

28 THE PLANS LIST (00-27-48)

The Committee considered the applications in the plans list *.

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

(a) Applications dealt with without debate.

In accordance with its agreed procedure the Committee identified those applications contained in the Plans List which could be dealt with without debate.

RESOLVED that the following application be determined or otherwise dealt with in accordance with the various recommendations contained in the list namely:

(i) No 3 on the Plans List (**19/00306/LBC – Listed Building Consent for the replacement of Upvc windows to timber windows on south elevation – Middle Weeke Farm, Morchard Bishop**) be approved subject to conditions as recommended by the Head of Planning, Economy and Regeneration.

(Proposed by the Chairman)

b) No 1 on the Plans List (**19/00573/FULL – Variation of conditions 2, 3,5,6,7 and 8 of planning permission 17/00910/FULL to allow substitution plans – 10 Mayfair, Tiverton**).

The Area Team Leader outlined the contents of the report by way of presentation highlighting the site location, the access to the site (which was not proposed to be adopted by the Highway Authority), the approved site plan and the proposed alterations to the scheme. She identified the land to the south, east and west of the site which would form Area B of the Tiverton Eastern Urban Extension and confirmed that there was no access to this land through Mayfair. Members viewed the access drive plan and the junction onto Mayfair, the proposed elevations of the dwellings and photographs from various aspects of the site. The officer confirmed that there was no proposal for a footpath alongside the access to the site.

Responding to questions posed in public question time, she confirmed that the access road would be tarmaced and would be a minimum of 4.1 metres wide. The applicant was responsible for the construction of the access road and the maintenance would be agreed by the landowner and the house owners, this was not a planning matter.

Consideration was given to:

- Possible issues with water run off affecting the bungalow on the access road and the views of the Lead Local Flood Authority
- The amendments to how sewage would be dealt with
- The access road being viewed as suitable for adoption by the Highway Authority but that it would remain a private road.
- The increase and reduction in some of the floor levels of the new dwellings
- How and why conditions could be varied
- The views of the objector with regard to the previous layout in the approved application and that pedestrian provision had been within the original plans.

Reference was made to the original conditions relating to occupation of the properties.

- The views of the applicant with regard to him purchasing the land with planning permission and the amendments that he wished to make to the site for bespoke houses of a better quality. The removal of the attenuation pond and how that would reduce the amount of soil to be removed from the site
- Whether the access road should have a footpath
- The location of any bin store and whether the refuse lorry would access a private road, even if it is was to an adopted standard
- The views of the representative from the Highway Authority with regard to the standard of the road surface and the acceptability of the design.

It was therefore:

RESOLVED that: the application be deferred to allow for further discussions to take place with the applicant with regard to the footway, the bin store and its location and how refuse collection could be best managed.

(Proposed by Cllr L J Cruwys and seconded by Cllr Mrs C A Collis)

Notes:

- i) Cllrs E J Berry and D J Knowles made declarations in accordance with the Protocol of Good Practice for Councillors in dealing with Planning matters as they knew some of the residents;
- ii) Mr Menheneott spoke in objection to the application;
- iii) Mr Milton (Applicant) spoke;
- iv) Cllr D J Knowles spoke as Ward Member;
- v) Cllr Mrs F J Colthorpe requested that her vote against the decision be recorded;
- vi) Cllr J Cairney and J M Downes requested that their abstention from voting be recorded;
- vii) The following late information was provided: 2 additional letters have been received raising the following concerns:
 - Information submitted is complex and difficult to understand; MDDC website not kept as up-to-date as it might be;
 - Doubt over the adoption of the road and where waste bins will be collected from;
 - Pedestrians need a pavement for safety and to encourage walking
 - Removal of the footpath

Page 9, line 8 of the officers report is incorrect. No pavement is being proposed alongside the private access road. This is to be a shared surface area with a minimum width of 4m (mostly 4.5m). The Highway Authority accept that this access arrangement could serve the potentially 9 dwellings.

c) No 2 on the Plans List ***(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 sites, formation of an access track and overspill car park – Land and buildings at NGR 286791 113761 (Kelly Farm) Nomansland).***

The Area Team Leader provided an update to the report which provided clarity in respect of the required visibility splay at the entrance, the findings of the dusk and dawn bat surveys which had been carried out in July, the screening to the north boundary and the low lighting plan. He then outlined the contents of the report by way of presentation highlighting the location of the site, the existing and proposed plans, he explained the different barn uses, the proposed elevations, the materials to be used, the surface water drainage proposals, the hedge replacement scheme to the rear of the passing places, the access plan which highlighted the visibility splay and photographs from various aspects of the site.

