

# Public Document Pack

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

## MID DEVON DISTRICT COUNCIL

### PLANNING COMMITTEE

**A MEETING** of the **PLANNING COMMITTEE** will be held in the Phoenix Chamber, Phoenix House, Tiverton on Wednesday, 23 October 2019 at 2.15 pm

The next ordinary meeting of the Committee will take place on Wednesday, 20 November 2019 at 2.15 pm in the Phoenix Chamber, Phoenix House, Tiverton

### STEPHEN WALFORD

Chief Executive

15 October 2019

**Councillors:** Mrs F J Colthorpe (Chairman), Mrs C P Daw, Mrs C Collis, R F Radford, E J Berry, L J Cruwys, S J Clist, F W Letch, E G Luxton, D J Knowles 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 - 8*)  
Members to consider whether to approve the minutes as a correct record of the meeting held on 25 September 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 9 - 88*)  
To consider the planning applications contained in the list.
- 8      **MAJOR APPLICATIONS WITH NO DECISION** (*Pages 89 - 92*)  
List attached for consideration of major applications and potential site visits.
- 9      **APPEAL DECISIONS** (*Pages 93 - 94*)  
To receive for information a list of recent appeal decisions.
- 10     **ACCESS TO INFORMATION - EXCLUSION OF THE PRESS AND PUBLIC**  
During discussion of the following item(s) it may be necessary to pass the following resolution to exclude the press and public having reflected on Article 12 12.02(d) (a presumption in favour of openness) of the Constitution. This decision may be required because consideration of this matter in public may disclose information falling within one of the descriptions of exempt information in Schedule 12A to the Local Government Act 1972. The Cabinet will need to decide whether, in all the circumstances of the case, the public interest in maintaining the exemption, outweighs the public interest in disclosing the information.
- To consider passing the following resolution so that financial information may be discussed.
- Recommended** that under Section 100A(4) of the Local Government Act 1972 the public be excluded from the next item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 respectively of Part 1 of Schedule 12A of the Act, namely information relating to the financial or business affairs of any particular person (including the authority holding that information) and paragraph 5, information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
- 11     **APPEAL - APPLICATION 17/01359/MOUT - OUTLINE FOR THE ERECTION OF 60 DWELLINGS AND CONSTRUCTION OF NEW VEHICULAR ACCESS ONTO HIGHWAY TO THE WEST OF THE SITE - LAND AND BUILDINGS AT NGR 302469 114078, HIGHER TOWN, SAMPFORD PEVERELL** (*Pages 95 - 190*)  
To consider a report of the Group Manager for Legal Services and Monitoring Officer.

**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

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Public Wi-Fi is available in all meeting rooms.

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## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **PLANNING COMMITTEE** held on 25 September 2019 at 2.15 pm

### **Present**

#### **Councillors**

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

### **Present**

#### **Officers:**

Adrian Devereaux (Area Team Leader),  
Daniel Rance (Principal Planning Officer),  
Philip Langdon (Solicitor) and Sally Gabriel  
(Member Services Manager)

## 55 **APOLOGIES AND SUBSTITUTE MEMBERS**

There were no apologies.

## 56 **PUBLIC QUESTION TIME (00-01-28)**

There were no members of the public present.

## 57 **DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT (00-01-36)**

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

## 58 **MINUTES OF THE PREVIOUS MEETING (00-01-49)**

The minutes of the special meeting held on 18 September 2019 were approved as a correct record and signed by the Chairman.

## 59 **CHAIRMAN'S ANNOUNCEMENTS (00-02-31)**

The Chairman reminded members of the training session that would take place on Friday 4 October at 3pm with Devon County Council Highway Authority.

## 60 **DEFERRALS FROM THE PLANS LIST (00-03-02)**

There were no deferrals from the Plans List.

## 61 **THE PLANS LIST (00-03-12)**

The Committee considered the applications in the plans list \*.

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

a) No 1 on the Plans List **19/01160/FULL – Siting of an open fronted storage building at Mid Devon District Council, Unit 3, Carlu Close, Hitchcocks Business Park.)**

The Principal Planning Officer outlined the contents of the report by way of presentation highlighting the location, a block plan and elevations of the proposal. He informed the meeting of the history of the site and the various applications that had been considered.

Consideration was given to:

- Whether any representation had been received from the Parish Council
- The B1, B2 and B8 restrictions on the site

It was therefore:

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

(Proposed by the Chairman)

Note: the following late representation was received:

An e-mail dated 23rd September with regard to the report not dealing with 2 aspects raised by an objector as part of the application. Outlining that there is a link between the expansion of the Business Park under planning application 19/00928/MFUL and this application for a container on an existing industrial site, and that there is a conflict of interest that MDDC will be swayed to approve the expansion of the Business Park because of this application.

Response of the Case Officer

1 There is no link between this application and 19/00928/MFUL (expansion of Hitchcocks Business Park)

2 There is no conflict of interest or predetermination of this application.

## **62 MAJOR APPLICATIONS WITH NO DECISION (00-11-59)**

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

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

## **63 APPEAL DECISIONS (00-12-12)**

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

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

(The meeting ended at 2.30 pm)

**CHAIRMAN**

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## PLANNING COMMITTEE AGENDA - 23rd October 2019

### Applications of a non-delegated nature

<b><u>Item No.</u></b>	<b>Description</b>
01.	<p>18/02019/MOUT - Outline for the erection of up to 20 dwellings and associated access at Land at NGR 295508 103228 (Silverdale), Silverton, Devon.</p> <p><b>RECOMMENDATION</b></p> <p>Grant permission subject to conditions and the signing of a S106 agreement to secure.</p>
02.	<p>19/00718/MOUT - Outline for the erection of 26 dwellings at Land at NGR 270904 112818(The Barton), Belle Vue, Chawleigh.</p> <p><b>RECOMMENDATION</b></p> <p>Grant permission subject to conditions and the signing of a S106 agreement to secure.</p>
03.	<p>18/01711/MFUL - Formation of an open clamp (4630m2) for the storage of silage and provision of new access at Land and Buildings at NGR 288069 117081 (Gibbet Moor Farm), Rackenford, Devon.</p> <p><b>RECOMMENDATION</b></p> <p>Grant permission subject to conditions.</p>
04.	<p>19/01396/TPO - Application to fell 1 Oak tree protected by Tree Preservation Order 02/00006/TPO at Land at NGR 296476 113635 (Adjacent to 3 St Johns Close), Redvers Way, Tiverton.</p> <p><b>RECOMMENDATION</b></p> <p>Grant consent.</p>

Application No. 18/02019/MOUT

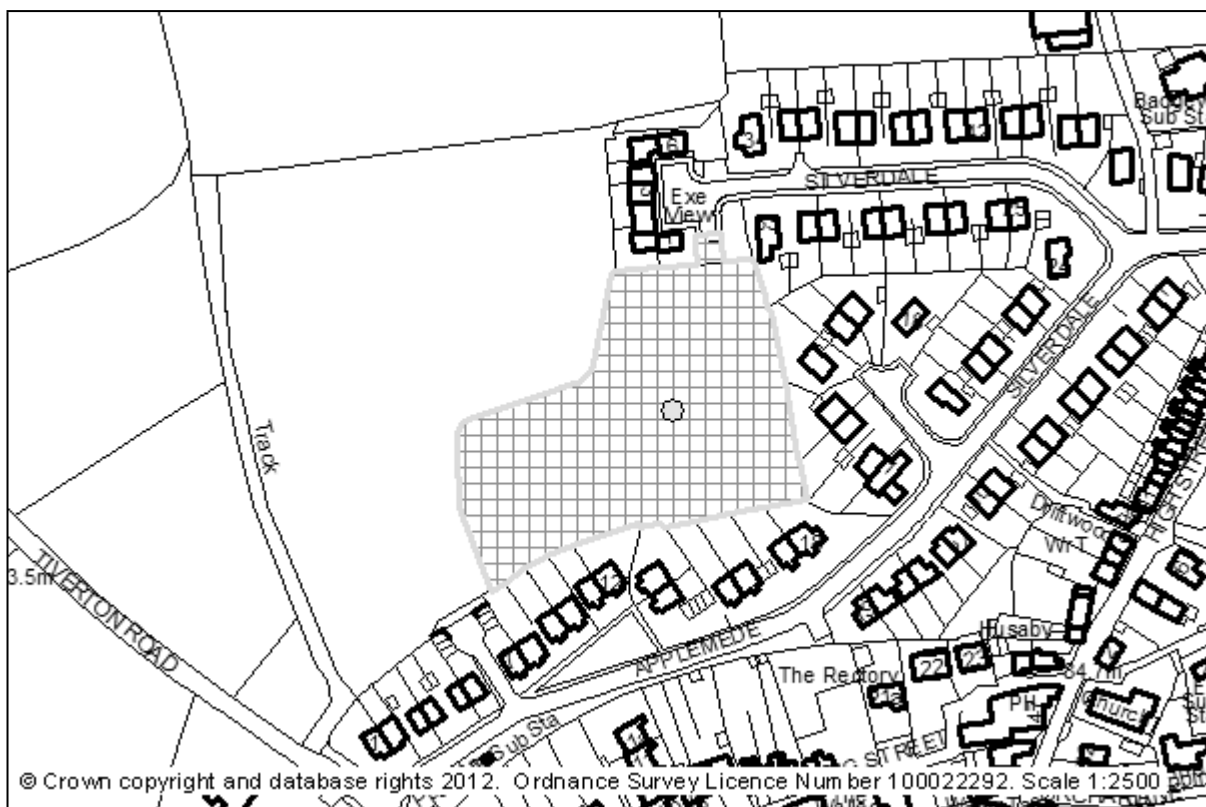
Grid Ref: 295447 : 103239

Applicant: Mr & Mrs Sauer, Northern Renovations

Location: Land at NGR 295508 103228 (Silverdale)  
Silverton  
Devon

Proposal: Outline for the erection of up to 20 dwellings and associated access

Date Valid: 14th December 2018



## **APPLICATION NO: 18/02019/FULL**

### **MEMBER CALL IN**

This application has been called in by Cllr J Wright for the committee to consider whether the development would have an unacceptable impact on the local area through traffic movements and impact on residential amenity of through adverse visual impact on the landscape and locality.

### **RECOMMENDATION**

Grant permission subject to conditions and the prior signing of a S106 agreement to secure the following:

- 1) 35% affordable housing in accordance with a scheme to be agreed by the Local Planning Authority
- 2) A financial contribution of £65,763 towards secondary school infrastructure at Clyst Vale Community College, £7,638 for transport to secondary school due to the development being further than 2.25 miles from Clyst Vale Community College. This figure arising from a development of 20 dwellings resulting in 3 secondary pupils. An Early Years contribution of £5,000 (£250 per dwelling).
- 3) A financial contribution of £24,100 towards public open space provision in the Parish of Silverton, this figure based on an outline application for 20 dwellings.

### **PROPOSED DEVELOPMENT**

This is an outline application for the erection of up to 20 dwellings with details of access submitted and all other matters reserved for future consideration.

The site is located to the east of Tiverton Road, north of Applemede, west of Silverdale and south of Exe View. It is proposed to be accessed via the existing adopted highway of Silverdale and through the existing development called Exe View.

The site is outside the defined settlement boundary of Silverton and does not form part of any proposed allocation for development in the emerging Local Plan Review. The site slopes up hill to the north. Here are hedgerows on the east and southern boundaries of the site and the ecological report and indicative plan suggest the planting of new hedgerows to form the east and north boundaries of the site as part of the development.

### **APPLICANT'S SUPPORTING INFORMATION**

Archaeological assessment  
Design and Access Statement  
Preliminary drainage assessment  
Transport assessment  
Travel plan  
Ecological assessment  
Planning statement  
Waste Audit statement

## **RELEVANT PLANNING HISTORY**

**18/01318/PREAPP** - CLO date 13th September 2018  
PROTECT - Proposed erection of 15 dwellings

## **DEVELOPMENT PLAN POLICIES**

### **Mid Devon Core Strategy (Local Plan 1)**

COR1 Sustainable communities  
COR2 Local distinctiveness  
COR3 Meeting housing needs  
COR5 Climate change  
COR8 Infrastructure provision  
COR9 Access  
COR10 Strategic transport networks  
COR11 Flooding  
COR12 Development focus  
COR17 Villages  
COR18 Countryside

### **Mid Devon Allocations And Infrastructure Development Plan (Local Plan 2)**

AL/DE/3 Affordable housing site target  
AL/IN/2 Development without CIL  
AL/IN/3 Public open space  
AL/IN/4 Green Infrastructure  
AL/IN/5 Education provision

### **Mid Devon Local Plan Part 3 (Development Management Policies)**

DM1 Presumption in favour of sustainable development  
DM2 High quality design  
DM4 Waste management  
DM6 Transport and air quality  
DM7 Pollution  
DM27 Development affecting heritage assets  
DM28 Green infrastructure in major development

## **CONSULTATIONS**

HISTORIC ENVIRONMENT TEAM - 11.03.19

Comments from Stephen Reed, Senior Historic Environment Officer

Devon County Historic Environment Team ref: Arch/DM/MD/33625c

I refer to the above application and the results of the archaeological geophysical survey undertaken that have now been received by this office. The geophysical survey has not identified any anomalies that are indicative of significant archaeological deposits.

In the light of this new information I would consider the proposed development site as having little or no archaeological potential and, as such, would like to withdraw my previous objection.

No additional archaeological mitigation is required and the Historic Environment Team has no further comments to make on this planning application.

HISTORIC ENVIRONMENT TEAM - 08.01.2019  
Devon County Historic Environment Team ref: Arch/DM/MD/33625a

I refer to the above application. The proposed development occupies a large area on a south facing slope in a landscape where prehistoric activity is recorded in the County Historic Environment Record. The site also lies to the south and downslope from a possible Iron Age enclosure on summit of the hill. The topographic situation of the proposed development site would have made it a favourable position for early settlement, and there is the potential for the proposed development site to contain archaeological and artefactual deposits associated with the known prehistoric activity in the surrounding landscape. However, the information submitted in support of this application is not sufficient to enable an understanding of the significance of any heritage assets that may be present within the application area or of the impact of the proposed development upon these heritage assets.

Given the potential for survival and significance of below ground archaeological deposits associated with prehistoric activity in this area and the absence of sufficient archaeological information, the Historic Environment Team objects to this application. If further information on the impact of the development upon the archaeological resource is not submitted in support of this application then I would recommend the refusal of the application. This would be in accordance with guidance in paragraph 5.3 in the supporting text for Mid Devon Local Plan Policy DM27 and paragraphs 189 and 190 of the National Planning Policy Framework (2018).

The additional information required to be provided by the applicant would be the results of:

- i) An archaeological geophysical survey, followed - if required - by
- ii) A programme of intrusive archaeological field evaluation.

The results of these investigations will enable the presence and significance of any heritage assets within the proposed development area to be understood as well as the potential impact of the development upon them, and enable an informed and reasonable planning decision to be made by your Authority.

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

HIGHWAY AUTHORITY - 08.04.19

Observations:

Further to the Highway Authority initial response the applicants have submitted the additional information required of them by the Highway Authority. The development will generate 9 vehicle trips in the am peak hour the majority of which will be along Fore Street 9 in total equating to 1 vehicle in every 6 minutes. Given the total numbers of vehicles on Fore Street and the opportunities to pass afforded by the traffic restrictions the increased usage introduced by the development is considered as not being severe and Fore Street has the capacity to cater for the volumes.

The development will introduce 2 movements at the junction with Upexe Lane from Tiverton Road junction such an increase is not significant and while the junction is substandard the increase from the development would be seen in daily fluctuations and is not considered severe and would be unreasonable to recommend refusal on an increase in risk. The traffic generation towards the

A396 north of the site was deminimous and towards old Butterleigh Road north likewise. Therefore the Highway Authority would raise no objection to the proposed development but should the Planning Authority be minded to allow the proposal the following conditions should be imposed

Recommendation:

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

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

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

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

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

3. Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:

- (a) the timetable of the works;
- (b) daily hours of construction;
- (c) any road closure;
- (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
- (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
- (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
- (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
- (h) hours during which no construction traffic will be present at the site;
- (i) the means of enclosure of the site during construction works; and
- (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
- (k) details of wheel washing facilities and obligations
- (l) The proposed route of all construction traffic exceeding 7.5 tonnes.
- (m) Details of the amount and location of construction worker parking.

(n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;

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

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

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

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

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

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

**HIGHWAY AUTHORITY - 08.01.2019**

Highway Authority accepts the transport assessment as far as it goes but would need to see some survey data for the immediate local road network to ascertain the directional splits and significances of impact on junctions and corridors. Please can I have junction counts for the following junction. Silverdale junction Applemeade; Applemeade junction Tiverton road; Applemeade junction High St and High Street the square.

My current concerns are that Tiverton road junction with Upexe, and Tiverton Road with A377 is substandard and would not wish to see a significant or severe impact by an increase in traffic.

Also The parking along High Street is at specific identified locations in a complex of parking restrictions and these may need to be reviewed with the anticipated increase in volumes which may displace the parking to more unsuitable areas and I would wish to see the significance of the increase to inform this decision.

**SILVERTON PARISH COUNCIL - 11.01.2019**

The Parish Council does not support the above application on the following grounds:

The Parish Council has concerns relating to access to the site which is limited for large construction vehicles. Construction vehicles will not be able to access the site via Fore St/High St due to the width of the roads. Access via Applemede into Silverdale has its own problems with on-street car parking permitted on these roads and construction vehicles will undoubtedly find access difficult causing disruption to residents and potential damage to the road surface.

Should the development proceed problems will undoubtedly be caused by the additional traffic using Tiverton Road to access the site. Tiverton Road is a narrow road with on-street parking and no pavement for the majority of its length. Additional traffic would cause an increased danger to parishioners and children walking along this road. In additional Silverton's draft Neighbourhood Plan clearly identifies this area as a potential risk from any additional volume of traffic.

Concerns were raised as to whether or not the current sewage system could support the additional housing.

The proposed development area is currently agricultural land and the Parish Council are concerned as to the environmental impact the development may have on wildlife and the environment generally - it is believed the area may support slow worms?

The proposed development is in an area where the hill above gives the effect of an amphitheatre and the Parish Council is concerned that noise levels could cause a nuisance to the neighbourhood. King Street, which is within the Conservation Area, lies close to the proposed development.

Concerns were expressed as to how any run-off water would be dealt with - no sustainable drainage system is shown.

The Parish Council feels, after consider its concerns above, that the above application would have a negative impact on the local community.

18.02.2019

At the Silverton Parish Council Meeting on Monday 4th February 2019, concerns were expressed from members of the public and Councillors about the Addendum to the Transport Statement prepared by Trace Design dated January 2019 for and on behalf of Mr and Mrs Sauer.

The report was prepared in response to the concerns expressed by the Highways Authority about the impact on the immediate local road network, junctions with the A377 and parking along the High Street, Silverton.

Trace Design is a relatively newly incorporated company whose website clearly states their aim as 'Helping you secure planning permission...overcoming existing transport and highways constraints...' This has raised public concerns about any conflict of interest that might exist in serving the requirements of the client and responding to the further data requested by the Highways Authority.

It is understood that it is normal practice for the applicant to supply the information for consideration and our assumption is that concerns such as those held locally are assuaged by a rigorous review of the methodology, assumptions, data collection and findings by the Authority.

The concerns expressed about the report were that it does not appear to have taken account of the potential for a different demographic profile of new residents on the proposed site. Surveying a mostly older populations journeys in the area and then using this data to predict future increased traffic movement seems flawed. Our assumption would be that most of the new residents will be younger, have families and be working. If these assumptions were used in the methodology we wonder if a different view may be reached about the traffic impact on all the areas of concern expressed by the Highways Authority.

FLOOD and COASTAL RISK MANAGEMENT TEAM –  
27.02.19

Recommendation:

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

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

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

Reason for being a pre-commencement condition: This data is required prior to the commencement of any works as it will affect the permanent surface water drainage management plan, which needs to be confirmed before development takes place.

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

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

Reason for being a pre-commencement condition: This data is required prior to the commencement of any works as it could affect the permanent surface water drainage management plan, which needs to be confirmed before development takes place.

No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems, and those set out in the Preliminary Drainage Strategy 100 Rev B and Preliminary Drainage Strategy 101 Rev A and Silverdale Drainage Calculations.

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

Reason for being a pre-commencement condition: A detailed permanent surface water drainage management plan is required prior to commencement of any works to demonstrate that the plan fits within the site layout, manages surface water safely and does not increase flood risk downstream.

