

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 Town Hall on Wednesday, 3 December 2014 at 2.15 pm

The next ordinary meeting of the Committee will take place on Wednesday, 7 January 2015 at 2.15 pm in the Council Chamber, Town Hall, Tiverton

KEVIN FINAN

Chief Executive

25 November 2014

Councillors: F J Colthorpe (Chairman), M D Binks, H Bainbridge, D L Brandon, J M Downes, E G Luxton, R F Radford, M E Squires (Vice Chairman), R L Stanley, A V G Griffiths, P J Heal, L J Holloway, D J Knowles, J D Squire and K D Wilson

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 **MINUTES OF THE PREVIOUS MEETING** (*Pages 5 - 28*)
To receive the minutes of the meeting of 5 November 2014 (attached)
- 4 **CHAIRMAN'S ANNOUNCEMENTS**
receive any announcements the Chairman may wish to make.
- 5 **APPLICATION 14/01452/MFUL - INSTALLATION OF SOLAR ENERGY FARM ON 13.34 HA OF LAND TO GENERATE 5.5 MEGAWATTS OF ENERGY (REVISED SCHEME) AT LAND AT NGR 299298 125070 (EAST OF BOWDENS LANE), SHILLINGFORD**

(Pages 29 - 64)

- To receive an implications report by the Head of Planning and Regeneration following discussions at the previous meeting where Members were minded to refuse the application.

6 **APPLICATION 14/01207/FULL - ERECTION OF A TWO STOREY EXTENSION AND CONVERSION OF TIMBER GARAGE TO ANCILLIARY ACCOMMODATION, (REVISED SCHEME) AT ROSE COTTAGE, UPLOWMAN, TIVERTON** *(Pages 65 - 72)*

- To receive an implications report by the Head of Planning and Regeneration following discussions at the previous meeting where Members were minded to approve the application.

7 **ENFORCEMENT LIST** *(Pages 73 - 100)*

- To consider the items contained in the Enforcement List.

During discussion of items 4 and 5 on the list 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) in 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 Committee 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.

ACCESS TO INFORMATION ACT – EXCLUSION OF THE PRESS AND PUBLIC

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 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).

8 **DEFERRALS FROM THE PLANS LIST**

- To report any items appearing in the Plans List which have been deferred.

9 **THE PLANS LIST** *(Pages 101 - 126)*

- To consider the planning applications contained in the list.

10 **THE DELEGATED LIST** *(Pages 127 - 146)*

– To be noted.

- 11 **MAJOR APPLICATIONS WITH NO DECISION** (*Pages 147 - 150*)
- List attached for consideration of major applications and potential site visits.
- 12 **APPEAL DECISIONS** (*Pages 151 - 152*)
- To receive for information a list of recent appeal decisions.

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 Council Chamber on the first floor of the building is available from the main ground floor entrance. Toilet facilities, with wheelchair access, are also available. There is time set aside at the beginning of the meeting to allow the public to ask questions.

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

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

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Agenda Item 3

MID DEVON DISTRICT COUNCIL

MINUTES of the **MEETING OF THE PLANNING COMMITTEE** held on 5 November 2014 at 2.15pm

Present

Councillors: Mrs M E Squires (Vice Chairman in the Chair), Mrs H Bainbridge, M D Binks, Mrs D L Brandon, J M Downes, C J Eginton, A V G Griffiths, P J Heal, Mrs L J Holloway, D J Knowles, E G Luxton, R F Radford, R L Stanley and K D Wilson

Apology

Councillor: Mrs F J Colthorpe

Also Present

Councillors: R J Chesterton, N A Way and Mrs N Woollatt

Present Officers:

J Clifford (Professional Services Manager), T Billeter (Principal Planning Officer), S Trafford (Area Planning Officer), T Maryan (Principal Planning Officer), J Clarke (Planning Enforcement Officer), S Warren (Senior Planning Officer Design and Conservation) and S J Lees (Member Services Officer).

Also Present

I Sorenson (Devon County Council (Highway Authority))

Member	Minute No	Type of Interest
Mrs H Bainbridge	100(b) 100(d)	Protocol of Good Practice for Members Personal
M D Binks	100(a) 100(b)	Personal Protocol of Good Practice for Members
Mrs D L Brandon	100(b) 100(c) 100(e) 102	Protocol of Good Practice for Members Protocol of Good Practice for Members Personal Personal
J M Downes	100(a) 100(b)	Personal Protocol of Good Practice for Members
A V G Griffiths	100(b)	Protocol of Good Practice for Members
P J Heal	100(b) 100 (e)	Protocol of Good Practice for Members Disclosable Pecuniary Interest
Mrs L J Holloway	100(b)	Protocol of Good Practice for Members
D J Knowles	100(b) 100(b) 100(f)	Protocol of Good Practice for Members Personal Personal
E G Luxton	100(b)	Protocol of Good Practice for Members
R F Radford	100(b) 100(c) 100 (e)	Protocol of Good Practice for Members Protocol of Good Practice for Members Personal

J D Squire	100(b)	Protocol of Good Practice for Members
Mrs M E Squires	100(b)	Protocol of Good Practice for Members
R L Stanley	100(b) 100 (b) 100(f)	Protocol of Good Practice for Members Personal Personal
N A Way	100(a)	Personal
K D Wilson	100(a) 100(f)	Personal Personal
Mrs N Woollatt	97	Personal

92. **VICE CHAIRMAN**

As the Vice Chairman was in the Chair there was a need for a Member of the Committee to take on the role of Vice Chairman for the meeting.

RESOLVED that Cllr Mrs L J Holloway be acting Vice Chairman for the meeting.

(Proposed by the Chairman)

93. **PUBLIC QUESTION TIME (02:48)**

Ms Glassbrook asked a general question in relation to equality and diversity and requested that the Committee confirm whether or not the same criteria was used to judge all planning applications especially in relation to sustainability and local connectivity.

The Professional Services Manager stated that all planning applications were determined in accordance with the development plan unless material considerations indicated otherwise. Other issues were also taken into account such as national planning policies. The Council took equality and diversity requirements very seriously and these were always taken into account in all decisions taken by the Council, however, first and foremost, planning decisions were taken in accordance with the development plan.

Mr Michael Scott referring to item 5 on the agenda (Bowdens Lane) stated that he lived 250 yards away from the proposed site and that Devon and Cornwall Constabulary had required that motor sensitive lighting should be installed on remote solar farm sites as they would be a magnet for organised criminal gangs. He stated that the Planning Officer had advised that no lighting was planned, this was wrong as the applicant had stated in their proposal that lighting would be installed but would not normally be switched on. They had also stated that sheep would graze the grass between the panels. Do the Members of the Committee and the Officers agree that this is misleading and that lights constantly on would have an unacceptable visual impact on the edge of Exmoor with its dark sky status?

The Principal Planning Officer informed the Committee that she had had confirmation from the Applicant that they did not intend to install any security lighting and had had confirmation from Devon and Cornwall Constabulary that they did not require security

lighting on the site. That could be dealt with by a condition recommended in the report. She had understood that sheep grazing was intended to take place on the site.

Mrs Scott again referring to item 5 on the agenda questioned whether there was a need for the project. She stated that the Environment Secretary had recently said that large scale solar farms were a blight on the landscape. The Department for Energy and Climate Change had also said that such developments had grown faster than expected and would exceed the budget allowed for subsidies by £40m over the next two years, therefore this scheme was unaffordable nationally and not wanted locally, so why had it been commended by the officers?

The Area Planning Officer stated the National Planning Policy Framework (NPPF) set out that Applicants were not required to demonstrate a 'need' for a project and that had been stated in her report on page 77. She did understand that the subsidies were going to be reduced for larger schemes but there were no further details available at the present time. She stated that this should not be a material consideration for this planning application.

Mr Peter Dean, again referring to the same application, stated that the B3227 was the entry point for many visitors preferring to choose the scenic route rather than the new A361 and this solar farm would be their first impression when coming to this area. On the Council's website it stated under 'tourism' that there is only one way to describe Devon and its heartland which was the focal point of 'a whole new holiday experience'. By using one of the peaceful towns and villages as a base you could enjoy the best of Devon. The local economy was heavily dependent on tourism and visitors made it clear that it was the beauty and unspoilt nature of the countryside that drew them back. Can we ask you to protect the economy of our residents? The second question related to traffic management during installation. Local children needed access to the play area and residents walked their dogs up the lane. Bowdens Lane was narrow and there were no pavements to the children's play area. During the 4 month construction period some 480 trips by heavy goods vehicles would pose considerable safety issues. Noting this, how can you consider the traffic management plan acceptable?

The Principal Planning Officer stated that according to the supporting information the site would not be highly visible from the B3227. It would probably not be visible at all during the summer but there would be filtered views during the winter. A paragraph had been included within her report regarding the impact on the local economy. She acknowledged that there was concern regarding the rural economy, which relied on tourism and leisure pursuits being affected and that there might be some limited impact but she had come to the conclusion that this needed to be weighed against the benefits of generating renewable energy.

The Highways representative from Devon County Council stated that the Highways Authority had no objections to the development. The final traffic generations of the site would be negligible. He acknowledged that the construction traffic would be significant, the lane was narrow, however, it was capable of taking the size of vehicles needed along its route. Given the nature of the vehicles and the number required the Highways Authority would wish to see a construction management plan put in place to control that traffic. They had recommended that the traffic be escorted to the site along the B3227 to try and alleviate some of the issues within the lower section of Bowdens Lane particularly in relation to the play area and the pedestrians crossing it. The Applicant had also been advised that it may be prudent to provide a marshalling yard elsewhere for the articulated lorries that would be required.

Ms D Weilkopolski, again referring to the same item, stated that Mid Devon's Local Plan stated in COR2 that any development should sustain the preservation and enhancement of the distinctive qualities of Mid Devon's natural landscape. I would like to know how the industrial scale installation of over 25,000 solar panels preserved and enhanced this unspoilt rural landscape and historic medieval field system. The Council had categorised this area as medium high to high in sensitivity to photovoltaic developments in its own planning guidance published in October 2013, so how did this development comply with the COR2 policy please?

The Principal Planning Officer responded by stating that the distinctive qualities of Mid Devon had been covered within the report where she had stated that there was some conflict with COR2 but other policies that had to be considered such as the one on renewable energy and the NPPF clearly set out that the benefits have to be balanced against those impacts.

Mr Weilkopolski, referring to the same application, stated that in October 2013 the Government issued UK Solar PV Strategy part 1. One of 4 guiding principles was that local communities must be allowed to influence decisions that affect them. He stated that the applicant had not conducted any consultation with the local community and yet the Council had received 170 objections and there were no supporters for this proposal, this illustrated how strongly the local community objected to the proposal. Can the Planning Committee please assure us that it will take proper consideration of our views? The Planning Inspector when confirming the refusal of very similar applications had said 'The harm done to the local communities appreciation of the landscape and the enjoyment of it by visitors outweighs the renewable energy of the proposal. Can it be explained to me why the local community in Shillingford are not being listened to and that the officer recommendation ignores the local communities feelings?

The Principal Planning Officer responded by stating that the Applicant had carried out consultation on the original application but as this application was so similar to the previous one and was submitted within a short time scale they did not feel a second consultation was needed. She acknowledged the Appeal Inspectors comments regarding the harm done to the local communities appreciation of the landscape but in her professional opinion the benefits outweighed the harm. Each application was considered on its own merits and other sites may have been more visible than this one.

Mr Heaton, referring to the same application, stated that he had lived and farmed in the area all his life and had a lifetime's experience of the land and soil here. The water run-off from 26,000 glass panels would be considerable, the swales would not be able to contain this and extra water would flow into the River Bathern. This proposal would put many homes in danger of being flooded. Why had the officers dismissed flooding as being a potential problem?

The Officer replied to this stating that the Environment Agency had looked at this and had considered that they were adequate to contain the surface water run-off from the site. Pre-existing flooding that may exist in the area was not a matter for this planning application but if the pre-existing conditions were not exacerbated by the proposal the Environment Agency were satisfied.

Dr Wickstead, again referring to item 5 on the agenda, stated that the title used in the application referring to megawatts of energy was incorrect. Megawatts were the unit of power not energy. This site would generate power of around half a megawatt. In assessing the benefit the officers had over stated it by a factor of about 10 and so

they had not made the correct balance between the benefit in terms of difference between power and energy. Why was the correct assessment not made?

The response to this question was that the 5.5 megawatts was the installed capacity of the development which was discussed on page 84 of the report. This needed to be considered rather than any efficiencies of the scheme and that's what had to be weighed up against the potential harm.

Mr Woolley, referring to item 5, asked whether the officer could explain why in the conclusion to the report no weight was placed on the Cabinet resolution to seek Area of Outstanding Natural Beauty status for this area and the whole of Exe Valley? The Council obviously believed the country side was worth preserving so why did the Officer ignore this view? Secondly, an independent report from SLR Consulting had relied on flawed assumptions. They had assumed the hedges to the south between the site and the B3227 could be allowed to grow to 3.25m but the hedges were owned by Michael Heaton. Also they had assumed that a view from a well-known viewpoint was shielded by a wood, however that wood was a coniferous crop and was currently being felled so why had the Officer placed so much weight on a flawed assessment? In addition to this he commented that page 4 of the update sheet talked about a revised landscape management plan having been submitted showing all hedges managed at 3.5m and the new hedge planting along the length of the southern boundary. However, these hedges were all in the control of the landowner not the Applicant. The diagram relating to this on the website was most misleading as it pointed to both ends whereas of course the whole central bit was owned by Mr Heaton and he had no intention of maintaining them at that level.

The Principal Planning Officer responded by stating that the proposal to seek AONB status was not something that could be taken into account in the planning application as that designation did not exist at the moment. The Cabinet had only made a resolution to look into this. Regarding the felling of the wood, she stated that the woodland did not directly screen the site and on the update sheet it had been stated that the Forestry Commission had confirmed that there were no felling licences in place and they would be imposing stringent conditions on any felling proposals.

Cllr Tanner from Bampton Town Council, again, speaking in relation to the same item stated that the Council's Supplementary Planning Guide had it seemed carried little weight. The Council's assessment had categorised the land as having a medium to high sensitivity to development. Why had the planning officer not been given that advice?

The Officer responded by stating that document referred to was being developed as a Supplementary Planning Document and once it has been adopted as such it would carry significant weight. The statement she had made in her report was that at the moment it did not carry full weight, however, it had been taken into account in the assessment and this had been described on page 78 and 79 of the report.

94. **MINUTES (24:06)**

The minutes of the Special Meeting held on 22 October 2014 were approved as a correct record and **SIGNED** by the Chairman.

95. **CHAIRMAN'S ANNOUNCEMENTS (24:49)**

The Chairman informed those present that the central window blind within the Chamber had been removed for repair and she therefore apologised for any glare to the screens caused by the sunshine coming through the window.

96. **MANOR HOUSE HOTEL, CULLOMPTON, REPAIRS NOTICE (25:12)**

The Committee had before it a report * of the Head of Planning and Regeneration regarding the above seeking authorisation for the service of a Repairs Notice to secure the preservation of The Manor House 2-4 Fore Street, Cullompton.

The Senior Planning Officer for Design and Conservation outlined the contents of the report and highlighted the continuing deterioration of the external façade of the building.

Cllr Mrs N Woollatt, a neighbouring Ward Member, stated that she walked passed the building every day and had observed that it was in danger of imminent collapse. This was a popular walking route to school and the building posed a serious danger to passing pedestrians. She wondered whether the path could be widened at all or a barrier installed to protect the section of the pavement used by pedestrians. She stated that this was a special building which was important historically. The Professional Services Manager responded by saying that the pavement was under the control of Devon County Council although the District Council could submit a request for a barrier. Cllr Mrs Woollatt stated that she would like such a request to be made.

Cllr Mrs L J Holloway, also a neighbouring Ward Member, stated that urgent repair works were needed and reminded the Committee that it was situated next to the beautifully restored Walronds.

RESOLVED that authorisation be given for the service of a Repairs Notice to secure the preservation of The Manor House Hotel 2-4 Fore Street, Cullompton.

(Proposed by Cllr P J Heal and seconded by Cllr Mrs H Bainbridge)

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

97. **MEETING MANAGEMENT (38:09)**

The Committee felt that a decision in relation to the Enforcement item would be likely to require exempt information. As there were many members of the public present, they **AGREED** to defer consideration of this item until after the Plans List where they would consider a resolution to exclude the press and public in order to receive this information.

Note: Cllr Mrs N Woollatt declared a personal interest as she lived at the Bottom of Higher Mill Lane.

98. **DEFERRALS FROM THE PLANS LIST (1:06:28)**

There were no deferrals from the Plans List.

99. **MEETING MANAGEMENT**

The Chairman indicated that item 5 on the Plans List would be taken after item 1, this would then be followed by items 2,3,4 and 6.

100. PLANS LIST (1:06:57)

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 (14/00830/MOUT – **Outline for the erection of up to 185 dwellings and 1935m2 of employment uses (B1 and B8) together with structural landscaping, sustainable drainage and ancillary open and play space at Land at NGR 284242 99827 (Wellparks), Exeter Road, Crediton**).

RESOLVED that this application be deferred to allow for a report to come to the next Planning Committee providing further information with regard to:

- i. The works which needed to take place in order to ensure the safe crossing of children and pedestrians to and from the proposed site and how this could be funded out of the amount allocated in the off-site Highways works Section 106 Agreement;
- ii. The provision of plans showing the proposed routes and crossing points;
- iii. Information regarding how the proposed 25% affordable housing figure was arrived at.

(Proposed by Cllr M D Binks and seconded by Cllr J M Downes)

- Notes: (i) Cllr N A Way declared a personal interest as he was a Crediton Town Councillor, a Devon County Councillor and had spoken with residents regarding this application;
- (ii) Cllr J M Downes declared a personal interest as he was a Crediton Town Councillor and had spoken with residents regarding this application;
- (iii) Cllr M D Binks declared a personal interest as he had spoken with residents about the application also;
- (iv) Cllr K D Wilson declared a personal interest as he had had discussions with the agent regarding another application;
- (v) Cllrs J M Downes and N A Way spoke as Ward Members;
- (vi) Mr Ian Sorenson (Devon County Council – Highway Authority) spoke;
- (v) The following late information was reported:

Condition 14 –delete ‘by Abricon’.

Amend condition 4:

- (iv) a footpath from the north eastern corner of the site to link up to the existing adopted footpath and over bridge (passing over the link road).

Amend condition 6:

(d) hours during which delivery and construction traffic arrive at and depart from the site.

(g) Delete ‘..with confirmation that no construction traffic or delivery vehicles will park on the County Highway for loading or unloading purposes, unless the prior written agreement has been given by the Local Planning Authority ‘.

(k) Delete

Additional condition and reason 15 as follows:

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

Reason: In order to ensure the timely delivery of each aspect of the approved scheme, and to ensure the proper development of the site.

5th November 2014

Sustainable Crediton have made a representation confirming their support for the scheme as follows:

1. The development will be constructed strictly in accordance with MDDC Local Plan Part 3 Development Management Policies, Sustainable Development Principles DM1 to DM8.
2. As the Developer has stated that this development will achieve high standards of environmental design, the minimum standard under the Code for Sustainable Homes or BREEAM must be delivered and MDDC will not allow any dispensations, as currently allowed in DM3.
3. The homes will be built strictly in accordance with the Developer's Design and Access Statement and in particular section 4.10 Sustainability.

- (b) No 5 on the Plans *List (14/01452/MFUL – Installation of solar energy farm on 13.34 ha of land to generate 5.5 megawatts of energy (Revised Scheme) at Land at NGR 299298 125070 (East of Bowdens Lane), Shillingford, Devon). (02:08:35)*

RESOLVED that the Committee were minded to refuse this application but would defer making their final decision until receipt of an Officer report setting out the potential implications of the proposed decision and the taking place of a site visit. The reasons being as follows:

- Landscape and visual impact of the proposal;
- The effect on the local economy;
- Highway impact;
- Inappropriate use of medium grade agricultural land.

(Proposed by Cllr R L Stanley and seconded by Cllr M D Binks))

- Notes: (i) Cllrs Mrs H Bainbridge, M D Binks, Mrs D L Brandon, J M Downes, A V G Griffiths, P J Heal, Mrs L J Holloway, D J Knowles, E G Luxton, R F Radford, J D Squire, Mrs M E Squires and R L Stanley made declarations in accordance with the Protocol of Good Practice for Councillors dealing in planning matters as they had received correspondence regarding this issue;
- (ii) Cllr R L Stanley declared a personal interest in that many of the objectors were known to him;
- (iii) Cllr D J Knowles declared a personal interest as he knew some of the objectors;
- (iv) Ms peacock spoke as Agent for the Applicant;
- (v) Mr Woolley spoke on behalf of the objectors;
- (vi) Cllr B Smith spoke as Chairman of Bampton Town Council
- (vii) The following late information was reported:

8 further objections (including one from the CPRE). These objections are summarised below where the content is additional to objections already made and summarised in the officer's report. Any duplication of objections already summarised is not included in this update.

1. The SLR Consulting report advises that the Wessex Solar Energy LVIA is deficient and further information/work is needed. This throws doubt on the validity of SLR's conclusion about the visual acceptability of the site. The SLR Consulting report did not consider the views of the objectors.

2. The SLR conclusion on the acceptability of the site depends on maintaining the hedge to the south at 3.5m to screen the panels from the B3227. The hedge is not in control of the landowner and is currently maintained at about 2m.

3. The SLR report states that insufficient detail of the construction compound, size of inverter and control building bases and decommissioning phases has been provided.

4. The LVIA states that the site is screened from view by Haynemoor Wood which is currently being felled and the screening effect will be gone. A large V-shaped area will be seen between the woods.

5. Photos are taken from a low viewpoint rather than as seen from horseback as the Inspector in the Keens appeal considered valid. The view from viewpoint 5 is clearly open now as the hedge has been lowered.

6. SLR makes no reference to Planning Practice Guidance or Mid Devon's Landscape Sensitivity Assessment. Failure to refer to these key policy guidelines devalues their analysis and the overall conclusion.
7. The SLR report seems biased towards the developer.
8. Wessex Solar has conducted no public consultation on the current application.
9. Environment Secretary Liz Truss said that large-scale solar farms are a blight on the landscape and confirmed plans to cut taxpayer subsidy to farmers and landowners. DECC has confirmed it will be cutting subsidies from next April.
10. There has been no consultation with the Devon and Cornwall Constabulary regarding security of the site or road traffic implications.
11. The application ignores the medieval field system which character type is highly sensitive to PV.
12. The application does not give proper consideration to the cumulative effect of PVs already approved in the area.

Officer's comments

SLR has verbally confirmed that although they could reference the missing documents if required but their overall assessment of the scheme as acceptable would not change. A written statement including references to these documents has been requested.

The SLR LVIA review states that the submitted LVIA has failed to properly address the significance of the development on landscape character (this would include reference to the medieval field systems). Despite this, the SLR review concludes that, in their opinion, the site is an acceptable candidate for solar PV.

SLR has recommended that several items are conditioned, including the hedges being maintained at 3.5 metres high and detail on decommissioning and construction phases. Conditions are recommended in the officer's report to address these recommendations.

A revised landscape management plan has been submitted showing all hedges managed at 3.5 metres high and new hedge planting along the length of the southern boundary. These hedges are all in the control of the landowner.

Haynemoor Wood is not key to screening the development from the viewpoint shown in photoview 5. The V-shaped gap in

the woods is visible from this viewpoint prior to Haynemoor Wood being felled. The more important woodland in terms of visual screening is to the immediate south of the development which is not being felled. This woodland is out of the control of the developer but the woodland manager for the area at the Forestry Commission has stated that:

“The woodlands are not under English Woodland Grant Scheme at the present time and there have not been any felling licences issued. The woodland however, is Ancient Semi Natural Woodland and therefore we would be minded to refuse any application to change radically its character, though, thinning and removal of introduced conifer in keeping with the UK Forestry standard would be considered more sympathetically, and any restocking would be a condition to any felling licence.”