Consideration was given to:

- The views of the agent for the application with regard to the community facility in the countryside, the applicant's experience with regard to residential care, the kind of care that would be provided, the independence of some of the residents and the proposed travel plan
- The suitability of the location for the scheme and the rural aspects of life that would be taught.

It was therefore:

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

(Proposed by Cllr B G J Warren and seconded by Cllr E J Berry)

Notes:

- i) Cllrs E J Berry, Mrs F J Colthorpe and R F Radford declared personal interests as Devon County Councillors;
- ii) Cllr Mrs F J Colthorpe made a declaration in accordance with the Protocol of Good Practice for Councillors in dealing with Planning Matters as the application was in her ward and it had been discussed at the Parish Council.
- iii) Mr Stokes (Agent) spoke;
- iv) The following late information was reported:
 1. In light of the condition recommended by the Local Highway Authority with respect to the required visibility splay at the entrance, the applicant has submitted plan drawing no. 3681.PL.092 Rev B which shows the required visibility splay being met. The Local Highway Authority has viewed

this plan and has confirmed that it is acceptable and should be conditional of any consent.

(This would be covered by recommended conditions 2 and 3 within the officer report).

2. The finding of the dusk and dawn bat surveys carried out in July have been provided which found no re-entry of bats on the dawn and a single emergence from a common pipistrelle during the dusk survey from the stables, western apex of the lower roof gable end. Therefore it is concluded that any new development proposals are unlikely to have anything more than a low impact on commuting, foraging and roosting bats.

The main mitigation / compensation / enhancement would be to maintain the north boundary trees to screen from the development, and to implement a low lighting plan to include:

- The design must use only the minimum number of lights required;
- Lights are to be fitted with UV filters or lack UV elements when manufactured to lower the range of wildlife species affected by lighting;
- Warm White (>3000K) LED lamps, which reduce upward light pollution, must be used where possible;
- Lights to be hooded;
- Bollard lights must be used to retain darkness above, be triggered by human movement and installed with a timer to turn off after a short amount of time;
- If/where security lights are required, these will be triggered by human movement, and be fitted with a timer adjusted to the minimum amount of 'lit time';
- Movement sensors to be carefully installed and aimed to illuminate only the immediate area required by using a sharp downward angle;
- A baffle, shield or hood must be used to avoid illuminating at a wider angle to reduce light spill beyond target areas; and
- No upward lighting to be used, especially at and above eaves height to avoid any possible roosting features.

(This would be covered by recommended conditions 7 and 8)

29 MAJOR APPLICATIONS WITH NO DECISION (1-54-25)

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.

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

30 **APPEAL DECISIONS (1-56-00)**

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.

31 **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 (1-57-30)**

The Committee had before it 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.

The Principal Planning Officer outlined the contents of the report informing Members of the detail of the original application and the changes that had been made over the course of the application discussions which had seen a reduction in the number of dwellings to 60 the relocation of the access, the application was broadly in line with Policy SP2 which was being considered as part of the Local Plan Review. He also informed the meeting of the findings of the inspector following the Local Plan Review hearings in November 2018, the use and findings of the highway experts who had been commissioned by the various parties, the concerns of the objectors with regard to landscape visual impact, the various accesses to the site and highways issues. He outlined the traffic calming measures suggested along with vehicle access arrangements and the proposed highway improvements at Sampford Bridge, the footpath and cycle way onto Turnpike and identified the visibility splays and pedestrian access south of Battens Cross. Members also viewed photographs from various aspects of the site and their attention was drawn to Paragraph 11 of the National Planning Policy Framework.