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

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

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

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

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

#### Observations:

Following my previous consultation response FRM/MD/02019/2018, dated 04/01/2019, the applicant has provided additional information in relation to the surface water drainage aspects of the above planning application, in an e-mail dated 31/01/2019, for which I am grateful. Silverdale Drainage Calculations dated 07/22/2019 TD18037 Land At Silverdale, Silverton Maintenance Schedule SWW Point of Connection Letter The applicant has put forward a feasible surface water drainage strategy based on infiltration which is the preferred method of surface water disposal as per the surface water management hierarchy. Please note that DCC has a requirement for one year's worth of ground water monitoring as per BRE 365 Digest and Ciria C753 (2015) SuDS Manual. The applicant has also put forward a feasible alternative strategy should on site infiltration testing deem infiltration to not be a viable solution at this site. The applicant has also submitted information detailing that South West Water have agreed in principle discharge into their network as part of the alternative strategy.

16.01.2019

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

#### Observations:

We are delighted that infiltration is being proposed within the surface water management strategy for part of the site which follows the principles highlighted in the surface water management hierarchy. However, we would require infiltration testing to be carried out, in strict accordance with BRE Digest 365 Soakaway Design (2016). The testing must be undertaken in order to demonstrate whether infiltration is a viable means of surface water drainage management on this site. A representative number of tests must be conducted in order to provide adequate coverage of the site, with particular focus placed on the locations and depths of potential infiltration devices. The applicant will also be required to submit MicroDrainage model outputs, or similar, in order to demonstrate that all components of the proposed surface water drainage system have been designed to the 1 in 100 year (+40% allowance for climate change) rainfall event. The calculations should clearly indicate the greenfield runoff rate and contributing impermeable areas. We would also require long term storage where parts of the site are not proposed to drain to soakaways. If the applicant proposes to discharge into an existing sewer then agreement in principle should be sought from South West Water.

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

Please note that where infiltration is being proposed we have requirement for a year's worth of groundwater monitoring as per our DCC groundwater policy. This would be required as part of any detailed design/reserved matters application.

We would be happy to provide another substantive review once additional information has been submitted to the local planning authority.

27.02.19

#### Recommendation:

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

No part of the development hereby permitted shall be commenced until a programme of percolation tests has been carried out in accordance with BRE Digest 365 Soakaway Design (2016), and the results approved in writing by the Local Planning Authority, in consultation with

Devon County Council as the Lead Local Flood Authority. A representative number of tests should be conducted to provide adequate coverage of the site, with particular focus placed on the locations of the proposed infiltration devices/permeable surfaces.

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

Reason for being a pre-commencement condition: This data is required prior to the commencement of any works as it will affect the permanent surface water drainage management plan, which needs to be confirmed before development takes place.

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

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

Reason for being a pre-commencement condition: This data is required prior to the commencement of any works as it could affect the permanent surface water drainage management plan, which needs to be confirmed before development takes place.

No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems, and those set out in the Preliminary Drainage Strategy 100 Rev B and Preliminary Drainage Strategy 101 Rev A and Silverdale Drainage Calculations.

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

Reason for being a pre-commencement condition: A detailed permanent surface water drainage management plan is required prior to commencement of any works to demonstrate that the plan fits within the site layout, manages surface water safely and does not increase flood risk downstream.

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

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

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

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

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

Observations:

Following my previous consultation response FRM/MD/02019/2018, dated 04/01/2019, the applicant has provided additional information in relation to the surface water drainage aspects of the above planning application, in an e-mail dated 31/01/2019, for which I am grateful. Silverdale Drainage Calculations dated 07/22/2019 TD18037 Land At Silverdale, Silverton Maintenance Schedule SWW Point of Connection Letter The applicant has put forward a feasible surface water drainage strategy based on infiltration which is the preferred method of surface water disposal as per the surface water management hierarchy. Please note that DCC has a requirement for one years worth of ground water monitoring as per BRE 365 Digest and Ciria C753 (2015) SuDS Manual. The applicant has also put forward a feasible alternative strategy should on site infiltration testing deem infiltration to not be a viable solution at this site. The applicant has also submitted information detailing that South West Water have agreed in principle discharge into their network as part of the alternative strategy.

DEVON COUNTY EDUCATION - 14 January 2019

Devon County Council has identified that the proposed increase of 20 family type dwellings will generate an additional 5 primary pupils and 3 secondary pupils which would have a direct impact on Silverton C of E Primary School and Clyst Vale Community College.

In order to make the development acceptable in planning terms, an education contribution to mitigate its impact will be requested. This is set out below:

We have forecasted that the nearest primary school has capacity for the number of pupils likely to be generated by the proposed development. Therefore, Devon County Council will not seek a primary contribution.

However, we have forecasted that the nearest secondary school does not have capacity for the number of pupils likely to be generated by the proposed development. Therefore, Devon County Council will seek a contribution directly towards additional education infrastructure at Clyst Vale Community College which serves the address of the proposed development. The secondary contribution sought is £65,763 (based on the DfE extension rate of £21,921 per pupil) This will relate directly to providing education facilities for those living in the development.

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

3 Secondary pupils

£2.68 per day x 3 pupils x 190 academic days x 5 years = £7,638.00

In addition, a contribution towards Early Years provision is needed to ensure delivery of provision for 2, 3 and 4 year olds. This is calculated as £5,000 (based on £250 per dwelling). This will be used to provide early years provision for pupils likely to be generated by the proposed development.

All contributions will be subject to indexation using BCIS, it should be noted that education infrastructure contributions are based on 2015 prices.

The amount requested is based on established educational formulae (which related to the number of primary and secondary age children that are likely to be living in this type of accommodation). It

is considered that this is an appropriate methodology to ensure that the contribution is fairly and reasonably related in scale to the development proposed which complies with CIL Regulation 122.

If this application reaches the stage of preparing a S.106, it is considered that the contribution can be allocated in accordance with the pooling regulations set out in the CIL Regulation 123.

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

#### PUBLIC HEALTH - 18 December 2018

Contaminated Land	No objection to this proposal IRW 17.12.18
Air Quality	No objection to this proposal JMP 17.12.18
Environmental Permitting	No objection to this proposal JMP 17.12.18
Drainage	No objection to this proposal IRW 17.12.18
Noise & other nuisances	Before the commencement of development, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, dust and waste disposal resulting from the site preparation, groundwork and construction phases of the development and manage Heavy/Large Goods Vehicle access to the site. It shall include details of the hours of operation and measures to be employed to prevent the egress of mud, water and other detritus onto the public and any non-adopted highways. Once approved the CEMP shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority. IRW 17.12.18
Housing Standards	No comment TW 17.12.18
Licensing	No comments JT 17.12.18
Food Hygiene	Not applicable AN 17.12.18
Private Water Supplies	Not applicable AK 17.12.18
Health and Safety	No objection to this proposal enforced by HSE AN 17.12.18

#### HOUSING ENABLING & BUSINESS SUPPORT MANAGER - 21 June 2019

<b>Housing Need for Silverton</b>					
<b>Banding</b>					
<b>Property size &amp; type</b>	<b>Band B</b>	<b>Band C</b>	<b>Band D</b>	<b>Band E</b>	<b>Grand Total</b>
<b>General Needs</b>	2	3	2	16	23
1 bedroom		1	1	5	7
2 bedroom	1	1	1	8	11
3 bedroom	1	1		2	4
4 bedroom				1	1
<b>Maximum of 3 steps</b>			1		1
1 bedroom					
<b>Wheelchair Accessible</b>		1			1
5 bedroom		1			1
<b>Grand Total</b>	2	4	3	16	25

DEVON, CORNWALL & DORSET POLICE - Re 20 dwellings (land at Silverdale) Silverton Devon - 18th December 2018

Thank you for this application. It is appreciated that at this time it is for outline only, as such I am unable to comment in depth as the available site layout drawing (18009\_SK04) does not reveal any specific details that would be of concern to the police.

However, all relevant planning applications should demonstrate, generally within the Design and Access Statement (DAS), the principles of Crime Prevention through Environmental Design (CPTED) and how they have been considered and incorporated into the design and layout of all new developments.

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

' Access and movement: Places with well-defined and well used routes, with spaces and entrances that provide for convenient movement without compromising security.

' Structure: Places that are structured so that different uses do not cause conflict

' Surveillance: Places where all publicly accessible spaces are overlooked, have a purpose and are managed to prevent the creation of problem areas which can attract the antisocial to gather, dumping and dog fouling etc.

' Ownership: Places that promote a sense of ownership, respect, territorial responsibility and community

' Physical protection: Places that include necessary, well-designed security features as laid out in SBD Homes 2016

' Activity: Places where the level of human activity is appropriate to the location and creates a reduced risk of crime and a sense of safety at all times.

' Management and maintenance: Places that are designed with management and maintenance in mind, to discourage crime and ASB.

I would advise that for all plots that private front gardens are suitably defined. Open frontage, particularly but not exclusively on corner plots, for example, plots 1 and 10, can for many reasons frequently lead to community conflict, for example, desire lines for pedestrians and cyclists are created, dog fouling, ball games and anti-social behaviour.

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

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

## **REPRESENTATIONS**

56 letters of objection have been received at the time of writing this report. The concerns raised have been summarised as follows:

- The number of dwellings proposed is more than is required in the village
- The general scale of the development
- The proposed access cannot sustain an increase in traffic
- Ease of access for emergency services
- Safety of access
- Increase in traffic could result in safety issues
- Greenfield site
- Not enough facilities/services in the village

- Strain on existing services such as GP surgery and school
- Lack of places at local schools
- Inadequate road and public transport infrastructure
- Doesn't provide enough affordable housing for residents of the village
- Reliance on private cars
- Lack of variety in terms of types of homes particularly referring to lack of bungalows
- Impact on biodiversity
- Increase in pollution
- Overlooking of nearby residential properties
- Surface water concerns
- Waste collection
- Impact of goods vehicles during construction
- Visual impact
- Doesn't take in to account the content of the Silverton Neighbourhood Plan

## **MATERIAL CONSIDERATIONS AND OBSERVATIONS**

**The main issues in the determination of this application are:**

1. Principle of development, planning policy and 5 year housing supply;
2. Highways and highway safety
3. Drainage and Flood Risk
4. Public open space and green infrastructure (GI)
5. Landscape and ecology
6. Living conditions of the occupiers of nearby residential properties
7. Impact on Heritage Assets
8. S106 Obligations and local finance considerations
9. Sustainable development balance.

### **1. Principle of development, planning policy and 5 year housing supply;**

The Mid Devon Core Strategy (Local Plan 1) was adopted in 2007 and sets out the growth strategy for the District that seeks to balance social, environmental and economic objectives. Policy COR12 focuses development in and around the main settlements of Tiverton, Cullompton and Cridton.

Policy COR1 seeks sustainable communities in which people want to live and work through provision of housing to meet the needs of all sectors of the community, providing access to education, jobs, community facilities and public transport, reducing the need to travel by car. Policy COR3 sets a target for the provision of new market and affordable housing with an appropriate mix of dwelling sizes and types. Policy COR8 seeks to ensure that development is served by necessary infrastructure in a predictable, timely and effective fashion. Developers will be expected to contribute to, or bear the full costs of, new or improved infrastructure and facilities where it is appropriate for them to do so.

This is an outline planning application for the erection of 20 dwellings on a site currently outside but adjoining the settlement boundary of Silverton, a recognised settlement in the Mid Devon Local Development Framework. Policy COR 17 of the Core Strategy allows for minor development within the defined settlement boundary for Silverton but outside of the settlement limits, Policy COR18 would apply. COR18 does not support unrestricted dwellings in the countryside.

The proposal is therefore considered to be contrary to policies COR17 and COR18 of Mid Devon's adopted development plan being a major proposal for residential development outside the current settlement limit. With regard to the Council's emerging policy, the strategy for development focus will be at Tiverton, Cullompton and Cullompton as identified in policy S1.

Members will be aware that the Council is satisfied that it can currently demonstrate a 5 year housing land supply. The Forward Planning Team has advised *'The 2019 NPPF and updated planning practice guidance make clear the need to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against local housing need (based on the Government's standard method), where strategic policies are more than five years old. The approach takes account of the recently published Housing Delivery Test results.*

*A 7.43 year housing land supply can be demonstrated against an annual housing need of 364 for the period 1 April 2018 to 31 March 2023. This takes account of the identified supply of deliverable sites and a 5% buffer based on the results of the Housing Delivery Test.*

*Notwithstanding that a 5 year supply requirement has been met, adopted Mid Devon Core Strategy Policies COR3, COR17 and COR18 are not consistent with relevant policies in the 2019 NPPF and therefore should be accorded limited weight in planning decisions until they are replaced. The tilted balance will continue to apply to the determination of planning applications concerning proposed housing development in Mid Devon.*

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

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

As policies relating to housing delivery in the Core Strategy are considered to be out of date the tilted balance in the NPPF applies to the consideration of applications. Paragraph 11 of the NPPF 2019 states:

*'Plans and decisions should apply a presumption in favour of sustainable development.*

*For decision-taking this means:*

*c) approving development proposals that accord with an up-to-date development plan without delay; or*

*d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

*i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*

*ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.'*

This does not mean that Mid Devon's policies must be cast aside, but the weight given to them is proportionate to their consistency with the NPPF. Housing applications need therefore to be considered in the context of sustainable development and planning permission granted unless the harm identified significantly and demonstrably outweighs the benefits. The planning balance in relation to this application is set out in section 9 of this report.

The Local Plan Review has been through public examination and the Inspector has now agreed the main modifications that are to be consulted on for a period of 6 weeks. The Local plan Review has not yet been adopted. At the time of writing this report, with the Planning Inspector having not raised any objection to the residential development allocations proposed in Silverton, the Local Plan Review is considered to carry some weight in consideration of this planning application. The two sites in Silverton that have been identified in the Local Plan Review for residential development, SI1 and SI2 both now have planning permission, for a total of 10 dwellings across the two sites.

The principle of developing the site for up to 20 dwellings and the proposed means of access to the site are the only issues for consideration through this application. An indicative layout has been provided to show how a layout for the residential development could be achieved. Whilst it may be the case that the layout shown would need to be amended, it does at least show that a scheme for 20 dwellings could be provided on site given the size of the site. Matters relating to architecture and design of all buildings, height, scale and massing of all buildings, design and layout of public and highway infrastructure within the site area, design and layout of open space areas and green infrastructure, design of other landscaped areas, drainage infrastructure and parking provision are all reserved for future consideration.

#### Draft Silverton Neighbourhood Plan

A draft neighbourhood Plan has been produced for Silverton. It was produced in 2016. The residents of Silverton Parish have been consulted on the content of the Neighbourhood Plan. The neighbourhood Plan has not been submitted to Mid Devon District Council for form examination. In order for the content of the neighbourhood Plan to have weight as a material consideration in planning decision making it is necessary for the neighbourhood plan to have been examined by an appointed examiner and if the content is considered to be acceptable a referendum is then carried out with the residents of the relevant Parish. If a referendum is successful and a majority vote in favour of the Neighbourhood Plan then it would become a Supplemental Planning Document and be given weight in the planning application evaluation/consideration and decision process. At the present time the Neighbourhood Plan for Silverton is in draft form and while its content has been noted by the Local Planning Authority, no weight is able to be given to its content with regards to decision making. The application site is not a proposed development site in the draft neighbourhood plan.

## **2. Highways and highway safety**

Policy COR9 of the Mid Devon Core Strategy seeks to improve accessibility, reduce the need to travel by car, and increase public transport use, cycling and walking, manage travel demand, reduce air pollution and enhance road safety through management of car parking and traffic and investment in transport services. The NPPF states that transport issues should be considered from the earliest stages of planmaking and development proposals, so that potential impacts of development on transport networks can be addressed. The environmental impacts of traffic and transport infrastructure should be identified, assessed and taken into account, including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

The Local Highway Authority have advised that they have no objection in terms of the volume of

traffic generated by this development and using the proposed access via Silverdale, with a number of conditions recommended such as a Construction Management Plan.

Concerns have been received about the access to the development through Silverton, either via Tiverton Road, Applemede and Silverton or via Fore Street and Silverdale. The quality of the road surface on Applemede and Silverdale has also been raised but this is a highway maintenance requirement and not a consideration for this planning application. The lack of parking and congested nature of the surrounding streets has also been raised. The Highway Authority have not raised any objections subject to the imposition of relevant conditions. The levels and location of parking provision proposed for the site are set out in current policy DM8 Local Plan Part 3 (Development Management Policies) which requires 1.7 spaces per dwelling. The amount and location of parking will need to form part of the reserved matters application and does not form a consideration under this application. On balance, given that the Local Highway Authority have not raised an objection to the proposal on highway safety grounds, the development is considered to comply with policies COR9 and COR10 of the Mid Devon Core Strategy and the NPPF.

### **3. Drainage and flood risk**

The NPPF states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should take account of advice from the lead local flood authority, have appropriate proposed minimum operational standards, have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and where possible, provide multifunctional benefits.

Policy COR11 of the Mid Devon Core Strategy guides development to locations with the lowest flood risk and seeks to ensure development does not increase the risk of flooding elsewhere. The application site is within flood zone 1. Therefore the main consideration relates to how foul drainage and surface water drainage would be dealt with.

The applicant has stated within the application form that foul sewage will connect to the mains sewer and surface water will be disposed of by way of a sustainable drainage strategy. The Environmental Health Department has raised no objection on drainage grounds at this stage. Policy DM2 of the LP3 DMP requires appropriate drainage including sustainable drainage systems and connection of foul drainage to a mains sewer where available. Policy DM29 of the LP3 DMP relating to green infrastructure requires major development proposals to demonstrate flood and water resource management.

The Lead Local Flood Authority (Devon County Council) initially raised objections to the development as it did not consider that the drainage issues at the site and in relation to the proposed development had been adequately addressed. The applicant has carried out further assessment work and provided further information during the course of the application, to address their concerns. The LLFA are now satisfied that with the provision of conditions attached to the planning permission, the development site can be provided with adequate drainage facilities such that it would not increase the flood risk elsewhere. The Environment Agency have to date raised no objections to the proposed development. On this basis, the drainage strategy is considered to comply with policies COR11 of the Mid Devon Core Strategy, and DM2 and DM29 of the LP3.

#### **4. Public open space and green infrastructure (GI)**

Policy AL/IN/3 requires new housing developments to provide at least 60 square metres of equipped and landscaped public open space per market dwelling to include children's play areas, sports areas, informal open space and allotments with safe and convenient access on foot or cycle. Policy AL/IN/4 seeks to provide a network of green infrastructure with recreational, visual and biodiversity value, including sustainable drainage. The policy seeks protection and enhancement of public rights of way and new provision within development. The indicative plan identifies landscaping but no formal public open space within the site so a S106 agreement would outline the financial contribution required toward a public open space project in the Parish.

Policy DM29 of the LP3 DMP requires major development proposals to demonstrate that GI will be incorporated within the site to provide biodiversity mitigation, flood management, green corridors and public rights of way linking the site to the wider GI network, and new GI such as the creation of woodland. The NPPF states that planning decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users. The submitted layout plan is only indicative at this stage but does indicate areas of Green Infrastructure in and around the site. Given that its provision can be secured by way of submission of reserved matters application, it is considered that the policy requirement can be satisfied.

#### **5. Landscape and ecology**

The NPPF states that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils, recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services. Development should minimise impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks. If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. Planning decisions should seek to limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

The site is not located within a designated landscape although it has been noted that there is a conservation area further to the south where the development could be viewed from a number of heritage assets with potential to have an impact on the setting of the conservation area/listed buildings, this is considered later in this report.

In terms of this application site, it is an agricultural field on the North West outskirts of the village. The field within which the site forms part is sloping and rises in a northerly direction. With reference to the Mid Devon landscape character assessment which was prepared in 2011, the Landscape Character Type (LCT) for this area is 3G River valley slopes and combs. This landscape of valley sides and valley floors, is described as strongly undulating with a variety of sloping land, sometimes incised, steeply rising and sometimes more gradual in character. It is stated to be a tightly rolling, medium to small scale landform, this landscape has generally been carved away by tributaries of the Rivers Exe, Taw and Creedy. The landscape is defined by the moderately dry, fertile smooth slopes running into small-scale vales with a damp character. The landscape scale is typically small to medium and the combinations of the incised landform and repeated medium scale and field patterns give the landscape a relatively enclosed character. Hedgerows are often untrimmed and dense bounding regularly shaped, variable scale enclosures of pasture. The assessment states that this is a landscape with high degrees of variation in terms of the levels of visual containment. The Mid Devon town and village character assessment

indicates that settlements in the Lower Exe settlement character area (including Silverton, Thorverton and Bickleigh), tend to have developed over time by spreading up onto higher land.