The construction compound is shown on the plans and its contents described in the Construction Traffic Management Plan.

A cumulative impact assessment has been included in the submitted documentation.

Devon & Cornwall Constabulary has not commented. However, their comments have been requested and a formal response awaited.

The public consultation took place in respect of the earlier withdrawn application which is very similar to the current application.

3rd November 2014 – Comments from Devon and Cornwall Police

Although security is covered in the Design and Access statement, I have been unable to locate specifics in relation to CCTV.

The below are the acceptable standards.

The below recommendations follow guidelines produced by BRE National Solar Centre.

Risk

The South West of England has been identified as having the necessary solar power to make commercial Solar Farms a viable option. Farming energy from the sun using photovoltaic panels on a commercial scale is a new venture and will bring with it new risks and challenges to protect the location and panels from criminals. Because this is a new project there is no UK crime data to base crime prevention advice on.

Policing experience elsewhere indicates that placing large quantities of expensive photovoltaic panels in isolated locations without adequate protection will attract criminals and they will be stolen. The main risk will come from organised gangs who will use heavy duty tools and vehicles to remove large quantities of the panels. Once stolen the panels may be moved from the crime scene before re-emerging for sale.

Site

In view of the potential risk when considering suitable location for Solar Farms a major consideration from a police view will be how the site can be protected from unauthorised vehicle entry. Full consideration of the natural defences of location should be taken into consideration for e.g. steep gradient, Substantial hedging, Rivers etc. Where ever possible the boundary protection of the site should be an appropriate distance from the actual panels to discourage parking a vehicle against the boundary and manually lifting panels onto the vehicle.

Access to the Site

The solar company/site owner will require vehicular access to the site. The physical security guarding this access must be robust to sustain a high level of attack as these sites will probably be remote and lacking any natural surveillance. Consideration should be given to protecting the access road at two separate locations (1) At the actual entrance to the site and (2) set away from the specific entrance to keep authorised vehicles a substantial distance from the site.

The security of solar farms must be properly assessed by all those involved in the planning process.

To be considered a truly sustainable resource within the National Grid, solar farms will need to be as secure as possible.

All planning applications should therefore include full details of the security proposals within the Design and Access Statement (as required by Department for Communities and Local Government Circular 1/2006 paragraph 87)

The security measures to be incorporated at each location will have to be considered on a site specific basis. They will obviously be determined to some degree by, for example, the existing landscape and local planning constraints etc

The basic principle of all crime prevention is to provide layers of defence to whatever is in need of protection.

In the case of Solar Farms this protection will almost certainly require both the physical element, such as fences or ditches and also the utilisation of appropriate technology such as CCTV and motion detectors.

The advice offered below covers the general crime prevention points which should be considered by any applicant.

Perimeter Security and Access Control

If perimeter fencing is to be used then it should be a proven security fence.

The recommendation would be to install fencing which has been tested and approved to current UK Government standards.

Fencing which meets the SEAP (Security Equipment Approval Panel) class 1-3 may be the most appropriate.

Fencing which is not of a specialist security type is likely to offer at best only token resistance to intruders. However if supplemented with

Movement detectors attached to the fence together with motion detectors/beams internally this could potentially be acceptable.

Planting up and alongside any fencing will be acceptable providing there is no detrimental effect upon site surveillance that is available or allow easy access over the fence by climbing trees etc..

The standard for rating bollards, blockers and gates is PAS 68:2007 and PAS 68:2010.

Landscaping techniques such as ditches and berms (bunds) may also be appropriate in some instances. To be effective in stopping vehicles these need to be designed carefully. Police are able to provide further specific advice in relation to the design of such defences upon request.

There should be a minimum number of vehicular access points onto site, ideally only one.

Clearly such access points will present the most obvious means for the criminal also and therefore will require a robust and adequate defence.

Some thought should also be given to the wider issues of access around any site. If for instance the land surrounding the site is under the same ownership can this be made more secure by improving gates etc. Again this provides layers of difficulty for the criminal to overcome.

Electronic Security

There is a huge range of electronic security available. For most sites it is very likely that this will play an important role.

In selecting which type of technology to employ a proper assessment on a site specific basis should be undertaken to ensure any system will be fit for purpose.

For CCTV this assessment is commonly called an Operational Requirement (OR)

An obvious example would be to establish how effective will the CCTV be at night at these locations, bearing in mind distance involved, quality of lens/equipment .i.e. Infrared lighting.

There will be little point in deploying CCTV or other defence unless it is monitored in some way or can provide an instant alert in some form and also who would then respond to this?

There does need to be an operational requirement (OR) that the installer must adhere to in order to comply with data Protection legislation. The OR will identify who responds to an intruder and what actions are intended.

The OR also identifies the expectations of each individual camera as well as response requirements. There is requirement for a code of practice which covers storage of data and who is authorised to view it, and identifies a person responsible. There is also a requirement for a code of practice which covers storage of data and who is authorised to view it, and identifies a person responsible.

Appropriate signage is also required.

CCTV which simply records will probably be of very limited value and basically not fit for purpose, there for contravening data protection legislation.

Other Options

The presence of site security personnel in some capacity should be considered including perhaps in terms of some types of response to site alarm activations

If the individual solar panels can be marked overtly this would reduce the ease with which they could be re sold/re used and thus help act as an additional deterrent.

Covert marking should also be considered.

Consultation with local police Beat managers following installation would be beneficial identifying points of access, routes to the site etc in the event of assistance being required.

Providing the above is achieved the Police would have no objections.

Further supporting document received from the applicant in response to objections, covering the following issues. A copy has been circulated to Members.

1. Surface water flooding
2. Visual impact
3. Impacts on tourism
4. Loss of farming land
5. Danger to children from traffic
6. Toxic risk and environmental factors
7. 24 hour lighting
8. Noise
9. Security cameras and privacy
10. Ecology

11. Electricity production not as stated
12. Not given permission to use the layby at the bottom of Bowdens Lane
13. Potential felling of woodland would change visual impacts
14. Public consultation”

- (c) No 2 on the Plans *List (14/0120/FULL – Erection of a two storey extension and conversion of timber garage to ancillary accommodation (Revised Scheme) – HOUSEHOLDER at Rose Cottage, Upplowman, Tiverton). (03:21:40)*

RESOLVED that the Committee were minded to approve this application but would defer making their final decision until receipt of an Officer report setting out the potential implications of the proposed decision:

- i. The proposed design was of a high quality;
- ii. It was in keeping with the character of the rest of the property;
- iii. The proposed design was not harmful to local architectural distinctiveness.

(Proposed by Cllr R L Stanley and seconded by Cllr J M Downes)

- Notes: (i) Cllrs Mrs D L Brandon and R F Radford made declarations in accordance with the protocol of Good Practice for Councillors dealing in planning matters as they had received correspondence regarding this issue;
- (ii) Mr Cave (Applicant) spoke;
- (iii) Cllr R F Radford spoke as Ward Member.

- (d) No 3 on the Plans *List (14/01284/FULL – Removal of Condition (2) and variation of Condition (1) of planning permission 10/00732/FULL to allow permanent planning permission and to amend those persons permitted to occupy the site at Oak Meadow, Holcombe Rogus, Devon). (03:40:45)*

RESOLVED that this application be granted permission subject to conditions as recommended by the Head of Planning and Regeneration.

(Proposed by Cllr L J Holloway and seconded by Cllr K D Wilson)

- Notes: (i) Cllr Mrs H Bainbridge declared a personal interest as she knew the Applicant and her son could be considered to be a neighbour;
- (ii) Ms Ridings (Applicant) spoke;
- (iii) Mr Upton spoke on behalf of the objectors;
- (iii) Cllr Mrs H Bainbridge spoke as Ward Member;

- (iv) Cllr Mrs H Bainbridge requested that her vote against the decision be recorded;
- (v) The following late information was reported:

3rd November 2014

One additional letter of objection received raising many of the points already reported by other objection letters and these additional points, summarised as follows:

- Increase in traffic is dangerous;
- Do not believe that the applicant has integrated with the community;
- The applicant's generator is a continuous noise in the winter evenings which is incongruous and disturbing in the area.

- (e) No 4 on the Plans *List (14/01310/MFUL – Change of use of agricultural buildings for B1/B2/B8 commercial use, the demolition of agricultural buildings and the erection of replacement B1/B2/B8 commercial buildings, the use of the Forge and Unit 11 for B1/B2 and B8 commercial use, the provision of associated landscaping, yard areas and infrastructure at Hitchcocks Farm, Uffculme, Devon). (04:05:44)*

RESOLVED that this application be granted permission subject to conditions as recommended by the Head of Planning and Regeneration and the provision of a Section 106 agreement to secure the implementation of a Travel Plan for the proposed development and to include the provision of new bus stops on Bridwell Avenue. To also include:

- (i) an amendment to condition 3 to state that 'Prior to its first occupation, the external walls to Unit 3a to be finished in an olive green colour to match the external wall colour of Unit 3 and thereafter shall to be retained as such.'
- (ii) An amendment to conditions 3, 4, 7, 12 and 13 to add after Unit 3 reference to 'the approved external alterations to Unit 3'.

(Proposed by Cllr H Bainbridge and seconded by Cllr L J Holloway)

- Notes: (i) Cllr P J Heal declared a disclosable pecuniary interest and left the meeting as one of the buildings in the proposal was occupied by a customer of his and as he had a Parish meeting to attend later in the evening he would not be returning to the meeting;
- (ii) Cllr R F Radford declared a personal interest as the Applicant was known to him;
- (iii) Cllr Mrs D L Brandon declared a personal interest as she had had a meeting with the Applicant and the Planning Officer and had sold Christmas lights to a business occupying one of the buildings;
- (iv) Mr Preston spoke as agent for the Applicant;

- (v) Ms Benn spoke as an objector;
- (vi) Cllr R F Radford spoke as Ward Member;
- (vii) Cllrs R L Stanley and K D Wilson requested that their vote against the decision be recorded.
- (viii) The following late information was reported:

31st October 2014 – Further response from Halberton Parish Council:
No objections subject to a condition being included that the attached office block should be green to match either the building or the doors of the building.

- (f) No 6 on the Plans *List (14/01521/MFULL – Provision of pedestrian/cycle route with associated boundary treatments, safety barriers and landscaping planting following demolition of existing dwelling, garage and garden at 10 Fairway, Tiverton, Devon). (04:47:57)*

RESOLVED that temporary planning permission be granted until pedestrian and cycle access through the Post Hill NHS Hospital site has been provided and made available for use by the public. Subject to conditions as recommended by the Head of Planning and Regeneration and additional conditions as follows:

- i) No development shall begin until a scheme for the ongoing management and maintenance of the site has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be managed and maintained in accordance with such approved scheme. Reason: To ensure the facilities are maintained in the interests of health and safety and the visual amenities of the area in accordance with policy DM2 of Local Plan Part 3 Development Management Policies.
- ii) The use of the site as a footpath / cycle link shall cease, shall be blocked up and the land restored within 6 months following pedestrian and cycle access through the Post Hill NHS Hospital site being made available for use by the public. Blocking up works and restoration of the land shall be in accordance with details which shall first have been submitted to and approved in writing to the Local Planning Authority. Reason: In the interests of visual and residential amenity to ensure the cessation of the use and site restoration if no longer required if no longer required to comply with policies AL/TIV/2 of the Allocation and Infrastructure Development Plan Document and the adopted Tiverton Eastern Urban Extension Masterplan in accordance with policy DM2 of Local Plan Part 3 Development Management Policies.

(Proposed by Cllr R L Stanley and seconded by Cllr Mrs H Bainbridge)

- Notes:
- (i) Cllr R L Stanley declared a personal interest as the Applicant was known to him;
 - (ii) Cllr D J Knowles declared a personal interest as he had been in discussion with the objectors;
 - (iii) Cllr K D Wilson declared a personal interest as he had had discussions with the Applicant regarding another application;
 - (iv) Mr Green spoke as an objector;
 - (v) Cllr N V Davey spoke as a Ward Member;
 - (vi) Cllr D J Knowles requested that his vote against the decision be recorded;
 - (vii) The following late information was reported:

Informative:

The applicant is advised that the pedestrian/cycle link permitted by this planning permission is in accordance with and required by condition 6 under planning application reference 13/01616/MOUT.

Condition 6 of planning permission 13/01616/MOUT is to be amended to require the footpath/cycle link required by that condition to be provided in advance of the 100th dwelling on the proposed development being occupied, unless an alternative footpath/cycle link has already been provided via the Post Hill Hospital site.

Two additional objections received. These objections are summarised below where the content is additional to objections already made and summarised in the officer's report. Any duplication of objections already summarised is not included in this update.

1. Questions should be asked regarding the need to provide this link.
2. The nature and narrowness of Fairway represents a traffic hazard which is further exacerbated by a sharp right hand bend almost immediately after entering from Post Hill. The application would greatly increase the hazard.
3. Residents in Fairway have not been adequately consulted or their objections given sufficient credence.

Concern with regard to security of existing dwellings and increased threat of anti-social behaviour and burglary.

101. **ACCESS TO INFORMATION ACT – EXCLUSION OF THE PRESS AND PUBLIC – (05:12:37)**

As there was a need to discuss the personal circumstances of the property owner, it was:

RESOLVED that under Section 100A(4) of the Local Government Act that 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 1 of Part 1 of Schedule 12A of the Act, namely information relating to an individual.

(Proposed by the Chairman)

102. **ENFORCEMENT LIST (05:13:40)**

Consideration was given to a case in the Enforcement List *.

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

Arising thereon:

- (a) No. 1 in the Enforcement List (***Enforcement Case ENF/11/00115/UNLD – Untidy land detrimental to amenity and in contravention of Section 215 Town and Country Planning Act 1990 (as amended). ‘The Firs’, 5 Higher Mill Lane, Cullompton, EX15 1AG.***)

RESOLVED that a decision be deferred for a period of one month to allow the Planning Enforcement Officer to meet with the landowner.

(Proposed by Cllr R L Stanley and seconded by Cllr J M Downes)

Notes: (i) Cllr Mrs D L Brandon declared a personal interest as the land owner was known to her;

(ii) Following the agreement of the Committee, the press and public were readmitted to the meeting.

103. **THE DELEGATED LIST (05:15:25)**

The Committee **NOTED** the decisions contained in the Delegated List *.

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

104. **MAJOR APPLICATIONS WITH NO DECISION (05:15:40)**

The Committee had before it, and **NOTED**, a list * of major applications with no decision. It was **AGREED** that:

Application 14/01592/MFUL – Erection of polytunnel (1200sq,m) at Ebear Farm, Westleigh be determined by the Committee and a site visit to take place.

In addition, the Professional Services Manager informed the Committee that since the publication of the agenda for this meeting a major application had been received regarding the retention of the surface car park and lighting at Tiverton Parkway Railway Station (14/01629/MFUL). It was **AGREED** that this application be determined by the Committee but that no site visit was necessary.

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

105. **APPEAL DECISIONS (05:18:30)**

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

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

106. **TREE PRESERVATION ORDER 14/00009/TPO FOR 1 X SYCAMORE TREE AT LAND ADJACENT TO 4 CANAL HILL, TIVERTON (05:19:50)**

The Committee had before it a report * of the Head of Planning and Regeneration regarding the above application. The Professional Services Manager outlined the contents of the report stating that the property owner had an engineer's report questioning the stability of the bank and the safety of the tree, but that an arboricultural report had commented that the tree was in good health. A consultant arboricultural report had been obtained and echoed the findings of the Council's Tree Officer. Additionally a Building Control officer had observed that whilst there was some minor erosion of the soil on the slope to the front of the tree there was no other evidence of ground movement in the field. She further stated that following legal advice, it was not thought that the Council could be successfully sued for negligence for making a Tree Preservation Order, but that compensation could be paid if an application to fell the tree was refused and the tree subsequently fell down. However, if such an application was refused (none had been received to date) the Applicant would have the right to appeal.

RESOLVED that the Tree Preservation Order be confirmed as recommended by the Head of Planning and Regeneration.

(Proposed by Cllr K D Wilson and seconded by Cllr Mrs L J Holloway)

- Notes: (i) Cllr K D Wilson spoke as Ward Member;
- (ii) Cllr J D Squire requested that his vote against the decision be recorded;
- (iii) The following late information was received:
3rd November 2014 -

Agenda item 12: TPO adjacent to 4 Canal Hill, Tiverton.

REVISED RECOMMENDATION: That the Tree Preservation Order be confirmed.

Since the Committee report was written further site visits and inspections have been carried out by the Council's Tree Officer, a Building Control

Officer and by an independent arboricultural consultant. Advice /reports have been received as follows:

BUILDING CONTROL OFFICER:

I was able to carry out a visual check of the ground and although there is some minor erosion of the soil on the slope to the front of the tree (approximately 5m from the bole of the tree) there is no other evidence of ground movement in the field.

ARBORICULTURAL CONSULTANT:

Summary

1. The tree is in good health and structural condition. There is no sign of root instability and the risk of root failure is extremely low such that the tree does not pose an unacceptable risk to public safety.
2. The proposed development has the potential to damage the tree's root system and precautions should be taken in accordance with BS5837:2012.

Introduction

1. I attended site on the 30th October at 10.15am and was accompanied by Cathy Lynch, Tree Officer for Mid Devon District Council. The site inspection concluded by 11.30am.
2. Prior to attending the site I have received the following information regarding the case:
 - a. A Structural Investigation Report prepared by Simon Bastone of Simon Bastone Associates Ltd reference 140909/SI/OO and dated 16th September
 - b. Various copies of letters and emails from Mr Randell to Mid Devon District council expressing concerns for the tree.
3. Examination of the above information identified that significant concerns have been raised regarding the stability of the tree give its location on a steep bank and risk it poses to property within falling distance.
4. The tree is subject to a Tree Preservation Order recently placed on the tree and is yet to be confirmed by the planning committee of the council.

Location

1. The subject tree is located on a boundary line between an agricultural field to the south and land to the north that forms part of a residential curtilage containing two double detached garages to the north east of the tree, and an area of rough grass on which I am given to believe there is an extant planning permission, to the north west.
2. The site is elevated with far reaching views to the north over Tiverton.
3. The tree is situated on the cusp of a steep bank which is at the foot of a fairly steeply sloping field to the south. The boundary comprises a wire stock fence which passes close to the south side of the bole of the tree. The field is currently laid to grass and would appear to be permanent pasture judging by the diversity and type of grass. There is no indication of recent or past cultivation. The gradient of the slope slightly levels out where it meets the boundary fence.
4. At the boundary fence the ground drops away steeply to the north, levels slightly and continues with the same approximate gradient as the adjoining field. The aforementioned garages and adjoining parking have been dug into the bank in the past to leave very steep bank faces with exposed soil. The nearest edge of the cutting to the tree is 3.9m from the bole and there are a number of tree roots exposed.

5. Soils onsite have been assessed visually where they are exposed by past excavation. From the near vertical soil profile revealed behind the garage it is red coloured clay loam to 300-400mm overlying a stony ranker type sub soil. The British Geological Society 'Drift & Solid' Geology Sheet 310 for Tiverton indicates an underlying solid geology of Breccia and Conglomerate. This corresponds with the observed sub soil. The soils horizons are weathered and have naturally eroded albeit the exposed surfaces appear relatively stable.

The Tree

1. The tree comprises a mature Sycamore tree (*Acer pseudoplatanus*) which has an approximate height of 19m measured from the lower point on the north side of the bole. The lower bole and trunk are obscured in part by ivy which extends centrally to the mid crown.

2. Buttress root formation on the south upslope side of the tree is well formed and clearly extends into the field. There is no sign of instability on the upslope side of the tree and the tree is upright and without significant lean.

3. Examination of the north side of the lower bole revealed buttress roots extending along the face of the bank to the east and west as well as a substantial structural root mass extending down the face of the bank. The roots are evenly arranged and are all outwardly sound.

4. Several pruning stubs are located around the base of the tree on the northern side resulting from the recent and periodic removal of mature sucker growth.

5. The trunk divides at approximately 2.5m above the upslope ground level into two principal stems. These are co-dominant and support the majority of the crown structure. The stem diameter at 1.5m above ground level on the south side is estimated at 1.16m over the ivy and therefore the true diameter is estimated to be approximately 1.06m.

6. Two large lateral limbs extends south over the field at 4m and are up curved towards the light.

7. The main stem union at circa 2.5m is compressed and there is evidence of included bark however closer visual examination is obscured by ivy. Nevertheless the visible parts of the union are outwardly sound and the stem to union structural ratio is well within acceptable limits of safety.

8. The two co-dominant stems intertwine with several secondary crossing limbs and the crown is well formed. Crown spread at the four cardinal compass points is as follows: North; 9.8m, East: 11.3m, South; 11.2m, and West; 8.3m. The crown is broadly symmetrical with slight bias to the south and east. It has suffered a small amount of past tertiary limb damage in high winds however this is superficial and insignificant.

9. Vigour is considered normal judging by the annual twig extension growth and leaf density for a tree of this species and size. Similarly the tree is showing good overall vitality. The leaves are infected with the common fungal disease *Rhytisma acerinum* which is purely of cosmetic concern.

Opinion & Conclusions

1. Trees naturally adapt to their physical surroundings and prevailing weather conditions. This tree is most likely to be a self set boundary tree that has stood here for in excess of 150 years such that it has naturally adapted to local conditions. The main union at 2.5m has inherent structural weakness however the tree has adapted affectively to this and it does not pose an immediate concern.

2. The tree is showing no sign of instability and the arrangement of the main structural buttress roots indicates the tree has adapted effectively to the immediate site conditions e.g. the slope. Sycamore tend to form a 'heart root system' (Roberts et al 2006) whereby large and small roots emerge diagonally from the trunk in all directions. This tree is exhibiting therefore typical root architecture for the species.

3. The initial buttress roots taper rapidly on entry into the soil and form a structural base on which the mass of the tree stands and provides initial stability primarily through compression as well as tension via lateral root connections. The size and form of the buttress roots adapts to the load imposed upon them due to crown asymmetry, slope, wind loading or the physical restriction of roots adjoining them. This tree has evidence of a good radial spread of structural buttress roots all of which have adapted uniformly to the surrounding conditions. The tree is well balanced and does not have an appreciable lean such that the buttress roots are not exhibiting a major adaptive growth or bias.

4. The large structural root mass noted on the northern face of the bank indicates that the tree has more than adequately compensated for the slope of the land and that these roots provide adequate structural support on this side.

5. Attached to these buttress roots and typically spreading out radially from the tree is a network of smaller lateral roots as well as finer assimilative roots. The lateral roots connect the tree with the mass of finer roots located throughout their length. These roots act like ropes attaching the tree to the soil and thereby anchoring it. The anchoring is afforded by the mass of fine assimilative roots binding with the surrounding soil (assimilative roots take up soil moisture and nutrients). The surrounding weathered soils which are not overly consolidated offer favourable rooting conditions. This allows for good root penetration into the soil and therefore the root horizon both in spread and depth is likely to be optimal for this tree.

6. From observations onsite there are no restrictions to the spread of these lateral roots to the south and only limited restrictions to the north due to the garages and past excavation. The latter however is historic and new roots will have formed and were apparent on the exposed soil faces onsite. There is no evidence of root severance on the upslope side due to cultivation and so the tree is both stable and extremely unlikely to fail at the root in high winds. The key concern is for targets located down slope from the tree therefore the upslope roots are critical in this context.

7. The risk of whole tree failure onto the adjoining garages is extremely low therefore such that the calculated risk of harm is well within the broadly acceptable range for imposing such a risk on the public. There is therefore no requirement to seek to reduce the risk any further and certainly no risk justification for removal of the tree.