Consideration was given to:

- The amount of affordable housing suggested for the site
- The width of pavements at Turnpike
- The Local Plan Review and the weight to be given to the plan prior to it being adopted, the link to J27 and the A361 and the views of the inspector
- The cycleway route onto the highway
- The location of the 30 mph signage and the proposed relocation of this
- The results of the full safety audit
- The contributions within the S106 towards education
- The views of the objectors with regard to the misleading information that was being provided, the movement of the 30 mph sign, the width of the road on the north east access, the assessment of the application based on illustrative plans, the houses on the green infrastructure, the screening referred to in the landscape assessment and the views of the objectors highway expert who had recommended refusal.
- The views of the Parish Council who had agreed with the reasons for refusal indicated by the committee in July 2018; there was no objection to development within the village but it needed to be in the right place, and there

was a need for 10/12 affordable homes for the village. She reiterated her objection with regard to visual impact, highway safety, the lack of pedestrian access at Turnpike and the poor visibility at that location also the impact on the listed buildings

- The view of the Ward Members with regard to whether there was a need for 60 houses when only 10/12 affordable dwellings were required, whether there was an urgent need for development on the site, the location of the proposed development, the increase in traffic in the area, highway safety and the impact on the school, the impact of the development on the sunken lane and on the natural habitat and whether any decision should be delayed until the Local Plan had been adopted.
- Main modifications to the Local Plan and the unlinking of Policy SP2 from J27 and therefore whether the housing was necessary
- The location of the site on the edge of the village
- Further highway safety issues, with narrow pavements and a high wall which would impact on pedestrians
- Responses from the Highway Authority
- Paragraph 11 of the National Planning Policy Framework

RESOLVED that the application be refused on the following grounds:

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.
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.
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.

(Proposed by Cllr B G J Warren and seconded by Cllr Mrs C A Collis)

Notes:

- i) Cllr R F Radford declared a personal interest as his brother and a friend lived at Battens Cross;
- ii) Cllr E J Berry declared a personal interest as he had a friend in the village;
- iii) Cllrs E J Berry, Mrs C Collis, Mrs F J Colthorpe, L J Cruwys, Mrs C P Daw, D J Knowles, E G Luxton, R F Radford and B G J Warren made declarations in accordance with the Protocol of Good Practice for Councillors dealing with Planning matters as they had received correspondence regarding the application;
- iv) Mr Byrom spoke in objection to the application;

- v) Cllr Mrs H Culpin (Sampford Parish Council) spoke;
- vi) Cllrs Miss J Norton and Mrs C A Collis spoke as Ward Members;
- vii) Cllr Mrs F J Colthorpe requested that her vote against the decision be recorded;
- viii) Cllrs J Cairney and J M Downes requested that their abstention from voting be recorded;
- ix) In the case of an appeal, Cllrs C A Collis, R F Radford and B G J Warren would represent the Council.
- x) *Report previously circulated, copy attached to minutes.

32 MOORHAYES COMMUNITY CENTRE, TIVERTON - S106 REVISIONS ARISING FROM PROPOSED TRANSFER OF OWNERSHIP (99/02780/FULL) (3-14-51)

The Committee had before it a *report of the Head of Planning, Economy and Regeneration regarding the above application.

The Group Manager for Development outlined the contents of the report stating that following the decision of the Cabinet on 4th April 2019 to dispose of Moorhayes Community Centre in Tiverton to the Moorhayes Community Association, there was a need to make amendments 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 changed.

RESOLVED that the revisions to the S106 agreement as set out in paragraph 2.2 be agreed and that a supplemental S106 agreement be entered into.

(Proposed by the Chairman)

Notes:

- i) Cllr D J Knowles declared a personal interest as a member of Moorhayes Community Centre Committee;
- ii) *Report previously circulated, copy attached to minutes.

33 SCHEME OF DELEGATION AND THE CONSIDERATION OF ENFORCEMENT CASES (3-18-03)

The Committee had before it a *report of the Head of Planning, Economy and Regeneration regarding suggested changes to the Scheme of Delegation.

The Group Manager for Development outlined the contents of the report stating that members were being 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 committee.

He outlined the recent enforcement cases which had been considered by the Planning Committee, all the resolutions of the committee were in accordance with the officer recommendation. It was felt that enforcement issues could be dealt with in a timely manner without having to wait for the committee to meet. He also outlined the Local Enforcement Plan for Mid Devon which had been adopted in April 2018.

RECOMMENDED to Council: 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).'

(Proposed by Cllr E J Berry and seconded by Councillor L J Cruwys)

Note: *Report previously circulated, copy attached to minutes.