The site is bound on its western boundary by mature hedgerow with interspersed hedgerow trees. The southern and eastern boundaries are hedged, but at a lower height than the western boundary. The northern boundary would in part be a new within field boundary (likely to be a hedge or bank and hedge but subject to reserved matters consideration) and the remainder of the northern boundary would be likely to be a combination of the retention of the side boundary of the existing properties in the north east corner of the field and the existing bank that currently separates this development from the remainder of the field.

With respect to the proposed development, this is an outline application for up to 20 dwellings with details of layout, scale and appearance reserved for later consideration. However, an indicative plan has been provided to identify how 20 dwellings could be accommodated on site. While there is no indication of the height, scale and type of properties that are proposed there is a mix of single storey and two storey properties in the immediately surrounding area and this is a mix that could be replicated on this site of 20 dwellings. The proposed density of the development is approximately 28 dwellings per hectare which is considered to be acceptable on this site. It is considered that the proposal would not result in the overdevelopment of the site.

Policy COR2 of the Mid Devon Core Strategy seeks high quality sustainable design that reinforces the character and legibility of Mid Devon's built environment and landscape and creates attractive places. Any landscape impacts of a development on the site would form part of the reserved matters application.

With regards to protected species and habitats, an extended phase 1 habitat survey has been submitted which shows the survey results for the site. No protected species were found on site but the survey suggests that potential for bat roosting should be incorporated into each of the new dwellings. The site also provides feeding habitat for bird species and as mitigation measure bird nesting provision should be incorporated in to each of the new dwellings. The report states that external lighting should be positioned to illuminate retained vegetation and areas beyond the survey area and any created bat roost provision to prevent artificial lighting having any impact /deter nocturnal species such as bats and dormice. The conclusions were that the proposed development will cause a limited extent of habitat loss during construction, and post occupation disturbance through implementation of ecology mitigation, compensation and enhancement measures, the proposal would represent a positive biodiversity gain.

Mitigation through provision of bat boxes and bird nesting and careful consideration of artificial lighting will need to be considered within the scheme and form part of the reserved matters application.

Subject these matters being taken into account at reserved matters stage it is considered that the landscape and ecology proposals are capable of complying with policy COR2 of the Mid Devon Core Strategy (LP1) and the provisions of the NPPF.

## **6. Living conditions of the occupiers of nearby residential properties**

Paragraph 127 of the NPPF outlines that planning policies and decisions should ensure that developments:

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

This is reflected in policies DM2 and DM14 of the Local Plan 3 Development Management Policies which sets out that new development should respect the privacy and amenity of neighbouring residents. This is an outline application with matters of layout, landscaping, appearance and scale to be considered at a later date, but based on a development of 20 dwellings. While the layout submitted is indicative only it does demonstrate that distances of between 22.5m and 30+ m can be achieved between proposed and existing properties. It is considered that a residential development could be designed that would be in accordance with policies DM2 and DM14 of the Local Plan 3 Development Management Policies.

## **7. Heritage**

Policy DM27 of the Local Plan 3 Development Management Policies states that where development proposals are likely to affect heritage assets and their settings, proposals should be assessed to take account of the significance of those assets. Where proposals would substantially harm heritage assets, public benefit must outweigh that harm. Where proposals would lead to less than substantial harm, the harm should be weighed against any public benefit.

Paragraph 189 of the NPPF requires developers to assess the significance of a proposal's impact on heritage assets and their settings. Where a proposal would lead to substantial harm, planning applications should be refused unless substantial public benefits outweigh that harm, and where proposals would lead to less than substantial harm, the harm should be weighed against public benefits. A balanced judgment should be made of the effect of loss of non-designated heritage assets (for example, archaeology), according to the significance of that asset. Developers are required to record and advance understanding of the significance of any heritage assets to be lost and to make this evidence publicly accessible.

The Historic Environment Team at Devon County Council has noted that the geophysical survey of this site has not identified any anomalies that are indicative of significant archaeological deposits. The proposed development site is considered to have little or no archaeological potential and as such the Historic Environment Team have no raised any objection to the proposed development. No additional archaeological mitigation is required.

In terms of the potential for the development to impact on the nearby Conservation Area and listed buildings, the Case Officer has discussed the application with a Conservation Officer. The Case Officer does not consider that the proposed development of 20 dwellings on the site will have any

adverse impact on the setting of the conservation area (which covers the core of the village) or the setting of any nearby listed buildings. The visual journey into Silverton from the north west will not be greatly affected by the development due to the local topography and views from the north side of the conservation area (from the rear of properties on the north side of King Street) will be seen within the context of previous development, circa 1970s, of Applemede and Silverdale and the later small development to the west of Silverdale. It is noted that this is an outline application and the final details (reserved matters) will be important in determining that there will not be significant harm to the setting of either the Conservation Area or listed buildings. Therefore subject to the further consideration to the design of the dwellings and layouts at reserved matters stage, it is considered that a residential development could comply with policy DM27 of the Mid Devon Local Plan Development Management Policies and the requirements of the NPPF.

## **8. Section 106 obligations**

The s106 requirements are set out in full at the start of this report.

The applicants are required to provide 35% affordable housing with the s106 requiring submission of an affordable housing scheme setting out the mix and tenure to be agreed prior to provision on site. The Housing Options Manager is content that this will enable the actual need to be assessed at the time allowing the provision of units on site to accord with that need. The provision of affordable housing on site will be in accordance with triggers set out in the agreement.

The application has included an indicative plan which does not include the provision of public open space on site and therefore it would be necessary to secure a financial contribution towards off-site provision, which in this case would be £24,100 with the allocated project being the provision of new play equipment at Silverton Recreation Ground. This would be secured by way of an s106 agreement.

The Education Authority have requested financial contributions towards education provision as Devon County Council has identified that the proposed increase of 20 family type dwellings would generate an additional 3 secondary pupils which would have a direct impact on Clyst Vale Community College. In order to make the development acceptable in planning terms, an education contribution to mitigate its impact would be requested which would amount to a contribution of £65,733 toward infrastructure at the community college at a rate of £21,921 per pupil. In addition to this it is necessary to request £7,638 toward the provision of secondary school transport. This is based on a calculation of £2.68 per day x 3 pupils x 190 academic days x 5 years). DCC have also requested £5,000 towards early years provision in Silverton at a rate of £250 per dwelling.

Paragraph 204 of the Framework and Regulation 122 of the Community Infrastructure Levy Regulations 2011 (as amended) set tests in respect of planning obligations. Obligations should only be sought where they meet the following tests:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

It is considered that each of these obligations can satisfy the relevant tests above.

## **9. Planning balance**

As set out in section 1 of the material considerations, the tilted balance in paragraph 11 of the NPPF applies to the determination of this application. The application should be approved unless

any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF, taken as a whole.

The application is in outline and there are no technical reasons why the application should not be approved, subject to the required mitigation set out in the report above. Impacts on biodiversity, landscape and heritage assets can be adequately mitigated through appropriate final design, layout and landscaping, and the increase in traffic on the local road network is acceptable to the Highway Authority, subject to conditions.

The delivery of 20 new homes, including 35% affordable housing weighs in favour of approval of the application. There is a District wide benefit to boosting the supply of housing and the provision of 20 new dwellings must be considered a benefit to housing supply. There is also a district wide need for affordable housing and this scheme proposes a 35% provision which would result in the provision of 7 affordable dwellings. The provision of affordable housing is a benefit of the scheme but clearly is not limited to meeting an identified local need for affordable housing.

Also weighing in favour of the approval is the financial contribution towards public open space and education services and facilities. There could also be some modest benefits to the local economy, arising from construction and sales and additional spending by local residents on local services and facilities. The site located adjacent the existing settlement limit for the village and within walking distance of the village centre where existing facilities and services can be found.

Weighing against approval of the application is the fact that the application is not policy compliant in that the site is not allocated for development in either the existing or the emerging local plan. The site has not been identified as part of the draft Silverton Neighbourhood Plan as a site suitable for residential development.

Taking all the above into consideration while acknowledging that the tilted balance in the NPPF applies, your officers consider that the balance weighs in favour of approval of the application. Other matters put forward in favour of the development include an absence of harm to ecology, flooding, drainage or highway safety. Nonetheless, these are mitigating factors rather than benefits and the weight to be given to them is therefore limited.

*Section 149 of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between different people when carrying out their activities. This is called the Public Sector Equality Duty or "PSED". No persons that could be affected by the development have been identified as sharing any protected characteristic.*

## **CONDITIONS**

1. The development hereby permitted shall be limited to a maximum of 20 dwellings.
2. Before any part of the development hereby permitted is begun, detailed drawings of the access, layout, scale and appearance of the buildings, and the landscaping of the site (hereinafter called the Reserved Matters) shall be submitted to and be approved in writing by the local planning authority.
3. Application(s) for approval of all the Reserved Matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

4. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the Reserved Matters which have been approved, whichever is the later.

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

6. No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems, and those set out in the Preliminary Drainage Strategy 100 Rev B and Preliminary Drainage Strategy 101 Rev A and Silverdale Drainage Calculations.

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

8. No development shall commence until a temporary surface water drainage management plan, to demonstrate how surface water runoff generated during the construction phase will be managed for the full construction period, has been submitted to and approved in writing by the local planning authority. The plan must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site and must also include details of how eroded sediment will be managed to prevent it from entering the permanent surface water drainage management system and include a timetable for the implementation of the management plan. Once approved, the management plan shall be implemented in accordance with the approved details.

9. No development shall commence on site until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall include, but shall not necessarily be limited to, details of the following:

- (a) the timetable of the works;
- (b) daily hours of construction;
- (c) any road closure;
- (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the Planning Authority in advance;
- (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
- (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
- (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for

loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;

(h) hours during which no construction traffic will be present at the site;

(i) the means of enclosure of the site during construction works;

(j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site;

(k) details of wheel washing facilities and obligations;

(l) The proposed route of all construction traffic exceeding 7.5 tonnes;

(m) Details of the amount and location of construction worker parking; and

(n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work a) parking for vehicles of site personnel, operatives and visitors.

The development shall be carried out strictly in accordance with the approved Construction Management Plan.

10. 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

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

12. No development shall commence until a scheme for Electric Vehicle Charging Points ("EVCP") has been submitted to and approved in writing by the local planning authority, such scheme to include provision of at least a single EVCP for each dwelling comprised in the development which has a private driveway or garage within its curtilage ("Relevant Dwelling"). The installation of the EVCPs shall be completed in accordance with the approved scheme prior to first occupation of each Relevant Dwelling.

13. The occupation of any dwelling shall not take place until the following works have been carried out:

a) The access and site roads within the development shall have been laid out, kerbed, drained and constructed up to and including base course level, the ironwork set to base course level and the sewers, manholes and service crossings completed;

b) The footways and footpaths which provide the dwelling with direct pedestrian routes to an existing highway maintainable at public expense have been constructed up to and including base course level;

c) Both vehicular and pedestrian/cycle route visibility splays have been laid out to their final level;

d) The street lighting for the access, site roads and footpaths has been erected and is operational;

e) The car parking and any other vehicular access facility required for the dwelling by this permission has/have been completed;

f) The verge and service margin and vehicle crossing on the road frontage of this dwelling have been completed with the highway boundary properly defined; and

g) The street nameplates for the development have been provided and erected.

14. The detailed drawings required to be submitted by Condition 2 shall include the following information: boundary treatments, existing and proposed site levels, site section drawings, finished floor levels and materials, details of any areas of proposed public open space, and an ecological management plan for ecological mitigation and enhancement contained in the submitted Ecological Appraisal.

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

16. As part of the Reserved Matters submission(s) referred to in Condition 2, a Site Waste Management Plan which will detail the proposed method of dealing with waste from the site, including transportation of waste from the site where this is necessary. This will include the specific destination for each wastage type and the route that is required. Details shall also include measures to encourage the reuse or recycling of waste and shall set out how the construction and operation of the development will accord with best practice sustainable waste management principles. Construction shall thereafter be carried out in accordance with the agreed Site Waste Management Plan.

#### **REASON FOR CONDITIONS**

1. To ensure that the level and density of development is appropriate to the location and commensurate with levels of contributions sought.

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

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

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

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

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

7. This data is required prior to the commencement of any works as it could affect the permanent surface water drainage management plan, which needs to be confirmed before development takes place and to ensure that the use of infiltration devices on the site is an appropriate means of surface water drainage management. The appellant should refer to Devon County Council's Sustainable Drainage Guidance.

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

9. To safeguard local amenity and to minimise the impact of the development on the highway network, in accordance with policy DM2 Local Plan Part 3 (Development Management Policies) and the aims and objectives of the National Planning Policy Framework.

10. To safeguard local amenity and to minimise the impact of the development on the highway network, in accordance with policy DM2 Local Plan Part 3 (Development Management Policies) and the aims and objectives of the National Planning Policy Framework.

11. To minimise the impact of the development on the highway network, in accordance with the aims and objectives of the National Planning Policy Framework.

12. In order to comply with the requirements of policy DM8 of Mid Devon Local Plan part 3 (Development Management Plan) in relation to parking.

13. To minimise the impact of the development on the highway network, in accordance with the aims and objectives of the National Planning Policy Framework.

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

15. To safeguard local amenity and to minimise the impact of the development on the highway network, in accordance with policy DM2 Local Plan Part 3 (Development Management Policies) and the aims and objectives of the National Planning Policy Framework.

16. To safeguard local amenity and to minimise the impact of the development on the highway network, in accordance with policy DM2 Local Plan Part 3 (Development Management Policies) and the aims and objectives of the National Planning Policy Framework.

### **INFORMATIVE**

Devon County Council as Lead Local Flood Authority have stated that the appellant must use the +40% climate change values when sizing the proposed surface water drainage management system at the detailed design stage. For more information the appellant should contact Devon County Council.

The Lead Local Flood Authority advises the applicant to refer to Devon County Council's Sustainable Drainage Guidance.

### **REASON FOR APPROVAL OF PERMISSION**

The principle of developing the site for 20 dwellings and the proposed means of access to service the site are the only issues for consideration through this application. The site is beyond but adjacent to the defined settlement limit of Silverton. The quantum and density of development proposed are considered to be acceptable on this site.

The access into the site to serve a development of 20 dwellings is considered acceptable to the Highway Authority. Matters relating to architecture and design of all buildings, height, scale and massing of all buildings, design and layout of public and highway infrastructure within the site area,

design and layout of green infrastructure, design of other landscaped areas, drainage infrastructure and parking provision are all reserved for future consideration.

Mid Devon District Council's policies for the supply of housing are considered to be out of date, despite the Council being able to demonstrate a 5 year housing land supply. Therefore, the tilted balance in paragraph 11 of the NPPF applies to the determination of this application. The application should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF, taken as a whole.

The application is in outline and there are no technical reasons why the application should not be approved, subject to appropriate mitigation as proposed. Impacts on biodiversity and landscape can be adequately mitigated, and the access arrangement and increase in traffic on the local road network is acceptable to the Highway Authority. The delivery of 20 new homes, including 35% affordable housing weighs in favour of approval of the application as do S106 contributions towards public open space and education. Weighing against approval of the application is the fact that the application is not policy compliant in terms of this being a site currently outside of the settlement limit.

Taking all the above into consideration, and acknowledging that the tilted balance in the NPPF applies, the application is considered to be acceptable. The application scheme is considered to meet the requirements of Policies COR1, COR2, COR8, COR9, COR11 and COR17 of the Mid Devon Core Strategy (Local Plan Part 1), Policies AL/IN/3 and AL/IN/5 of the Mid Devon Allocations and Infrastructure Development Plan Document (Local Plan Part 2) and Policies DM1, DM2, DM4, DM8 and DM27 of the Mid Devon Local Plan Part 3 (Development Management Policies), (as far as is relevant to the application details).

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

Application No. 19/00718/MOUT

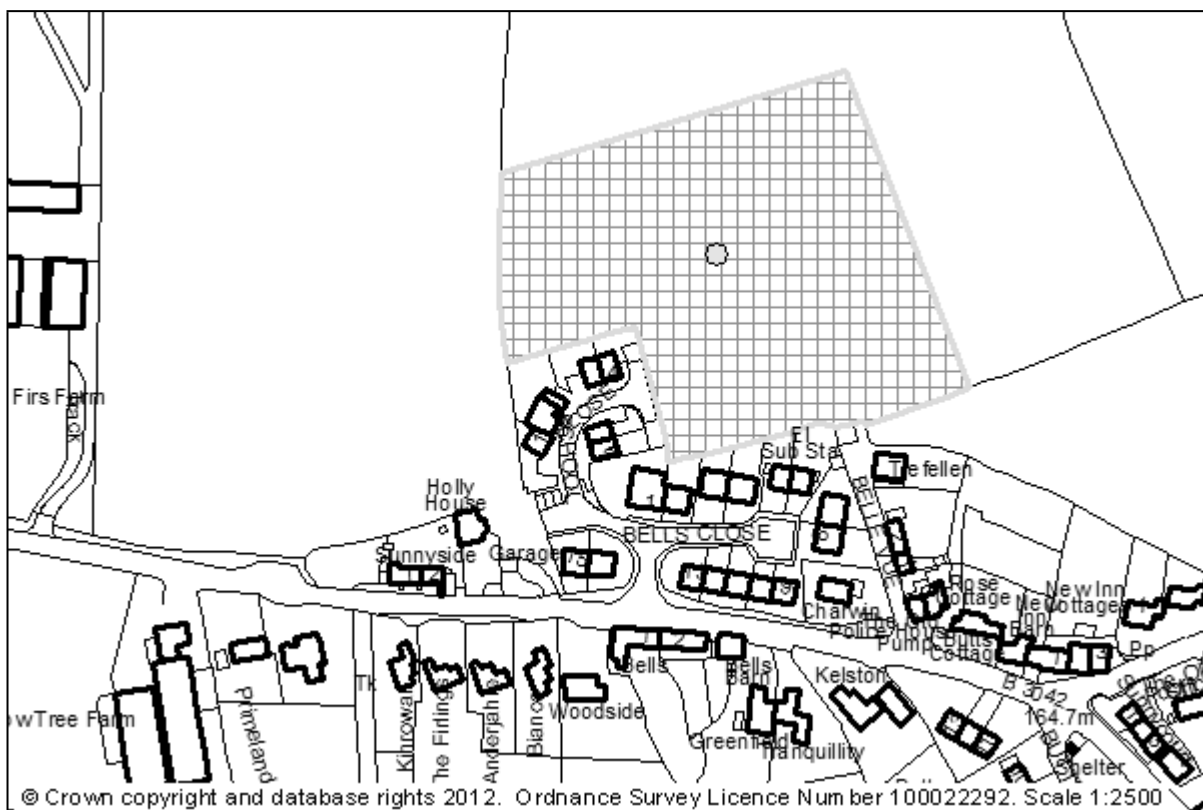
Grid Ref: 270924 : 112888

Applicant: Mr & Mrs Turner

Location: Land at NGR 270904 112818(The Barton)  
Belle Vue  
Chawleigh  
Devon

Proposal: Outline for the erection of 26 dwellings

Date Valid: 25th April 2019



## **APPLICATION NO: 19/00718/MOUT**

### **MEMBER CALL-IN**

This application has been called in by Councillor Eginton in order for Members to consider the views of Chawleigh Parish Council

### **RECOMMENDATION**

Grant permission subject to conditions and the prior signing of a S106 agreement to secure the following:

- 4) 30% affordable housing in accordance with a scheme to be agreed by the Local Planning Authority
- 5) A financial contribution of £67,497.00 towards primary school transport costs due to the development being further than 1.5 miles from Chulmleigh Primary. This figure arising from a development of 26 dwellings resulting in 7 primary pupils with the calculation as follows: £7.25 per day x 7 pupils x 190 academic days x 7 years = £67,497.00
- 6) A financial contribution of £31,330 towards public open space provision in the Parish of Chawleigh, which this figure based on an outline application for 26 dwellings.

### **PROPOSED DEVELOPMENT**

This is an outline application for the erection of 26 dwellings on land at NGR 270904 112818 (The Barton), Belle Vue, Chawleigh with the matter of access included for consideration at this stage. The access into the site would be via School Close with an indicative plan having been submitted to identify how 26 dwellings could be accommodated on site.