8. In response to the specific points made in Simon Bastone's report at paragraphs 2.1.2 & 2.1.3; the area of soil exposure is too far from the tree have any appreciable impact on the stability of the tree. The degree of erosion observed is extremely small and cannot be ascribed to anything more than natural weathering. The chances of this erosion causing instability to the tree are therefore vanishingly small.

9. The proposed development to the north and northwest of the tree will increase the potential target value in the event of whole tree failure and potentially limb failure where the crown overhangs property. Using the calculation from Clause 4.6 of BS5837:2012 Trees in relation to design, demolition and construction – Recommendations [BS5837] to find the minimum root protection area [RPA], a radius of 12.3m is derived for the

tree and describes an area within the radius equivalent to 407 square metres. Given the local soil conditions I see no requirement to increase or reduce this area as so it should be applied as calculated.

10. A peg has been located to the northwest of the tree by Mr Randell to show the approximate location of the nearest corner of the proposed building. It is measured from the tree at approximately 11.3m and is therefore 1m within the recommended RPA of 12.3m. BS5837 provides the following recommendations at Clause 5.3.1

'The default position should be that structures (see 3.10) are located outside the RPAs of trees to be retained. However, where there is an overriding justification for construction within the RPA, technical solutions might be available that prevent damage to the tree(s) (see Clause 7). If operations within the RPA are proposed, the project arboriculturist should:

- a) demonstrate that the tree(s) can remain viable and that the area lost to encroachment can be compensated for elsewhere, contiguous with its RPA;*

- b) propose a series of mitigation measures to improve the soil environment that is used by the tree for growth.*

11. The above recommendation will also apply to any access arrangements immediately to the north of the tree.

12. In terms of the risk to the new target presented by the proposed development the same risk outcome applies as for the pre-development site. The tree is a broadly acceptable risk to be imposed on the public and no further work is required to reduce that risk. This risk assessment however will need to be reviewed periodically following the development and as the tree ages.

Recommendations

1. The owner of the tree should ensure that they have the tree inspected periodically and certainly within two years of the date of this report.
2. Any development in proximity to the tree should follow the recommendations of BS5837:2012
3. The removal of the ivy to ground level should be undertaken to allow for the closer inspection of the main union.

(The meeting ended at 8.50pm)

CHAIRMAN

AGENDA ITEM 5

PLANNING COMMITTEE
3rd December 2014

REPORT OF THE HEAD OF PLANNING AND REGENERATION

14/01452/MFUL - INSTALLATION OF SOLAR ENERGY FARM ON 13.34 HA OF LAND TO GENERATE 5.5 MEGAWATTS OF ENERGY (REVISED SCHEME) - LAND AT NGR 299298 125070 (EAST OF BOWDENS LANE) SHILLINGFORD DEVON

Reason for Report:

To consider the reasons for refusal proposed by the Planning Committee at the meeting of 5 November 2014 in light of further advice from Officers.

RECOMMENDATION

Grant permission, subject to conditions

Relationship to Corporate Plan:

None

Financial Implications:

Any appeal may require the appointment of planning consultants to assist in the defence of the reasons for refusal. The applicant may make an application for costs on any appeal against the Council and such costs claims are made by demonstrating that there has been unreasonable behaviour. That being the case, Members must be able to clearly justify each and every reason for refusal.

Legal Implications:

None

Risk Assessment:

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

At the Planning Committee held on 5 November 2014 Members of Planning Committee resolved that they were minded to refuse the above application contrary to officer recommendation and requested a further report to consider –

1. The Committee's draft reasons for refusal, and
2. The implications of refusing the application,
3. Compliance with relevant policies.

The Committee was minded to refuse the application on the following grounds:

1. Landscape and visual impact of the proposal
2. The effect on the local economy
3. Highway impact
4. Inappropriate use of medium grade agricultural land.

1. The Committee's reasons for refusal

Set out below are the reasons for refusal which would appear on the planning decision notice:

1. In the opinion of the Local Planning Authority, due to the scale, design and siting of the proposed solar photovoltaic installation, the development is considered to have a significant adverse effect on the visual amenity and rural landscape character of the area, in particular when viewed from vantage points on local roads to the south and north west of the site and from the B3227 during winter months, and it has not been demonstrated that the harm could be addressed adequately by mitigation planting. The application is considered to be contrary to policies COR2 and COR5 of the Mid Devon Core Strategy (LP1), DM2 and DM5 of the Local Plan 3 Development Management Policies and the National Planning Policy Framework.
2. In the opinion of the Local Planning Authority, the increased traffic movements in Bowdens Lane during the construction period, the road being narrow and without passing places, would cause a significant danger to other road users, including to cyclists, horse-riders, pedestrians, and children using the Bowdens Lane play area, contrary to the National Planning Policy Framework.
3. In the opinion of the Local Planning Authority, due its adverse effect on visual amenity and rural landscape character, the proposed solar photovoltaic installation is considered to harm the rural economy in an area which relies on tourism and country pursuits and which forms a gateway to Exmoor National Park, contrary to the National Planning Policy Framework which seeks to support a prosperous rural economy.
4. The development would be an unacceptable development of grade 3b and 4 agricultural land and as non-brownfield land is not considered to constitute poorest quality land and as such is contrary to the National Planning Policy Framework.

2. The implications of refusing the application

Each reason for refusal must be clearly justified and supported by evidence to substantiate that reason. Where it would be possible to impose suitable conditions to address potential reasons for refusal, this approach should be taken. Taking each proposed reason for refusal in turn:

1. Landscape and visual impact of the proposal

The independent review of the submitted LVIA identified a number of shortcomings with the submitted LVIA, in particular that the quality of the landscape was underestimated and the photoviews were not all up to the standard expected. However, Members will note from the officers' report that both the submitted LVIA and the independent review of that LVIA concluded that the site was an acceptable candidate for solar PV, subject to mitigation in the

form of additional planting and provided the existing land cover remained substantially the same.

From the submitted LVIA, the independent review and your officers' own assessment of the site, including reference to the document "An Assessment of the Landscape Sensitivity to Onshore Wind Energy and Large Scale Photovoltaic Development in Mid Devon District", your officers concluded that there would be some harm to landscape character and to the visual amenities of the area.

An Assessment of the Landscape Sensitivity to Onshore Wind Energy and Large Scale Photovoltaic Development in Mid Devon District identifies that the landscape character type LCT 3E Lowland Plains in which the development would sit, has medium to high sensitivity to large scale solar PV development and the potential landscape character impact needs to be assessed taking into account this perceived level of sensitivity. The land immediately adjacent to the site is identified as LCT3A Upper Farmed and Wooded Valley Slopes which has high sensitivity to large scale solar. As the development would also affect this landscape character type, this also needs to be taken into consideration. Existing land cover acts to break up the visible extent of the solar PV development within the landscape and reduces the potential impact the development could have on landscape character. Your officers consider that due to the limited visibility of the site and the mitigating effect of existing land cover and proposed planting, the impact of the proposal on landscape character is not considered to be significant and to be acceptable when balanced against the benefits of the production of renewable energy.

Similarly, due to the limited visibility of the site from public vantage points in the landscape and the partial, filtered or long distance views of the site from private dwellings, the proposal is not considered by your officers to have a significant impact on the visual amenity of the area and to be acceptable when balanced against the benefits of the production of renewable energy.

Policy COR2 of the Mid Devon Core Strategy (LP1) requires development to sustain the distinctive qualities of Mid Devon's natural landscape, supporting opportunities identified within landscape character areas and policy DM2 of the LP3 DMP requires development to show a clear understanding of the characteristics of the site its wider context and surrounding area and to make a positive contribution to local character. As mentioned in the officers' report, there would be some conflict with these policies. However, policy DM5 of the LP3 DMP which is the key policy for renewable energy developments, states that the benefits of renewable energy should be balanced against its impacts.

In assessing the impacts on landscape character and the visual amenity of the area, Members should assess the significance of these impacts and weigh that against the benefits of the production of renewable energy. Given that some harm to landscape character and the visual amenities of the area has been identified, it could be that Members could reasonably conclude in the balance of planning issues that this harm outweighs the benefits of the scheme.

2. The effect on the local economy

Your officers set out the potential impacts on the local rural economy in their committee report. The National Planning Policy Framework seeks to support a prosperous rural economy including promoting rural tourism and leisure developments and promoting diversification of agricultural and other land-based businesses. The proposed development would have limited visibility from public vantage points and is likely only to be glimpsed from the B3227 in the winter months when travelling along this road. Little evidence has been provided that a solar PV installation would affect the rural economy in a negative way.

Without material evidence to the contrary, your officers do not consider the impact on the rural economy to be significant enough to warrant refusing the application on this basis, bearing in mind the stated benefits of the proposal.

3. Highway impact

The construction period will entail a large number of vehicle movements and these are described in the officers' report. Members expressed concern at the increased traffic on Bowdens Lane, a narrow single track lane, and at HGV traffic travelling through Bampton. Whilst it is not possible to prevent HGVs travelling through Bampton, the submitted documentation refers to traffic coming west from the M5. The increase in traffic would be temporary, during the construction and decommissioning periods only. The National Planning Policy Framework states that development should only be refused on transport grounds where the residual cumulative impacts of development are severe.

Subject to the conditioning of a construction management plan, the Highway Authority has no objection to the development. Members should bear in mind that the Highway Authority would not assist the Local Planning Authority in defending a reason for refusal on highway safety grounds should the application go to appeal. Members must be able to justify refusing the application on highway safety grounds and provide evidence to back up a refusal contrary to the Highway Authority recommendation.

4. Inappropriate use of medium grade agricultural land

At the meeting on 5 November, Members referred to the content of the Minister's Speech referred to in Planning Practice Guidance. Planning Practice Guidance acknowledges that large scale solar farms can have a negative impact on the rural environment and seeks to focus solar on previously developed and non-agricultural land. However, it does allow for agricultural land to be used for large scale solar PV if necessary, provided it is poorer quality land and an agricultural use can continue. The Speech goes on to state that where solar farms are not on brownfield land, "you must be looking at low grade agricultural land which works with farmers to allow grazing in parallel with generation". The Speech is referred to in Planning Practice Guidance and is a mentioned planning consideration.

The National Planning Policy Framework defines "best and most versatile agricultural land" as land in grades 1, 2 and 3a of the Agricultural Land Classification and directs Local Planning Authorities to seek to use areas of poorer quality land in preference to that of a higher quality. Policy DM5 of the LP3 DMP clearly states that development should consider the quality and productivity of the best and most versatile agricultural land and defines this as grades 1, 2 and 3a. The land included with this application has been assessed as being grade 3b with some grade 4 which would not be in conflict with this aim. The land in question is therefore not best and most versatile, but instead a combination of moderate (3b) and poor (4). The Planning Practice Guide refers to use of poorer quality land in preference to higher quality. It does not go so far as to specify the poorest grade land (grade 5). Members would need to be able to justify a different definition of the grade of agricultural land from that identified in planning policy if they are to defend this reason for refusal at appeal as this proposed reason for refusal is not supported by Policy DM5 or guidance in the Planning Practice Guidance.

3. Compliance with relevant policies

Members also asked officers to consider the following policies in their assessment of the application: COR2 a), b) and c), COR5, COR11 a), b) and c), DM2 a), b), c) and e) ii), DM7 1.29, and DM22 b), c) and d) and DM29 b). Taking these in turn:

COR2: This is considered in the original committee report and also under 2. 1. above.

COR5: This policy states that the development of renewable energy capacity will be supported in locations with an acceptable local impact, including visual, on nearby residents and wildlife. These considerations were addressed in the original committee report and your officers concluded that, on balance, these impacts were acceptable. Members should also consider whether the impacts are acceptable when balances against the benefits.

COR11: The Environment Agency has confirmed it has no objection to the proposal provided it proceeds in accordance with the surface water drainage strategy outlined in the proposal. Flooding did not form one of the Members' reasons for refusal.

DM2: This is considered in the original committee report and also under 2. 1. above.

DM7: This policy relates to development that negatively impacts the quality of the environment through noise, odour, light, air, water, land and other forms of pollution. These issues are addressed in the original committee report. Pollution did not form one of the Members' reasons for refusal.

DM22: This policy relates to agricultural development. Your officers do not consider that this policy is strictly relevant to the proposal, although each of the sub-paragraphs are addressed through consideration of other policies in the original committee report.

DM29: This policy relates to the proposal in that the development has the potential to affect the setting of Exmoor National Park. However, as set out in the committee report, the site is approximately 2.8 km from Exmoor National Park and is not visible from the Park. Your officers do not consider that the development will have a significant effect on the setting of the Park. Exmoor National Park Authority was consulted on 8 September 2014 but has not responded to that consultation. Your officers have looked back through the planning history for this site and have found a consultation response from Exmoor National Park Authority in relation to the EIA screening and scoping opinion, as follows:

"9th December 2013 - Thank you for consulting with the National Park Authority on this screening and scoping opinion. The proposed site is close to the National Park but because of the nature of the landscape in this area the impact may not be as severe as with some other proposals. Providing that the planning application includes a ZVI in relation to the National Park, to help an assessment of key viewpoints and therefore potential impacts, the National Park Authority would not wish to require an Environmental Statement in this case."

Exmoor National Park Authority has been re-consulted and Members will be updated on any response.

Members also asked officers to consider the Minister's Speech by Greg Barker on 25 April 2013 which is referred to in Planning Practice Guidance. This has been considered under "Use of good quality agricultural land" above. The Speech is generally supportive of solar but recognises the concerns of communities, the loss of productive agricultural land and the over-incentivising of solar on green field land. The Minister's Speech confirms the Government's commitment to solar energy and states that the Government wants to see more solar, but "not at any cost, not in any place and not if it rides roughshod over the views of local communities".

The local community has objected strongly to the proposal and the concerns set out in those objections have been considered in the original committee report. The planning concerns of

the community are very relevant to determining this application and must form part of the balancing exercise.

Conclusion:

Members have stated that they are minded to refuse the application for the reasons given above. Your officers consider that, on balance, the scheme is acceptable, when the benefits are weighed against the harm. Members should carry out a similar balancing exercise and provide justification for each reason for refusal given if they are minded to refuse contrary to officer recommendation.

1.0 DESCRIPTION OF DEVELOPMENT

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

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

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

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

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

Additional hedge and copse planting is proposed.

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

Contact for any more information	Tina Maryan 01884 234336
Background Papers	Application Files
File Reference	14/01452/MFUL
Circulation of the Report	Cllr Richard Chesterton



Menu

Speech

Gregory Barker speech to the Large Scale Solar Conference

From: Department of Energy & Climate Change
(<https://www.gov.uk/government/organisations/department-of-energy-climate-change>) and
The Rt Hon **Gregory Barker MP** (<https://www.gov.uk/government/people/gregory-barker>)

Delivered on: 25 April 2013 (Original script, may differ from delivered version)

Location County Hall, Truro, Cornwall

First published: 25 April 2013

Part of: Increasing the use of low-carbon technologies
(<https://www.gov.uk/government/policies/increasing-the-use-of-low-carbon-technologies>),
Energy (<https://www.gov.uk/government/topics/energy>) and Climate change
(<https://www.gov.uk/government/topics/climate-change>)

The Minister for Energy and Climate Change gave a speech to the solar PV industry on 25 April 2013.



It's a great pleasure to be here today to speak to you at the Large Scale Solar Conference. And how appropriate to be here in Cornwall! A county that has long been at the forefront of the UK's drive towards a greener economy.

And with levels of solar PV deployment now at a terrific 2.5GW, it seems like the perfect occasion to reflect on the progress the sector has made in recent years, and to map out our hopes and ambitions for the future.

There are three big points I want to get over today:

1. The Coalition Government is committed to placing solar PV at the heart of the UK's energy mix

- 2.

We have an ambitious and hands-on strategy to drive it forward

3.

Solar is rightly popular. But if we aren't careful, or if the sector expands inappropriately, that invaluable popular public support will slip through our fingers. We don't want solar to become a bone of public contention like onshore wind.

And that is my key message today. Solar is a genuinely exciting energy of the future, it is coming of age and we want to see a lot, lot more.

But not at any cost... not in any place... not if it rides roughshod over the views of local communities.

As we take solar to the next level, we must be thoughtful, sensitive to public opinion, and mindful of the wider environmental and visual impacts.

But if we are smart, and there are plenty of smart people in this sector, there is no reason we can't do that successfully. Indeed, we have to!

Solar's progress so far

Now earlier this year, the Prime Minister re-iterated this government's commitment to green growth.

He said "When I became Prime Minister I said I wanted Britain to have the greenest government ever and I am as committed to that today as I was then. But I want to go further."

To me it is absolutely clear. If we want to go further, solar PV must be at the centre of that ambition.

This is why solar is now, for the first time, a priority industry in the Government's Renewables Roadmap.

And solar, alongside other industries, will benefit from the Coalition Government's new Energy Bill.

The new energy framework will revolutionise our energy system through introducing measures to attract the £110 billion investment needed to replace current generating capacity and upgrade the transmission and distribution grid by 2020.

But we should be very proud of the progress that's been made in the solar sector. Particularly over the last two years.

At times the journey has been difficult. Reforming the ill-thought through and clumsy FiTs scheme was tough for the market. But the UK is now firmly established as one of the top 10 markets for solar PV worldwide. Since January, almost 400MW of solar was deployed under the Renewables Obligation. Despite one of the worst winters on record!

We have now seen over 420,000 small-scale installations, totalling almost 1.5 GW under the Feed in Tariff alone. Up and down the country, solar is powering thousands of homes and businesses and supports some 15,000 jobs.

This progress includes fantastic new projects like the 5 MW array at the Bentley Motors Factory in Crewe, the UK's largest rooftop solar array...

...Over 1 MW in the country's largest "solar bridge" at Blackfriars in London...

...and the 30 MW Wymeswold Solar Farm in Leicestershire, the UK's largest, built on a disused World War 2 airfield.

Making solar work for local communities

This is a technology that is clean, reliable, accessible and is becoming increasingly affordable....

....and solar power consistently rates as the renewable technology with the highest level of public support. DECC's own public opinion tracker gives it an 82% approval rating.

We want to keep it that way.

This means it must work for local communities, with sensible, sustainable design of new projects. And for larger deployments, brownfield land should always be preferred.

The solar farm at the former Wheal Jane tin mine, just down the road, is a good example of how this can be done.

In other parts of the country, solar has been installed on disused airfields, degraded soil and former industrial sites. This is the model for future solar projects.

But this is not a new position. I have been clear on this point from when I first entered government.

Back in 2010 I told the House of Commons that "large field-based developments should not be allowed to distort the available funding for roof-based PV, other PV and other types of renewable." I still stand by this.

Indeed, in January I reiterated this in the House of Commons. I said, and I quote:

"We need to be careful that we do not over-incentivise large-scale ground-mounted projects in inappropriate places – I am thinking of greenfield agricultural land – that could generate strong opposition to our community energy agenda... ..It needs careful design and thoughtful consideration. It certainly could not be a scheme about renewable energy at any cost. Impacts on the local community, on landscape and on consumer bills have to be a real consideration..."

So our message is very clear. And it is consistent.

We have revised our subsidy structure, offering higher levels of support to building-mounted solar PV. And we will do our best to spread examples of best practice, focusing deployment on buildings and brown-field land – not green-field.

Where solar farms are not on brownfield land, you must be looking at low grade agricultural land which works with farmers to allow grazing in parallel with generation...

... incorporating well thought out visual screening....

...involving communities in developing projects and bringing them with you...

...all of these will be vital in creating a sustainable future for large-scale solar PV.

Taking solar further

But no one organisation can carry the solar PV revolution on which we are all embarking.

To do this the sector needs real champions...

...champions with the vision, the ambition and the resources to lead the charge on the next stage of solar PV's journey into the mainstream.

This is where the National Solar Centre comes in.

I was delighted to be asked to cut the ribbon at the NSC this afternoon. I believe it will be an essential component in underpinning the industry.

It will help establish an effective infrastructure for sustained growth through a wide range of activities:

...developing formal Technical Standards... ...due diligence... ...
developing a range of best practise guidance and training... ...
driving innovation through R&D.

It will also act as a nucleus to influence new markets, and to benefit from the global solar community.

The commitment the Building Research Establishment has shown in driving this forward will help lay the groundwork for more concrete links between the solar PV, building and construction sectors.

I also pay tribute to Ray Noble, who has worked unstintingly to promote and develop the solar sector in the UK. His vision and hard work has made the NSC possible.

So, what next?

In the early summer the Coalition will be publishing the first-ever government Solar PV Strategy.

This will set out, in more detail, the work which needs to be done – both by government and the private sector – to capitalise on the sector's growth and take it to the next level.

An important part of this is the creation of a new Solar PV Strategy Group, jointly chaired by DECC and the National Solar Centre.

As the sector grows, we need to balance the huge opportunities with responsible growth. As a key part of our work on a Solar Strategy, we will work, in association with the sector, on how we can ensure that large-scale solar deployment is truly sustainable.

What criteria the sector should follow, how they can be most effectively implemented – and enforced. That way, we can achieve our twin aims of growth of solar PV and protection of our rural environment.

The Solar PV Strategy Group brings together industry and government to ensure that we work effectively to address the challenges facing the sector over the coming years.

We will be consulting this group as we finalise the Solar PV Strategy over the coming weeks.

And there are other DECC initiatives which will underpin that progress....

... including our flagship Green Deal which policy is turning out to be a real motor for driving demand...

... the new Government and Industry Solar PV Strategy Group...

... reform of the electricity markets and the other measures set out in our Energy Bill....

...and, of course, the recent changes to the FITs scheme and the RO have put in place a stable foundation on which to build further deployment. And provide good projects with the type of return needed to secure investment.

Before I conclude I would like to mention something many of you will consider to be the "elephant in the room"....

...the European Commission's anti-dumping investigation into PV imports from China.

I completely understand the difficulties and uncertainty this is already causing many of you.

I want to reassure you that the government is working hard to ensure the Commission's response and any measures imposed are proportionate and take account of wider effects on the industry.

We will have greater clarity on the Commission's intentions early in the summer and I would strongly urge you to continue to work through your trade associations. As I know you already do.

Conclusion

The UK already is one of the best places for green energy, for green investment and for green jobs across the world.

And it is right that we should be putting solar PV at the heart of our green energy policy.

And I want us to continue to work together – government and industry – because this is a shared endeavour.

You are the businesses who can continue to develop our expertise in solar technology. To use this technology to cut costs, compete internationally and boost jobs.

You are the experts who can help us build the future of this industry...

...through the new Solar PV Strategy Group which will help to inform our new Solar Strategy.

There is no doubt that there are challenges. But those challenges will be met by us all together and this is just the beginning of our journey.

I would like to end with another quote from the Prime Minister, this time from February this year. He said that green energy makes "our energy sources more sustainable, our energy consumption more efficient and our economy more resilient to energy price shocks – those things are a vital part of the growth and wealth that we need".

Thank you.