34 **PLANNING PERFORMANCE AGAINST TARGETS QUARTER ONE 1st APRIL-30th JUNE 2019 (3-23-30)**

The Committee had before it and **NOTED** a *report of the Head of Planning, Economy and Regeneration regarding information on the performance of aspects of the planning function of the Council for Quarter 1 2019.

The Group Manager for Development outlined the contents of the report acknowledging the reduced performance within the service in the first quarter of the year and informing Members of the mitigation that was taking place to address the heavy caseloads of the officers. He informed the meeting that the 2 year performance target was being met.

Consideration was given to the temporary measures that had been put in place to allow officers time to write reports, recruitment and retention of staff.

Note: *Report previously circulated, copy attached to minutes.

(The meeting ended at 18.05 pm)

CHAIRMAN

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PLANNING COMMITTEE AGENDA - 28th August 2019

Applications of a non-delegated nature

<u>Item No.</u>	Description
01.	19/01160/FULL - Siting of an open fronted storage building at Mid Devon District Council, Unit 3, Carlu Close. RECOMMENDATION Grant permission subject to conditions.

Application No. 19/01160/FULL

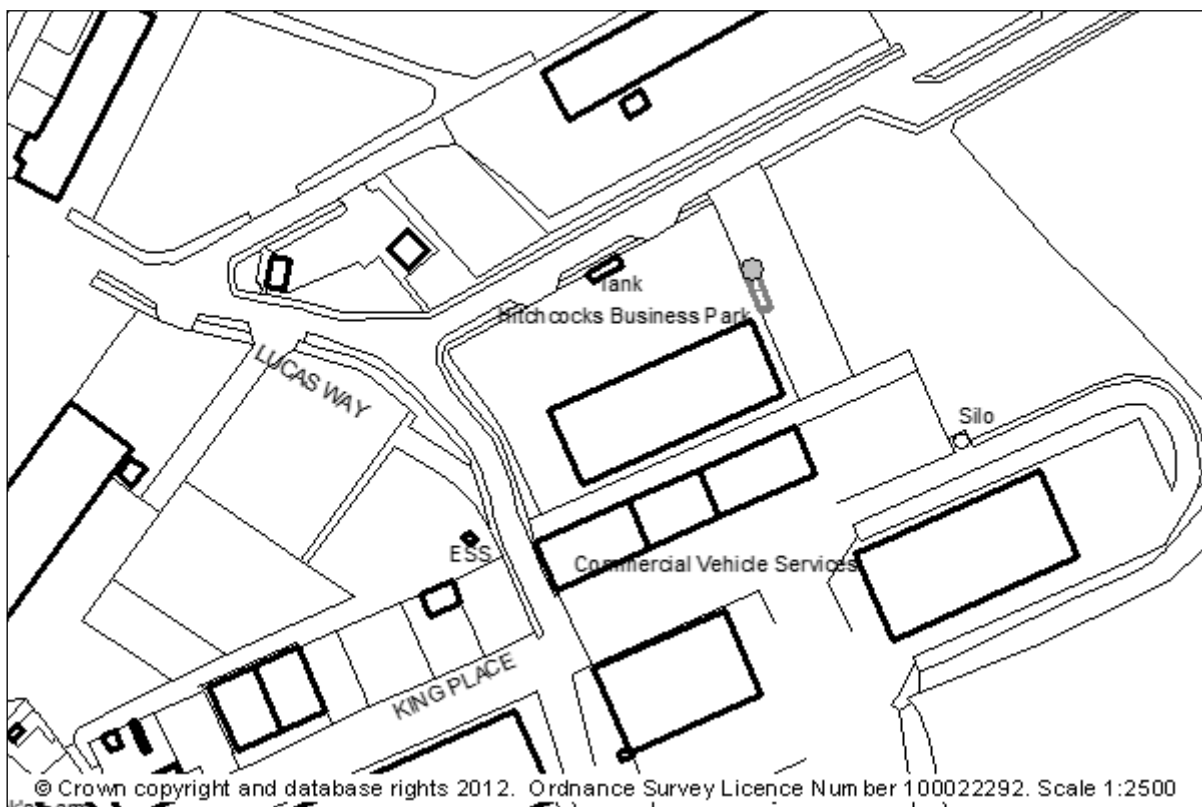
Grid Ref: 305081 : 112318

Applicant: Mr Paul Ford, Mid Devon District Council

Location: Mid Devon District Council
Unit 3
Carlu Close
Hitchcocks Business Park

Proposal: Siting of an open fronted storage building

Date Valid: 19th July 2019



APPLICATION NO: 19/01160/FULL

Occupation of site by MDDC waste unit

RECOMMENDATION

Grant permission subject to conditions

PROPOSED DEVELOPMENT

Mid Devon District Council's Grounds Maintenance team is currently based at 3 Carlu Close having moved to this site from Park Nursery Depot Tiverton.