This application has been submitted to establish the principle of development on the site, with all matters such as appearance, landscaping, layout and scale reserved for future consideration within any reserved matters application. The original submission was for 28 dwellings to be provided on site but this was later amended down to 26 dwellings following concerns raised on the grounds of potential overdevelopment of the site.

The site is a field located to the north west of Chawleigh, which is currently outside of the settlement limits for the village but the site is allocated within the emerging local plan under policy CH1 which outlines a site of 1.25 hectares at the Barton, allocated for a residential development of 20 dwellings with 30% affordable housing with the access to be achieved off School Close.

### **APPLICANT'S SUPPORTING INFORMATION**

Application Form, Location Plan, Site Layout Plan, Design and Access Statement, Draft Heads of Terms Agreement, Ecological Report, Flood Risk Assessment, Geophysical Report, Planning Statement, Transport Statement, Waste Audit Statement

### **RELEVANT PLANNING HISTORY**

05/02092/FULL - REFUSE date 30th November 2005  
Change of use of agricultural land to residential curtilage

06/01780/FULL - PERMIT date 2nd November 2006

Erection of 6 no. dwellings to include road improvements and the change of use of agricultural land into garden

## **DEVELOPMENT PLAN POLICIES**

### **Mid Devon Core Strategy (Local Plan 1)**

COR1 - Sustainable Communities

COR2 - Local Distinctiveness

COR3 - Meeting Housing Needs

COR5 - Climate Change

COR8 - Infrastructure Provision

COR9 - Access

COR11 - Flooding

COR12 - Development Focus

COR17 - Villages

COR18 – Countryside

### **Mid Devon Allocations And Infrastructure Development Plan (Local Plan 2)**

AL/DE/3 - Affordable Housing Site Target

AL/IN/2 - Development Without Community Infrastructure Levy

AL/IN/3 - Public Open Space

AL/IN/4 - Green Infrastructure

AL/IN/5 - Education Provision

### **Mid Devon Local Plan Part 3 (Development Management Policies)**

DM1 - Presumption in favour of sustainable development

DM2 - High quality design

DM7 - Pollution

DM8 - Parking

DM14 - Design of housing

DM15 - Dwelling sizes

DM27 - Development affecting heritage assets

### **Local Plan Review 2013 - 2033**

Policy CH1 - Barton, Chawleigh

A site of 1.25 hectares at the Barton is allocated for residential development, subject to the following:

- a) 20 dwellings with 30% affordable housing;
- b) Access to be achieved off School Close;
- c) Design solution which respects the setting of the conservation area and listed buildings; and
- d) Archaeological investigation and appropriate mitigation measures.

## **CONSULTATIONS**

Chawleigh Parish Council – 1st June 2019

Chawleigh Parish Council objects to the outline planning application for the erection of 28 dwellings at The Barton based on the following material considerations:

1. The emerging Local Plan details the allocation of a site of 1.25 hectares at the Barton for residential development for 20 dwellings, including 30% affordable housing. This is consistent with the response provided by Chawleigh Parish Council to the Mid Devon Local Plan Review in March 2014, following a public meeting attended by 32 members of the public. The outline proposal is for 28 dwellings which is significantly higher and the scale of the development is not consistent with local planning policy.

2. There is a concern that the design of the development with the large plots shown on the outline plan would provide an opportunity for additional dwellings being built at a later date, which would increase the number of dwellings above the agreed number set out in the Local Plan.

3. The Council supports the policy requiring the target of 30% affordable housing on sites with six dwellings or more and would therefore expect to see at least six affordable houses on a development of 20 dwellings.

4. The Council would like to see the design of the development to include a number of 2-bedroom bungalows as a previous housing needs survey showed that this was needed for the community and to encourage people to stay in the village.

In addition, there is no need for large houses as 2 or 3-bedroom properties would be sufficient.

5. There is a significant concern about the highways access to the development. Although the entrance to Bells Close is wide, School Close is a narrow lane with very tight bends and this is the only access to the development site. This has adverse implications during the building works as it is likely that the lorries will damage the existing pavements.

Once the development has been built, the access will still be poor. There is a concern about access for emergency vehicles and other large vehicles, both via Bells Close and School close and then around the development site itself.

6. There is a concern about the number of vehicles that will be parked along the road once the development has been finished and the residents are in place as there could be at least another 56 vehicles or more. There is already an issue with the number of parked cars in School Close as on one occasion 17 cars were counted, as well as a further 12 cars in Bells Close. Although the dwellings appear to have garages attached, people often use their garage as a storage space and park their car(s) outside the house and/or on the street.

The design of the development has set aside an area of central parking, presumably for visitors and any overflow. This would not be not large enough for all the residents' cars, as some residents will have more than two cars and there does not appear to be any space set aside on the development's roads for parking or for houses to have driveways.

7. The design of the development does not take into account the future policy for electric cars as there is no consideration for the future needs of electric car charging points. In principle, based on at least two cars per household, the cars would need to be parked in the garage or on a driveway next to each house with access to an electric car charging point.

8. The capacity of the physical infrastructure, e.g. the sewage system, in Chawleigh is already under significant pressure which will be made worse with the addition of 28 dwellings. There are also concerns about potential drainage problems as surface water already comes off the fields causing flooding on Barton Lane and onto the churchyard.

The Council would expect to see local financial considerations offered, such as a Section 106 agreement, Community Infrastructure Levy or similar, to support the improvements to the village's physical infrastructure such as the sewage and surface water systems. This could include the development of a footpath/pavement from the development site to the Playing Field, which is the nearest open space.

9. With regard to social facilities, there will be a significant impact on the local GP services and the dentist's services as they have limited or no places available on their lists. Similarly, access to the local primary and secondary schools may be limited.

10. There are very limited employment opportunities in the village and surrounding area, so the residents on the development will need to work outside the area. While the train service is good, transport is needed to get to the nearest station. The public bus service to Exeter is currently good but there is a limited bus service to Barnstaple.

11. The development's impact on the landscape will be significant and it will be necessary to ensure the site is screened with trees and other plants to reduce the visual impact, to increase the biodiversity and have a positive impact on climate change.

The Council has noted the comments made by other organisations, including the security concerns raised by the Police.

Chawleigh Parish Council – 15th August 2019

Chawleigh Parish Council (the Council) OBJECTS to the outline planning application based on the following material considerations:

1. The Council welcomes the change to the proposed car parking arrangements in response to the security concerns raised by Devon, Cornwall and Dorset Police so that cars will be parked on driveways adjacent to individual dwellings. However, based on an estimate that there would be at least two cars per household, the driveways would need to be large enough for two cars.

2. In accordance with the local parking standards for residential developments set out in the National Planning Policy Framework (para. 105), there should be adequate provision of spaces for charging plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations. The revised site layout does not show any such locations.

3. The Mid Devon District Council (MDDC) Local Plan (Policy DM 8) states that new developments should provide an adequate level of parking that takes into account the accessibility of the site, including availability of public transport. Although there are good public transport services to Exeter, they are more limited to Barnstaple. This supports the likelihood that residents of the new development will have at least two cars per dwelling.

As a result, there is a concern about the number of vehicles that could be parked along the road once the development has been finished and the residents are in place. This concern has been resolved in part by the revised proposals for driveways, however there remains a concern relating to overflow parking, such as visitors' parking, on the development as no additional parking space is available. The overflow will extend along the roadway or in the adjoining streets, resulting in congestion and possible unsafe parking on narrow footways. There is already an issue with the number of parked cars in School Close as on one occasion 17 cars were counted, as well as a further 12 cars in Bells Close.

4. The Barton site in Chawleigh has been identified as a location suitable for a limited level of development to meet local needs (MDDC Local Plan, Policy S 13). The Council noted the reduction in the number of dwellings from 28 to 26 in the revised site layout. However, this number of dwellings is still not consistent with the MDDC Local Plan (Policy CH 1) for 20 dwellings with 30% affordable housing on the 1.25 hectares site at the Barton. This figure had been agreed with Chawleigh Parish Council in March 2014, following a public meeting attended by 32 members of the public. In addition, the planning application's Transport Statement (para. 338) submitted on 30 May 2019 states that the road capacity should limit the development to 20 dwellings.

5. The Council supports the MDDC Local Plan (Policy COR 3, para 7.9) requiring a target of 30% affordable housing on sites with 6 dwellings or more and would therefore expect to see proposals for 6 affordable houses and 14 private houses on a development of 20 dwellings.

6. As set out in the National Planning Practice Guidance (para. 040: Housing Design Issues), the Council would expect that the affordable housing will not be distinguishable from the private housing by its design, nor will it be located on the least attractive part of the site. The Council would expect the developer to mix the affordable housing amongst the private housing.

7. The Council is pleased that the design of the development includes a number of 2-bedroom bungalows as a housing needs survey showed that this was needed for the community and to encourage people to stay in the village. However, compared with the original site layout (Drawing No. 18000\_SK100), the revised site layout shows a reduction in the number of 2-bedroom dwellings (from 12 to 10), a reduction in the number of 2.5-bedroom dwellings (from 10 to 9) and an increase in the number of 3-bedroom dwellings (from 6 to 7). The Council would be concerned if the proportion of 2-bedroom dwellings is reduced further if the plans are revised again.

8. At this stage, it is not clear whether the dwellings are houses or bungalows. The development would be enhanced by including a mix of different types of houses to cater for a range of demographic groups, especially families and older people, as set out in the National Planning Practice Guidance (Para. 014: Planning should promote cohesive and vibrant neighbourhoods). This also supports the provision of smaller dwellings, with maximum affordable housing provision as set out in the balanced growth strategy alternative in the MDDC Local Plan (para 5.9).

9. There remains a concern that the design of the development with the large plots shown on the revised site layout would provide an opportunity for additional dwellings being built at a later date, which would increase the number of dwellings above the agreed number set out in the MDDC Local Plan (Policy CH 1).

10. In accordance with MDDC Local Plan (COR 8, para. 7.27), the provision of infrastructure should be in step with the development, taking into account existing provision. The capacity of the physical infrastructure, e.g. the sewage system, in Chawleigh is already under significant pressure which will be made worse with the addition of 26 dwellings. There are also concerns about potential drainage problems as surface water already comes off the fields causing flooding on Barton Lane and onto the churchyard. The Council would expect to see local financial considerations offered, such as planning obligations (S106), Community Infrastructure Levy or similar, to support the improvements to the villages physical infrastructure such as the sewage and surface water systems. This could include the development of a footpath/pavement from the development site to the Playing Field, which is the nearest open space.

11. In Chawleigh, there are long-term problems of flooding during heavy showers, e.g. on the main street outside Butts Cottage, a lake of water regularly appears as the surface water drainage pipes are inadequate for the flow. The Council supports the Local Flood Authority's comments regarding the pre-commencement conditions to ensure the surface water run off is appropriately managed both during the construction and for the lifetime of the development (National Planning Policy Framework, para.165). This would also ensure compliance with the MDDC's Local Plan (Policy DM 2) which requires developments to include suitable drainage systems.

12. There is a significant concern about the highways access to the development. Although the entrance to Bells Close is wide, School Close is a narrow lane with very tight bends and this is the only access to the development site. This has adverse implications during the building works as it is likely that the lorries will damage the existing pavements. The Council supports the Highway

Authority's proposed construction management plan to ensure adequate onsite facilities are available for construction traffic in the interest of the safety of all users of the ongoing public highway and to protect the amenities of the adjoining residents.

13. Once the development has been built, the access will still be poor. In accordance with the National Planning Policy Framework (para. 110), the development should allow for efficient delivery of goods and access by service and emergency vehicles. There is a concern about lack of access for emergency vehicles and other large vehicles, both via Bells Close and School Close and then around the development site itself.

14. There are very limited employment opportunities in the village and surrounding area, so the residents on the development will need to work outside the area. While the train service is good, transport is needed to get to the nearest station. The public bus service to Exeter is currently good but there is a limited bus service to Barnstaple. The Council expects MDDC to continue to work in partnership to support public transport initiatives to maintain sustainable travel patterns (MDDC Local Plan, COR 9 para. 7.30), including the local train service (MDDC Local Plan, COR 10).

15. The development's impact on the landscape will be significant and it will be necessary to ensure the site is screened with trees and other plants to reduce the visual impact as well as to conserve or enhance biodiversity (National Planning Policy Framework, para.175).

16. The Council supports the comments from Historic Environment Team recommending a programme of archaeological work to investigate, record and analyse the archaeological evidence that will otherwise be destroyed by the development (National Planning Policy Framework, para.199).

17. With regard to social facilities, there will be a significant impact on the local GP services and the dentist's services as they have limited or no places available on their lists. The Council has noted the comments and request for contributions to secure sustainable healthy communities from the Royal Devon & Exeter NHS Foundation Trust. Similarly, access to the local primary and secondary schools may be limited. The Council has noted the comments and request for contributions to support primary school transport costs from the Devon County Council Education. It should be noted that the Council is concerned that previous comments made at both the preapplication stage and at the planning application stage do not appear to have been addressed.

Highway Authority – 21st May 2019

#### Observations:

I have visited the site which is accessed from a shared surface road which it's self is accessed off the B3042 through Bells close an access road type construction. The adopted Devon design guide recommends that up to 25 dwellings can be accessed through a shared surface road. The development is proposing 28 Dwellings and combined with the existing 6 properties would provide 34 dwellings from this type of road. While the design guide is a recommendation and its upper limit flexible the previous village 30 year plan of 20 units from this road would be more in keeping with the shared surface recommendations that than of the 28. The Highway Authority has examined the transport statement and is satisfied with its content. The parking provision is in keeping with the standards adopted by Mid Devon's and while this is an outline application with all matters reserved except access the centralisation of all parking rather than with individual properties does raise concerns. Previous developments with isolated parking gives rise to parking on street and obstruction of footways and carriageways. The Highway Authority would prefer to see parking spaces allocated to each plot or in such a manner that all properties can view their spaces and provided passive surveillance making their use more attractive and be of a number that is sufficient to deter parking on the road and verges. Therefore it

is a matter for the Local planning Authority to consider the parking and the volume of the development against the recommended guidance. The access to the site and the volumes of traffic are acceptable to the Highway Authority and therefore should planning consent be granted the following conditions should be imposed, of which a construction management plan should be submitted and an alternative access to the site explored .e.g. via a haul road across adjoining controlled land rather than through the shared surface residential road

**Recommendation:**

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

1. Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:

- (a) the timetable of the works;
- (b) daily hours of construction;
- (c) any road closure;
- (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
- (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
- (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
- (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
- (h) hours during which no construction traffic will be present at the site;
- (i) the means of enclosure of the site during construction works; and
- (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
- (k) details of wheel washing facilities and obligations
- (l) The proposed route of all construction traffic exceeding 7.5 tonnes.
- (m) Details of the amount and location of construction worker parking.
- (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;

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

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

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

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

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

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

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

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

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

DCC - Lead Local Flood Authority – 30th May 2019

Recommendation:

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

Observations:

The applicant should revise the attenuation strategy to incorporate above ground SuDS features in line with Devon County Councils discharge hierarchy. It is noted that impermeable area is proposed to be very low for a residential area. If this area increases then greenfield runoff rates and in turn storage volumes must be re-calculated to accommodate for this additional runoff. The applicant should clarify the position of the highway soakaway and whether it is located in an open green space or a back garden. Devon County Council do not recommend these being located within back gardens for maintenance reason so plans should be revised if this is the case. Clarification of the infiltration rates should be given. 1X10<sup>-6</sup> is the rate that is generally accepted as giving suitable drain down times.

Recommendation:

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

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

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

Reason for being a pre-commencement condition: This data is required prior to the commencement of any works as it will affect the permanent surface water drainage management plan, which needs to be confirmed before development takes place.

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

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

Reason for being a pre-commencement condition: This data is required prior to the commencement of any works as it could affect the permanent surface water drainage management plan, which needs to be confirmed before development takes place.

- No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The application for the detailed drainage should be submitted and agreed at the same time that the reserved matters for layout are submitted and agreed. The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems, and those set out in the Flood Risk Assessment and Drainage Strategy (Report Ref. 19001, First Issue, dated April 2019). No part of the development shall be occupied until the surface water management scheme serving that part of the development has been provided in accordance with the approved details and the drainage infrastructure shall be retained and maintained for the lifetime of the development.

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

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

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

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

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

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

- No part of the development hereby permitted shall be commenced until the full details of the adoption and maintenance arrangements for the proposed permanent surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority.

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

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

#### Observations:

Following my previous consultation response FRM FRM/MD/00718/2019 dated 30th May 2019 the applicant has provided additional information in relation to surface water drainage aspects of the above planning application in an email dated 14th June 2019, for which I am grateful.

- Email from Jamie Law Trace Design to Poppy Millar dated 14th June 2019

The applicant has put forward a feasible surface water drainage solution in line with the surface water management hierarchy. Although infiltration testing has not yet been done a suitable attenuation strategy has also been proposed for if it is not possible to provide soakaways on site. It is understood that a relatively high rate of infiltration has been assumed. This should be updated in light of infiltration testing. The applicant must also revise greenfield runoff and attenuation storage calculations if the proposed impermeable area increases.

#### Public Health – 13th May 2019

Contaminated Land: No objection to this proposal (07.05.19).

Air Quality: No objection to this proposal (30.4.19).

Environmental Permitting: No objection to this proposal (30.4.19).

Drainage: No objection to this proposal (07.05.19).

Noise & other nuisances:

Recommend approval with conditions:

Before the commencement of development, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, dust and waste disposal resulting from the site preparation, groundwork and construction phases of the development and manage Heavy/Large Goods Vehicle access to the site. It shall include details of the hours of operation and measures to be employed to prevent the egress of mud, water and other detritus onto the public and any non-adopted highways. Once approved the CEMP shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority (07.05.19).

Housing Standards: No comment (11.5.19).

Licensing: No comments (30.4.19).

Food Hygiene: Not applicable (30.4.19).

Private Water Supplies: Not applicable (03.05.19).

Health and Safety: No objection to this proposal enforced by HSE (30.4.19).

Housing Options Manager – 10th May 2019

Please note current housing need for Chawleigh

Chawleigh	Banding				
Bedroom Size and Type	Band B	Band C	Band D	Band E	Grand Total
1		1	4	4	9
General Needs		1	4	3	8
Step Free				1	1
2		2		2	4
General Needs		1		1	2
Maximum of 3 Steps				1	1
Step Free		1			1
4	1	1			2
General Needs		1			1
Wheelchair Accessible	1				1
Grand Total	1	4	4	6	15

Devon, Cornwall and Dorset Police - 3rd May 2019

It is appreciated that at this time it is for outline only, as such I am unable to comment in depth as the available drawings do not reveal any details that would be of concern to the police. However, having reviewed the available proposed site layout (option 2) drawing 18000\_SK100, which I accept may change, please note the following information, initial advice and recommendations from a designing out crime, fear of crime, antisocial behaviour (ASB) and conflict perspective.

Care is required when providing communal parking areas as experience shows they can become unofficial play parks and targets for crime, vandalism and anti-social behaviour, leading to residents to park on the street. The proposed parking court is not well overlooked, the spaces being disconnected from the associated dwellings. This places the burden of surveillance on the

occupants of the closest dwellings, regrettably, there is overwhelming evidence to suggest that unless a crime directly involves a member of the public, many will not report it for fear of repercussions. Residents will also look to park as near to their choice of main access point, resulting in parking on footpaths and verge's, creating potential for community conflict between residents and motorists.

Best practice suggests cars should either be parked in locked garages or on a hard standing within the dwelling boundary. Where communal car parking areas are necessary they should be in small groups, close and adjacent to homes and must be within view of active rooms within these homes. The word 'active' in this sense means rooms in building elevations from which there is direct and regular visual connection between the room and the street or parking court. Such visual connection can be expected from rooms such as kitchens and living rooms, but not from more private rooms, such as bedrooms and bathrooms.

Likewise, rear car parking courtyards are discouraged for the following reasons:

- ' They introduce access to the vulnerable rear elevations of dwellings where the majority of burglary is perpetrated

- ' In private developments such areas are often left unlit and therefore increase the fear of crime

- ' Un-gated courtyards provide areas of concealment which can encourage anti-social behaviour

Where rear car parking courtyards are considered absolutely necessary they must be protected by a gate.

Devon and Cornwall & Dorset Police – 23rd July 2019

Re 26 dwellings (Revised Drawings & Additional Information) The Barton, Belle Vue, Chawleigh, Devon - 23rd July 2019

From a crime and disorder perspective, the revised parking scheme (to on plot private drive) is noted and welcomed. Please do not hesitate to contact me if any clarification is sought or I can assist further.