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- Share on Twitter (<https://twitter.com/share?url=https%3A%2F%2Fwww.gov.uk%2Fgovernment%2Fspeeches%2Fgregory-barker-speech-to-the-large-scale-solar-conference&text=Gregory%20Barker%20speech%20to%20the%20Large%20Scale%20Solar%20Conference>)

where a proposal involves greenfield land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays

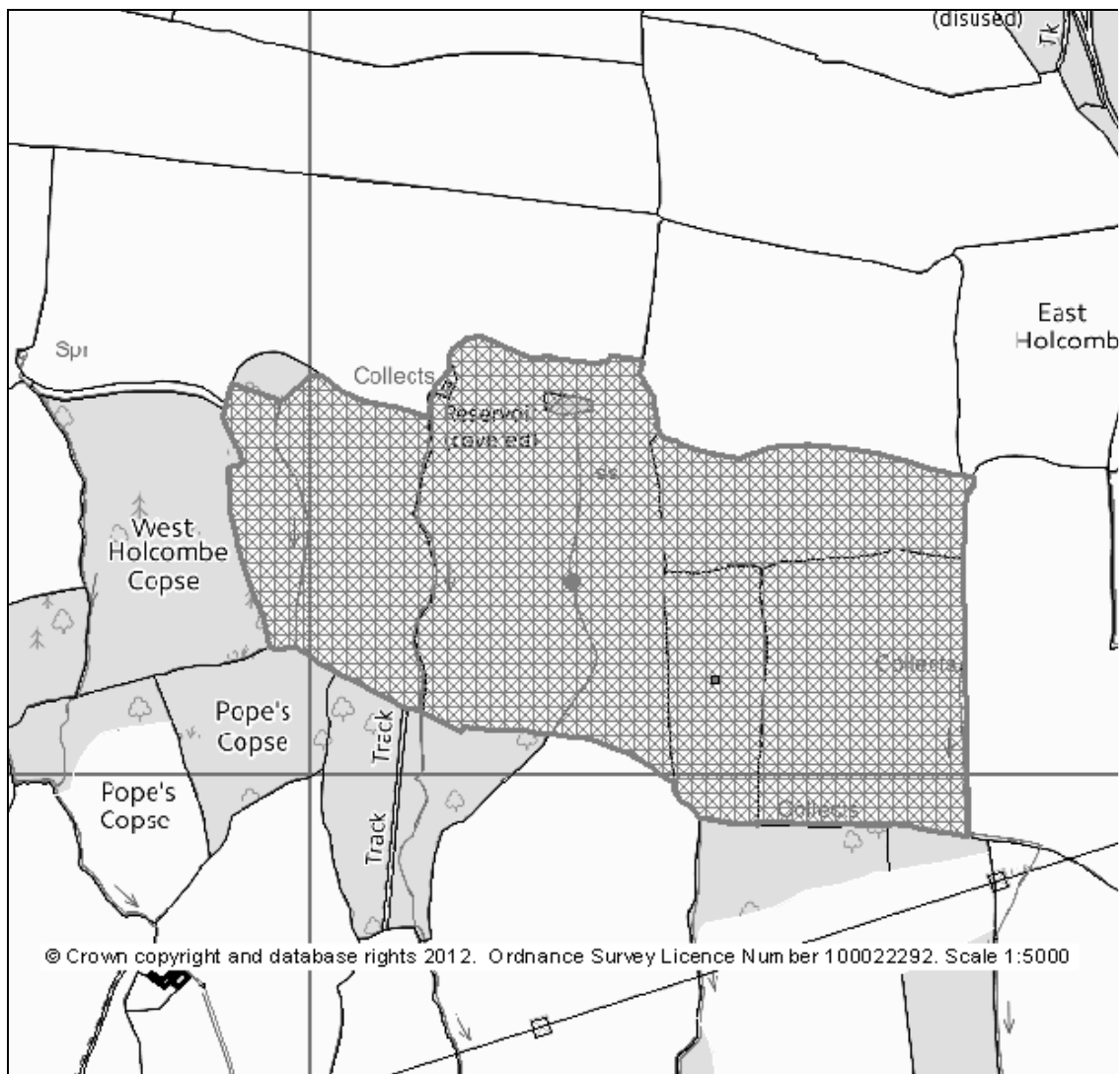
Grid Ref: 299298 : 125070

Applicant: Mr J Wearmouth, Wessex Solar Energy

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

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

Date Valid: 28th August 2014



Application No. 14/01452/MFUL

RECOMMENDATION

Grant permission subject to conditions.

PROPOSED DEVELOPMENT

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

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

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

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

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

Additional hedge and copse planting is proposed.

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

APPLICANT'S SUPPORTING INFORMATION

Environmental Statement including:

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

Agricultural Land Classification

Landscape and Visual Impact Assessment

Statement of Community Involvement

Construction Traffic Management Plan

Flood Risk Assessment

Design and access statement

Site Selection and Consideration of Alternative Sites

Archaeological Desk Based Assessment

PLANNING HISTORY

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

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

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

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

Mid Devon Local Plan Part 3 (Development Management Policies)

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

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

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

CONSULTATIONS

HISTORIC ENVIRONMENT SERVICE - 18th September 2014 - Assessment of the Historic Environment Record (HER) and the details submitted by the applicant do not suggest that the scale and situation of this development will have a significant impact upon any known heritage assets.

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

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

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

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

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

Recommendation:

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

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

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

NATURAL ENGLAND - 12th September 2014 - Designated sites

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

Landscape

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

Local Sites and Issues

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

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

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

Soil and land quality

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

We note that the panel arrays would be mounted on steel posts driven into the ground and that no substantial areas of concrete construction would be required, with the exception of foundations for the Inverter and the sub-station buildings, meaning that the panel arrays could be removed when planning permission expired with no likely permanent loss of agricultural land quality in the long term. Whilst soil would be disturbed in some parts of the site through the construction of the switch station and access tracks and installing of buried cables this equates to a relatively small area and much of the soil disturbance is likely to be reversible during decommissioning.

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

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

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

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

Protected Species

We have not assessed this application and associated documents for impacts on protected species. Natural England has published Standing Advice on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy. You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation. The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence is needed (which is the developer's responsibility) or may be granted.

Biodiversity Enhancements

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

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

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

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

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

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

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

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

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

Are My Works Affected?

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

REPRESENTATIONS

168 objections summarised as follows:

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

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

MATERIAL CONSIDERATIONS AND OBSERVATIONS

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

- 1. Benefits of renewable energy production and policy**
- 2. Agricultural land classification**
- 3. Landscape character**
- 4. Visual impact**
- 5. Mitigation planting**
- 6. Ecology**
- 7. Heritage assets**
- 8. Access**
- 9. Flood risk**
- 10. Impact on the local economy**
- 11. Construction/decommissioning phases**

- 12. EIA
- 13. Representations
- 14. Consideration of alternative sites
- 15. Planning balance

1. Benefits of renewable energy production and policy

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

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

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

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

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

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

2. Agricultural land classification

The submitted desk-based report on agricultural land quality classifies the land as Grade 3b, with

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

3. Landscape character

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

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

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

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

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

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

The submitted LVIA does not refer to the guidance An Assessment of the Landscape Sensitivity to Onshore Wind Energy and Large Scale Photovoltaic Development in Mid Devon District, which describes LCT 3E Lowland Plains as having a medium-high sensitivity to large scale solar PV and the neighbouring LCT 3A Upper Farmed and Wooded Valley Slopes as having a high sensitivity to large scale solar PV. It should be noted that although this document is being developed as a

supplementary planning document, it is currently guidance only and carries limited weight.

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

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

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

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

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

4. Visual impact

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

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

identified from public footpaths.

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

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

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

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

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

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

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

There are no public vantage points from which the entire site would be visible and although most of the site would be visible from Viewpoint 7, this view would not be representative of a general view from this lane. The independent review of the submitted LVIA concludes that the site is an acceptable candidate for a solar PV development in landscape and visual terms.

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

5. Mitigation planting

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

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

6 Ecology

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

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

The report details the likely impacts on notable and protected species and concludes that the site provided limited habitats for protected species. Where there is some wildlife potential, for example, commuting or foraging routes for amphibians and bats, and nesting opportunities for birds in the surrounding hedges and trees, these features will be retained and buffer zones provided between

boundary features and solar panels. Accordingly, it is not considered that the development will not have a material effect on these habitats. A small length of hedgerow is to be removed at the entrance to the site. If work takes place within the breeding season, a nesting bird check will be made before work begins on this hedgerow. If nesting birds are found, work will be delayed until the young have fledged.

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

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

7. Heritage assets

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

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

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

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

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

8. Access

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

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

The construction management plan sets out the approved route to the site and the hours of construction (8am to 6pm Monday to Friday and 8am to 1pm Saturday). Construction traffic will be escorted to and from the site from the B3227.

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

9. Flood risk

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

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

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

10. Impact on the local economy

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

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

Mid Devon District Council recognises the importance of the tourism industry, particularly close to attractions such as Exmoor National Park, and would not wish to approve development that would have a significantly adverse impact on the rural economy. However, your officers do not consider that the development would be particularly visible for most visitors to the area and any negative effects on

tourism are likely to be linked with visual and landscape impacts. If landscape and visual effects are not considered to be significant enough to warrant a refusal when balancing the benefits against the impacts, it would follow that any negative effects on the tourism industry are also not significant enough to warrant a refusal.

11. Construction/decommissioning phases

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

12. Environmental Impact Assessment

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

13. Representations

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

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

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

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

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

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

14. Consideration of alternative sites

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

The applicant has submitted a document setting out its consideration of alternative sites. The use of

previously developed and non-agricultural sites has been considered and no viable sites have been identified that meet this criteria. Where no such viable sites are available, the use of agricultural land is required. As the site has been classified as Grades 3b and 4 agricultural land, it is intended to continue to graze the site and biodiversity improvements are to be provided in the form of additional planting and management of existing hedgerows and trees, your officers consider that the Planning Practice Guidance tests have been met.

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

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

15. Planning balance

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

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

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

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. No development shall begin until a detailed Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority, to include the site itself and the access and access track, during construction and operation of the facility. Such Environmental Management Plan shall include details of measures to protect habitats and wildlife on and surrounding the site and access route during the construction period; buffer zones between the panels and fencing and hedges, trees and woodland; details of any tree/hedge removal and planting/landscaping scheme, including any changes proposed to

existing ground levels; details of on-going management of the site and its boundary vegetation. The planting scheme shall be carried out in full by the planting season following substantial completion of the development. All retained and new trees on the site as identified in the Environmental Management Plan shall be retained and maintained in accordance with the approved scheme for at least the lifetime of this planning permission and any trees or plants which have been provided as part of the landscaping scheme and which within a period of 5 years from completion of the landscaping scheme die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

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

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

REASONS FOR CONDITIONS

1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of proper planning.
3. To ensure that the visual amenity of the area is preserved in accordance with Mid Devon Core Strategy (Local Plan Part 1) Policy COR2 and Local Plan Part 3 (Development Management Policies) DM2.
4. In the interest of highway safety to prevent surface water, mud and other debris being carried onto the public highway in accordance with Local Plan Part 3 (Development Management Policies) DM2 and the National Planning Policy Framework.
5. To provide adequate means of surface water disposal, in accordance with Mid Devon Core Strategy (Local Plan Part 1) Policy COR11, Mid Devon Local Plan Part 3 (Development Management Policies) DM2.
6. To ensure that the visual amenity of the area is preserved in accordance with Mid Devon Core Strategy (Local Plan Part 1) Policy COR2 and Local Plan Part 3 (Development Management Policies) DM2.
7. To minimise the potential for light pollution and disturbance to local amenity in accordance with Mid Devon Local Plan Part 3 (Development Management Policies) DM2.
8. To safeguard the visual amenities of the area in accordance with Mid Devon Core Strategy (Local Plan Part 1) COR2 and Mid Devon Local Plan Part 3 (Development Management Policies) DM2.
9. To safeguard the visual amenities of the area and the movement of protected species across the site in accordance with Mid Devon Core Strategy (Local Plan Part 1) Policy COR2, Mid Devon Local Plan Part 3 (Development Management Policies) DM2.
10. To reflect the temporary nature of the proposal and to achieve restoration of the site in the interests of visual amenity, highway safety and protected species in accordance with Mid Devon Core Strategy (Local Plan Part 1) Policy COR2 and Local Plan Part 3 (Development Management Policies) DM2.

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

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

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AGENDA ITEM 6

PLANNING COMMITTEE
3rd December 2014

REPORT OF THE HEAD OF PLANNING AND REGENERATION

14/01207/FULL - ERECTION OF A TWO STOREY EXTENSION AND CONVERSION OF TIMBER GARAGE TO ANCILLARY ACCOMMODATION (REVISED SCHEME) - HOUSEHOLDER - ROSE COTTAGE UPLOWMAN TIVERTON DEVON

Reason for Report:

It was resolved at the Planning Committee held on 5th November 2014 that members were minded to grant planning permission and therefore deferred consideration until the next available committee to consider an officer report setting out implications and proposed conditions for the granting of consent.

RECOMMENDATION(S)

Members were minded to grant planning permission for the following reasons:

- 1. The proposed design was of high quality.**
- 2. It was in keeping with the character of the rest of the property.**
- 3. The proposed design was not harmful to local architectural distinctiveness.**

The Officer recommendation remains the same as the previous Committee Report, to refuse planning permission.

Relationship to Corporate Plan:

None identified

Financial Implications:

None identified

Legal Implications:

None identified

Risk Assessment:

None

1.0 DESCRIPTION OF DEVELOPMENT

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

The property faces the road on two sides and is situated on a minor junction on the unclassified road from East Mere Dairy to Stag Mill Cross, between Uplowman and Chevithorne settlements. The house was originally a simple rectangular shaped cottage but was extended with a rear extension which now creates an L-shaped building with the extended rear elevation (14 metres in length) facing the road to the east.

Both the original (principle) elevation and the later (rear) elevation face onto a highway. For reference, the Authority considers the principal elevation of the dwelling to be the southern elevation which is the original frontage of the south facing the road from Uplowman to East Mere. The approved extension 98/01285/FULL to the rear is also considered as a prominent side elevation of the property due to its position facing onto the road.

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

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

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

2.0 THE PROPOSED DECISION TO GRANT PERMISSION

Your officers maintain the view that the proposed two storey extension wrapping around the west and north elevations of the original property would constitute a substantial enlargement with harm to the overall character, appearance and proportions of the original cottage and the dwelling as a whole, contrary to parts a) and e) of DM2 and a) of DM13 of the Local Plan Part 3 (Development Management Policies).

It is recognised that members felt that the proposed development would be acceptable as the overall design is deemed to be of a high quality, and would be in keeping with the design and character of the existing property without harm to local distinctiveness. The proposed extension would localise materials to match those of the existing building and so the extension could be viewed as blending in with the existing property. Although the property is isolated on a road frontage, it is in a relatively isolated location.

If members are minded to approve this application and are of the view that the proposed works are in accordance with Policies DM2 and DM13, the following conditions are recommended.

Grant permission subject to conditions:

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. The materials to be used across the external surfaces of the proposed 2 storey extension shall match those on the exterior of the existing house.

REASONS FOR CONDITIONS

1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of proper planning.
3. To ensure the use of materials appropriate to the development in order to safeguard the character and appearance of the building in accordance with Policies DM2 and DM13 of the Local Plan Part 3 (Development Management Policies).

Contact for any more information

Mr Luke Smith 01884 234928

Background Papers

Planning Committee agenda
5th November 2014

File Reference

14/01207/FULL

Circulation of the Report

Cllrs Richard Chesterton
& Polly Colthorpe

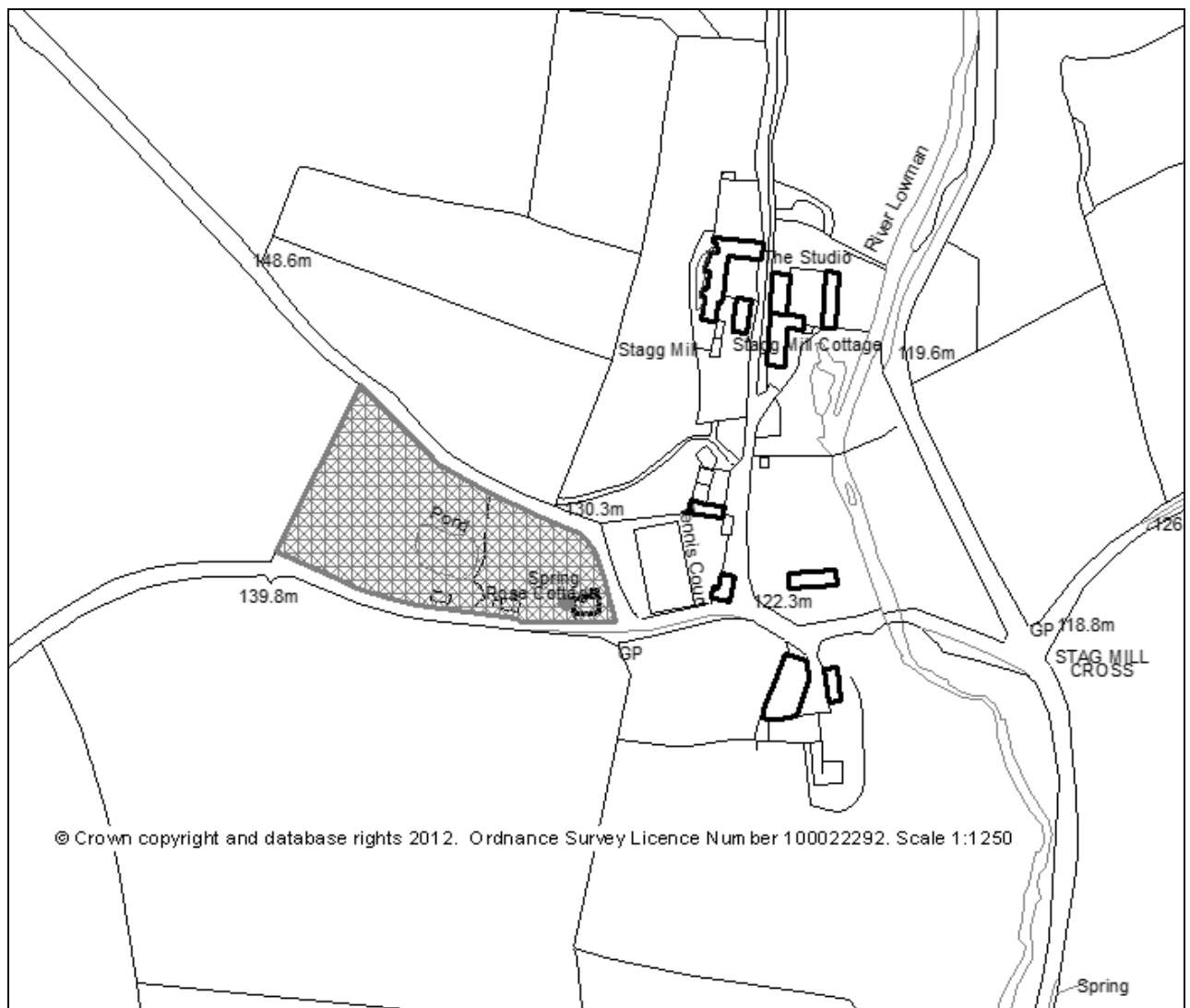
Grid Ref: 300743 : 116412

Applicant: Mr T Cave

Location: Rose Cottage Upplowman
Tiverton

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

Date Valid: 18th July 2014



Application No. 14/01207/FULL

RECOMMENDATION

Refuse permission.

MEMBERS ARE ASKED TO NOTE THIS IS A HOUSEHOLDER APPLICATION

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

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

PROPOSED DEVELOPMENT

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

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

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

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

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

APPLICANT'S SUPPORTING INFORMATION

Planning Statement
Site Photos

PLANNING HISTORY

92/01942/FULL Erection of a two storey extension, widen access layby and new field gate - REFUSED December 1992
93/01419/FULL Erection of two storey extension, widen access layby and new field gate - PERMITTED October 1993
98/01285/FULL Renewal of planning permission no. 4/54/93/1419 for the erection of a two storey extension, widening of access layby and formation of new field access - PERMITTED September 1998
00/00358/FULL Erection of two storey rear extension to provide lounge with additional bedrooms and bathroom over - PERMITTED April 2000
01/01869/FULL Erection of double garage with store over - PERMITTED December 2001
06/02537/FULL Erection of double garage with store/workshop/study - PERMITTED February 2007
08/00735/FULL Erection of porch and vehicle shelter/store - PERMITTED May 2008
14/00167/FULL Erection of single and two-storey extensions - WITHDRAWN March 2014

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

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR2 – Local distinctiveness
COR18 - Countryside

Mid Devon Local Plan Part 3 (Development Management Policies)

DM2 - High quality design
DM13 - Residential extensions and ancillary development

National Planning Policy Framework

CONSULTATIONS

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

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

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

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

REPRESENTATIONS

None

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

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

1. Use

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

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

2. Design, scale and materials

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

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

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

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

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

National Planning Policy Framework, in design terms.

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

3. Impact on the setting

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

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

4. Highways access and parking

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

REASON FOR REFUSAL

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

Agenda Item 7

PLANNING COMMITTEE AGENDA – 3rd December 2014

Enforcement List

<u>Item No.</u>	Description
1.	13/00167/UDUR - Raised decking in back garden of property at 48 Cotteybrook, Tiverton, EX16 5BR
2.	14/00162/UNLD – Untidy land/building – Contrary to Section 215 of the Town and Country Planning Act 1990 at The Twyford Inn, 64-66 Bampton Street, Tiverton EX16 6AL
3.	14/00096/BRE – Breach of Condition 10 of Planning Permission 09/01115/MFUL. Fail to maintain attenuation ponds and waterways, Persimmon Development, Court Farm/Merchants Walk/Raleigh Drive, Cullompton
4.	11/00115/UNLD – Untidy land, garden – Contrary to Section 215 of the Town and Country Planning Act 1990 at The Firs, 5 Higher Mill Lane, Cullompton, EX15 1AG
5.	12/00027/NUNLD – Untidy land/building – Contrary to Section 215 of the Town and Country Planning Act 1990, Harlequin Valet Ltd, 19 High Street, Cullompton, EX15 1AB

Case No. ENF/13/00167/UDUR

Grid Ref: 294768 112464

Address:

48 Cottey Brook, Tiverton, Devon, EX16 5BR

Alleged Breach:

Without planning permission, an unauthorised development has been undertaken to the rear garden of 48 Cottey Brook. Namely the construction of a raised platform, steps and railings as shown on the attached plan and photographs.

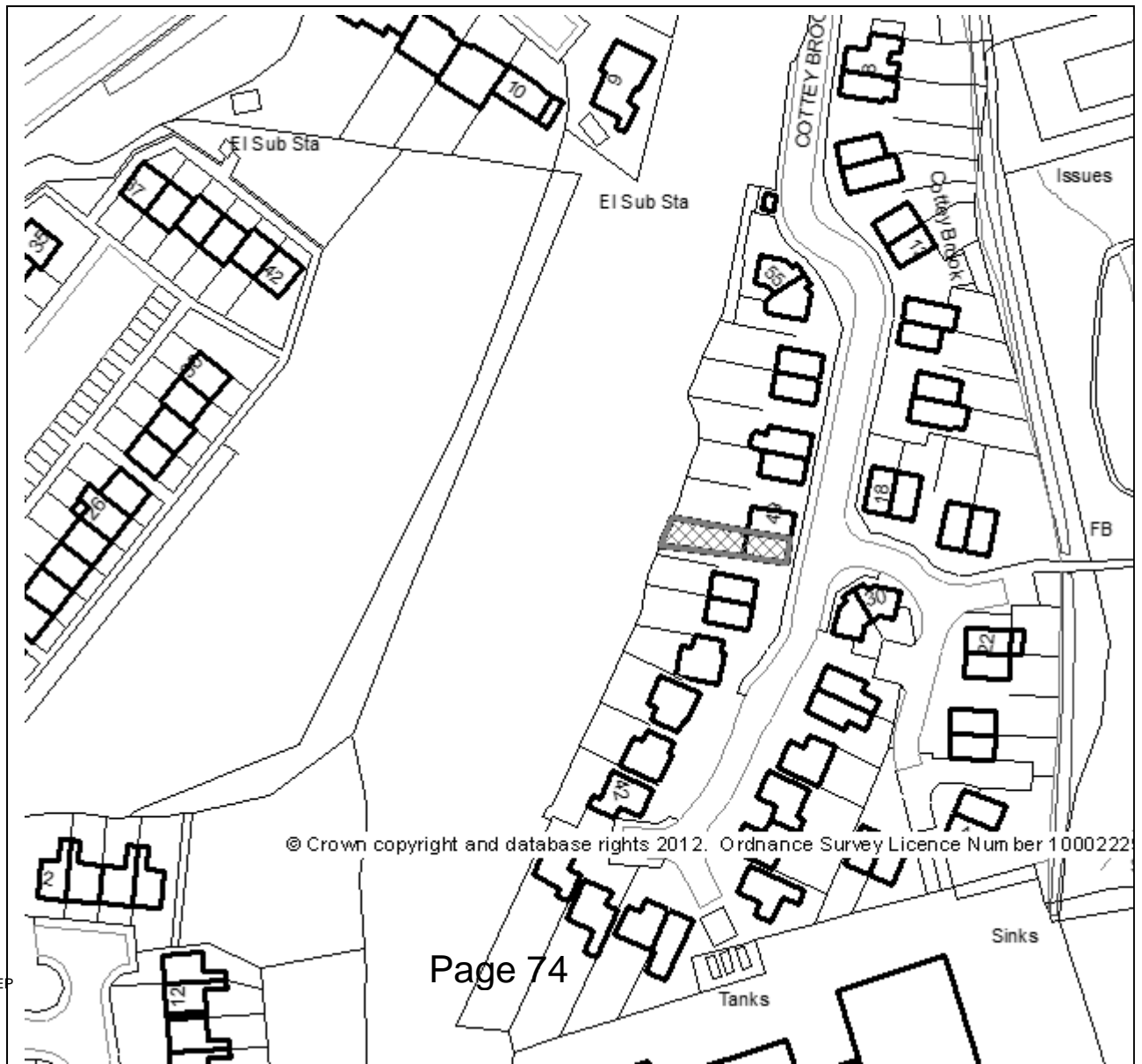
Recommendations:

That the Legal Services Manager be authorised to take any appropriate legal action including the service of a notice or notices, seeking the removal of the structure from the land. In the event of any failure to comply with the notice served the additional authority to prosecute, take direct action and/or seek a court injunction.