Siting of an open fronted storage building measuring 16m x 4.0m with an eaves height of 3m and ridge of 3.53m. The building will be clad in box profile sheeting, and is to be coloured to match that of the adjacent building also operated by MDDC.

APPLICANT'S SUPPORTING INFORMATION

Plans
Photo of example
Manufacturer details

RELEVANT PLANNING HISTORY

14/01310/MFUL - PERMIT date 12th May 2015

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

17/00097/DCC - DCCGNT date 28th March 2017

DCC/3939/2016 - County Matter application for change of use of existing building from commercial use to a waste transfer station for municipal waste

17/00135/FULL - PCO date

Variation of conditions (2) and (13) of planning permission 14/01310/MFUL to allow substitute plans, change foul drainage disposal to private treatment plants instead of mains drainage and to revise internal road and footpath layout

17/01362/DCC - DCCGNT date 20th September 2017

DCC/4016/2017 County Matter Planning Application for the Installation of weighbridge and erection of weighbridge control room, water storage tank and pump room

18/00302/FULL - PERMIT date 20th April 2018

Change of use from car park to storage (Class B8) and installation of weighbridge and control room at Carlu Close and change of use of land to car park on land adj Lucas Yard

19/00435/FULL - PERMIT date 6th June 2019

Siting of a storage container

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR18 - Countryside

Mid Devon Local Plan Part 3 (Development Management Policies)

DM2 – High quality design

DM8 – Parking

DM20 – Rural employment development

CONSULTATIONS

Highway Authority - 29.07.19

No Comments

Halberton Parish Council comments to follow

REPRESENTATIONS

None received at date of report

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

Principle of development

Access and parking

Traffic movements

Visual Impact

Drainage

1. Principle of development.

Policy COR18 of the Mid Devon Core Strategy (Local Plan part 1) seeks to control development outside defined settlement boundaries but permits appropriately scaled employment development. Policy DM20 of the Mid Devon Development Management Policies (Local Plan part 3) considers countryside locations, where planning permission will be granted for new-build employment development or expansion of existing businesses, provided that the development is of an appropriate use scale for its location.

a)The development would not lead to an unacceptable impact on the Local road network.

There will be no substantive increase in traffic generation associated with the application, as such the proposed will not lead to any impacts to the highway network.

b)There would not be an unacceptable adverse impact to the character and appearance of the countryside; and

The site is well enclosed and surrounded by existing buildings. The scale, mass and appearance of the proposed will have only a negligible impact on the setting.

c)There are insufficient suitable sites or premises in the immediate area to meet the needs of the proposal.

The proposed site is considered to be the most appropriate location for the proposed storage building to serve the main building and is to improve facilities to serve an existing employment use.

2. Access and parking.

Policy DM2 and DM8 consider the need for suitable access and parking facilities associated with this application.

The proposed development will be served by the existing main site access and internal road infrastructure. The proposed materials include compacted stone and concrete bases for storage building within the grounds maintenance depot. The Highway Authority has no comments to make. The proposal will not decrease parking provision on the site and is considered to be in accordance with policies DM2 and DM8 of the Mid Devon Local Plan Development Management Policies (Local Plan part 3).

3. Traffic movements from the site.

Policy DM2 considers High Quality design and the need to create a safe and accessible place that also encourages sustainable modes of transport. The site is close to the main bus routes with appropriate connectivity to these routes. However there will be no increase in the traffic movements as the grounds maintenance are already operating from the site, and there is to be no additional items or requirement to increase movements.

4. Visual impact.

Policy DM2 also considers the proposal may have in terms of its impact on the local character, the proposed new structure will be very modest in scale and in this location will have minimal visual impact and will be seen in context of the much larger buildings around the site. There will be no discernible impacts on the surrounding countryside.