Historic Environment Team - 14th May 2019

Comments from Stephen Reed, Senior Historic Environment Officer

Devon County Historic Environment Team ref: Arch/DM/MD/34144a

The geophysical survey of this site has identified archaeological features associated with the early enclosure of the land as well as the potential identification of pit-features may indicate the presence of archaeological activity on the site. As such, groundworks for the construction of the proposed development have the potential to expose and destroy archaeological and artefactual deposits associated with these heritage assets. The impact of development upon the archaeological resource here should be mitigated by a programme of archaeological work that should investigate, record and analyse the archaeological evidence that will otherwise be destroyed by the proposed development.

The Historic Environment Team recommends that this application should be supported by the submission of a Written Scheme of Investigation (WSI) setting out a programme of archaeological work to be undertaken in mitigation for the loss of heritage assets with archaeological interest. The WSI should be based on national standards and guidance and be approved by the Historic Environment Team.

If a Written Scheme of Investigation is not submitted prior to determination the Historic Environment Team would advise, for the above reasons and in accordance with paragraph 199 of the National Planning Policy Framework (2018) and the supporting text in paragraph 5.3 of the Mid

Devon Local Plan Part 3: Development Management Policy DM27 (2013), that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95, whereby:

'No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.

#### Reason

To ensure, in accordance with Policy DM27 and paragraph 199 of the National Planning Policy Framework, that an appropriate record is made of archaeological evidence that may be affected by the development'

This pre-commencement condition is required to ensure that the archaeological works are agreed and implemented prior to any disturbance of archaeological deposits by the commencement of preparatory and/or construction works.

I would envisage a suitable programme of work as taking the form of a staged programme of archaeological works, commencing with the excavation of a series of evaluative trenches to determine the nature and significance of the anomalies identified by the geophysical survey and to test the efficacy of the survey itself. Based on the results of this initial stage of works the requirement and scope of any further archaeological mitigation can be determined and implemented either in advance of or during construction works. This archaeological mitigation work may take the form of full area excavation in advance of groundworks or the monitoring and recording of groundworks associated with the construction of the proposed development to allow for the identification, investigation and recording of any exposed archaeological or artefactual deposits. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report, and the finds and archive deposited in accordance with relevant national and local guidelines.

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

Historic Environment Team – 2nd August 2019

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

The geophysical survey of this site has identified archaeological features associated with the early enclosure of the land as well as the potential identification of pit-features may indicate the presence of archaeological activity on the site. As such, groundworks for the construction of the proposed development have the potential to expose and destroy archaeological and artefactual deposits associated with these heritage assets. The impact of development upon the archaeological resource here should be mitigated by a programme of archaeological work that should investigate, record and analyse the archaeological evidence that will otherwise be destroyed by the proposed development.

The Historic Environment Team recommends that this application should be supported by the submission of a Written Scheme of Investigation (WSI) setting out a programme of archaeological work to be undertaken in mitigation for the loss of heritage assets with archaeological interest. The WSI should be based on national standards and guidance and be approved by the Historic Environment Team.

If a Written Scheme of Investigation is not submitted prior to determination the Historic Environment Team would advise, for the above reasons and in accordance with paragraph 199 of the National Planning Policy Framework (2018) and the supporting text in paragraph 5.3 of the Mid Devon Local Plan Part 3: Development Management Policy DM27 (2013), that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95, whereby:

'No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.

Reason To ensure, in accordance with Policy DM27 and paragraph 199 of the National Planning Policy Framework, that an appropriate record is made of archaeological evidence that may be affected by the development'

This pre-commencement condition is required to ensure that the archaeological works are agreed and implemented prior to any disturbance of archaeological deposits by the commencement of preparatory and/or construction works.

I would envisage a suitable programme of work as taking the form of a staged programme of archaeological works, commencing with the excavation of a series of evaluative trenches to determine the nature and significance of the anomalies identified by the geophysical survey and to test the efficacy of the survey itself. Based on the results of this initial stage of works the requirement and scope of any further archaeological mitigation can be determined and implemented either in advance of or during construction works. This archaeological mitigation work may take the form of full area excavation in advance of groundworks or the monitoring and recording of groundworks associated with the construction of the proposed development to allow for the identification, investigation and recording of any exposed archaeological or artefactual deposits. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report, and the finds and archive deposited in accordance with relevant national and local guidelines.

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

DCC – Education – 16th May 2019

Regarding the above application, Devon County Council has identified that the proposed increase of 28 family type dwellings would generate an additional 7 primary pupils and 4.2 secondary pupils which would have a direct impact on Chulmleigh Primary and Chulmleigh Community College.

In order to make the development acceptable in planning terms, an education contribution to mitigate its impact would be requested. This is set out below:

We have forecasted that there is currently capacity at the nearest primary and secondary school for the number of pupils likely to be generated by the proposed development and therefore a contribution towards education infrastructure will not be sought.

We will however require a contribution towards primary school transport costs due to the development being further than 1.5 miles from Chulmleigh Primary. The costs required are as follows: -

7 Primary pupils

$\text{£}7.25 \text{ per day} \times 7 \text{ pupils} \times 190 \text{ academic days} \times 7 \text{ years} = \text{£}67,497.00$

All contributions will be subject to indexation using BCIS, it should be noted that education infrastructure contributions are based on 2015 prices.

The amount requested is based on established educational formulae (which related to the number of primary and secondary age children that are likely to be living in this type of accommodation) and the costs of transporting children from Chawleigh. It is considered that this is an appropriate methodology to ensure that the contribution is fairly and reasonably related in scale to the development proposed which complies with CIL Regulation 122.

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

DCC – Education - 30th September 2019

The amount has not changed as the rounded up number of primary pupils is still 7. However, I have amended the response to clarify the correct number of dwellings.

Regarding the above application, Devon County Council has identified that the proposed increase of 26 family type dwellings would generate an additional 6.5 primary pupils and 3.9 secondary pupils which would have a direct impact on Chulmleigh Primary and Chulmleigh Community College.

In order to make the development acceptable in planning terms, an education contribution to mitigate its impact would be requested. This is set out below:

We have forecasted that there is currently capacity at the nearest primary and secondary school for the number of pupils likely to be generated by the proposed development and therefore a contribution towards education infrastructure will not be sought.

We will however require a contribution towards primary school transport costs due to the development being further than 1.5 miles from Chulmleigh Primary. The costs required are as follows: -

7 Primary pupils

$\text{£}7.25 \text{ per day} \times 7 \text{ pupils} \times 190 \text{ academic days} \times 7 \text{ years} = \text{£}67,497.00$

All contributions will be subject to indexation using BCIS, it should be noted that education infrastructure contributions are based on 2015 prices.

The amount requested is based on established educational formulae (which related to the number of primary and secondary age children that are likely to be living in this type of accommodation) and the costs of transporting children from Chawleigh. It is considered that this is an appropriate methodology to ensure that the contribution is fairly and reasonably related in scale to the development proposed which complies with CIL Regulation 122.

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

Royal Devon and Exeter NHS Foundation Trust – 21st May 2019

Please find attached our representations in respect of planning application 19/00718/MOUT - Belle Vue Chawleigh Devon.

Whilst writing we enclose updated Appeals list and associated bundle to assist you.

These are material planning considerations and a brief summary of key points is below:

In the case of the appeal decision of the Land North of Campden Road Reference APP/J3720/A/14/ 2221748 (tab 1 of the attached bundle), the Inspector erroneously thought that there was no shortfall in the funding because it was recovered retrospectively. As demonstrated in the evidence provided, the Trust will not recover the funding gap created by new development. This was also the case in relation to all of the appeals provided and has been accepted in the subsequent appeal decisions.

The appeal decision APP/U4610/W/18/3196439 in (Coventry) (tab 7) of the attached bundle) the inspector applied a pooling restriction. As explained the pooling restrictions do not apply. The relevant Trust involved was not aware of the appeal, and was not involved in the appeal process and did not challenge the decision for the same reason.

In a further appeal, decision Ref: APP/R3705/W/18/3196890 (Tamworth) (tab 8) all parties and the Inspector agreed that the NHS Trust request for contribution was 122 CIL Compliant. This decision is subsequent to the Coventry decision above and is the most recent one.

We would be grateful if you could please take these into consideration.

The Royal Devon and Exeter NHS Foundation Trust have provided a 20 page document outlining evidence for S106 Developer Contributions for Services which has been linked to the planning file and can be viewed on the council website. The Foundation Trust having undertaken an impact assessment formula outline the main finding and S106 requirement is as follows:

A development of **28 dwellings** equates 65 new residents (based on the current assumption of 2.33 persons per dwelling as per ONS figures). Using existing 2016 demographic data as detailed in the calculations in Appendix 5 will generate 130.57 acute interventions over the period of 12 months. This comprises additional interventions by point of delivery for:

- A&E based on % of the population requiring an attendance
- Non Elective admissions based on % of the population requiring an admission
- Elective admissions based on % of the population requiring an admission
- Day-case admissions based on % of the population requiring an admission
- Regular attendances based on % of the population requiring to attend regularly
- Outpatient attendances based on % of the population requiring an attendance
- Outpatient attendances based on % of the population requiring procedure
- Community health services based on % of the population requiring the delivery of Community based Services.

#### **Formula:**

#### **Increase in Service Demand:**

**Development Population x % Development Activity Rate per head of Population x Cost per Activity = Developer Contribution**

As a consequence of the above and due to the payment mechanisms and constitutional and regulatory requirements the Trust is subject to, it is necessary that the developer contributes towards the cost of providing capacity for the Trust to maintain service delivery during the first year of occupation of each unit of the accommodation on/in the development. The Trust will not receive the full funding required to meet the healthcare demand due to the baseline rules on emergency funding and there is no mechanism for the Trust to recover these costs retrospectively in subsequent years as explained. Without securing such contributions, the Trust would be unable to support the proposals and would object to the application because of the direct and adverse impact of it on the delivery of health care in the Trust's area. Therefore the contribution required for this proposed development of **28 dwellings** is **£36,979.00**. This contribution will be used directly to provide additional health care services to meet patient demand.

The contribution requested (see Appendix 5) is based on these formulae/calculations, and by that means ensures that the request for the relevant landowner or developer to contribute towards the cost of health care provision is directly related to the development proposals and is fairly and reasonably related in scale and kind. Without the contribution being paid the development would not be acceptable in planning terms because the consequence would be inadequate healthcare services available to support it, also it would adversely impact on the delivery of healthcare not only for the development but for others in the Trust's area.

Having considered the cost projections, and phasing of capacity delivery we require for this development it is necessary that the Trust receives 100% of the above figure prior to implementation of the planning permission for the development. This will help us to ensure that the required level of service provision is delivered in a timely manner. Failure to access this additional funding will put significant additional pressure on the current service capacity leading to increased delays for patients and dissatisfaction with NHS services.

## **REPRESENTATIONS**

A total of 24 letters of representation have been received at the time of writing this report. One of the letters is a general comment and the rest are objecting to the proposal, the concerns raised can be summarised as:

- The number of dwellings proposed is more than is required in the village
- The general scale of the development
- In 2014 the parish council stated that the total number of new units on the site should not exceed 20

- The proposed access cannot sustain an increase in traffic
- Ease of access for emergency services
- Safety of access
- Increase in traffic could result in safety issues
- Greenfield site
- Not enough facilities/services in the village
- Strain on existing services such as GP surgery and dentist
- Lack of places at local schools
- Inadequate road and public transport infrastructure
- Proposal not in-keeping with the wider village
- Already adequate affordable housing in the village
- Parking concerns particularly around means of charging electric vehicles
- Potential increase in crime due to proposed parking provision
- Concerns whether sewerage system can sustain an increase in use
- Reliance on private cars
- Lack of variety in terms of types of homes particularly referring to lack of bungalows
- Impact on biodiversity
- Increase in pollution
- No children's play area within the development
- Overlooking of nearby residential properties
- Concerns around the potential to extend the new dwellings in the future
- Surface water concerns
- Waste collection
- Crowded layout of the site
- Impact of goods vehicles during construction
- Visual impact

## **MATERIAL CONSIDERATIONS AND OBSERVATIONS**

**The main issues in the determination of this application are:**

1. Principle of development, planning policy and 5 year housing supply;
2. Highways and highway safety
3. Drainage and Flood Risk
4. Public open space and green infrastructure (GI)
5. Landscape and ecology
6. Living conditions of the occupiers of nearby residential properties
7. Impact on Heritage Assets
8. S106 Obligations and local finance considerations
9. Sustainable development balance.

### **1. Principle of development and 5 year housing land supply**

The Mid Devon Core Strategy (Local Plan 1) was adopted in 2007 and sets out the growth strategy for the District that seeks to balance social, environmental and economic objectives. Policy COR12 focuses development in and around the main settlements of Tiverton, Cullompton and Crediton.

Policy COR1 seeks sustainable communities in which people want to live and work through provision of housing to meet the needs of all sectors of the community, providing access to education, jobs, community facilities and public transport, reducing the need to travel by car. Policy

COR3 sets a target for the provision of new market and affordable housing with an appropriate mix of dwelling sizes and types.

Policy COR8 seeks to ensure that development is served by necessary infrastructure in a predictable, timely and effective fashion. Developers will be expected to contribute to, or bear the full costs of, new or improved infrastructure and facilities where it is appropriate for them to do so.

This is an outline planning application for the erection of 26 dwellings on a site currently outside by adjoining the settlement boundary of Chawleigh, a recognised settlement in the Mid Devon Local Development Framework. Policy COR 17 of the Core Strategy allows for minor development within the defined settlement boundary for Chawleigh but outside of the settlement limits, Policy COR18 would apply. COR18 does not support unrestricted dwellings in the countryside.

The emerging Mid Devon Local Plan Review (post examination)

It is noted that within the emerging local plan the site is allocated for housing but based on a total of 20 dwellings. Policy CH1 - Barton, Chawleigh outlines the following:

A site of 1.25 hectares at the Barton is allocated for residential development, subject to the following:

- a) 20 dwellings with 30% affordable housing;
- b) Access to be achieved off School Close;
- c) Design solution which respects the setting of the conservation area and listed buildings; and
- d) Archaeological investigation and appropriate mitigation measures.

Members will be aware that the Council is satisfied that it can currently demonstrate a 5 year housing land supply. The Forward Planning Team has advised *'The 2019 NPPF and updated planning practice guidance make clear the need to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against local housing need (based on the Government's standard method), where strategic policies are more than five years old. The approach takes account of the recently published Housing Delivery Test results.*

*A 7.43 year housing land supply can be demonstrated against an annual housing need of 364 for the period 1 April 2018 to 31 March 2023. This takes account of the identified supply of deliverable sites and a 5% buffer based on the results of the Housing Delivery Test.*

*Notwithstanding that a 5 year supply requirement has been met, adopted Mid Devon Core Strategy Policies COR3, COR17 and COR18 are not consistent with relevant policies in the 2019 NPPF and therefore should be accorded limited weight in planning decisions until they are replaced. The tilted balance will continue to apply to the determination of planning applications concerning proposed housing development in Mid Devon.*

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

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

As policies relating to housing delivery in the Core Strategy are considered to be out of date the tilted balance in the NPPF applies to the consideration of applications. Paragraph 11 of the NPPF 2019 states:

*'Plans and decisions should apply a presumption in favour of sustainable development.'*

*For decision-taking this means:*

*c) approving development proposals that accord with an up-to-date development plan without delay; or*

*d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

*i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*

*ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.'*

This does not mean that Mid Devon's policies must be cast aside, but the weight given to them is proportionate to their consistency with the NPPF. Housing applications need therefore to be considered in the context of sustainable development and planning permission granted unless the harm identified significantly and demonstrably outweighs the benefits. The planning balance in relation to this application is set out in section 10 of this report.

The Local Plan Review has been through examination with the main modifications now being consulted on, so the situation is that the Plan is yet to be adopted. At the time of writing this report, with the Planning Inspector having not raised any objection to the residential development allocation proposed in Chawleigh, The Local Plan Review is considered to carry some weight in consideration of this planning application.

The principle of developing the site for up to 26 dwellings and the proposed means of access to the site are the only issues for consideration through this application. The quantum of development proposed is slightly higher than the policy aspirations in the LPR which identifies a residential development of 20 dwellings primarily due to the highway access. An indicative layout has been provided to show how a layout for the residential development could be achieved. Whilst it may be the case that the layout shown would need to be approved upon, it does at least show that a scheme for 26 dwellings could be provided on site given the size of the site. Matters relating to architecture and design of all buildings, height, scale and massing of all buildings, design and layout of public and highway infrastructure within the site area, design and layout of open space areas and green infrastructure, design of other landscaped areas, drainage infrastructure and parking provision are all reserved for future consideration.

## **2. Highways and highway safety**

Policy COR9 of the Mid Devon Core Strategy seeks to improve accessibility, reduce the need to travel by car, and increase public transport use, cycling and walking, manage travel demand, reduce air pollution and enhance road safety through management of car parking and traffic and investment in transport services. The NPPF states that transport issues should be considered from the earliest stages of planmaking and development proposals, so that potential impacts of development on transport networks can be addressed. The environmental impacts of traffic and transport infrastructure should be identified, assessed and taken into account, including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by

a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

With respect to emerging policy CH1 (Barton, Chawleigh) the supporting text outlines that 'the site comprises part of an agricultural field to the north of the village of Chawleigh. The south western corner of the field contains a completed rural exception site named School Close. Access can be achieved off the exception site but road capacity should limit development to a maximum of 20 dwellings.'

It was noted that the Local Highway Authority Officer whilst not directly recommending refusal for a scheme of 28 dwellings, stated that *'I have visited the site which is accessed from a shared surface road which it's self is accessed off the B3042 through Bells close an access road type construction. The adopted Devon design guide recommends that up to 25 dwellings can be accessed through a shared surface road. The development is proposing 28 Dwellings and combined with the existing 6 properties would provide 34 dwellings from this type of road. While the design guide is a recommendation and its upper limit flexible the previous village 30 year plan of 20 units from this road would be more in keeping with the shared surface recommendations than of the 28.'*

As a result of concerns for a development of 28 dwellings, the applicant has reduced the proposal down to 26 dwellings. The Local Highway Authority have advised that they have no objection in terms of the volume of traffic generated by this development and using the proposed access off School Close, with a number of conditions recommended such as a Construction Management Plan.

Concerns have been received about the levels and location of parking provision proposed for the site including the means of charging electric vehicles. The current policy (DM8) requires 1.7 spaces per dwelling. The amount and location of parking will need to form part of the reserved matters application and does not fall to be considered under this application. Concerns have also been expressed about the quality of the road surface in and around Siskin Chase but this is a maintenance matter for the Highway Authority and does not fall to be considered here. On balance, given that the Local Highway Authority have not raised an objection to the proposal on highway safety grounds, the development is considered to comply with policies COR9 and COR10 of the Mid Devon Core Strategy.

### **3. Drainage and flood risk**

The NPPF states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should take account of advice from the lead local flood authority, have appropriate proposed minimum operational standards, have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and where possible, provide multifunctional benefits.

Policy COR11 of the Mid Devon Core Strategy guides development to locations with the lowest flood risk and seeks to ensure development does not increase the risk of flooding elsewhere. The application site is within flood zone 1. Therefore the main consideration relates to how foul drainage and surface water drainage would be dealt with.

The applicant has stated within the application form that foul sewage will connect to the mains sewer and surface water will be disposed of by way of a sustainable drainage strategy. The

Environmental Health Department has raised no objection on drainage grounds at this stage. Policy AL/CU/3 of the AIDPD requires the provision of a Sustainable Urban Drainage Scheme (SUDS) to deal with all surface water from the development and arrangements for future maintenance. Policy DM2 of the LP3 DMP requires appropriate drainage including sustainable drainage systems and connection of foul drainage to a mains sewer where available. Policy DM29 of the LP3 DMP relating to green infrastructure requires major development proposals to demonstrate flood and water resource management.

The Lead Local Flood Authority (Devon County Council) initially raised objections to the development as it did not consider that the drainage issues at the site and in relation to the proposed development had been adequately addressed. The applicant has carried out further assessment work and provided further information during the course of the application, to address their concerns. The LLFA are now satisfied that with the provision of conditions attached to the planning permission, the development site can be provided with adequate drainage facilities such that it would not increase the flood risk elsewhere. The Environment Agency have to date raised no objections to the proposed development. On this basis, the drainage strategy is considered to comply with policies COR11 of the Mid Devon Core Strategy, and DM2 and DM29 of the LP3.