Site Description:

48 Cottey Brook, Tiverton, Devon, EX16 5BR

Site Plan:



Site History:

07/01975/FULL Retention of conservatory

PERMIT

Development Plan Policies:

National Planning Policy Framework

Mid Devon Core Strategy (Local Plan 1)

COR2, COR15

Mid Devon Local Plan Part 3 (Development Management Policies)

DM2, DM3, DM13, DM31,

Reasons/Material Considerations:

The attention of officers was drawn to this site in November 2013. A meeting was arranged with the owner to meet on site. The main issue was to consider the impact the part completed decking will have on neighbouring properties and the property itself.

It was made clear to the owner that Planning Permission would be required for the proposed raised decking area, steps and fencing. The owner was also informed that it would be unlikely that such consent would be granted for such a large and imposing structure due to issues with overlooking and loss of amenity to neighbouring properties unless he is able to establish an overriding requirement.

Further site visits and communication have been undertaken with the owner, and his agent. The last meeting indicated that the owner/agent is intending to submit a planning application to extend the rear of the property and remove part of the slopping garden, and provide a retaining wall to the rear and side of the garden area; this proposal would remove the raised deck area the subject of this enforcement action request.

No planning application has been received to date.

It is considered that enough time has elapsed for the owner to resolve the issues at 48 Cottey Brook by either removing the unauthorised structures or submitting an appropriate planning application.

Human Rights and Equality Issues:

The taking of any enforcement action could be said to affect the land/property owner/occupiers human rights under the provision of Article 8 and Article 1 of the First protocol to the Human Rights Act 1998.

In this case, the owner has made a free choice to construct the raised decking without any prior approval or discussion as to the merits of building the structures and has not subsequently attempted to gain planning permission for the unauthorised structures.

The Local Planning Authority believes it is pursuing a legitimate aim in seeking compliance with the provisions of the Town and Country Planning Act 1990 as amended so as to prevent demonstrable harm to the interests of acknowledged importance and to protect the environment

Options for action or remedy:

The list of options available is as follows:

Take no action:

This would not be appropriate as it could lead to the setting of a precedent allowing the construction of structures without planning consent.

Invite an application to grant consent to regularise the Development - It would be in appropriate to invite a planning application for the retention of the raised decking considering the likely refusal of such an application.

Issue Enforcement Notice to seek removal of the unauthorised structures from the land - This is the recommended course of action.

Reasons for Decision:

The Unauthorised development has been undertaken within the last four years. The development is contrary to Policies COR2 and COR15 of the Mid Devon Core Strategy (Local Plan Part1), Policies DM2, DM3, DM13, of the Mid Devon Local Plan Part 3 (Development Management Policies) and in line with Policy DM31 of the same document.

Steps Required:

1. **Remove the unauthorised structures from the land**

Period for Compliance:

Six months from the date the notice comes into effect.

Case No. ENF/14/00162/UNLD

Grid Ref: 295587 112808

Address:

The Twyford Inn, 64 - 66 Bampton Street, Tiverton, Devon

Alleged Breach:

Untidy land / building detrimental to visual amenity in contravention of Section 215 of the Town and Country Planning Act 1990 (as amended).

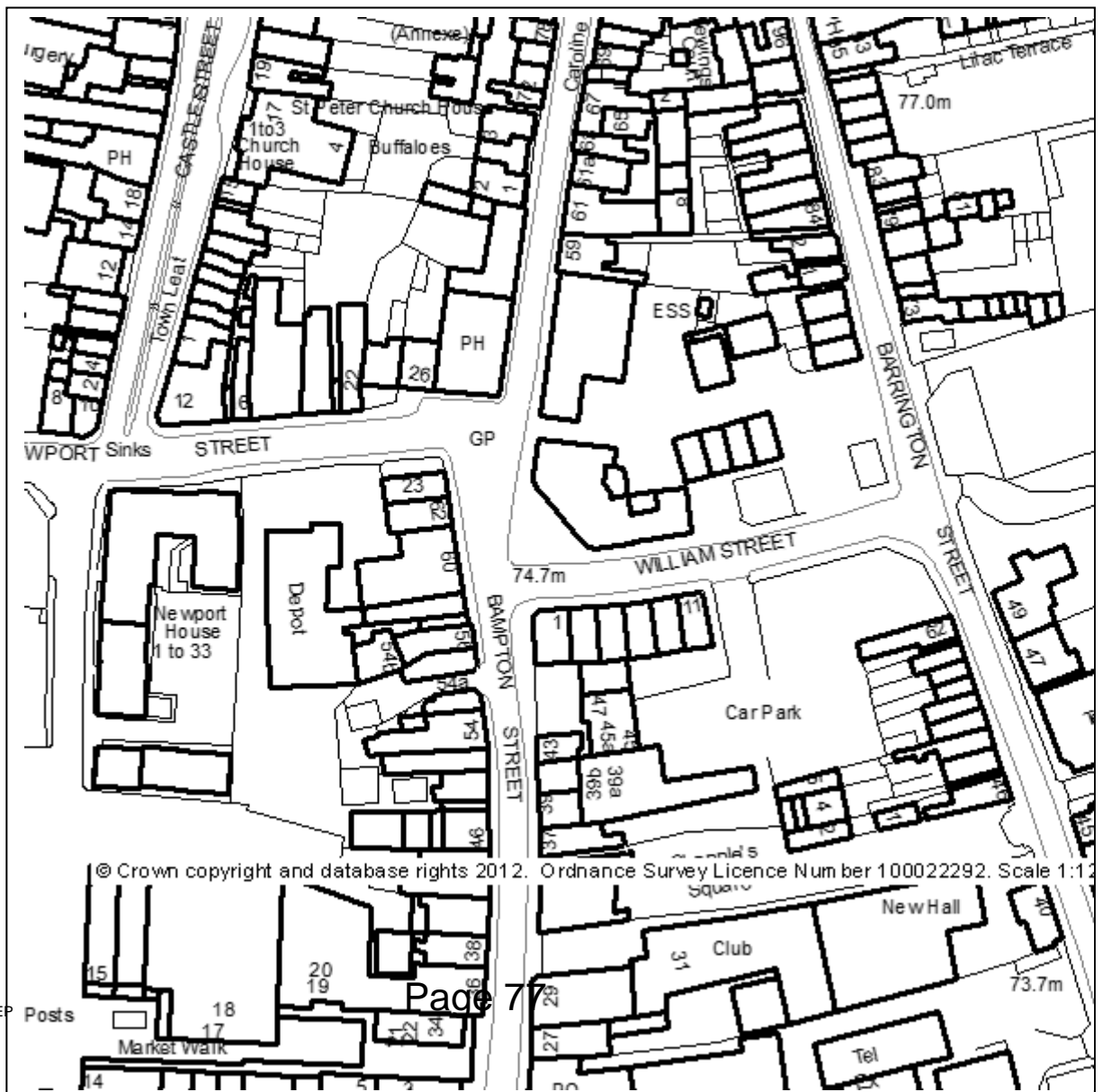
Site Description:

The Twyford Inn, 64 - 66 Bampton Street, Tiverton, Devon

Recommendation:

That in the event that acceptable progress is not made by 1st March 2015 to undertake works to address the appearance of the site, to authorise the Legal Services Manager to take the appropriate legal action including the service of a Section 215 Notice and in the event of a failure to comply with such a notice consideration of prosecution proceedings and/or direct action, or injunction proceedings. Such a notice requiring that steps should be taken to tidy the land

Site Plan:



Site History:

86/00131/FULL	Conversion of ground floor of existing cottage into bars, new toilet and kitchen extension at rear	PERMIT
89/02728/FULL	Internal/external alterations and improvements	PERMIT
90/00719/ADVERT	Consent to display illuminated signs	REFUSE
94/02103/FULL	Extension to dining room	PERMIT
97/00929/FULL	Construction of boundary wall following proposed demolition of outbuildings	PERMIT
97/00930/CAC	Conservation Area Consent for the demolition of outbuildings to rear prior to the erection of proposed boundary wall	PERMIT
98/01494/CAC	Conservation Area Consent for the demolition of outbuildings prior to the construction of boundary walls	REFUSE
98/01495/FULL	Construction of boundary walls following proposed demolition of outbuildings	REFUSE
99/02897/FULL	Change of use of area of land created by demolition of outbuildings to form an extension of existing beer garden use, with construction of replacement covered area at northern end of yard area	PERMIT
99/02898/CAC	Conservation Area Consent for demolition of outbuildings to facilitate extension of beer garden and construction of replacement covered area proposed under planning application number 4/52/99/2897	PERMIT

Development Plan Policies:

National Planning Policy Framework

Mid Devon Core Strategy (Local Plan Part 1)

COR2 - Local Distinctiveness

COR13 - Tiverton

Mid Devon Local Plan Part 3 (Development Management Policies)

DM2 - High quality design

DM3 - Sustainable design

DM16 - Town centre development

DM27 - Development affecting heritage assets

DM31 – Planning enforcement

1.0 BACKGROUND

- 1.1 The Twyford Inn 64 - 66 Bampton Street Tiverton Devon EX16 6AL which is located in a prominent position within Tiverton Conservation Area. The premises consisted of a mixed planning unit comprising a Public House and associated residential first floor accommodation.
- 1.2 A serious fire occurred at the premises on 14th April 2014 resulting in extensive fire damage which included the total roof loss and serious internal damage. Your Building Control Officers have been involved in relation to this matter along with your Environmental Health Officers. At the time the building was assessed and considered safe. It was secured by way of scaffolding, netting and Heras type fencing to the front and side elevation. Officers from Building Control have continued to monitor the building.

2.0 PLANNING ISSUES

- 2.1 The appearance of the building since the fire is cause for concern, particularly due to its prominent location in the Conservation Area and visible position from the town centre. Consideration of enforcement action under Section 215 of the Town and Country Planning Act 1990 in order to improve the appearance of the site is appropriate.

3.0 CURRENT SITUATION

- 3.1 The immediate post-fire issues with the building have been addressed by the previous owner and were overseen by Building Control Officers. These have included the erection of scaffolding, netting and heras fencing to the front and side perimeter of the building and the partial closure of Bampton Street in order to protect the public.
- 3.2 The remaining structure and fabric of the building together with the open, non-weather tight sides of the adjacent building (26 Newport Street) revealed by the collapse are clearly visible from the front on Bampton street and Newport Street. There is little left of the roof structure and this too is visible from public vantage points. The site is located in the Conservation Area and town centre of Tiverton. Its current derelict condition and appearance are considered unsightly and to detract from the amenities of the area and the character and appearance of the Conservation Area. It is necessary to improve this situation to address the detriment to amenity and prevent the situation deteriorating. Several options for action are considered below.
- 3.3 The National Planning Policy Framework paragraph 207 together with the following Development Plan policies are considered relevant.

Mid Devon Core Strategy (Local Plan Part 1)

COR2 - Local Distinctiveness

COR13 - Tiverton

Mid Devon Local Plan Part 3 (Development Management Policies)

DM2 - High quality design

DM3 - Sustainable design

DM16 - Town centre development

DM27 - Development affecting heritage assets

DM31 – Planning enforcement

- 3.4 The property changed hands on 7th November 2014 and is now owned by a local building company. Since then, tidying works to remove external debris have already taken place and other works to secure the site are proposed. Discussions have taken

place with the new landowner in order to understand his intentions with the property. It is understood that the intention is to redevelop the site rather than retain the existing structure. The owner is commissioning a structural engineer's report and will also be checking whether from a historic building conservation perspective there is anything of merit on the site (Conservation Area, but not a listed building). He proposes to draw up a planning scheme over the next 2-3 months for submission. Pre-application discussions are already taking place.

3.5 Productive discussions are taking place with the new owner of the site and it is expected that a redevelopment scheme will be forthcoming within a couple of months. The owner has also indicated his intention to undertake works to address the appearance of the site and to prevent it worsening in the short term and over the winter months. Short term works required are considered to be:

1. Remove the debris around the building and remove the temporary fencing and provide secure hoarding to the ground floor of the building including windows.
2. Maintain the scaffolding in a proper manner.
3. Remove the loose roof timbers and either store them in the building or safely remove them from site.
4. Support and protect existing walls to prevent further weathering and damage.
5. Safely remove debris and remaining building fabric from the site adjacent to the party wall to 26 Newport Street. Make good the party wall and fill pockets within the walls following any removal of joists and beams by cutting and inserting brick to fit. Apply two coats lime render with a smooth finish to exposed areas of the party wall.

The owner has indicated his intention to undertake much of this work.

3.6 It is not considered appropriate at this stage to secure the immediate demolition of the buildings on the site due to the impact that such a gap in the streetscene would have upon this prominent Conservation Area site and that in the current absence of planning permission for redevelopment. Investigation from a historic building conservation perspective of whether there is anything of merit on the site is also to take place shortly. Planning permission for demolition is also required.

4.0 **OPTIONS AVAILABLE FOR FURTHER ACTION OR REMEDY:**

4.1 **Take no action.**

4.1.1 The condition of the property has deteriorated after the fire. This will only continue to deteriorate if no action is taken. Whilst the external walls are currently considered stable (they are supported by scaffolding), water ingress if not addressed may affect this. **No action is not considered appropriate in this case as the visual amenity of the property is detrimentally affecting the town centre and Conservation Area of Tiverton.**

4.2 **Serve a notice under Section 215 Town and Country Planning Act 1990 (Untidy Land).**

4.2.1 A notice may be served under s215 of the Town and Country Planning Act where the local planning authority considers that the amenity of part of their area is adversely affected by the condition of land. The notice sets out works to remedy the condition of the land, but can only require works that relate to the visual appearance as seen from

public vantage points, or in this case, the front and side elevations. No other works can be required as they would be deemed excessive and as a result the notice could fail in the event of any subsequent appeal under the provisions of Section 217 (c). Structural condition therefore was not able to be addressed through this notice. A period of at least 28 days must be given for the works to be carried out from when the notice is served.

4.2.2 'That delegated authority be given to the Legal Services Manager to take the appropriate legal action, including the service of a Section 215 Notice, and in the event for a failure to comply with such a notice consideration of prosecution proceedings and / or direct action, or injunction proceedings. Such notice requiring that steps should be taken to tidy the land.

4.2.4 Officers consider that the appearance of the site and remains of the building clearly detract from the amenities of the area. A schedule of works to address this is as follows, but can only address the appearance of the site from the front and side elevations. This enforcement tool cannot require the wholesale redevelopment of the site nor the reconstruction of the whole building. It would therefore seek to remedy detriment to appearance in the short term. Constructive discussions are taking place with the new owner and it is expected that works to address the appearance of the site and to prevent its condition worsening in the short term will shortly take place. A planning application to redevelop the site is being drawn up and is expected to be submitted within approximately 3 months. The granting of a permission would secure a long term solution to the appearance of the site. Given the cooperation from the new owner, it is expected that works required under the proposed Section 215 notice will be undertaken voluntarily in the next few months. Authority to take formal s215 action is therefore intended to act as a backup in the event that these voluntary works do not take place as expected.

4.2.5 Steps required:

Section 215 notice to require that:

The Council requires the following steps to be taken for remedying the condition of the land.

1. Remove the debris around the building and remove the temporary fencing and provide secure hoarding to the ground floor of the building including windows.
2. Maintain the scaffolding in a proper manner.
3. Remove the loose roof timbers and either store them in the building or safely remove them from site.
4. Support and protect existing walls to prevent further weathering and damage.
5. Safely remove debris and remaining building fabric from the site adjacent to the party wall to 26 Newport Street. Make good the party wall and fill pockets within the walls following any removal of joists and beams by cutting and inserting brick to fit. Apply two coats lime render with a smooth finish to exposed areas of the party wall.

Reason:

To ensure the improvement to the visual appearance of the front elevation of the building so as to remedy the detriment to Tiverton Conservation Area.

4.2.6 Period for compliance:

Three (3) months after the notice takes effect. To allow for the works to be carried out.

4.2.7 Consideration was given to requiring that the scaffolding be moved so that it is internal to the building, thus allowing for the exterior scaffolding and netting to be removed. However this would also require the making safe and clearing of the interior in order to achieve this. Legal advice confirms this to be a step too far and difficult to justify. The external walls are currently stabilised by the exterior scaffolding.

4.3 **Compulsory Purchase.**

4.3.1 Local authorities have a range of legal powers to compulsorily acquire land in their area. Section 226 of the Town and Country Planning Act gives this power if it would facilitate the carrying out of development, re-development or improvement; or it is required for a purpose necessary to achieve the interests of proper planning of an area within which it is located. Where development, re-development or improvement is sought, compulsory purchase must only take place where the authority believes it to contribute to the promotion or improvement of the economic, social or environmental well-being of their area. A compulsory purchase order must be confirmed by the Secretary of State. If the owner objects, a public inquiry is held. The inspector's report and recommendation will be taken into account by the Secretary of State in his decision whether to confirm the order.

4.3.2 Further guidance on the use compulsory purchase powers lie within circular 06/2004. Important in any consideration of compulsory purchase is the following guidance taken from the circular:

- i) An order should only be made where there is a compelling case in the public interest and should be regarded as a last resort measure. The public benefit needs to outweigh the private loss as the human rights of the landowner will be interfered with, for which justification is required.
- ii) The authority should first seek to resolve the planning issue by other means.
- iii) The acquiring authority needs to show that it has a clear scheme for the use of the land, that the resources including funding are in place to achieve the scheme within a reasonable time-scale.
- iv) The authority will need to demonstrate that there is a reasonable prospect of the scheme going ahead and that impediments such as planning permission are in place or are unlikely to be withheld.
- v) The authority should first seek to acquire the land by negotiation. Informal negotiations with the owner can be undertaken in parallel with making preparations for compulsory purchase.

4.3.3 Legal advice has not been gained on the prospects of compulsory purchase at this stage. It is clear that this proposal is a 'last resort' stage which has not yet been reached and initiation of compulsory purchase at this stage would be premature. The Council would also need to put together a comprehensive scheme and demonstrate resources are in place to achieve it. Formal compulsory purchase action is not appropriate at this stage, particularly given the positive discussions being held with the owner.

5.0 **HUMAN RIGHTS AND EQUALITY ISSUES:**

5.1 Any of the actions taken as proposed or being considered in relation to this report could affect the land/property and the owner's rights under the provisions of Article 8, 6 and Article 1 of the First Protocol of the Human Rights Act 1998. However, the Local Planning authority feels it is pursuing a legitimate aim in seeking compliance

with The Town and Country Planning Act 1990 so as to prevent demonstrable harm to interests of acknowledged importance and to protect the environment. In this particular case the visual appearance of the front and side elevations of the property is considered to detrimentally affect the amenity of the area. In your Officers opinion that appearance could be made acceptable following compliance with a section 215 notice. The Human Rights provisions in relation to this case are qualified rights and the interference with those rights is considered to be proportionate so as to protect harm to the visual amenity identified. Your officers feel negotiations and communications have been carried out with the landowner in accordance with policies and that the service of any Section 215 Notice would be a proportionate and expedient way to resolve the matter in the event that voluntary works are not undertaken in a reasonable timeframe.

6.0 CONCLUSIONS

- 6.1 The immediate concerns relating to the safety of the site have been addressed. However there remains detriment to the amenities of the area due to the poor appearance of the site. In the short term it is expected that the owner will voluntarily undertake works to improve the appearance. However serving a s215 notice to secure works is proposed as a backup position in the event that satisfactory progress on these works does not take place over the next 3 months. A s215 notice will not secure the condition and appearance of the site in the long term. This can only be achieved through its redevelopment. Pre-application discussions are taking place. It should be noted that there is a right of appeal against a s215 notice which would suspend the requirements of the notice pending the determination of the appeal. This would result in delay. The process of appeal is to a Magistrate's Court not the Planning Inspectorate.
- 6.2 Should there be no reasonable attempt to comply with the requirements of the s215 Notice the Council will consider the preparation of a scheme for the use of the land with a mind to reconsidering the appropriateness of Direct action/compulsory purchase action. The Council will continue to work towards securing a long term solution to the site in addition to addressing the current detriment to the amenity.

Case No. ENF/14/00096/BRE

Grid Ref: 302248 107858

Address:

Persimmon Development, Court Farm/Merchants Walk/Raleigh Drive, Cullompton (as outlined in black on the attached site plan)

Alleged Breach:

Failure to comply with condition 10 of planning permission 09/01115/MFUL. Fail to maintain attenuation ponds and waterways. Contrary to Section 187A of the Town and Country Planning Act 1990.