5. Drainage.

The proposed will drain into the existing system which has sufficient capacity to deal with the very small potential increase in surface water.

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
- 3 The external appearance of the building is to match in appearance and colour that of the adjacent building approved under 17/00097/DCC

REASONS FOR CONDITIONS

1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of proper planning.
- 3 To ensure the use of materials appropriate to the development in order to safeguard the visual amenities of the area in accordance with Adopted Mid Devon Local Plan Part 3 DM2.

REASON FOR GRANT OF CONSENT

The planning application site is located within an established Business Park and the proposed development is complementary to and will be used in association with an existing Waste and Recycling Centre. Development will have no significant adverse impact on interests of relevance to planning, including landscape and visual amenity, highway safety, local residents, the environment and ecology, drainage and flood risk. As such the proposal is considered to comply with policies COR18 of the Mid Devon Core Strategy (Local Plan part 1), DM2, DM8, DM20 of the Mid Devon Local Plan part 3 (Development Management Policies) 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.

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	0	13/11/2019	19/01344/MARM	Reserved Matters for the erection of 16 dwellings with formation of access and associated works following Outline approval 17/00106/MOUT	Land at NGR 306965 113252 (North of Belle Vue) Ashley Road Uffculme Devon	Mrs Alison Fish	DEL	
2	3	18/10/2019	19/01132/MFUL	Erection of 20 dwellings with associated access, parking and landscaping	Land at NGR 283153 99974 Barn Park Crediton Devon	Mr Adrian Devereaux	DEL	
3	4	17/10/2019	19/01167/MOUT	Outline for the erection of up to 37 dwellings with associated vehicular and pedestrian access (Revised Scheme)	Land at NGR 295599 122818 (North of Frog Street) Bampton Devon	Miss Lucy Hodgson	DEL	
	9	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	COMM
5	16	25/07/2019	19/00718/MOUT	Outline for the erection of 26 dwellings	Land at NGR 270904 112818(The Barton) Belle Vue Chawleigh Devon	Mr Adrian Devereaux	DEL	COMM
6	19	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
7	21	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

<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>
8	23	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
9	23	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
10	29	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
11	31	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
12	34	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
13	38	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
14	39	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
15	44	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
16	57	09/10/2018	18/01091/MOUT	Outline for the erection of up 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	70	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

<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	72	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
19	81	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
20	84	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
21	104	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
22	106	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
23	108	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
24	127	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

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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

Application 19/00573/FULL to vary condition numbers 2, 3, 5, 6, 7 and 8 of Application 17/00910/FULL for the construction of five, two storey properties at 10 Mayfair, Tiverton was presented at Planning Committee on 31 July 2019. Committee resolved that:

“the application be deferred to allow for further discussions to take place with the applicant with regard to the footway, the bin store and its location and how refuse collection could be best managed.”

Additional information has been submitted by the applicant, including revised plans to provide greater clarity of information. Additionally the applicant has provided a Highway Statement (dated 07/08/19) providing detail of the proposed scheme and a response to Committee concerns associated with the footway, bin store and refuse collection.

As a means of background, the original, approved highway design was based on an aspiration to gain access into Area B of the Tiverton Eastern Urban Extension to the south of the application site. As such, the original road design was capable of accommodating the vehicle movements for up to 500 homes. However, Cabinet resolved at its meeting on the 26 October 2017 that access into Area B would not include Mayfair. The road way proposed within application 17/00910/FULL was an over specification for the 5 dwellings proposed. The amendments proposed through application 19/00573/FULL reduce the specification to a level appropriate to the size and scale of the development currently proposed (5 units with the retention of 1 unit).

The scheme presented at Planning Committee (31 July) did not provide a footpath. Rather it provided a shared (vehicle and pedestrian) surface. Shared surface roads are widely advocated including within guidance adopted by Central Government, Devon County Council Highway Authority and Mid Devon District Council. More specifically, as detailed in Manual for Streets and Manual for Streets 2 (Secretary of State for Transport) and The Design Guide, Highways in Residential and Commercial Estates (Devon County Council, 1996 and updated 2001).