#### **4. Public open space and green infrastructure (GI)**

Policy AL/IN/3 requires new housing developments to provide at least 60 square metres of equipped and landscaped public open space per market dwelling to include children's play areas, sports areas, informal open space and allotments with safe and convenient access on foot or cycle. Policy AL/IN/4 seeks to provide a network of green infrastructure with recreational, visual and biodiversity value, including sustainable drainage. The policy seeks protection and enhancement of public rights of way and new provision within development. The indicative plan identifies landscaping but no formal public open space within the site so a S106 agreement would outline the financial contribution required toward a public open space project in the Parish.

Policy DM29 of the LP3 DMP requires major development proposals to demonstrate that GI will be incorporated within the site to provide biodiversity mitigation, flood management, green corridors and public rights of way linking the site to the wider GI network, and new GI such as the creation of woodland. The NPPF states that planning decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users. The submitted layout plan is only indicative at this stage but does indicate areas of Green Infrastructure in and around the site. Given that its provision can be secured by way of submission of reserve matters application, it is considered that the policy requirement can be satisfied.

#### **5. Landscape and ecology**

The NPPF states that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils, recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services. Development should minimise impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks. If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. Planning decisions should seek to limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

The site is not located within a designated landscape although it has been noted that there is a conservation area further to the east and south east (over 150m away) where the development

could be viewed from a number of heritage assets and therefore impact on the setting of these listed buildings/conservation area, but this is considered further a little later in this report.

In terms of this application site, it is an agricultural field on the outskirts of the village, to the northwest being a fairly level field. With reference to the Mid Devon landscape character assessment which was prepared in 2011, the Landscape Character Type (LCT) for this area is 3A Upper farmed and wooded valley slopes. The assessment outlined that there are extensive conservation areas covering the historic cores of many of the villages and settlements found within this landscape, that there are a high number of listed buildings, with some traditional farmsteads being intact and displaying fine examples of traditional Devon longhouses, linhays, barns and cobb or stone walls. It was also noted that there are a number of long distance views from one hilltop to another in this landscape. A future force for change has been recognised in development pressure from people moving to the area and in response to demand for affordable housing with modern housing development within and on the edges of historic settlements.

With respect to the proposed development, this is an outline application for up to 26 dwellings with details of layout, scale and appearance reserved for later consideration. However, an indicative plan has been provided to identify how 26 dwellings could be accommodated on site and it is noted that the properties along School Close and Bells Close are a mix of single storey and two storey which could be replicated on this site. Based on the site area the current scheme for 26 dwellings would represent 21 dwellings per hectare. The existing residential development of 22 dwellings on Bells Close and School Close represents 30 dwellings per hectare and the 13 dwellings of Butts Close a little further away when include the open space area would equate to 21 dwellings per hectare. Therefore it is considered that the proposal would not be overdevelopment of the site.

Policy COR2 of the Mid Devon Core Strategy seeks high quality sustainable design that reinforces the character and legibility of Mid Devon's built environment and landscape and creates attractive places. Members are advised that the landscape impacts of a development on the site would have been considered prior to allocating the site within the Local Plan Review and in any event, mitigation proposals would need to form part of the reserved matters application.

With regards to protected species and habitats, a Preliminary Ecological Appraisal has been submitted which shows the survey results for the site. No protected species were found on site but the survey indicates the use of the site for foraging by bats. The conclusions were that the proposed development will cause a limited extent of habitat loss during construction, and post occupation disturbance, for bat species (in flight feeding and/or dispersal), dormice (if present), nesting birds, amphibians and reptiles. Through implementation of ecology mitigation, compensation and enhancement measures, the proposal would represent a positive biodiversity gain.

Mitigation through provision of bat boxes and consideration within the scheme design to items such as lighting will need to form part of the reserved matters application.

Subject these further assessments to inform reserved matters, it is considered that the landscape and ecology proposals are capable of complying with policy COR2 of the Mid Devon Core Strategy (LP1) and the provisions of the NPPF.

## **6. Living conditions of the occupiers of nearby residential properties**

Paragraph 127 of the NPPF outlines that planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

This is reflected in policies DM2 and DM14 of the Local Plan 3 Development Management Policies which sets out that new development should respect the privacy and amenity of neighbouring residents. This is an outline application with matters of layout, landscaping, appearance and scale to be considered at a later date, but based on a development of 21 dwellings per hectare and the indicate layout plan provided, it is considered that a residential development could be designed which was in accordance with these two policies.

## 7. Heritage

Policy DM27 of the Local Plan 3 Development Management Policies states that where development proposals are likely to affect heritage assets and their settings, proposals should be assessed to take account of the significance of those assets. Where proposals would substantially harm heritage assets, public benefit must outweigh that harm. Where proposals would lead to less than substantial harm, the harm should be weighed against any public benefit.

Paragraph 189 of the NPPF requires developers to assess the significance of a proposal's impact on heritage assets and their settings. Where a proposal would lead to substantial harm, planning applications should be refused unless substantial public benefits outweigh that harm, and where proposals would lead to less than substantial harm, the harm should be weighed against public benefits. A balanced judgment should be made of the effect of loss of non-designated heritage assets (for example, archaeology), according to the significance of that asset. Developers are required to record and advance understanding of the significance of any heritage assets to be lost and to make this evidence publicly accessible.

With respect to emerging policy CH1 (Barton, Chawleigh) the supporting text outlines that *'the site is located in an area of archaeological potential and records indicate the presence of a prehistoric burial site. Therefore, archaeological investigation of the site will be required, and mitigation if necessary. Appropriate landscaping will be required to mitigate any potential impacts on the conservation area and listed buildings, including the grade I church which lies to the south east.'*

The Historic Environment Team at Devon County Council has noted that the geophysical survey of this site has identified archaeological features associated with the early enclosure of the land as

well as the potential identification of pit-features may indicate the presence of archaeological activity on the site. As such, groundworks for the construction of the proposed development have the potential to expose and destroy archaeological and artefactual deposits associated with these heritage assets. The impact of development upon the archaeological resource here should therefore be mitigated by a programme of archaeological work that should investigate, record and analyse the archaeological evidence that will otherwise be destroyed by the proposed development.

The Historic Environment Team recommends that this application should be supported by the submission of a Written Scheme of Investigation (WSI) setting out a programme of archaeological work to be undertaken in mitigation for the loss of heritage assets with archaeological interest. The WSI should be based on national standards and guidance and be approved by the Historic Environment Team. A condition has been recommended to this affect.

In terms of the potential for the development to impact on the nearby Conservation Area and listed buildings such as the grade I church, the Conservation Office has noted that this is an outline application so whilst it is noted that the site is allocated within the Local Plan Review, the final details will be key in determining that there will not be significant harm to the setting of either the Conservation Area or listed buildings. Therefore subject to the imposition of their recommended condition for a WSI, and allowing for further consideration to the design of the houses and layouts at reserved matters stage, it is considered that a residential development could comply with policy DM27 of the Mid Devon Local Plan Development Management Policies and the requirements of the NPPF.

## **8. Section 106 obligations**

The s106 requirements are set out in full at the start of this report.

The applicants are proposing 30% affordable housing with the s106 requiring submission of an affordable housing scheme setting out the mix and tenure to be agreed prior to provision on site. The Housing Options Manager is content that this will enable the actual need to be assessed at the time allowing the provision of units on site to accord with that need. The provision of affordable housing on site will be in accordance with triggers set out in the agreement.

The application has included an indicative plan which does not include the provision of public open space on site and therefore it would be necessary to secure a financial contribution towards off-site provision, which in this case would be £31,330 with the allocated project being the provision of trim trail equipment and associated paraphernalia for Chawleigh playing field and other public open space within the parish of Chawleigh. This would be secured by way of an s106 agreement.

The Education Authority have requested financial contributions towards education provision as Devon County Council has identified that the proposed increase of 26 family type dwellings would generate an additional 7 primary pupils and 4.2 secondary pupils which would have a direct impact on Chulmleigh Primary and Chulmleigh Community College. In order to make the development acceptable in planning terms, an education contribution to mitigate its impact would be requested which would amount to a contribution of £67,497.00.

The NHS have requested a financial contribution towards maintaining service delivery during the first year of occupation of each unit of the accommodation on/in the development. They advise that due to the payment mechanisms, constitutional and regulatory requirements the Trust is subject to, it will not receive the full funding required to meet the healthcare demand due to the baseline rules on emergency funding and they go on to advise that there is no mechanism for the Trust to recover these costs retrospectively in subsequent years. Without securing such contributions, the

Trust advises that it would have a direct and adverse impact on the delivery of health care in the Trust's area. The NHS has outlined a contribution of £36,979.00 which would be used directly to provide additional health care services to meet patient demand.

However, in respect to the NHS request, this is an outline planning application and as such the residential development would be subject to the time condition that application(s) for approval of all the Reserved Matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and that the development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the Reserved Matters which have been approved, whichever is the later. On this basis, whilst the Trust outline that they are currently operating at full capacity in the provision of urgent and elective healthcare having plans to cater for the known population growth but cannot plan for unanticipated additional growth in the short to medium term the residential development associated with this application, it is noted that this development may not commence for a further five years and take longer still to be occupied and as such it would be difficult to argue that this would represent unanticipated short term or medium term growth. As such at the current time, it is considered that this contribution should not form part of the S106 agreement but Members will be updated on any further recommendations in relation to this matter.

Therefore with the exception of the NHS request, Paragraph 204 of the Framework and Regulation 122 of the Community Infrastructure Levy Regulations 2011 (as amended) set tests in respect of planning obligations. Obligations should only be sought where they meet the following tests:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

It is considered that each of these obligations satisfies the relevant tests above.

## **10. Planning balance**

As set out in section 1 of this report, the tilted balance in paragraph 11 of the NPPF applies to the determination of this application. The application should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF, taken as a whole.

The application is in outline and there are no technical reasons why the application should not be approved, subject to the required mitigation set out in the report above. Impacts on biodiversity, landscape and heritage assets can be adequately mitigated through appropriate final design, layout and landscaping, and the increase in traffic on the local road network is acceptable to the Highway Authority, subject to conditions.

The delivery of 26 new homes, including 30% affordable housing weighs in favour of approval of the application. Also weighing in favour of the approval is the financial contribution towards public open space and education services. There could also be some modest benefits to the local economy, arising from construction and sales and additional spending by local residents on local services and facilities. The site is identified for development within the Local Plan Review (draft policy CH1 - Barton, Chawleigh for 20 dwellings) and is located adjacent the existing settlement limit for the village within walking distance of the centre where existing facilities and services can be found.

Weighing against approval of the application is the fact that the application is not policy compliant in that the emerging local plan has not been adopted and can only be afforded some weight and

also that the proposal is above the 20 dwellings specified in the policy requirements, a net increase of six residential units.

Taking all the above into consideration, and acknowledging that the tilted balance in the NPPF applies, your officers consider that the balance weighs in favour of approval of the application. Other matters put forward in favour of the development include an absence of harm to ecology, flooding, drainage and highway safety. Nonetheless, these are mitigating factors rather than benefits and the weight to be given to them is therefore limited.

## **CONDITIONS**

### **1. CO1 Outline: Reserved Matters**

No development shall begin until detailed drawings to an appropriate scale of the layout, scale and appearance of the buildings and the landscaping of the site (hereinafter called the Reserved Matters) have been submitted to and approved in writing by the Local Planning Authority.

### **2. CO2 Outline: Submission of Reserved Matters**

Application(s) for approval of all the Reserved Matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

### **3. CO3 Outline: Commencement**

The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the Reserved Matters which have been approved, whichever is the later.

### **4. CO6 Outline: additional matters**

The detailed drawings required to be submitted by Condition 1 shall include the following additional information: boundary treatments, hard and soft landscaping, existing site levels, finished floor levels, external lighting, materials, and surface water drainage methods and foul water disposal methods.

### **5. CM1 materials: details/samples to be approved**

Prior to their use on site, details or samples of the materials to be used for all the external surfaces of the buildings shall first have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved materials shall be so retained.

### **6. CL3 Existing trees/hedgerows to be retained – (Outline only)**

As part of the landscaping reserved matters, detailed drawings shall show which existing trees and hedgerows are to be retained on the site as part of the development.

7. No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.

8. Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Environmental Management Plan (CEMP) including:
- (a) the timetable of the works;
  - (b) daily hours of construction;
  - (c) any road closure;
  - (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
  - (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
  - (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
  - (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
  - (h) hours during which no construction traffic will be present at the site;
  - (i) the means of enclosure of the site during construction works; and
  - (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
  - (k) details of wheel washing facilities and obligations
  - (l) The proposed route of all construction traffic exceeding 7.5 tonnes.
  - (m) Details of the amount and location of construction worker parking.
  - (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;

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

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

10. 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

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

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

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

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

15. No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The application for the detailed drainage should be submitted and agreed at the same time that the reserved matters for layout are submitted and agreed. The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems, and those set out in the Flood Risk Assessment and Drainage Strategy (Report Ref. 19001, First Issue, dated April 2019). No part of the development shall be occupied until the surface water management scheme serving that part of the development has been provided in accordance with the approved details and the drainage infrastructure shall be retained and maintained for the lifetime of the development.

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

17. No part of the development hereby permitted shall be commenced until the full details of the adoption and maintenance arrangements for the proposed permanent surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority.

18. The development hereby approved shall be carried out in accordance with the recommendations outlined within the Preliminary Ecological Appraisal Report prepared by EcoLogic dated March 2019.

## **REASONS FOR CONDITIONS**

1. RO1 TCP (DMP) Order 2010

The application was submitted as an outline application in accordance with the provisions of Articles 4 & 5 of The Town and Country Planning (Development Management Procedure) Order 2010.

2. RO2 S 92(2) of TCPA 1990

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

3. RO3 Planning/Compulsory Purchase Act 2004

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

4. RO6 Enable Local Planning Authority to consider

To enable the Local Planning Authority to consider the proposed schemes details in accordance with policies DM2, DM14 and DM27 of the Mid Devon Local Plan Part 3 (Development Management Policies).

5. RM1 Ensure use of materials appropriate

To ensure the use of materials appropriate to the development in order to safeguard the visual amenities of the area in accordance with Mid Devon Core Strategy (Local Plan 1) COR2 Local Plan Part 3: (Development Management Policies) DM2, DM14 and DM27.

6. RL3 Interest of the visual amenity of area in accordance with policies DM2 and DM27 of the adopted Mid Devon Local Plan Part 3 (Development Management Policies)

7. To ensure, in accordance with Policy DM27 and paragraph 199 of the National Planning Policy Framework, that an appropriate record is made of archaeological evidence that may be affected by the development

8. To ensure that the proposed development does not prejudice the amenities of neighbouring occupiers in accordance with policies DM2 and DM14 of the LP3 DMP

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

10. 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.

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

12. To protect water quality and minimise flood risk in accordance with Flood Management act.
13. To ensure that surface water from the development is discharged as high up the drainage hierarchy as is feasible.
14. To ensure that the use of infiltration devices on the site is an appropriate means of surface water drainage management.
15. To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems.
16. To ensure that surface water runoff from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area.
17. To ensure that the development's permanent surface water drainage management systems will remain fully operational throughout the lifetime of the development.
18. To ensure the protection of endangered species, under the European Habitats Directive and the Conservation of Natural Habitats and of Wild Fauna and Flora [Council Directive 92/43/EEC] which is implemented in the UK by the Conservation [Natural Habitats & Conservation] Regulations 1994 [Statutory Instrument No 2716] amended in 2007 and in accordance with policy DM2 of Mid Devon Local Plan Part 3 [Development Management Policies].

## **INFORMATIVE**

1. The Lead Local Flood Authority advises the applicant to refer to Devon County Council's Sustainable Drainage Guidance.

## **REASON FOR APPROVAL OF PERMISSION**

The principle of developing the site for 26 dwellings and the proposed means of access to service the site are the only issues for consideration through this application. The site is adjacent to the defined settlement limit of Chawleigh but would be within the defined settlement limit in the emerging local plan, with the site being allocated for residential development. The quantum and density of development proposed is slightly more than that of the policy aspirations identified within the land allocation for residential development within the emerging local plan policy. The access into the site to serve a development of 26 dwellings is considered acceptable to the Highway Authority. Matters relating to architecture and design of all buildings, height, scale and massing of all buildings, design and layout of public and highway infrastructure within the site area, design and layout of green infrastructure, design of other landscaped areas, drainage infrastructure and parking provision are all reserved for future consideration. Mid Devon District Council's policies for the supply of housing are considered to be out of date, despite the Council being able to demonstrate a 5 year housing land supply. Therefore, the tilted balance in paragraph 11 of the NPPF applies to the determination of this application. The application should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF, taken as a whole. The application is in outline and there are no technical reasons why the application should not be approved, subject to appropriate mitigation as proposed. Impacts on biodiversity and landscape can be adequately mitigated, and the access arrangement and increase in traffic on the local road network is acceptable to the Highway Authority. The delivery of 26 new homes, including 30% affordable housing weighs in favour of approval of the application as do S106 contributions towards public open space and

education. Weighing against approval of the application is the fact that the application is not policy compliant in terms of this being a site currently outside of the settlement limit and providing more housing than stated within the emerging local plan policy. Taking all the above into consideration, and acknowledging that the tilted balance in the NPPF applies, the application is considered to be acceptable. The application scheme is considered to meet the requirements of Policies COR1, COR2, COR8, COR9, COR11 and COR17 of the Mid Devon Core Strategy (Local Plan Part 1), Policies AL/IN/3 and AL/IN/5 of the Mid Devon Allocations and Infrastructure Development Plan Document (Local Plan Part 2) and Policies DM1, DM2, DM4, DM8 and DM27 of the Mid Devon Local Plan Part 3 (Development Management Policies), (as far as is relevant to the application details).

*Section 149 of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between different people when carrying out their activities. This is called the Public Sector Equality Duty or "PSED". No persons that could be affected by the development have been identified as sharing any protected characteristic.*

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

Application No. 18/01711/MFUL

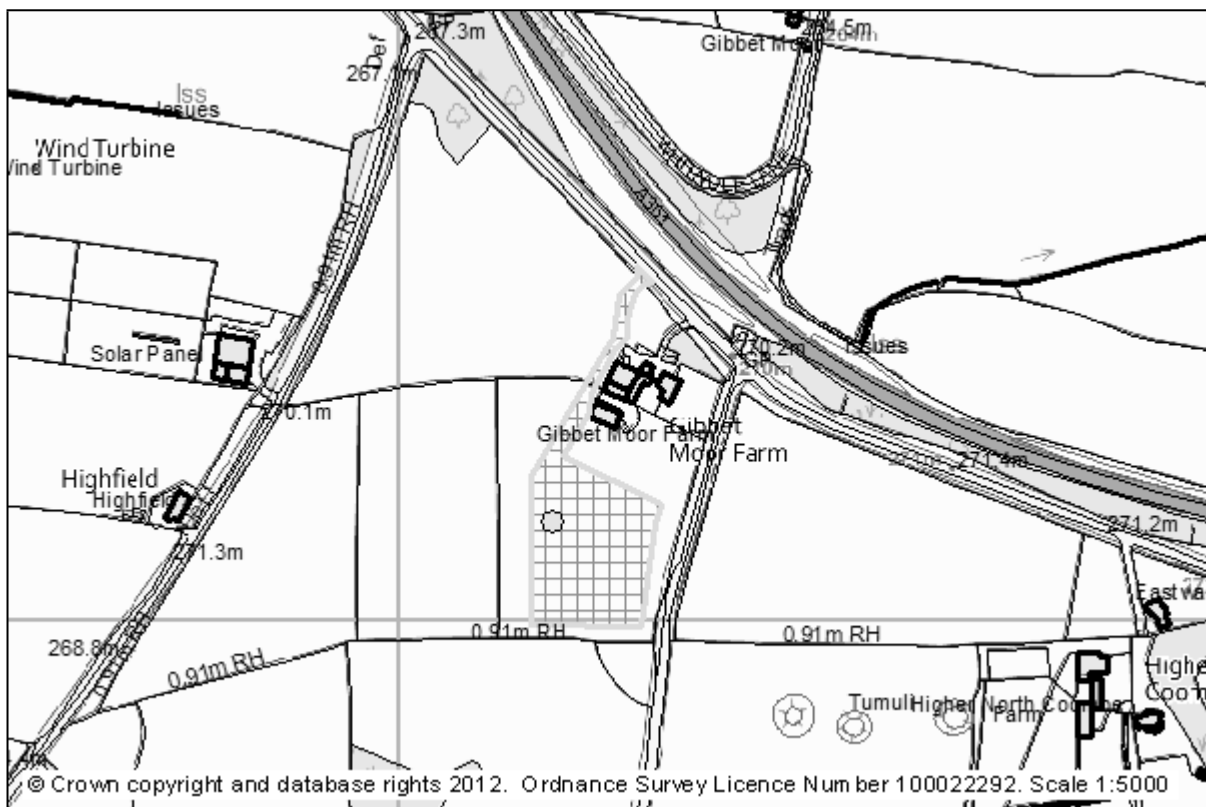
Grid Ref: 288069 : 117081

Applicant: Mr W Reed

Location: Land and Buildings at NGR 288069 117081 (Gibbet Moor Farm)  
Rackenford  
Devon

Proposal: Formation of an open clamp (4630m<sup>2</sup>) for the storage of silage and provision of new access

Date Valid: 9th October 2018



## **APPLICATION NO: 18/01711/MFUL**

### **MEMBER CALL-IN**

This application has been called in by Cllr Ray Stanley and Cllr Andrew Moore in order for the Planning Committee to consider: whether the transport movements associated with the use of the proposed silage clamp will have an unacceptable impact on the amenity of the surrounding rural area, whether the size of the silage clamp is acceptable and whether the development would result in an unacceptable risk of pollution.