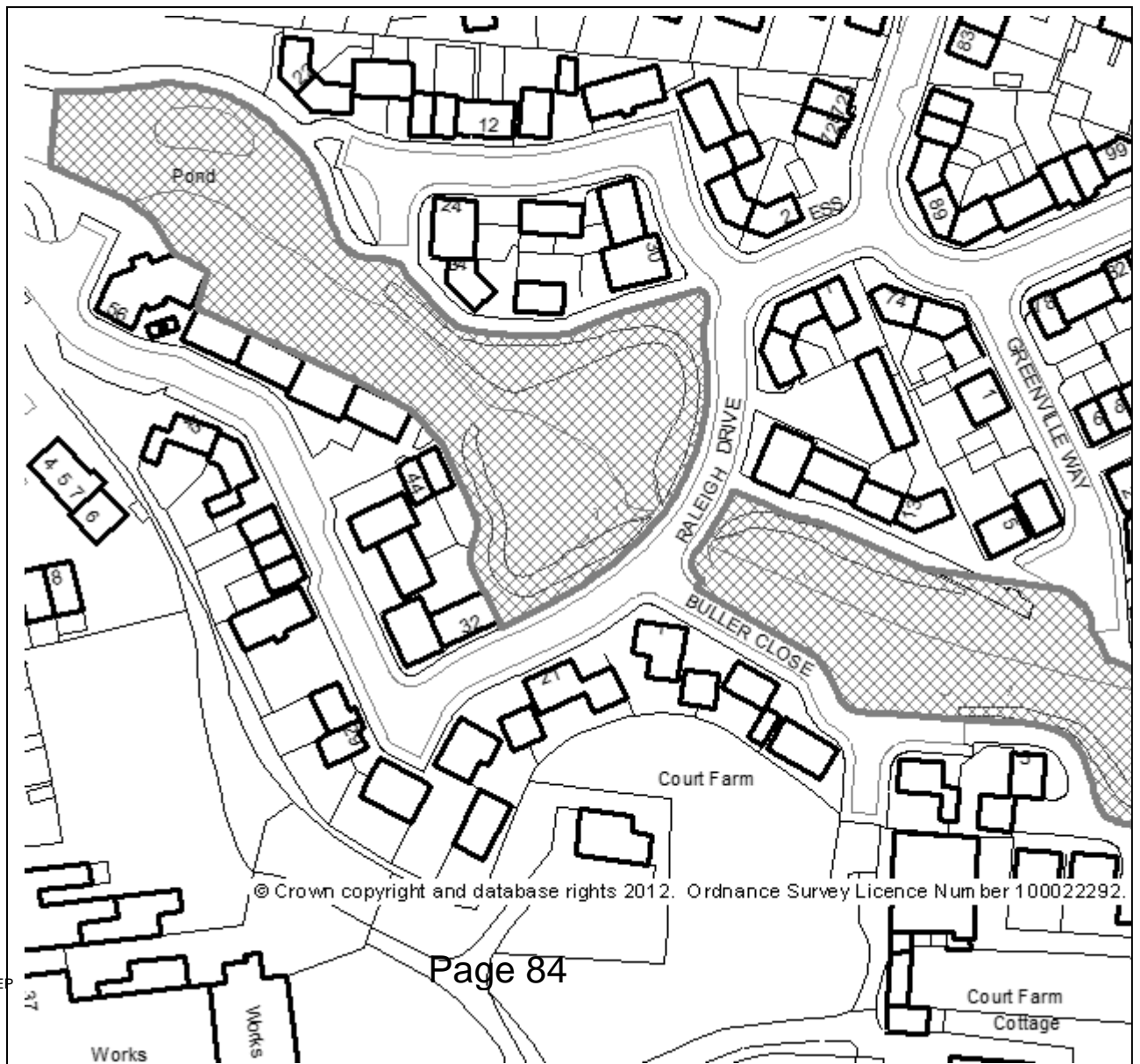
Recommendations:

No further action (NFA) in relation to the failure to comply with condition 10 of planning permission 09/01115/MFUL. In relation to the 'filling' of the ponds only

Site Description:

The Persimmon development, known as the Court Farm development, is located between Millenium Way, to the east and Willand Road to the west.

Site Plan:



Site History:

09/01115/MFUL Erection of 80 dwellings and associated works on Land and Buildings at NGR 302231 107841 (Court Farm), Cullompton Granted 12th November 2010

Development Plan Policies:

Local Plan Part 3 (Development Management Policies)
DM31- Planning Enforcement

National Planning Policy Framework (NPPF)
Paragraph 207-Enforcement
Paragraph 206-Planning conditions

Reasons/Material Considerations:

On the 12th November 2010 planning permission was granted for the erection of 80 dwellings and associated works on Land and Buildings at NGR 302231 107841 (Court Farm) Cullompton, Devon. The planning permission for this residential development contained condition 10 which states:

'Provision shall be made for land drains to prevent the attenuation basins from filling with ground water. The floodplain corridor, as shown on the approved plans, shall be maintained, and kept free from obstructions to the flow of flood waters throughout the lifetime of the development, including during the construction phase. Such obstructions would include, for example, ground raising, landscaping alterations, inappropriate fencing, dense vegetation, play equipment etc.'

This condition was imposed following consultation with Environment Agency and to protect the functionality of the floodplain of the St George's Well stream and thus prevent an increase in flood risk.

Toward the end of July 2014 your enforcement officer was requested to investigate compliance with condition 10 as referred to in this report. In particular that the attenuation ponds and water ways were overgrown and contained various items that were considered to impede the water flow. It was felt by your officer that the overgrown vegetation was a breach of condition 10 and a letter was sent to the developer indicating a failure to comply with that aspect of the condition. On the 26th September 2014 a follow up site visit indicated that the attenuation ponds and basins, and associated water ways, had been cleared of overgrown vegetation and any obstructing material. This was considered to be in compliance with the condition as requested by the Local Planning Authority.

However, further concerns were expressed regarding the retention of water within the bottom of the basins/ponds. The complainants alleged that the retention of water within the ponds was also a breach of condition 10.

The condition actually states that *'provision shall be made for land drains to prevent the attenuation basins from **filling** (officer emphasis) with ground water.*

On no occasions, when the site has been visited, have the basins been **FULL OF WATER**. It has been noted that the outfall pipe work is slightly higher than the bottom of the basins and as a result some water is held until it fills to the level of the pipework, and then the basin water flows into the pipework and retained water leaves the basin.

It is your enforcement officers concern that in the event it were decided, by this committee, that a Breach of Condition Notice should be served, under the provisions of Section 187A, there is no

appeal provision in relation to this type of notice and the remedy would be to prosecute the recipient (developer) for non compliance in the Magistrates Court. It is apparent to your officer that there would be a defence to this prosecution in that the basins do not **FILL** with water but hold enough water until it is allowed to flow out through the pipework.

Your enforcement officer has consulted with the Environment Agency in relation to the enforceability of condition 10, as to whether or not that Agency would support any such prosecution. Whilst there have been helpful responses from the Agency they have not indicated whether or not they are prepared to support such a prosecution. The Environment Agency have declined to attend at this meeting

Members should bear in mind that when a planning condition is imposed upon a planning permission it should be in line with Paragraph 206 of the National Planning Policy Framework (NPPF) which states Planning conditions should only be imposed where they are necessary, Relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

The Planning Practice Guidance introduced on 6th March 2014, Use of Planning Conditions provides the below guidance in relation to the imposition of planning conditions, the conditions imposed should be;

1. Necessary,
2. Relevant to planning,
3. Relevant to the development to be permitted. Those conditions should also be:
4. Enforceable,
5. Precise, and
6. Reasonable in all other respects

It is your officer's view that condition number 10 is not enforceable, nor precise enough so as to prevent the basins from being wet at the bottom below the outflow level. In fact it is your officer's view that if it is felt a Breach of Condition Notice should be served, every time water appears in these basins that would technically be a breach of that condition/notice and an offence. That cannot be the intention of the condition as water is continually flowing through into and out of these basins in this particular location. The condition is designed to prevent the basins from filling with water. It would have to be asked 'what would any notice require?' The notice can only require and reflect the condition imposed. So in this case the basins should not fill with water. At no stage has it been suggested that this breach has actually occurred. The only concern raised is that the basins hold a small amount of water in the base.

In addition even if the Members of this committee were to disagree with the officer view and require that a Breach of Condition Notice should be served, failure to comply with that notice is a criminal offence. The Legal Services Manager would have to consider, prior to any prosecution, the Code for Crown Prosecutors which states that, 'at the evidential stage prosecutors *must* be satisfied that there is sufficient evidence to provide a realistic prospect of conviction against each suspect on each charge. The prosecutor must consider what the defence case may be, and how likely it is to affect the prospects of a conviction. A case which does not pass the evidential stage must **not** proceed, no matter how serious or sensitive that may be'. There are additional tests also.

As a result of the above it is your officer's view that the Local Planning Authority would be exposed to a high degree of risk, and in a difficult position to defend any action taken by way a Legal challenge to the service of any Breach of Condition Notice. Therefore your officer recommends that no further action (NFA) should be taken in relation to the alleged breach of condition 10.

As a result of this investigation officers are in consultation with the developer regarding the construction of the basins. In addition officers in Development Management will review the

conditions, in conjunction with the Environment Agency, proposed for use in similar circumstances to see if they are appropriate, and in accordance with the Planning Practice Guidance, as detailed above.

Human Rights and Equality Issues:

Any of the enforcement action taken as proposed, and in this case the consideration of the service of a Breach of Condition Notice, could be considered to affect the land/property and the owners Human Rights under the provisions of Article 8 and Article 1 of The First Protocol of the Human Rights Act 1988. However the Local Planning Authority feels that it has conducted an investigation into allegations in relation to a breach of the Town and Country Planning Act 1990 so as to prevent demonstrable harm in the interests of acknowledged importance to protect the environment. In this particular case it is your officers view that no further action should be taken. However, in the event that Members decide a notice should be served the developer should be informed of that decision; they would have the opportunity to legally challenge (Judicial Review) the decision to serve any such notice, but not appeal the notice itself. It is your officer's view that the investigation has currently been carried out in line with Paragraph 207 of the NPPF and Policy DM31 Local Plan Part 3 Development Management Policies October 2013.

Options for action or remedy:

The list of options available is as follows:

Take no action:

The no action option is believed by your officer to be appropriate in these circumstances as the service of a Breach of Condition Notice would not be proportionate in relation to the 'filling' aspect and wording contained within the condition. That wording within the condition is not enforceable, precise, or reasonable in all other respects, and that the Local Planning Authority would be at risk of legal challenge if such a notice were to be served.

In the event Members decide that a notice should be served that notice would need to be a Breach of Condition Notice issued under the provisions of Section 187A of the Town and Country Planning Act 1990 (as amended). That notice can only reiterate the wording of the condition exactly and the requirements must only reflect the wording contained within the condition.

Reasons for Decision:

Your officers recommend that no further action is taken in this case due to the circumstances outlined in the report.

Steps Required:

The steps required, in the event a notice is to be served, would be to replicate exactly those requirements contained within condition 10.

Period for Compliance:

Three (3) months if considered appropriate or any other time period the committee feel appropriate.

Case No. ENF/11/00115/UNLD

Grid Ref: 302187 107480

Address:

'The Firs', 5 Higher Mill Lane, Cullompton, EX15 1AG

Alleged Breach:

Untidy land detrimental to amenity and in contravention of Section 215 Town and Country Planning Act 1990 (as amended).

Recommendation:

To delegate authority to the Legal Services Manager to take the appropriate legal action including the service of a Section 215 Notice (Untidy Land) and in the event of a failure to comply with such a notice the consideration of prosecution proceedings and/or direct action, or injunction proceedings. Such a notice to require that steps should be taken to tidy the land.

Site Description:

5 Higher Mill Lane, known as 'The Firs', is on the junction of Higher Mill Lane and Forge Way and to the north of this Local Authority's pay and display car park.

Site Plan:



Site History:

No relevant planning history in relation to this matter.

Development Plan Policies:

Mid Devon Local Plan Part 3 (Development Management Policies) Adopted October 2013
DM31-Enforcement

Reasons/Material Considerations

'The Firs', 5 Higher Mill Lane, is a detached single storey dwellinghouse situated on a large plot, it has two road frontages, to the north and west, and a southern frontage which is adjacent to Mid Devon District Council pay and display car park. Information was received by your officers regarding the condition and overgrown nature of the garden surrounding 'The Firs' sometime ago. The situation has not improved, and in fact has worsened. It is now almost physically impossible to get to any entrance doors of the property and the garden has grown over the retaining boundary walls and fences and is affecting the amenity of passers by and neighbouring properties. This is considered to be contrary to Section 215 (Untidy Land) of the Town and Country Planning Act 1990 (as amended).

Protracted attempts to contact and negotiate a solution with the property owner have failed and it is now felt that the only solution is to present this report seeking the authority to serve the Section 215 notice in an attempt to resolve the matter.

Members should be made aware that in the event a notice is served and upheld any future prosecution, if considered appropriate, for non-compliance may not achieve the desired result and it is entirely possible that a further report will be presented to committee by way of update and seeking authority for direct action.

Your officer has hand delivered several letters to the property one of which resulted in a telephone discussion with the property owner who indicated that he would attempt to carry out works to resolve the issue but this has not materialised.

Human Rights and Equality Issues:

Any of the enforcement action taken or as proposed, or as being considered in relation to this report could affect the land/property and the owners/occupiers rights under the provisions of Article 8 and Article 1 of The First Protocol of the Human Rights Act 1998. However the Local Planning Authority feels it is pursuing a legitimate aim in seeking compliance with the Town and Country Planning Act 1990 so as to prevent demonstrable harm in the interests of acknowledged importance and to protect the environment and amenity. In this particular case various attempts have been made by various officers from different sections of this Local Authority to contact the property owner in an attempt to have the land tidied. This has been unsuccessful. The Human Rights provisions in relation to this case are qualified rights and the proposed interference with those rights is considered to be proportionate so as to prevent harm to the amenity identified. Your officers also feel that negotiations and communications have been carried out as much as is possible in line with the National Planning Policy Framework (NPPF) Paragraph 207 and that the proposed action is considered proportionate. The consideration of whether the proposed action is appropriate and proportionate has also been considered in accordance with Policy DM/31 Planning Enforcement Local Plan Part 3.

Options for action or remedy:

The list of options available is as follows:

Take No Action:

No action is not considered appropriate as the condition of the land is adversely affecting the amenity of the area.

Formal Enforcement Action:

Issue enforcement notice to require that the land is tidied.

Formal enforcement action by way of the service of a Section 215 Notice (Untidy Land) Town and Country Planning Act 1990 (as amended).

Your officers recommend formal enforcement action for the reasons set out in this report.

Steps Required:

1. Rubbish and waste items not connected with the lawful use of the site shall be removed from the land to a lawful disposal site.
2. All overgrown vegetation (excluding mature trees) situated within the red line of the notice and the boundaries of the site shall be cut back to ground level. All the resulting material removed to a lawful disposal site.

Period for Compliance:

Six (6) months after the date on which this Notice takes effect (which cannot be less than 28 days).

Case No. ENF/12/00027/NUNLD

Grid Ref: 302110 107451

Address:

Harlequin Valet Ltd, 19 High Street, Cullompton, Devon EX15 1AB.

Alleged Breach:

Untidy land. Failure to comply with requirements of Section 215 Notice contrary to Section 216 Town and Country Planning Act 1990 (as amended).

Recommendations:

To authorise the Legal Services Manager and the Head of Planning and Regeneration to take the appropriate legal action as a result of a failure to comply with a Section 215 Notice, namely:

1. Direct action under the provisions of Section 219(1) of the Town and Country Planning Act 1990 to allow the Local Planning Authority to enter the land and take those steps, and recover from the person who is then the owner of the land any expenses reasonably incurred by them in doing so.
2. In the event of direct action costs being incurred, the registering of a charge against the property with Land Registry, and in addition in the interim, under the provisions of the Land Charges Act, the placing of an estimate of the charge that will become due on a property.
3. The continuation of prosecution proceedings in relation to the land owner for failure to comply with the requirements contained within the Section 215 enforcement notice dated 20th March 2014 contrary to Section 216(2) Town and Country Planning Act 1990 (as amended).

Site Description:

Harlequin Valet, 19 High Street, Cullompton, is located in a prominent position to the east of the Higher Bull Ring and within the Cullompton Conservation Area. Prior to a severe building fire the premises used to consist of a mixed planning unit, of retail and residential.

Site Plan:



Site History:

09/00710/FULL	Erection of extension and alteration to provide 1 retail unit and 5 flats and the erection of a single storey dwelling to the rear	Granted November 2009
12/01534/FULL	Application to replace extant planning permission 09/00710/FULL (to extend time limit). Erection of extension and alterations to provide 1 retail unit and 5 flats, and erection of 1 single-storey dwelling to rear (Revised Scheme)	Granted January 2013 Implemented 9 th July 2013
13/00763/FULL	Erection of 6 apartments and 1 single storey dwelling	Granted 14 th February 2014 – Not implemented

20th March 2014 Section 215 Notice issued, notice took effect on 1st May 2014 (no appeal) three (3) months to comply continued failure to comply.

15th October 2014 Prosecution of land owner for failure to comply with the Section 215 Notice contrary to Section 216(2) at Exeter Magistrates Court, Guilty plea.

Development Plan Policies:

Not applicable.

Reasons/Material Considerations:

Members will be aware of the history of this site which includes a report presented to them on the 5th March 2014 in relation to the service of a Section 215 (Untidy Land Notice). Members resolved to serve the notice, and also resolved that in the event of a failure to comply with such a notice consideration should be given to prosecution proceedings and/or direct action, or injunction proceedings.

Members will also be aware that following that committee resolution a Section 215 (untidy land) Notice dated 20th March 2014 was issued and served. That notice took effect on 1st May 2014 and had a compliance period of 3 months.

The Section 215 Notice was not complied with and as a result the Local Planning Authority prosecuted the land owner for his failure to comply with the Section 215 Notice under the provisions of Section 216(2) of the Town and Country Planning Act 1990 (as amended). That prosecution took place on the 15th October 2014 at Exeter Magistrates Court where the land owner pleaded guilty.

Members should note that the Legal Services Manager has been further instructed to continue with prosecution proceedings under the provisions of Section 216(6) which states:

'If, after a person has been convicted under previous provisions of the section he does not as soon as practicable do everything in his power to secure compliance with the notice he shall be guilty of a further offence for each day following his first conviction on which any of the requirements of the notice remain unfulfilled'.

On the 23rd October 2014 your enforcement officer again visited the site and noticed that the Section 215 Notice had not been complied with. As a result Legal Services have been instructed in relation to this offence.

As a result of the above there is a continued failure to comply with the requirements of the notice and this report is to seek further authority from the Members of the committee, if they feel it is appropriate and proportionate, to require that direct action under the provisions of Section 219 of the Town and Country Planning Act 1990 should take place.

Members should note that the only way the Local Planning Authority can ensure compliance with the notice would be to instruct a contractor to carry out the requirements of the notice itself. Quotes from contractors have been received and they are included within Part 2 of this report. Those quotes in relation to the proposed direct action are contained within Part B of this report, which due to the financial issues, not only for the council, but for the landowner, is to be presented to members under the provisions of Part 2 of this agenda.

Members should consider whether a failure to pursue direct action in this case, and any other similar cases, would seriously undermine the planning enforcement function, and the credibility of the Local Planning Authority would be questioned.

The inclusion of this section of the report within Part 2 is as a result of the Access of Information Act for the exclusion of the press and public, 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 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).

Human Rights and Equality Issues:

Any of the enforcement action taken as proposed and referred to in this report will affect the land/property and owners human rights under the provisions of Article 8 of The First Protocol of the Human Rights Act 1988. However, your officers feel that the Local Planning Authority would be pursuing a legitimate aim in seeking compliance with the extant Section 215 Notice and in accordance with the Town and Country Planning Act 1990, so as to prevent demonstrable harm to the interests of acknowledged importance and to protect the environment and in this case the amenity of the area. In this particular case the matter is considered to be a breach and a failure to comply with the enforcement notice contrary to Section 216(2), a criminal offence. The original Section 215 enforcement notice was not appealed at the Magistrates Court. The Human Rights provisions in relation to this case are qualified rights and the interference with those rights is considered by your officers to be proportionate so as to protect the harm to the amenity identified. The current land owner is fully aware that a failure to comply with the enforcement notice is a criminal offence due to his guilty plea when he attended at the Magistrates Court hearing on the 15th October 2014. In addition your officer and the Legal Services Manager were present at that hearing when the Clerk of the Magistrates Court informed the land owner that his continued non-compliance would also be a contravention of Section 216(6) of the Town and Country Planning Act 1990.

Members have to make a decision as to whether it is reasonable and proportionate to pursue direct action having regard to the importance of all the planning issues concerned in the Human Rights circumstances and other relevant factors. Members should consider the question of the need to continue enforcing planning control in the general public interest. The degree and flagrancy in relation to this continued breach would also be a relevant factor. If conventional enforcement measures have failed, (in this case continued prosecution), over a period of time this will also be a relevant factor. Members should consider that in the event of a legal challenge to any proposed action, or decision by the members of this committee, costs in relation to that Legal challenge should be considered a factor.

Options for action or remedy:

The list of options available is as follows:

Take no action:

A no action option is **not** thought to be appropriate in these circumstances due to the fact that the notice has been served, it has not been complied with, a successful prosecution has taken place, and the notice is still extant, and its requirements remain outstanding.

Formal Enforcement Action by either of the following options or both:

1. Continue to prosecute the land owner for his continued daily failure to comply with the notice under the provisions of Section 216(6) of the Town and Country Planning Act 1990 (as amended).
2. Enter the land and take direct action in order to seek compliance with the notice, and the specific requirements contained within that notice, under the provisions of Section 219 Town and Country Planning Act 1990 (as amended). In addition recover from the person

who is the land owner any expenses reasonably incurred by the Local Planning Authority in so doing.

Period for Compliance:

The period for compliance is dependent upon the decision taken.

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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PLANNING COMMITTEE AGENDA - 3rd December 2014

Applications of a non-delegated nature

<u>Item No.</u>	Description
1.	<p>14/00830/MOUT - Outline for the erection of up to 185 dwellings and 1935m2 of employment uses (B1 and B8) together with structural landscaping, sustainable drainage and ancillary open and play space at Land at NGR 284242 99827 (Wellparks), Exeter Road, Crediton.</p> <p>RECOMMENDATION Subject to the provision of a Section 106 Agreement/Unilateral Undertaking and conditions grant permission.</p>

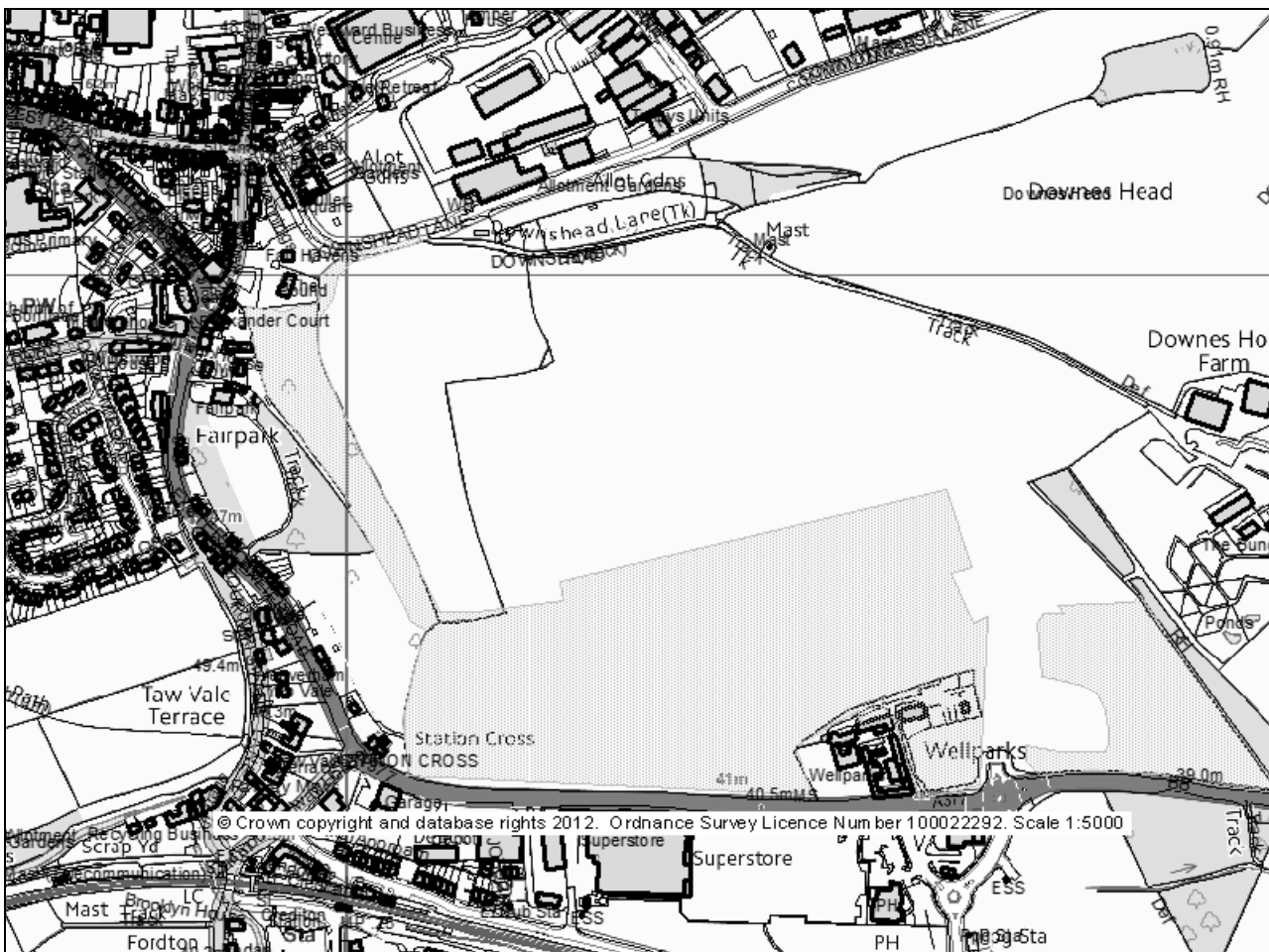
Grid Ref: 284242 : 99827

Applicant: Mr T Baker

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

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

Date Valid: 28th May 2014



Application No. 14/00830/MOUT

REASON FOR REPORT: UPDATE REPORT

Following consideration of a report at the last committee meeting (5th November), it was resolved by members to defer making a decision on the application to allow for a report to come to the next Planning Committee providing further information with regard to:

- i. The works which needed to take place in order to ensure the safe crossing of children and pedestrians to and from the proposed site and how this could be funded out of the amount allocated in the off-site Highways works Section 106 Agreement;
- ii. The provision of detailed plans showing the proposed routes and crossing points;
- iii. Information regarding how the proposed 25% affordable housing figure was arrived at.