Para 2.4.1 of the DCC Design Guide confirms that *‘these are roads where the traditional format of carriageway and footways is replaced by a single highway surface, used in common by pedestrians (including children), cyclists and vehicles. Groups of 8 to 10 dwellings on a shared surface road work well as a cohesive unit..... Shared surfaces can encourage caution in the driver and emphasise that vehicles do not have priority’*. Examples of their implementation are available across the planning authority.

Following Planning Committee Officers have been in discussion with the applicant regarding the provision of a footway. It is the applicants’ intention to retain a shared surface road scheme, considering it to be both reasonable and proportionate in respect of the extent and type of development proposed whilst reflecting adopted planning policy guidance.

Further, the applicant has advised that the original road way serving 500 dwellings would result in very significant water runoff which would need to be dealt with under the DCC flood prevention guidelines. The resulting requirements to restrict the flow from the site would result in the need to store surface water run off on site before discharging it into the SWW drainage system at an agreed rate. The larger the hard surface area, the more runoff and the larger the storage tanks would need to be.

The original scheme proposed using a system of pumps to drain the water from the site. As this must allow for the failure of the pumps, the storm water storage tanks were required to be an additional 25% greater in size. In reviewing the scheme, the applicant considered that

by making amendments including raising the floor levels of plots 1 and 2 (those furthest from neighbouring buildings) a gravity-fed system could be installed. The immediate benefits of this would be to reduce the water storage requirement by 25%, reduce waste disposal arising and remove the need to install a pumping system. The reduction in waste disposal alone would reduce the need of 240 journeys by 16 tonne HGVs over an 8 week period, would remove approx. 162m³ of carbon dioxide arising from the excavation and HGV movements with associated reductions in noise and loss of amenity during this period. In the long term, such measures would have substantial benefits in terms of reducing carbon during construction including wider benefits for impact on climate change as well as savings in time and on costs both to the applicant and future residents. The Highway Statement, page 2 details additional direct and secondary benefits associated with a shared surface specification.

Additionally, the redesign and relocation of the turning head allows a further reduction in the surface area required to be drained. In areas that are not required to be constructed to an adoptable standard a porous paver can be provided. (See Drawing No. A(08)04C). Such measures further reduce the requirement for water storage on the site whilst increasing green verges, reducing carbon through construction and providing improved visual amenity and place-making.

The road is to be constructed to an adoptable standard. This is accepted by DCC Highway Authority. If built to standard and suitably insured with indemnity insurance, refuse vehicles will access the site as confirmed by MDDC Waste and Recycling and Operations Management. The applicant has confirmed that indemnity cover is available and would form part of the management requirements for the road. Each plot provides sufficient capacity to accommodate required waste and recycle bin storage. With appropriate indemnity cover bins can be collected individually from each property. As such, a dedicated bin store at the entrance to 10 Mayfair is not required, enhancing the quality of design and development generally. It is drawn to the attention of Members that the need for indemnity insurance cannot be made a condition of planning consent as it is not a planning issue.

Summary

The revised drawings have given greater clarity to the proposed scheme whilst maintaining the applicants' intention to retain a shared surface scheme. Following further discussions relating to the provision of a footway, a bin store and its location and the management of refuse collection it is evident that the proposed scheme reflects planning policy guidance whilst being reasonable and proportionate to the extent and type of development proposed. Further, the proposal provides significant reductions in carbon during construction including wider benefits for impact on climate change as well as savings in time and costs both to the applicant and future residents. Subject to conditions, the development is considered acceptable in terms of highway safety, refuse storage and collection. 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).

The Officers original report and recommendations are attached below for member information.

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 or Gravel grid			
		Walls	Brickwork - lbstock 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	Fascias, soffits - White	Fascias, soffits - White	8		
		Gutters and downpipes	Rainwater goods - White plastic	Rainwater goods - black plastic	8		
	Boundary			Moved .5m to south		16.095.102	
	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.	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	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 or gravel grid.			
		Walls	Brickwork - lbstock 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	Fascias, soffits - White	Fascias, soffits - White	8		
		Gutters and downpipes	Rainwater goods - White plastic	Rainwater goods - black plastic	8		
	Boundary			As previously proposed			
	Changes	Front Elevation		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 - lbstock 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	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 - lbstock 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	
		Facias	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 Changes					16.095.102	
		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 - lbstock 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.