### **RECOMMENDATION**

Grant permission subject to conditions

### **PROPOSED DEVELOPMENT**

Formation of an open clamp (4630m<sup>2</sup>) for the storage of silage and provision of new access

### **RELEVANT PLANNING HISTORY**

10/00026/DCC - DCCREF date 22nd July 2010

County Matter for construction of an anaerobic digestion facility with associated landscaping, ground and other works - DCC REFUSAL OF PLANNING PERMISSION - DATED 22ND JULY 2010.

18/00875/FULL - PERMIT date 6th August 2018

Retention of an agricultural access track

18/01711/MFUL - PCO date

Formation of an open clamp (4630m<sup>2</sup>) for the storage of silage and provision of new access

18/01527/PNAG - PDA date 25th October 2018

Prior Notification for the erection of an agricultural storage building

18/01711/MFUL - PCO date

Formation of an open clamp (4630m<sup>2</sup>) for the storage of silage and provision of new access

### **DEVELOPMENT PLAN POLICIES**

#### **Mid Devon Core Strategy (Local Plan 1)**

COR2, COR11, COR18

#### **Mid Devon Local Plan Part 3 (Development Management Policies)**

DM1, DM2, DM6, DM7, DM22, DM27

### **CONSULTATIONS**

#### PUBLIC HEALTH

2 November 2018

Contaminated Land

No objection to the proposal

Air Quality

No objection to this proposal

Environmental Permitting

No objection to this proposal

Drainage	No objection to the proposal
Noise & other nuisances	No objection to the proposal
Housing Standards	No comment
Licensing	No comments
Food Hygiene	Not applicable
Private Water Supplies	Not applicable
Health and Safety	No objection to this proposal enforced by HSE.

#### RACKENFORD & CREACOMBE PARISH COUNCIL

12 November 2018

The Council has concerns that no evidence is provided to support the claim that there will be no increase in traffic, with no information on what this amounts to at present or the directions in which silage will be moving to and from the site. There is also concern that the proposal is too large to be accommodated on this site and evidently much larger than is necessary to hold the silage taken off the farm itself.

2 August 2019

Rackenford & Creacombe Parish Council would like to re-iterate the comments previously submitted in relation to this planning application as follows:

The Council has concerns that the evidence provided does not allay its fear that there will an increase in traffic as a result of this proposal. There is still concern that the proposal is too large to be accommodated on this site and evidently much larger that is necessary to hold the silage taken off the farm itself.

#### STOODLEIGH PARISH COUNCIL

27 November 2018

This application was considered at a meeting of Stoodleigh Parish Council held last evening.

The Parish Council wish to object to the application as it considered that the industrial scale of the proposed development is wholly inappropriate.

It also has concerns that in the absence of a Pollution Impact Assessment there is potential for the contamination of watercourses leading into the Iron Mill Stream and River Exe.

Philip Talbot

Chairman, Stoodleigh Parish Council.

5 August 2019

We continue to object to this application (previous response 27th November 2018) because the scale of the development suggests industrial use, not agricultural, with the potential for associated consequences. Furthermore, we still have concerns over the environmental impact of the

development and draw attention to our original objection which highlighted the potential for the contamination of watercourses leading to the Iron Mill Stream and the River Exe.

#### TEMPLETON PARISH COUNCIL

15 November 2018

Templeton Parish Council, as a neighbouring authority, wish to comment as follows:

Will there be a maximum total height restriction for the silage heap, allowed to be above the 3 metre concrete panelled sides?

There is no room for articulated lorries to turn left to approach the site, off the A361 (Stoneland Junction) coming from Tiverton direction without crossing over into the opposite lane of traffic approaching the junction. Please refer back to the Conditions referenced previous Milk Transfer and Tiverton Energy Centre Planning Permissions.

The plan indicates there is a farm track situated on the very east side of the site boundary, this is in fact a Council maintained road servicing Templeton Bridge known as Shell Lane.

No Night Lighting should be conditioned.

Normal working hours to be observed.

The drive to be concreted and a concrete turning area for articulated lorries.

There is concern regarding surface water run off.

5 August 2019

Templeton Parish Council wish to respond as follows:

1. The silage clamps are huge. Normal clamps are about 600 sq. metres. The question is asked as to where the silage is going to come from to fill the clamps. There are no cattle at Gibbet Moor and it is therefore not understood why a silage clamp is required for the sole purpose of storing winter feed.

2. Vehicle movements. These are likely to be considerable added to which there will be a significant risk of 44 tonne HGV's turning right at Stonelands Cross onto the A361 North Devon Link Road where there is almost a constant stream of traffic in both directions, more so with holidays makers during the harvesting season.

We note that net tonnage figures indicate the filling of the proposed clamp, it does not give the gross weight being carried on the public roads, being also the additional 10 tonnes or so of tractor and trailer, which is the actual road impact that the residents experience.

We note that the totals of trips to the clamp do not include their return journeys.

Furthermore, in addition to an increase of traffic with large vehicles trying to exit and access the site, small country lanes, often single track rural lanes of unsuitable construction, lead to the site which will undoubtedly have a detrimental effect on the condition of the road, where it is known that DCC do not have funding for repairs, and the safety of other road users.

3. It seems strange that this Application states the clamps are required for agricultural use where there are no cattle on the site. This then begs the question as to whether an Application on a commercial basis should be submitted.

If the clamps are required for agricultural use, it must be incorporated into any consent given that an upgrade to commercial use is prohibited and part of the condition of planning approval.

4. Can it be confirmed that the clamp for silage is for animal feed, or is it a storage facility for the anaerobic digester?

If the storage is to be for AD feed, then there will be the requirement to return the resulting digestate back to the grass originating fields in order to be eligible for renewable/sustainable taxpayer subsidies, thus doubling the transport impacts.

5. There will potentially be considerable run-off resulting in environmental risks, given the number of tributaries to multiple rivers in the area.

6. Can it be confirmed where the all the silage will eventually go? If it has to be a source from within a 6 mile radius, is this Application feasible? There is bound to be a significant impact on the area in terms of noise and vehicle emissions.

7. Will this application if granted ensure this operator neither has the ability nor the need for creating any future field heaps specifically as he apparently no longer farms livestock and purely services Willand AD?

8. In view of MDDC responsibility for the local Environment and DCC Highways for road safety - combined with recent statements regarding 'Climate emergency' and future GHG reductions - have the full cumulative effects attributable to this application been assessed; in combination with present daily traffic journeys (approx. 15 miles) already made by this operator to service Willand AD; and the two 'Care in the community' project applications for 'vulnerable adults' presently being considered, all within the same locality and all requiring to walk, drive, cycle utilising the same overcrowded class C infrastructure. We are told by DCC highways workmen that Shell Lane, marked as a 'farm track' on the application, will likely no longer be maintained as 'it has growing in the middle'.

#### TIVERTON TOWN COUNCIL

Not in our parish so unable to comment

#### WASHFIELD PARISH COUNCIL

28 November 2018

Washfield Parish Council has decided not to comment on this application as it does not affect the parish.

#### NORTH DEVON DISTRICT COUNCIL

27 November 2018

Thank you for your consultation received on 29 October 2018 and the opportunity to comment on the above application.

I note that your correspondence states that our comments should reach the Head of Planning and Regeneration no later than 13th November 2018 and that if no comments are received within this period it will be assumed that we have no observations to make. I have however looked at your website and note that the application has yet to be determined as it has not been demonstrated that the application is reasonably necessary for the purposes of agriculture. It would appear that whilst additional information has been submitted in support of the application the planning officer has commented that they are of the opinion that the storage of silage used to feed an anaerobic

digester is not an agricultural activity and is an industrial form of development. The use of small quantities of this to feed cattle on the farm holding would be considered ancillary to the primary industrial activity.

Consequently the development cannot be considered under the current application, due to the entirely different policy considerations for an industrial development, along with the requirement of significantly more information to be submitted for considered in the determination of an application. The correspondence states that "entirely changing the nature of the proposal during the current application process would also be prejudicial to the stakeholders involved in the process, including the statutory consultees and other interested parties".

I note that planning officer has advised of the following additional information that would be required in conjunction with an application for an industrial development of this scale:

- A waster audit statement
- A full and detailed surface water drainage strategy
- Ecological survey and report
- Pollution impact assessment and mitigation scheme
- Transport assessment

They have however stated that they are unwilling to receive this additional information for consideration under the current application.

In light of the above, until such matters are addressed North Devon District Council have no comments at this stage.

#### FLOOD and COASTAL RISK MANAGEMENT TEAM

15 November 2018

#### Recommendation:

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

#### Observations:

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

<https://new.devon.gov.uk/floodriskmanagement/sustainable-drainage/>. It is recommended that the applicant consults the Environment Agency on the pollution risk from the effluent associated with the silage pit.

23 April 2019

The yard area should drain to a separate system as hydrocarbons and metals (coming from rainfall washing off plant and machinery) could be present within this runoff. This surface water drainage system should be sized for the 1 in 100 year (+40% allowance for climate change) rainfall event for the area draining to it. This surface water should be managed via infiltration or discharge to the nearest ordinary watercourse (upon further review of the site, there appears to be a watercourse bounding the south of the site) and should be treated.

The silage clamp should be sized to the 1 in 100 year (+40% allowance for climate change) rainfall event. An overflow system may be needed if the tank is partially full, but it may be that the applicant can demonstrate where the system will overflow from. The area surrounding the overflow point should be designed/planted to ensure that erosion does not occur. A gently falling cut-off ditch (with appropriate planting) may be appropriate for overflows to allow some nutrients within the water to filter out. The overflow from this ditch should be appropriately designed

We wouldn't require any details to be submitted regarding the frequency of emptying the tanks as the frequency will be dependent on a few variables (such as, how much water is in the tank). We would require that an appropriate overflow from the tank is designed in the event that the tank is not empty.

5 June 2019

The Environment Agency guidelines state the minimum storage that should be provided for surface water. However, Devon County Council (Lead Local Flood Authority) requires further storage to be provided as this silage clamp will be large in size.

Devon County Council also require overflow from the system to be assessed. If the tank is overwhelmed by a rainfall event, or the tank has not been emptied before a rainfall event, then the tank will overflow. If the silage clamp is full then there is potential that this water will contain nutrients from the silage that need to be filtered out before the water makes its way to a watercourse.

The yard area requires drainage but I cannot see anything proposed to drain this yard area. The yard area could have a large number of vehicle (including tractor) movements and could pick up sediments from wheels or transporting silage. The surface water from the yard area should be treated to remove sediments and any pollutants.

#### HIGHWAYS AUTHORITY

5 August 2019

On the basis that Gibbet was being used already we would have no objections

#### HISTORIC ENVIRONMENT TEAM

25th October 2018

Comments from Stephen Reed, Senior Historic Environment Officer

Devon County Historic Environment Team ref: Arch/DM/MD/33417a

I refer to the above application and your recent consultation. Previous archaeological investigations - excavation and geophysical survey - undertaken in support of earlier applications for this area have demonstrated that there are no significant archaeological deposits or features within the proposed application area and that the site is largely archaeologically sterile, with the exception of several shallow post-medieval features.

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

## NATURAL ENGLAND

8 August 2019

Natural England has no comments to make on this application.

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

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

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

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

## ENVIRONMENT AGENCY

30 October 2018

Thank you for consulting us on this planning application. Technically, silage storage is outside of the scope of the matters that we request being consulted on as per the advice for local Planning Authorities guidance, however, we provide advice to the applicant below regarding SSAFO regulations.

### Advice - SSAFO Regulations

The proposed development must fully comply with the terms of The Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) (SSAFO) Regulations 2010 and as amended 2013. These regulations aim to prevent pollution from stores of silage, slurry and agricultural fuel oil. They set out requirements for the design, construction and maintenance of new facilities for storing these substances. Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or underground waters.

The applicant must inform the Environment Agency, verbally (Tel: 03708 506 506) or in writing, of a new, reconstructed or enlarged slurry store, silage clamp or fuel store at least 14 days before starting any construction work. The notification must include the type of structure and the proposed design and construction. Please send us a completed WQE3 notification form before you start using the facility.

Further information can be accessed on our website at: <https://www.gov.uk/storing-silage-slurry-and-agricultural-fuel-oil>.

Environmental good practice advice is available in The Code of Good Agricultural Practice (COGAP) for the protection of water, soil and air (produced by DEFRA):

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/268691/pb13558-cogap-131223.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/268691/pb13558-cogap-131223.pdf)

Please contact us again if you require any further advice.

## REPRESENTATIONS

7 letters of objection from 4 individuals: summary of issues raised below:

- . Risk of contamination through effluent from silage
- . Access means removing a Devon bank which has been recently re-instated. The access is also very wide
- . Silage would have to be imported from applicant's other land. Narrow country lanes access to site
- . Increase in heavy lorries will make Stonelands Cross a much more dangerous crossing
- . The proposed silage clamps indicate an industrial unit rather than an agricultural one
- . Allowing such an application would have a detrimental impact on value of surrounding properties
- . The increase in traffic will harm highway safety
- . Concern that the granting could lead to further expansion of site
- . At peak silage making periods there are going to be between 20 and 30 trips per day on narrow country lanes
- . Where is the grass from Gibbett Moor farm going; the 21.5 ha holding would produce 1,000 tonnes. The transport assessment accounts for all of the 20,000 tonne clamp capacity
- . Unclear how the digestate would be dealt with

## MATERIAL CONSIDERATIONS AND OBSERVATIONS

The site is relatively level with a slight fall from north to south. The field is bounded by a mature hedge to the west and a line of trees to the south beyond a drainage ditch. To the north is the site of the agricultural storage building granted under prior notification (ref: 18/01527/PNAG) but not yet constructed. Beyond is the historic farmstead of Gibbet Moor Farm comprising the old farmhouse and a range of traditional and mid-20C buildings.

The proposed development comprises a silage clamp constructed on a concrete base with concrete panel walls on three sides. A further concrete yard area would be formed between the clamp and the proposed storage building. Two underground effluent storage tanks are proposed at the north-west corner of the clamp.

The clamp would measure 86m/60m long and 63m wide (4630 sqm in area). The walls would be 3m high with a 1.25m safety rail on top. The hardstanding would be 2075 sqm in area.

## **PRINCIPLE OF DEVELOPMENT**

Policy DM22 (a) permits development reasonably necessary to support farming activity on that farm or in the immediate agricultural community.

Paragraph 170 of the National Planning Policy Framework states that planning decisions should recognise the economic benefits of the best and most versatile agricultural land.

Para 171 states that where significant development of agricultural land is demonstrated to be necessary for development, areas of poorer quality land should be preferred to those of a higher quality.

The site falls within Agricultural Land Classification grade 3 (Good-Moderate). The overall land classification grading in the parish of Stoodleigh and adjoining parishes is a mix of grade 3 (Good to Moderate) and grade 4 (Poor).

Despite the size of the proposed clamp officers consider the use of the land for the purpose of storage of silage is an agricultural use. The transport assessment submitted with the application shows the location of the other farm holdings under the ownership of the applicant. All of the farms are within a 1 ½ mile radius of the site which in terms of policy is considered to be within the immediate agricultural community, in line with DM22 (a). The principle of the use of grade 3 land for the purpose proposed is considered to be acceptable.

## **LANDSCAPE AND VISUAL IMPACT**

Policy COR2 states that development should preserve and enhance the distinctive qualities of Mid Devon's natural landscape, supporting opportunities identified within landscape character areas. Policy DM22 (b) permits development which is sensitively located, respecting the character and appearance of the area.

The site is within Landscape Character Type 1F (Farmed lowland moorland and Culm grassland). This LCT is characterised by flat to gently rolling moorland plateau with regular field patterns and areas of unenclosed moorland heath.

The site is enclosed on two sides by mature vegetation. A hedgerow runs the full extent of the eastern boundary of the field. The hedgerow has been allowed to grow over the years, contains a large proportion of Beech and appears to be in good health with few gaps. There are also a number of mature trees growing within the hedge. The southern boundary is enclosed by a line of trees growing on a small earth bank. To the north is the historic farmstead and the proposed new large agricultural storage building. Beyond the eastern boundary along the lane there is a line of mature trees growing.

Despite the site being relatively elevated there are few public vantage points providing opportunities to view the proposed development. There are no public rights of way in the vicinity and no raised common land. Views towards the site from Stoneland Cross are dominated by the farm machinery training site and associated buildings at Highfield Farm (within North Devon District).

Silage clamps are a common feature in an agricultural landscape. While the size of the silage clamp proposed under this application and hardstanding would be undoubtedly large officer visits and photographs demonstrate that the site is remarkably well contained despite its size. The concrete panels which would form the enclosures of the clamp would be utilitarian in appearance. They would not make a positive contribution to the character of the area and no mitigation has

been suggested in terms of additional landscaping or ecological enhancement. Notwithstanding their stark appearance and length any impact appreciated by local traffic viewing the panels through existing established hedgerows would be localised to those using the lane immediately to the east of the site. The lane does not form part of any designated recreational route and on the basis of the officer visits is only sporadically used.

The new access to the site is proposed at the location of the access approved under 07/01849/FULL and 10/01531/FULL for the milk distribution depot. This access was formed under the 2007 approval but has been subsequently closed up. Re-opening would involve removing a bank with low lying vegetation on-top which has been formed on the boundary. The impact of re-establishing the access would be limited in terms of local character.

Having regard for the above it is considered that the proposed development would meet the criteria set out in COR2 and DM22 (b) in respect of protecting local amenity and landscape.

## **HISTORIC ENVIRONMENT**

Policy DM2 (c) seeks a positive contribution to local character including any heritage assets. Paragraph 197 states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Gibbett Moor Farm appears on the Devon Historic Environment Record (HER) and is considered a non-designated heritage asset as an historic farmstead of local importance. The farmhouse is shown on the 1841 Tithe map as two cottages; on the 1888 map it had been amalgamated into a single farmhouse.

In addition there are other archaeological features/artefacts showing on the HER within the field.

The proposed development would be located between 60-80m to the south of the farmhouse. It would be beyond the large storage building granted under 18/01527/PNAG which will form a significant visual break. Having regard for the separation and the continued agricultural use of the site it is not considered that the proposed development would result in harm to the setting the Gibbett Moor Farm heritage asset.

The application has been screened by Devon County Council's Historic Environment Team who state that the field is largely archaeologically sterile and have no further comments to make in respect of the proposal.

## **TRAFFIC**

Concern has been raised locally by residents and relevant Parish Councils regarding the implications of the proposed development on local traffic movements.

Policy DM22 (d) states that development will be permitted where it will not have an unacceptable traffic impact on the local road network.

It was stated in the applicant's supporting statement submitted 26 April 2019 that there is currently 15,000 tonnes of material being stored on site in field clamps at Gibbett Moor Farm between April to October. The transport assessment submitted with the application on 29 July 2019 informs the

local planning authority that the proposed permanent clamp would have a capacity of 20,000 tonnes.

It was later confirmed by email on 6 August 2019 that the capacity of the existing field clamps is 20,000 tonnes and that therefore there would be no additional traffic movements associated with the proposed development.