This update report, and the attached plan - (Appendix 1) seeks to respond to the clarification points that Members raised, with revised heads of terms for inclusion with in a Section 106 Agreement as set out below. The 5th November report follows on from this update with conditions and reasons as recommended and edited.

RECOMMENDATION

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

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

FURTHER OFFICER COMMENT

A review of the issues raised by Members and a summary response is set out below:

(i) As Members will note, the third provision to be included within the Section 106 agreement has been redrafted so that the funding can be directed at infrastructure to specifically to assist pedestrian movements from the site to the key destinations elsewhere in Crediton. As drafted in the original report (page 21) the majority of this funding package was to be directed at improving infrastructure to assist car drivers, as opposed to 'pedestrian movement mitigation'.

To redress the concerns as expressed particularly by the two local Ward Members and the local County Councillor the recommendation for approval is based on the £124,040.00 to deliver the following mitigation:

The provision of a zebra crossing at the existing uncontrolled crossing between the bus stop on the northside of Exeter Road and the steps down to Tesco's on the southside. This is to be delivered when the development generates sufficient footfall, which is likely to be after competition of the 50th Property. The Highway Authority will undertake the necessary survey work to ensure timely delivery.

To investigate and design crossing facilities at:

- A) The junction of Exeter Road with Mill Street,
- B) On Exeter Rd adjacent to the Fire station
- C) On Exeter Road adjacent to the private lane alongside Jewsons.

Should the design and feasibility work indicate that the additional crossing points (A and B) can be delivered in technical terms the works will be implemented with the funding secured from this application. In terms of the crossing at point C the design work that will be undertaken will form the basis to progress designing and delivering a more direct route from the development area to the Station but in order to achieve it, agreement with other land owners is required. It cannot therefore be delivered as part of this application.

The remaining funding after the pedestrian mitigation has been designed and implemented as appropriate will be used as a contribution towards delivering the original requirements of the Highway Authority (refer to page 21 of the original report). The applicant has agreed to a payment trigger which require 50% of the total payment (£62,020.00) to be paid prior to commencement of development and the remaining 50% (£62,020.00) to be paid prior to the occupation of 40% of the total number of houses approved at the reserved matters stage.

On this basis it is considered the planning application proposals will include the necessary off- site infrastructure to be provided where it is deliverable, in order to ensure the safe movement of pedestrians from the site to other key destinations in the town, including travelling from the site to the Haywards Primary School, and the Barnfield campus of the Queen Elizabeth Academy.

(ii) The routes as referred to above are marked out on the annotated street plan attached to this report.

(iii) It is recommended that 25% of the total number of houses approved as part of the application scheme, which will be finalised when the reserved matters application are submitted and approved, should be delivered as affordable housing - refer to criterion (i) above. This is considered a reasonable approach to redressing the terms of policy AL/DE/3, and fairly and reasonable related in scale and kind to the development, reflecting on the significant contribution that is being sought to improve new /improved primary school facilities.

In addition to this specific consideration, the applicant has submitted an independent viability assessment prepared by Belvedere Vantage Ltd, which seeks to set out an independent and objective opinion on the viability of delivering the site for it's allocated use with 35% affordable housing. The assessment tested three affordable scenarios in terms of development viability, including 35% provision, nil affordable housing and 20% provision. Your officers have considered the assumptions on which the viability appraisal has been completed, and consider that they are broadly reasonable assumptions.

The recommendation to grant planning permission subject to 25% affordable housing provision reflects the recommendations of this independent assessment and more importantly the education contribution, which

based on the outline masterplan concept scheme of 185 house would add upto £400,000.00 to the cost bringing the site forward for development, and therefore a discount to the level of affordable housing as set out is considered reasonable and justified when tested against the provisions of policy AL/DE/3.

SUMMARY

The mitigation package which has been agreed with the applicant includes the necessary infrastructure provision to ensure safe pedestrian movement from the site to other key destination in the town. Funding will also be made available to investigate the delivery of further pedestrian crossing points (design stage) that may capable of delivery in the future which will assist pedestrian movement around Crediton but are not considered necessary to ensure the successful delivery of the application scheme. The delivery of 25% of the total number of houses as approved as affordable homes is considered to be in accordance with development plan policy given the additional costs that are required to facilitate the delivery of improved education facilities that will be needed to serve the development, and given the overall balance of the viability of the development.

On this basis the recommendation on the application scheme is for approval for the reasons and conditions as set out in the report prepared for the 5th November, as now amended.

PROPOSED DEVELOPMENT

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

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

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

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

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

APPLICANT'S SUPPORTING INFORMATION

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

PLANNING HISTORY

None

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR1 - Sustainable Communities
COR2 - Local Distinctiveness
COR3 - Meeting Housing Needs
COR8 - Infrastructure Provision
COR9 - Access
COR11 - Flooding
COR15 - Crediton

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

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

Mid Devon Local Plan Part 3 (Development Management Policies)

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

CONSULTATIONS

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

English Heritage Advice

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

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

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

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

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

Recommendation

We would urge you to address the above issues, and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

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

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

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

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

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

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

Further to the above.

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

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

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

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

We advise that the following conditions be applied

CONDITION:

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

REASON:

To prevent an increase in flooding.

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

28th October 2014

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

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

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Further to the above.

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

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

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

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

The residential travel plans should include vouchers for bus pass provision at a rate of £250.00 per household, and £50.00 for cycle vouchers, and the dwellings should each receive a welcome pack. The commercial development should include a car sharing scheme, incentives for car sharing e.g. priority

parking spaces, lockers, showers, and cycle parking. A travel plan co-ordinator should be appointed to govern, monitor and promote alternative modes of transport.

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

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

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

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

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

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

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

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

Recommendation:

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

CONDITIONS FOR RESIDENTIAL ESTATES

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

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

2. Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:
 - (a) the timetable of the works;
 - (b) daily hours of construction;
 - (c) any road closure;
 - (d) hours during which delivery and construction traffic will travel to and from the site.;
 - (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
 - (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
 - (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
 - (h) the means of enclosure of the site during construction works; and
 - (i) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
 - (j) details of wheel washing facilities and road sweeping obligations
 - (k) The proposed route of all construction traffic exceeding 7.5 tonnes.
 - (l) Details of the amount and location of construction worker parking.
 - (m) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;
3. The development hereby approved shall not be carried out otherwise than in accordance with a phasing programme which shall previously have been submitted to and approved by the Local Planning Authority in writing.

REASON: To ensure the proper development of the site.

4. No part of the development hereby approved shall be commenced until:
 - A) The access road has been laid out, kerbed, drained and constructed up to base course level for the first 20.00 metres back from its junction with the public highway
 - B) The ironwork has been set to base course level and the visibility splays required by this permission laid out
 - C) A site compound and car park have been constructed to the written satisfaction of the Local Planning Authority

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

5. The occupation of any dwelling in an agreed phase of the development shall not take place until the following works have been carried out to the written satisfaction of the Local Planning Authority:
 - A) The spine road and cul-de-sac carriageway including the vehicle turning head within that phase shall have been laid out, kerbed, drained and constructed up to and including base course level, the ironwork set to base course level and the sewers, manholes and service crossings completed;
 - B) The spine road and cul-de-sac footways and footpaths which provide that dwelling with direct pedestrian routes to an existing highway maintainable at public expense have been constructed up to and including base course level;
 - C) The cul-de-sac visibility splays have been laid out to their final level;
 - D) The street lighting for the spine road and cul-de-sac and footpaths has been erected and is operational;
 - E) The car parking and any other vehicular access facility required for the dwelling by this permission has/have been completed;
 - F) The verge and service margin and vehicle crossing on the road frontage of the dwelling have been completed with the highway boundary properly defined;
 - G) The street nameplates for the spine road and cul-de-sac have been provided and erected.

REASON: To ensure that adequate access and associated facilities are available for the traffic attracted to the site

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

REASON: To ensure that these highway provisions remain available

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

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

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

REASON: To protect water quality and minimise flood risk

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

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

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

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

DEVON COUNTY EDUCATION - 11th June 2014 - . A contribution towards education infrastructure via a Section 106 Agreement is sought.

All developments once approved will be deemed built and therefore affect the forecast pupil numbers at the schools within the area.

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

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

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

*These contributions should be adjusted on the date of payment in accordance with any increase in Building Cost Information Service (BCIS) all in tender price index.

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

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

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

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

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

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

NATURAL ENGLAND - 17th June 2014 - The Conservation of Habitats and Species Regulations 2010 (as amended)

Natural England's comments in relation to this application are provided in the following sections.

Statutory nature conservation sites - no objection

Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.

Protected species

We have not assessed this application and associated documents for impacts on protected species. Natural England has published Standing Advice on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy. You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation. The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence may be granted.

Local sites

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

Biodiversity enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) of the same Act also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'.

Landscape enhancements

This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature. Landscape characterisation and townscape assessments, and associated sensitivity and capacity assessments provide tools for planners and developers to consider new development and ensure that it makes a positive contribution in terms of design, form and location, to the character and functions of the landscape and avoids any unacceptable impacts.

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

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

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

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

REPRESENTATIONS

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

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

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

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues to be considered at this stage are:

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

1. Policy/Land-use Issues

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

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

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

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

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

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

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

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

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

2. Highway, Transport and Movement Issues

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

In terms of how the development will affect air quality in the Crediton Air Quality management area (AQMA),

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

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

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

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

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

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

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

3. Implications of delivering the development on the site

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

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

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

With regards to the setting of Downes House the scope of inter-visibility between application site area and Downes House is likely to be limited given the separation distance and tree coverage in between the development area and this historic asset. The impact on the farm complex including the main farmhouse building is more significant, and whilst there is an indication of more planting on the boundary of complex and the application site and of the heights of buildings, it is considered difficult at this stage of the design process to confirm that the application the scheme will deliver an acceptable setting for the heritage assets.

One approach could be to zone an area around the heritage asset to the west and protect it from development in order to protect the setting, however the extent of the zone would be an arbitrary line on a plan at this stage. An alternative and preferred strategy following discussions, with officers at English Heritage would be to condition the submission of a Heritage Asset setting protection statement as part of the information to support future reserved matters submission which will be required to detail the scope of mitigation taken to protect the setting and to include:

- Retention of all existing hedges around Wellparks to be retained
- Provision of detailed cross sections for the development to the north of the heritage asset. It may be necessary either to adjust the site levels, limit the height of the units, create a development free zone and/or a combination of all the measure order to achieve a detailed layout and scheme design which is considered a compatible design to the setting of the Heritage Assets.

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

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

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

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

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

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

Ground conditions and contamination: A phase 1 contaminated land study and phase 11 preliminary ground

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

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

The study confirms that there are no national or local landscape designations (e.g. Area of Outstanding Natural Beauty, Special Landscape Area) within the study area or affecting the application site itself. Reflecting on the actual visibility of the site and taking account of localised screening and the effects of distance, it is concluded as follows:

- The site occupies the lower, south facing slopes of a rounded hill (Downes Head) that effectively blocks all views from the north (including from within Crediton itself);
- This ridge, and extensive woodland and tree cover, also blocks views from the Creedy valley and land beyond to the north-east and east, and from much of the Yeo valley to the east;
- Views from the west are also substantially restricted by landform and limited to some oblique views from elevated land on the very southern edge of Crediton, close to the site;
- The identified zone of theoretical visibility suggests that there are extensive views from the south-west around Uton and Posbury, and the ridge of land between the Yeo and Culvery valleys. However, public views from roads and settlements in this area are in reality very restricted, mostly interrupted by landform, hedgerows and other vegetation, with only occasional glimpses;
- Views from land to the south of the site, beyond the Yeo valley, are also limited by the complex landform of ridges and valleys and significant woodland/tree cover. However, the site is visible from a few locations along the opposite side of the valley and from some parts of the higher land along the tops and upper slopes of the more distant ridges to the south;
- The main views of the site are from locations immediately adjacent to the site and in close proximity to the south and south-east (i.e. within 1km). Beyond about 2.5km from the site, the site is either not visible or is a relatively inconspicuous component of a much wider view.

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

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

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

4. Section 106/Affordable housing issues

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

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

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

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

5. New Homes Bonus

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

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

CONDITIONS

1. Before any part of the development hereby permitted is begun, detailed drawings to an appropriate scale of the layout, scale and appearance of the building(s), and the landscaping of the site (hereinafter called the Reserved Matters) shall be submitted to and be approved in writing by the Local Planning Authority.
2. Application(s) for approval for all the Reserved Matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
3. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the Reserved Matters which have been approved, whichever is the latter.
4. The detailed drawings required to be submitted by condition 2 shall include the following additional information:
 - (i) Boundary treatments, existing site levels, finished floor levels, long and cross sections through

the site indicating relationship of proposed development with existing adjacent Wells Park farm complex of buildings, proposed materials including retaining walls.

(ii) Heritage asset setting protection statement. Such statement shall include:

- Assessment of the extent of the setting of Downs House and impact of the proposed development upon it.
- Cross sections to show the relationship between the development and the heritage asset.
- Development height and finished floor levels in relationship between the development and the heritage asset.
- Development height and finished floor levels in relation to Downs House
- Hedge retention of other measures to protect the setting of the heritage asset

(iii) A habitat enhancement and mitigation plan.

(iv) A footpath from the northern eastern corner of the site to link upto the existing adopted footpath and overbridge (Passing over the link road) as identified on LDA Drawing: CREDITON-WELLPARKS-14/00830/MOUT.

5. The proposed estate road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins, For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.
6. Prior to commencement of any part of the site the Local Planning Authority shall have received and approved a Construction Management Plan (CMP) including:
 - (a) the timetable of the works;
 - (b) daily hours of construction;
 - (c) any road closure;
 - (d) hours during which delivery and construction traffic arrive at and depart from the site.;
 - (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
 - (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
 - (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste.
 - (h) the means of enclosure of the site during construction works; and
 - (i) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
 - (j) details of wheel washing facilities and road sweeping obligations together with dust suppression proposals.
 - k) Details of the amount and location of construction worker parking.
 - (l) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;

Work shall take place in accordance with the approved details.

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

8. No part of the development hereby approved shall be commenced until:
 - A) The access road has been laid out, kerbed, drained and constructed up to base course level for the first 20 metres back from its junction with the public highway
 - B) The ironwork has been set to base course level and the visibility splays required by this permission laid out
 - C) A site compound and car park have been constructed to the written satisfaction of the Local Planning Authority

9. The occupation of any dwelling in an agreed phase of the development shall not take place until the following works have been carried out.
 - A) The spine road and cul-de-sac carriageway including the vehicle turning head within that phase shall have been laid out, kerbed, drained and constructed up to and including base course level, the ironwork set to base course level and the sewers, manholes and service crossings completed;
 - B) The spine road and cul-de-sac footways and footpaths which provide that dwelling with direct pedestrian routes to an existing highway maintainable at public expense have been constructed up to and including base course level;
 - C) The cul-de-sac visibility splays have been laid out to their final level;
 - D) The street lighting for the spine road and cul-de-sac and footpaths has been erected and is operational;
 - E) The car parking and any other vehicular access facility required for the dwelling by this permission has/have been completed;
 - F) The verge and service margin and vehicle crossing on the road frontage of the dwelling have been completed with the highway boundary properly defined;
 - G) The street nameplates for the spine road and cul-de-sac have been provided and erected.

10. When once constructed and provided in accordance with condition 5 above, the carriageway, vehicle turning head, footways and footpaths shall be maintained free of obstruction to the free movement of vehicular traffic and pedestrians and the street lighting and nameplates shall be maintained.

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

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

13. Details of the following off-site highway works shall have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of any development on the site. No occupation of the development shall take place on site until the agreed details have been constructed and made available for use:
 - i) The provision of a pedestrian crossing facility at the junctions of Downshead Lane and Mill St, and Mill St and East St.
 - ii) The provision of the footway widening to a minimum of 1.8m over the entire frontage of the site along the Exeter road the A377,
 - iii) The shared footway/cycle route from the north west corner of the development area and Downshead Lane have been designed, approved in writing by the Local Planning Authority,

14. At least 14% of the energy to be used in the development shall be provided from low carbon or renewable energy sources in accordance with a Carbon Reduction Strategy that shall be submitted and approved in writing by the Local Planning Authority prior to the commencement of the development. The measures shall be installed in accordance with the agreed details.
15. The development hereby approved shall not be carried out otherwise than in accordance with a phasing programme which shall previously have been submitted to and approved in writing by the Local Planning Authority.

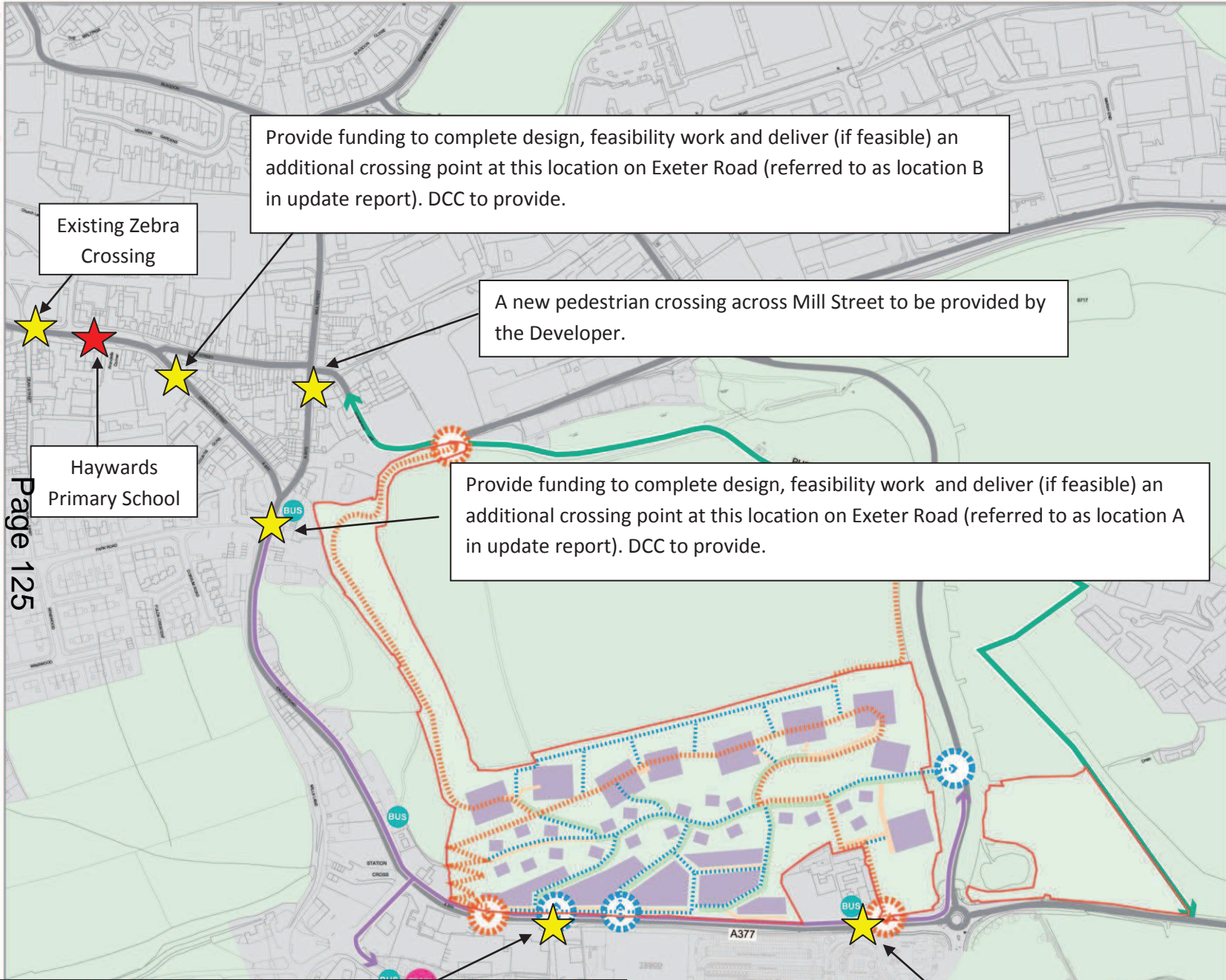
REASONS FOR CONDITIONS

1. In accordance with the provisions of Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 Planning and Compulsory Purchase Act 2004.
2. In accordance with the provisions of Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 Planning and Compulsory Purchase Act 2004.
3. In accordance with the provisions of Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 Planning and Compulsory Purchase Act 2004.
4. To enable the Local Planning Authority to consider whether adequate provision is being made for the matters referred to in the condition.
5. To ensure that adequate information is available for the proper consideration of the detailed proposals.
6. To ensure that adequate access and associated facilities are available for the traffic attracted to the site during the construction phases and to assist with managing the impact on the local environment.
7. To ensure the proper development of the site.
8. To ensure that adequate on site facilities are available for all traffic attracted to the site during the construction period, in the interest of the safety of all users of the adjoining public highway and to protect the amenities of the adjoining residents
9. To ensure that adequate access and associated facilities are available for the traffic attracted to the site.
10. To ensure that these highway provisions remain available.
11. To ensure that the access arrangements are completed within a reasonable time in the interests of safety and the amenity of residents.
12. To prevent an increase in flooding.
13. To minimise the impact of the development on the highway network in accordance with policy set out in National Planning Policy Framework.
14. To provide a reduction in the carbon footprint of the building in accordance with Policy AL/IN/6 of the Mid Devon Allocations and Infrastructure Development Plan Document (Local Plan Part 2).
15. In order to ensure the timely delivery of each phase of the approved scheme, and to ensure the proper development of the site.

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

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

Jonathan Guscott
Head of Planning and Regeneration



Provide funding to complete design, feasibility work and deliver (if feasible) an additional crossing point at this location on Exeter Road (referred to as location B in update report). DCC to provide.

A new pedestrian crossing across Mill Street to be provided by the Developer.

Provide funding to complete design, feasibility work and deliver (if feasible) an additional crossing point at this location on Exeter Road (referred to as location A in update report). DCC to provide.

Provide funding to complete design and feasibility work of delivering an additional crossing point at this location on Exeter Road (referred to as location C in update report). DCC to provide.