On this basis of these statements the Highways Authority has raised no objection to the application and the proposal is considered, on balance to be in accordance with policy DM22 (d) Local Plan Part 3 (Development Management Policies).

### **IMPACT ON RESIDENTIAL AMENITIES**

The nearest residential properties are between 240-280m from the site. Having regard for the type and scale of the proposed development Public Health do not consider that the proposals would give rise to a complaint of statutory nuisance.

The proposed access would be onto the class 3 road to the north of the site. It is not considered that the proposed access and traffic movements likely to be associated with the proposed development would have an unacceptably adverse impact on the amenities of the occupiers of neighbouring properties.

On this basis officers consider that the proposed development is in accordance with DM2 (e) and DM22 (b).

### **SURFACE WATER DRAINAGE**

Policy DM2 requires new development to demonstrate appropriate drainage including sustainable drainage systems where available. The surface water drainage strategy for the proposed development is proposed to be split into two systems.

Effluent emanating from the storage of silage within the clamp would be drained to two underground storage tanks to the north-eastern corner of the site. The proposed tanks would have combined capacity of 226 cubic metres. This is double the capacity required by the Environment Agency to ensure that the storage is not overwhelmed by a rainfall event. Devon County Council's Lead Local Flood Authority (LLFA) is satisfied with this arrangement, subject to proper management of the tank. According the applicant's supporting statement the stored liquid would be taken by tanker onto the applicant's land disposal, in accordance with agricultural best practice.

Surface water from the hardstanding is proposed to be collected and transported via a drainage channel to the drainage ditch to at the southern end of the field. The LLFA has raised an objection to this strategy. The yard area could have large number of vehicle movements (including tractors) which could pick up sediments from wheels or from transporting silage, therefore the surface water should be treated to remove sediments and any pollutants. If the surface water discharges directly into the drainage ditch there is potential for contamination of ground water locally.

Having regard for the above officers are not satisfied that the proposed strategy for drainage of the surface water from the concrete yard adequately safeguards against the risk of pollution, however it is considered that an alternative strategy is possible and that, subject to details reserved by condition being submitted to the satisfaction of the LLFA, the development can be achieved without harm to the natural environment. It is therefore considered that with the submission of

additional details relating to the drainage of the concrete yard that the development would be in accordance with the requirements of policy DM2 Local plan part 3 (Development Management Policies).

## **ECOLOGICAL IMPACT**

Policy DM2 c requires new development to demonstrate a positive contribution to biodiversity assets.

The site is within a field comprising arable land. It does not fall within any designated site for wildlife interest and there are no statutory designated sites within 500m of the site.

The site has been appraised and an ecological report submitted. The report advises that habitat loss arising from the proposed development (clamps, hardstanding and associated access) would be no more than a minor ecological impact on a local scale. Natural England has no comments to make in respect of the proposal. While the development cannot demonstrate any direct positive contributions to biodiversity due to their only being a minor ecological impact identified it is not considered that this impact alone could be used to substantiate a refusal of the application.

## **CONCLUSION**

The proposal is for a large silage clamp within a field south of the A361. Notwithstanding the public comments in respect of the scale and the potential use of the storage of silage product for anaerobic digestion officers consider the application to be agricultural and therefore appropriate in the countryside location. The use of grade 3 land for the purposes of agriculture is considered acceptable in-line with Government guidance. The land does not fall within a recognised landscape or ecological designation; the site is contained by mature hedgerows and there are limited public views into or across the site. The proposed development is not considered to cause demonstrable harm to the character and appearance of the rural landscape or result in harm to local ecological networks. Drainage of the clamp is through attenuation with the effluent being deposited on the land in accordance with best practice. Highways have raised no objection to the proposal on the basis that there would be no net increase in vehicle movements above those associated with the existing field silage clamps.

Section 149 of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between different people when carrying out their activities. This is called the Public Sector Equality Duty or "PSED". No persons that could be affected by the development have been identified as sharing any protected characteristic.

## **CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.

3. Prior to the development hereby permitted being first brought into use the vehicular access as indicated on the approved plans shall be constructed and completed and shall thereafter be maintained for the duration of the use of the site for the purposes approved.
4. Prior to the silage clamp first being brought into use, the site access road shall be hardened, surfaced, drained (and maintained thereafter) for a distance of not less than 6.00 metres back from its junction with the public highway.
5. Prior to their construction, details of the concrete panels and safety railing proposed around the silage clamp shall be submitted and approved in writing by the Local Planning Authority. The silage clamp shall be constructed in accordance with the approved details and shall thereafter be so retained.
6. Notwithstanding the details shown on the approved drawing number 5 revised, received 25<sup>th</sup> July 2019, details of the proposed drainage of the cross hatched concrete yard shall be submitted to and approved in the writing by the Local Planning Authority in conjunction with the Lead Local Flood Authority. The approved drainage details shall be carried out prior to the development hereby approved being first brought into use and shall thereafter be maintained.
7. Prior to the first use of the silage clamp the underground effluent storage tanks and drainage channels as shown on the approved drawings shall be constructed and fully operational. The storage tanks and drainage channels shall thereafter be maintained.
8. Prior to the first use of the development hereby approved, details of the external lighting and times of its use shall be submitted to and approved in writing by the Local Planning Authority. Lighting shall be installed, operated and retained in accordance with the approved details. No other external lighting shall be erected on site without the prior consent in writing of the Local Planning Authority.

## **REASONS FOR CONDITIONS**

1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of proper planning.
3. To provide a satisfactory access to the site in accordance with the requirements of policy COR9 Mid Devon Core StrategyDM2 Local Plan part 3 (Development Management Policies).
4. To prevent mud and other debris being carried onto the public highway.
5. In the interests of visual amenity, in accordance with policies DM2 and DM22 of the Mid Devon Local Plan.
6. To ensure that the development is appropriately drained and to prevent groundwater pollution, in accordance with policy DM2 of the Mid Devon Local Plan.
7. To ensure that the development is appropriately drained and to prevent groundwater pollution, in accordance with policy DM2 of the Mid Devon Local Plan.

8. In the interest of safeguarding the character and amenity of the rural area and preventing light pollution, in accordance with policy DM7 of the Mid Devon Local Plan.

### **REASON FOR APPROVAL OF PERMISSION**

The proposed erection of a silage clamp at Gibbett Moor is considered to be supportable in planning policy terms. The development is considered to be reasonably necessary in supporting agricultural activity in the immediate agricultural community. Given the location of the development it is not considered that the proposal will have an adverse impact on the living conditions of any local residents or the local environment. Having regard for the scale, design and siting of the proposed clamp it is not considered that the development will have an adverse impact on the visual amenity of the area. The development is not considered to result in an unacceptable increase in traffic upon the local road network and the proposed access to the site is considered to be acceptable. As such the proposal is considered to comply with policies COR2, CO11 and COR18 of the Mid Devon Core Strategy (Local Plan part 1), DM1, DM2, DM6, DM7, DM22, DM27 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.

Application No. 19/01396/TPO

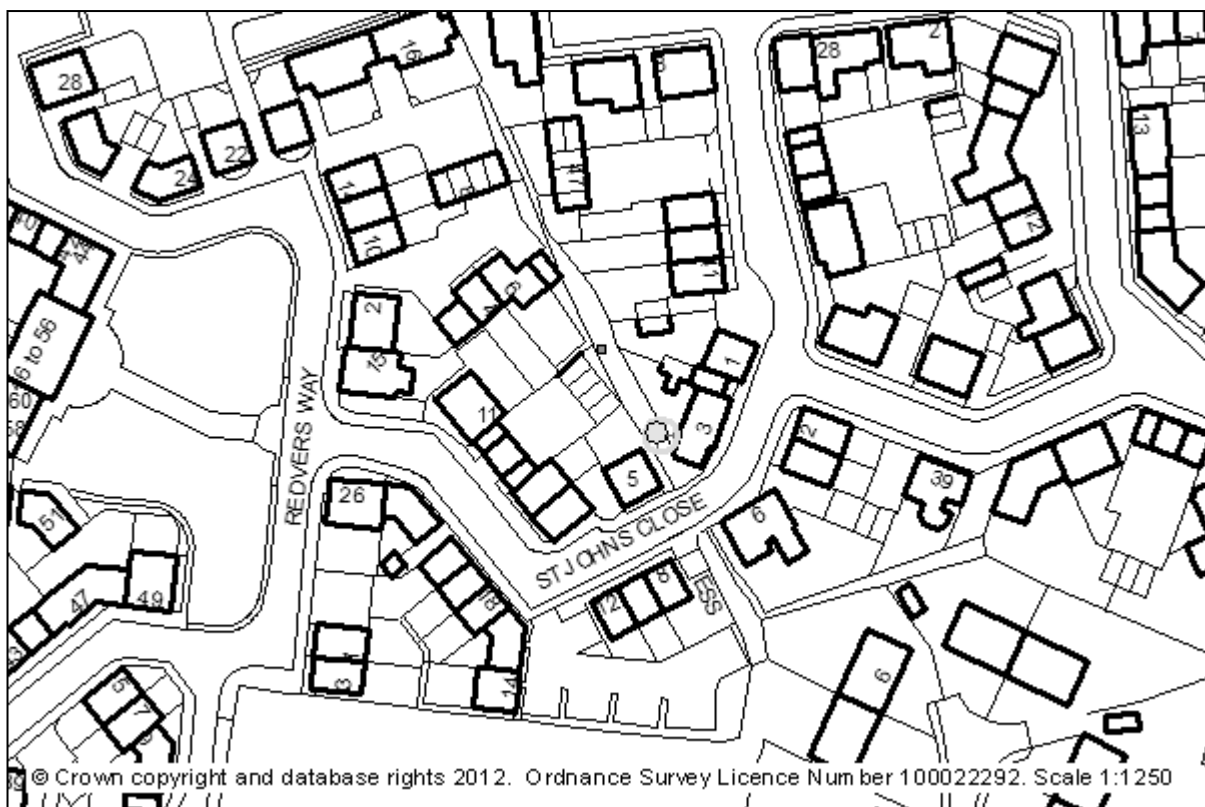
Grid Ref: 296476 : 113635

Applicant: Mrs Sandra Hutchings

Location: Land at NGR 296476 113635 (Adjacent to 3 St Johns Close)  
Redvers Way  
Tiverton  
Devon

Proposal: Application to fell 1 Oak tree protected by Tree Preservation Order 02/00006/TPO

Date Valid: 19th August 2019



## **APPLICATION NO: 19/01396/TPO**

### **RECOMMENDATION**

Grant Consent

### **PROPOSED DEVELOPMENT**

Application to fell 1 Oak tree protected by Tree Preservation Order 02/00006/TPO at 3 St John's Close, Redvers Way, Tiverton

### **APPLICANT'S SUPPORTING INFORMATION**

MDDC Tree officer has visited the site and advised an application should be made. Propose replacing tree with a more suitable species such as a hawthorn or similar ornamental/native tree to keep the amenity of the existing hedge.

Photo of oak tree and photos of examples of replacement tree

Site Plan

Decision notice for application 90/01600/OUT (condition 20) and plan

### **RELEVANT PLANNING HISTORY**

90/01600/OUT Outline for residential development, access roads, public open space, landscaping, primary school, district centre and construction of vehicular access- Granted

### **CONSULTATIONS**

Tiverton Town Council It is felt that the reason given for the removal of this oak tree is not sufficient to justify the destruction of the tree with a preservation order, therefore Tiverton Town Council does not support this application.

### **REPRESENTATIONS**

I letter of representation summarised as follows:

1. I do not necessarily object to the proposal, but do have some concerns regarding the work over proximity of works to remove the tree to her house and risk, including structural through the felling operation. Expect to be notified about the work.
2. Similar concerns raised over the replacement tree. The existing tree is well established with the root system factored into the positioning of the buildings and foundations. A new tree could undermine the foundations over time. Queries if there is scope to change the position of the new tree to be planted further away.
3. Query if it is necessary for the tree to be felled and a new one put in its place when it could be reasonable to reduce its height and branches which would improve the aesthetics.

### **MATERIAL CONSIDERATIONS AND OBSERVATIONS**

This application has been received following a pre applications site visit. The tree is located on the boundary of an area Tree Preservation Order made in 2002.

This small Oak tree is situated within what would have been an existing hedgerow before the area was developed. At the time the Tree Preservation Order was made it is likely that the tree did not stand out as a separate specimen but grew more of a part of the existing hedgerow.

It is not possible to allow this tree to reach maturity in this location as the space is so restricted. The hedgerow remains an important feature of the area and provides some habitat value in this new residential development. The tree could be removed but left at just below hedge height to allow it to continue to grow within the informally managed hedgerow. The tree as an individual is not a fine specimen tree and in its own right it is not worthy of protection by a Tree Preservation Order. This combined with the unsuitability of the location leads to there being no objection from MDDC Tree Officer to remove and replace this tree with a smaller specimen.

## SUMMARY

The combination of the tree not being an excellent specimen and being in an unsuitable location means that MDDC Tree Officer has no objection to its removal and replacement.

## CONDITIONS

1. The works hereby permitted shall be carried out within two years of the date of this consent.
2. All works shall be carried out in accordance with BS3998:2010 Tree Work Recommendations and/or European Pruning Guide (AA Guidance Note. 5) by an appropriate experienced and qualified tree surgeon.
3. The works hereby permitted shall consist solely of the following:
  - 1) Fell to ground level or hedge height of 1 Oak tree
4. The tree that is to be removed shall be replaced by *Crataegus monogyna* (or cultivars) or other such species and as may be agreed in writing by the Local planning Authority and with a 6-8cm girth (or container grown 5-10 litre pot) in accordance with BS8545:2014 Trees: from independence in the landscape – Recommendations. The tree shall be planted within 5 metres of the felled tree, or other such location as may be agreed in writing with the Local Planning Authority. The replacement tree should be planted in the next growing season following the felling of the tree. If the tree is damaged, uprooted, destroyed or dies it will be replaced in accordance with the above specification.

## REASONS FOR CONDITIONS

1. To ensure the works carried out remain appropriate to the conditions of the tree and in the interests of visual amenity.
2. To ensure the works are carried out in accordance with best Arboricultural practice.
3. To preserve the continued contribution of the tree to the local character and amenity whilst enabling such works as are required to manage the tree in accordance with best Arboricultural practice.
4. In the interests of replacing the amenity lost by the removal of the tree.

## INFORMATIVES

You are advised that:

**WILDLIFE AND THE LAW.** The protection afforded to wildlife under UK and EU legislation is irrespective of the planning system and any activity undertaken on the tree(s) must comply with the appropriate wildlife legislation.

BREEDING BIRDS. Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered must not be disturbed.

If works are to be carried out during the breeding season (from February to August, possibly later) then the tree(s) should be checked for nesting birds before work begins.

BATS. The applicant and contractors must be aware that all bats are fully protected by law under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Natural Habitats and Species (Amendment) Regulations 2012, also known as the Habitat Regulations. It is an offence to intentionally or recklessly damage, destroy or obstruct access to structures or places of shelter or protection used by bats, or to disturb bats whilst they are using these places.

Trees with features such as rot holes, split branches or gaps behind loose bark, may be used as roost sites for bats. Should a bat or bats be encountered while work is being carried out on the tree(s), work must cease immediately and advice must be obtained from the Government's advisers on wildlife, Natural England (Tel. 0845 1300 228). Bats should preferably not be handled (and not unless with gloves) but should be left in situ, gently covered, until advice is obtained.

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	09/01/2020	19/01679/MFUL	Construction of ground-mounted solar PV panels to generate up to 49.9MW (Site Area 60.78ha) and battery storage facility together with all associated works, equipment and necessary infrastructure	Land at NGR 303437 103555 East of Langford Mill & Tye Farm Langford Devon	Mrs Alison Fish	COMM	
2	3	07/01/2020	19/01592/MOUT	Outline for the erection of up to 225 dwellings and employment land together with associated infrastructure and other works	Phase 2 of The North West Cullompton Urban Extension Land at NGR 301669 108299 & NGR 302058 108885 Rull Lane Cullompton Devon	Ms Tina Maryan	DEL	
3	4	10/12/2019	19/01527/MARM	Reserved Matters for the erection of 16 dwellings with associated access, landscaping and other ancillary development following Outline approval 17/00878/MOUT	Land at NGR 292294 101802 (South of Broadlands) Thorverton Devon	Miss Lucy Hodgson	DEL	
4	8	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 Jenny Clifford	DEL	DEL
5	12	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	COMM	COMM
6	12	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	COMM	COMM
7	15	27/09/2019	19/01097/FULL	Variation of conditions 2, 4 and 10 of planning permission 18/00091/MFUL to allow revisions to flat layouts and elevations, relocation of parking spaces and amendments to external works layouts	The Orchard House Churchill Drive Crediton Devon EX17 2EF	Mr Adrian Devereaux	DEL	

<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	17	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	Land at NGR 305390 112177 (Hitchcocks Business Park) Uffculme Devon	Mrs Alison Fish	COMM	COMM
9	24	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	COMM	COMM
10	29	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
11	31	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	COMM	COMM
12	37	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	COMM	COMM
13	39	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	COMM	COMM
14	43	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	COMM	COMM
15	46	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	COMM	COMM
16	47	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
17	52	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	COMM	COMM

<i>Item</i>							<i>Expected Decision Level</i>	
<i>No.</i>	<i>Weeks</i>	<i>TARGET DATE</i>	<i>REFVAL</i>	<i>PROPOSAL</i>	<i>LOCATION</i>	<i>NAME</i>	<i>Delegated</i>	<i>Committee</i>
18	65	09/10/2018	18/01091/MOUT	Outline for the erection of up to 10 dwellings including alterations to existing vehicular and pedestrian access	Land at NGR 300172 112650 West of Fishers Way Pethertons Halberton Devon	Mrs Alison Fish	DEL	DEL
19	78	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	COMM	COMM
20	80	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
21	89	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
22	92	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
23	112	05/12/2017	17/01346/MOUT	Outline hybrid planning application for the erection of 200 dwellings together with associated infrastructure and public open space and Full permission for portion of Link Road (land comprising southern portion of Phase 1 of North West Cullompton Urban Extension)	Land at NGR 301536 107900 North of Tiverton Road Cullompton Devon	Ms Tina Maryan	COMM	COMM
24	114	22/11/2017	17/01178/MFUL	Erection of 200 dwellings, formation of new access, provision of phase of link road, primary school site, open space, landscaping and associated works	Land at NGR 302103 108277 (West Of Willand Road) Cullompton Devon	Ms Tina Maryan	COMM	COMM
25	117	03/11/2017	17/01170/MOUT	Outline application for the erection of up to 200 dwellings, together with associated infrastructure and other works, including vehicular access, on land comprising northern portion of Phase 1 of the North West Cullompton Urban Extension	Land at NGR 302186 108607 North of Rull Lane and to The West of Willand Road Cullompton Devon	Ms Tina Maryan	COMM	COMM

<i>Item</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>
26	135	05/06/2017	17/00348/MOUT	Residential development of up to 257 dwellings and upto 5 Gypsy and Traveller pitches; 8.6 hectares of land made available to facilitate the relocation of Crediton Rugby Club; up to 1.1 hectares of land safeguarded for the delivery of a primary school; access arrangements from A3072 (Exhibition Way); pedestrian and cycle access on to Pounds Hill/Stonewall Cross junction, Old Tiverton Road and Pedlerspool Lane; landscaping and area of public open space; and other associated infrastructure and engineering operations	Land at NGR 284185 101165 (Creedy Bridge) Crediton Devon	Mr David Green	COMM	COMM

## LIST OF APPEAL DECISIONS FROM 12 September 2019 to 10 October 2019

Application No	Description	Location	Officer Recommendation	Committee or Delegated	Decision	Appeal Type	Inspector Decision
18/02029/FULL	Conversion of redundant workshop to 2 dwellings	Land and Buildings at NGR 289258 100076 (Commercial Unit, Shute Farm) Shute Shobrooke Devon	Refuse permission	Delegated Decision	Refuse permission	Written Representations	Appeal Dismissed
18/01272/FULL	Revised scheme for the erection of a dwelling following Planning Permission 16/00413/FULL	Cepheus Popes Lane Lapford Devon	Refuse permission	Delegated Decision	Refuse permission	Written Representations	Appeal Allowed
19/00460/PNCOU	Prior notification for the change of use of an agricultural building to 1 dwelling under Class Q	Land at NGR 307368 118580 (Whipcott Heights) Holcombe Rogus Devon	Not Permitted Development	Delegated Decision	Not Permitted Development	Written Representations	Appeal Dismissed

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