Provide funding to upgrade existing uncontrolled crossing point to a Zebra Crossing. DCC to provide

- LEGEND
- Existing Footpaths
 - Existing Public Right of Way
 - Indicative Building Plots
 - Primary Shared Pedestrian and Cyclist Routes
 - Secondary Pedestrian Routes
 - Primary Shared Pedestrian and Cyclist Access
 - Secondary Pedestrian Access
 - Existing Bus Stops
 - Crediton Train Station

LDĀDESIGN

PROJECT TITLE
WELLPARKS LAND; CREDITON

DRAWING TITLE
Access and Movement Plan

ISSUED BY	Exeter	T: 01392 260430
DATE	Nov 2014	DRAWN AW
SCALE@A3	NTS	CHECKED GD
STATUS	Draft	APPROVED GD

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PLANNING COMMITTEE - 3 December 2014

REPORT OF HEAD OF PLANNING AND REGENERATION - APPLICATIONS DETERMINED UNDER DELEGATED POWERS

PURPOSE OF REPORT

To inform Members of those applications which have been determined under the officer delegation scheme since your last meeting. These decisions are made in accordance with the Authority's powers contained in the Town and Country Planning Act 1990 and have no financial implications.

RECOMMENDATION

That the report be noted.

DETAILS OF DECISIONS

DATE RECEIVED	DATE DETERMINED/ DECISION	REF NUMBER	APPLICANT PROPOSED DEVELOPMENT	PARISH/AREA
07.05.2013	28.10.2014 Grant permission	13/00653/FULL	Mr T Sweeney Land and Buildings at NGR 311006 109242 (South Barn) and Oak Tree Cottage Blackborough Part demolition of barn, erection of dwelling and change of use of Oak Tree Cottage from dwelling to holiday accommodation	Uffculme 53
08.05.2014	29.10.2014 Withdrawn	14/00714/FULL	Mr & Mrs Wise Land and Buildings at NGR 295557	Silverton 45

			101935 (Roosters Babylon) Silverton Change of use of agricultural buildings to B1 (Business) starter units	
23.05.2014	29.10.2014 Grant permission	14/00841/FULL	Mr R Osborne Land Adjacent to Riverside Lodge Stoodleigh Erection of a goose hut	Tiverton 52
12.06.2014	29.10.2014 Grant permission	14/00992/FULL	Mr & Mrs M Week Land and Buildings at NGR 295551 101491 (Dunsmore) Silverton Change of use of part agricultural building to car repairs workshop	Silverton 45
16.06.2014	03.11.2014 Grant permission	14/00942/FULL	Ms M Quicke Land and Buildings at NGR 287588 98282 (J G Quicke & Partners) Home Farm Retention of cafe and restaurant, formation of wooden decking and creation of playground	Newton St Cyres 37
18.06.2014	03.11.2014 Grant permission	14/01027/FULL	Mrs Zoe Wangler Land at NGR 307117 120011 (Greenham Reach) Variation of condition 6 of planning permission 12/00107/MFUL to allow the provision of two passing bays to be carried out by the end of January 2015	Holcombe Rogus 29
19.06.2014	05.11.2014 Grant permission	14/01034/FULL	Mr G Gent Land and Building at NGR 270920 102845 (Reeve Castle) Reconstruction of outbuildings and storage buildings	Zeal Monachorum 61

25.06.2014	28.10.2014 Grant permission	14/01080/FULL	Mr J Carey Ash Hill Farm Stoodleigh Retention of a temporary agricultural worker's dwelling	Stoodleigh 48
30.06.2014	05.11.2014 Grant permission	14/01103/LBC	Mr D Jaques 4 St Lawrences Green Crediton Listed Building Consent for the replacement of ground floor window	Crediton Town 18
10.07.2014	27.10.2014 Grant permission	14/01157/FULL	Mr S French New Cottage Stockleigh English Erection of extension (Revised scheme)	Stockleigh English 46
28.07.2014	06.11.2014 Grant permission	14/01264/LBC	Mr & Mrs C Reed The Linhay Bow Listed Building Consent for alterations to the building to enable a change of use of office (B1) to dwelling (C3)	Bow 03
30.07.2014	14.11.2014 Grant permission	14/01286/FULL	Mr George Mortimer Land and Buildings at NGR 279371 101700(Spencecombe) Crediton Retention of agricultural storage/office building	Crediton Hamlets 19
05.08.2014	28.10.2014 Grant permission	14/01333/FULL	Mr M Bletsoe 90 Langlands Road Cullompton Variation of condition (k) of planning permission EN10128/X (Outline) EN10128/Y (Reserved Matters) to allow the storage of 1 caravan forward of the building line and the provision of a hardstanding area to provide additional parking spaces.	Cullompton 21

07.08.2014	03.11.2014 Grant permission	14/01296/CLP	Miss Sharples 28 Prowses Hemyock Certificate of Lawfulness for the replacement of window and doors with UPVc	Hemyock 26
11.08.2014	04.11.2014 Grant permission	14/01372/LBC	Mr A Sargent The Old Post Office Down St Mary Listed Building Consent for internal alterations to create cloakroom and installation of replacement external door	Down St Mary 23
11.08.2014	30.10.2014 Grant permission	14/01376/FULL	Mr & Mrs T Clarkson Combe Head Bampton Erection extensions to vinery and veranda and erection of first floor extensions	Bampton 01
11.08.2014	30.10.2014 Grant permission	14/01377/LBC	Mr & Mrs T Clarkson Combe Head Bampton Listed Building Consent for the erection of extensions to vinery and veranda and erection of first floor extensions and internal alterations	Bampton 01
15.08.2014	29.10.2014 Grant permission	14/01402/FULL	Mr Shane Hutter Land and Buildings at NGR 290860 122887 East Loosemoor Farm Erection of a replacement agricultural livestock building	Oakford 39
17.08.2014	13.11.2014 Grant permission	14/01407/LBC	Mr S Mellor Glebe House Church Street Listed Building Consent for the	Morchard Bishop 35

			installation of 9 replacement windows	
18.08.2014	31.10.2014 Grant permission	14/01362/FULL	Mrs P Pengelly River View Ashill Removal of condition (1) of planning permission EN.5079 relating to the agricultural tie	Uffculme 53
18.08.2014	05.11.2014 Grant permission	14/01406/FULL	Mr G Brooke Land and Buildings at NGR 315055 112760 (Jewells Farm) Hemyock Retention of change of use of redundant agricultural building to a sui generis use for the processing and storage of biofuel and combined micro-energy generation and erection of extension to raise ridge height	Hemyock 26
19.08.2014	27.10.2014 Grant permission	14/01364/FULL	Mr D Hayes Land at NGR 301215 108993 (Rosetrevor) Erection of an agricultural building	Cullompton 21
19.08.2014	29.10.2014 Grant permission	14/01413/FULL	Mr & Mrs M Corden The Cider Press Nymet Rowland Removal of conditions (5) and (6) of planning permission 07/01446/FULL relating to B1 use class	Nymet Rowland 38
19.08.2014	27.10.2014 Grant permission	14/01427/FULL	Mr Mike Goodfellow Middle Coombe Farm Brithem Bottom Erection of a two storey extension following demolition of existing conservatory and utility room	Halberton 25

19.08.2014	27.10.2014 Grant permission	14/01428/LBC	Mr Mike Goodfellow Middle Coombe Farm Brithem Bottom Listed Building Consent for the erection of a two storey extension following demolition of existing conservatory and utility	Halberton 25
19.08.2014	28.10.2014 Approval of Prior Approval	14/01432/PNCOU	Mr W Weston Land and Buildings at NGR 296137 123028 (Knowles) Prior Notification for the change of use of agricultural building to a dwelling under class MB(a)	Bampton 01
21.08.2014	31.10.2014 Grant permission	14/01437/FULL	Mr A & Mrs K Wild Coombe Cottage Blackborough Erection of an extension	Kentisbeare 32
21.08.2014	07.11.2014 Grant permission	14/01438/CLP	Mr R Poynton Downmead Care Home Culmstock Road Certificate of Lawfulness for the proposed use of a dwelling (C3) as a care facility for up to 6 children under the age of 19 living together as a single household with associated staff	Hemyock 26
26.08.2014	29.10.2014 Development Acceptance	14/01396/PNCOU	Mr S A Ford Land at NGR 279525 96997 (Turners Cottage) Yeoford Prior Notification for the change of use of agricultural building to dwelling under class MB(a) and (b) (Revised scheme)	Crediton Hamlets 19
27.08.2014	13.11.2014 Grant permission	14/01126/LBC	Mr B Hetherington 6 High Street Uffculme	Uffculme 53

			Listed Building Consent to remove fire place and gas fire and replace with original fire place and log burner	
27.08.2014	04.11.2014 Refuse permission	14/01445/LBC	Miss M Savin Shoplands Barn New Buildings Installation of new door and window and erection of new canopy on rear elevation	Sandford 43
29.08.2014	04.11.2014 Approval of Prior Approval	14/01416/PNCOU	Mr N Chanin Lee Cross Farm Thorverton Prior notification for the change of use of agricultural building to dwellinghouse class MB(a)	Thorverton 51
29.08.2014	14.11.2014 Grant permission	14/01453/FULL	Mr W & Mrs A Pitts Langlands Farm Mill Lane Erection of extension and covered area following demolition of existing conservatory and conversion of garage to boot room and utility	Uffculme 53
02.09.2014	27.10.2014 Approval of Prior Approval	14/01419/PNCOU	Mr W Pitts Langlands Farm Mill Lane Prior notification for the change of use of agricultural building to dwellinghouse class MB(a)	Uffculme 53
02.09.2014	28.10.2014 Refuse permission	14/01467/FULL	Mrs H Phillips Land at NGR 300056 104060 Hornbeam Gardens Erection of a dwelling (Revised scheme)	Bradninch 04
03.09.2014	31.10.2014 Approval of Prior	14/01422/PNCOU	Mr F Burnett Land and Buildings at NGR 289706	Tiverton 52

	Approval		113646 Bradley View Farm Prior Notification for the change of use of agricultural building to 2 dwellings under class MB(a) and (b)	
03.09.2014	29.10.2014 Approval of Prior Approval	14/01430/PNCOU	Miss Frances M Vowles Land and Buildings at NGR 299908 110919(Crosslands Farm) Ash Thomas Prior notification for the change of use of agricultural barns to residential (MB)b	Halberton 25
03.09.2014	11.11.2014 Withdrawn	14/01469/FULL	Mr & Mrs A Wren 11 Uplowman Road Tiverton Erection of a dwelling	Tiverton 52
03.09.2014	07.11.2014 Grant permission	14/01473/CLU	Mr M Hindry Annexe Hillcrest Certificate of Lawfulness for the existing use of annexe as a separate dwelling in breach of condition (d) of planning permission 4/58/83/252BR	Wembworthy 58
03.09.2014	10.11.2014 Grant permission	14/01479/FULL	Ms M Norman Cott Moor Uplowman Conversion of a redundant barn to a residential dwelling	Uplowman 54
03.09.2014	19.11.2014 Grant permission	14/01481/FULL	Miss G Meldrum & Mr T Packer 7 Newton House Newton St Cyres Erection of single storey timber framed garden room replacing existing structure and installation of new first floor window to rear elevation	Newton St Cyres 37

04.09.2014	28.10.2014 Grant permission	14/01436/LBC	Mr L Harper 30 Fore Street Bradninch Listed Building Consent for replacement of 4 windows, installation of boiler flue to ancillary building, change of colour to front elevation and replacement of cement render to rear elevation	Bradninch 04
04.09.2014	19.11.2014 Grant permission	14/01480/LBC	Mr George Mortimer Land and Buildings at NGR 279371 101700 (Spence Coombe) Retrospective Listed Building Consent for the demolition of a fire damaged building	Crediton Hamlets 19
04.09.2014	05.11.2014 Grant permission	14/01492/CLU	Mr Arthur V Ebdon Willow Pond Flat Hele Road Certificate of Lawfulness for the existing use of annex as an independent dwelling	Bradninch 04
04.09.2014	14.11.2014 Grant permission	14/01494/FULL	Vodafone Limited Telecommunications Mast at NGR 307009 115761 Burlescombe Removal of existing 15m Vodafone mast, housing 2 antennae, 1 dish and 1 cabinet and installation of 17.5m mast housing 6 antennae, 2 dishes and 2 cabinets	Burlescombe 06
05.09.2014	29.10.2014 Development Acceptance	14/01493/PNCOU	Mr David Phillips Land and Buildings at NGR 275254 93843 (Southcombe Hill Farm) Prior notification for the change of use of an agricultural building to a dwelling under class MB(a) and MB(b)	Cheriton Bishop 11

05.09.2014	28.10.2014 Grant permission	14/01506/ADVERT	Majestic Wine 1A Harris Court Kennedy Way Installation of 2 no. internally illuminated fascia signs	Tiverton 52
05.09.2014	19.11.2014 Grant permission	14/01510/FULL	Dr Jeremy Coid Helewood Farm Clayhanger Erection of replacement extension following removal of existing extensions and dormer window	Clayhanger 14
05.09.2014	19.11.2014 Grant permission	14/01511/LBC	Dr Jeremy Coid Helewood Farm Clayhanger Listed Building Consent for internal/external alterations and renovations, and replacement extension following removal of existing extensions and dormer window	Clayhanger 14
08.09.2014	30.10.2014 Grant permission	14/01512/FULL	Mr A V Ebdon Willow Pond Hele Road Erection of music and craft room	Bradninch 04
09.09.2014	06.11.2014 Development Acceptance	14/01472/PNCOU	Mr R Chard Land and Buildings at NGR 300912 106200 Colebrooke Lane Prior notification for the change of use of agricultural building to dwelling MB(b)	Cullompton 21
09.09.2014	10.11.2014 Approval of Prior Approval	14/01483/PNCOU	Mr A Shere Land & Buildings Chaldon Lane Prior notification for the change of use of barn to 2 dwellings under class MB(a)	Cullompton 21

09.09.2014	10.11.2014 Grant permission	14/01531/FULL	Mr David Bere 12 Banksia Close Tiverton Erection of a dwelling	Tiverton 52
09.09.2014	14.11.2014 Grant permission	14/01537/FULL	J Cornish & Sons Land and Buildings at NGR 304049 117364 Butteridge Farm Erection of an agricultural livestock building	Sampford Peverell 42
10.09.2014	05.11.2014 Approval of Prior Approval	14/01471/PNCOU	Mr N Templeton-Smith Rock Lane Barn Rock Farm Prior notification for the change of use of barn to a dwelling under class MB (a)	Crediton Hamlets 19
10.09.2014	04.11.2014 Grant permission	14/01534/FULL	Dr A Hughes Barton House Newton St Cyres Erection of a garage/storage building	Newton St Cyres 37
10.09.2014	05.11.2014 Grant permission	14/01536/FULL	Mr Matthew Gauld 26 Tiverton Road Cullompton Erection of a dwelling following demolition of existing outbuildings (Revised Scheme)	Cullompton 21
11.09.2014	10.11.2014 Development Acceptance	14/01478/PNCOU	Mr R Shere Land and Buildings at NGR 299770 112275 North of The Aqueduct Prior notification for the change of use of agricultural building to dwelling MB(a)	Halberton 25
11.09.2014	20.11.2014 Grant permission	14/01520/FULL	Mr R Randell 2 Canal Hill Tiverton Erection of dwelling (Revised	Tiverton 52

			Scheme)	
11.09.2014	28.10.2014 Grant permission	14/01544/FULL	Mr & Mrs E Fitzherbert The Brackens Exeter Hill Widening of entrance driveway	Tiverton 52
11.09.2014	29.10.2014 Grant permission	14/01546/LBC	County Contractors 16 Fore Street Tiverton Listed Building Consent for the installation of 1 non-illuminated folded aluminium fascia sign	Tiverton 52
11.09.2014	05.11.2014 Grant permission	14/01548/FULL	Vodafone Ltd Telecommunications Mast at NGR 304958 114036 (Jersey Farm) Sampford Peverell Removal of existing 15m Vodafone mast housing 2 antennae and replacement with a 17.80m mast housing 4 antennae, 3 x 0.3m dishes and replacement of existing cabinet with 2 cabinets	Burlescombe 06
12.09.2014	06.11.2014 Withdrawn	14/01552/FULL	Mr & Mrs G Last 22 The Walronds Tiverton Erection of two storey rear extension and front porch extension	Tiverton 52
12.09.2014	05.11.2014 Grant permission	14/01553/FULL	Mr Martyn Mills Land at NGR 273442 104732 (Middle Yeo Farm) Construction of above ground slurry store	Down St Mary 23
12.09.2014	07.11.2014 Grant permission	14/01554/FULL	J P Agri Newland Farm Cullompton	Cullompton 21

			Conversion of redundant agricultural buildings to form 2 dwellings with associated works	
15.09.2014	10.11.2014 Approval of Prior Approval	14/01496/PNCOU	Mr R Hopper Gogwell Farm Cove Prior notification for the change of use of agricultural building to dwellinghouse class MB(a)	Tiverton 52
15.09.2014	10.11.2014 No Objection	14/01497/CAT	Sir Ian Amory. C/O Mr Morris Ivy Cottage Beeley Orchard Notification of intention to fell 3 Ash trees and remove limb of 1 Ash tree in a Conservation Area	Tiverton 52
15.09.2014	28.10.2014 Grant permission	14/01557/FULL	Mr & Mrs N Sharrock Valleys Meet Stoodleigh Erection of garage following demolition of existing	Washfield 56
15.09.2014	19.11.2014 Grant permission	14/01559/LBC	Mr & Mrs M Cleverdon Land and Buildings at NRG 281295 109852 (Higher Densham Farm) Black Dog Listed Building Consent for conversion of barn to dwelling	Woolfardisworthy 60
15.09.2014	28.10.2014 Grant permission	14/01563/LBC	Boots Opticians 16 Fore Street Tiverton Listed Building Consent for external and internal alterations including repainting and general repairs	Tiverton 52
16.09.2014	31.10.2014 Grant permission	14/01572/FULL	Mr & Mrs D Speirs 9 The New Cut Cullompton	Cullompton 21

			Erection of extension following demolition of existing sun room	
18.09.2014	20.11.2014 Refusal of Prior Approval	14/01550/PNCOU	Mr & Mrs A Price Land at NGR 278044 96596 (Barn At The Cleeve) Prior notification for the change of use of agricultural building to dwelling MB(a) and (b)	Crediton Hamlets 19
18.09.2014	18.11.2014 Refusal of Prior Approval	14/01551/PNCOU	Mr & Mrs Greene Land at NGR 305811 116156 (Track Opp. Ebear Farm) Prior notification for the change of use of agricultural building to dwelling under class MB(a) and (b)	Burlescombe 06
18.09.2014	04.11.2014 Grant permission	14/01576/FULL	Mr & Mrs T Harris Castle Acre Bow Erection of two storey extension	Bow 03
18.09.2014	18.11.2014 Grant permission	14/01578/CLP	Mr S Beard Units 9 and 10 Greenham Business Park Certificate of Lawfulness for the proposed change of use to B2 (General Industrial)	Holcombe Rogus 29
18.09.2014	21.11.2014 Grant permission	14/01579/ADVERT	Mr D Bowles Co-op Retail Services Ltd 2 The Square Advertisement Consent for the repositioning of fascia sign to include additional vinyl and upgrade of existing LED light	Uffculme 53

19.09.2014	10.11.2014 Refuse permission	14/01527/FULL	Mr D Buckingham The Old Granary Wilsons Farm Change of use from holiday let to residential use for an agricultural worker	Morebath 36
19.09.2014	13.11.2014 Grant permission	14/01586/FULL	Mr N Saunders Mildons Leigh Chawleigh Conversion of barn to dwelling	Chawleigh 10
19.09.2014	13.11.2014 Grant permission	14/01587/LBC	Mr N Saunders Mildons Leigh Chawleigh Listed Building Consent for conversion of barn to dwelling	Chawleigh 10
19.09.2014	14.11.2014 Grant permission	14/01589/FULL	Mr & Mrs A Hughes Backwood Farm Bickleigh Erection of replacement dwelling following demolition of existing dwelling	Halberton 25
19.09.2014	18.11.2014 Grant permission	14/01590/FULL	Mr P Adkin Rosehill Cottage Bow Alterations to access	Bow 03
22.09.2014	03.11.2014 Development Acceptance	14/01545/PNAG	Mr R Dunn Horwell Barton Colebrooke Prior notification for the erection of an agricultural storage building	Colebrooke 17
23.09.2014	13.11.2014 Approval of Prior Approval	14/01558/PNCOU	Mr Russell Stevens Holwell Barton Neopardy Prior notification for the change of use of agricultural building to a dwelling under Class MBa	Crediton Hamlets 19

23.09.2014	11.11.2014 Grant permission	14/01560/CLP	Mr & Mrs Malcolm & Alison Partridge The Old Stables Mooracre Farm Certificate of Lawfulness for the proposed erection of a conservatory	Sandford 43
23.09.2014	05.11.2014 No Objection	14/01596/CAT	Mr P Durman Cobblestones The Cleeve Notification of intention to carry out works to 2 Black Poplars, 1 Common Ash, 1 Weeping Willow and 1 Cherry tree within the Conservation Area	Culmstock 22
23.09.2014	14.11.2014 Grant permission	14/01600/FULL	Mr G Carew Rose Cottage Willand Erection of first floor rear extension (Revised scheme)	Halberton 25
23.09.2014	18.11.2014 Grant permission	14/01606/FULL	Mr & Mrs D Tucker Bow Aquatic & Garden Centre Bow Erection of cafe/restaurant	Bow 03
24.09.2014	31.10.2014 Development Acceptance	14/01574/PNCOU	Mr & Mrs Gould Land and Building at NGR 288591 110302 (East Way Farm) Pennymoor Prior notification for the change of use of agricultural outbuilding to a dwelling under Class MB(a)	Cruwys Morchard 20
24.09.2014	11.11.2014 Grant permission	14/01613/FULL	Mr T Stratton Land at NGR 301214 105111 (Highdown Farm) Erection of an agricultural livestock and storage building	Bradninch 04
25.09.2014	13.11.2014 Grant permission	14/01582/TPO	Mr K Hogan Ring of Bells Cheriton Fitzpaine Application to carry out works to 1	Cheriton Fitzpaine 12

			Horse Chestnut protected by Tree Preservation Order 09/00004/TPO	
25.09.2014	17.11.2014 Grant permission	14/01620/FULL	Mr R White Land at NGR 276019 101701 (Adjacent Broomhill Farm) Erection of a general purpose agricultural building	Colebrooke 17
26.09.2014	19.11.2014 Grant permission	14/01591/LBC	Mr M Powell Lee Mount Copplestone Listed Building Consent for the installation of additional flue for biomass pellet boiler	Copplestone 62
26.09.2014	11.11.2014 No Objection	14/01595/CAT	Mrs Lottie Wride 2 Holly Park Cheriton Bishop Notification of intention to reduce 1 Oak tree by 30% within a Conservation Area	Cheriton Bishop 11
26.09.2014	27.10.2014 No Objection	14/01612/CAT	Miss B S Barclay 25 Frog Street Bampton Notification of intention to remove one Willow tree, one Ash tree and one May tree within a conservation area	Bampton 01
30.09.2014	14.11.2014 Refuse permission	14/01627/TPO	Mr O'Leary Barnwell Jaycroft Application to remove right hand stem completely and remove lower lateral limb of left hand stem, clear BT wire and crown reduce canopy by 3-4m of one Ash tree protected by Tree Preservation Order 97/00008 /TPO	Willand 59

01.10.2014	19.11.2014 Not Permitted Development	14/01611/PNCOU	Mr & Mrs J Penfold Land at NGR 290419 107840 (The Barn) Cadeleigh Prior notification for the change of use of agricultural building to dwelling under Class MB (a)	Cadeleigh 09
02.10.2014	17.11.2014 Development Acceptance	14/01616/PNCOU	Mrs D Pitts Lower Mounson Cheriton Bishop Prior notification for the change of use of agricultural building to dwelling under Class MB (a)	Cheriton Bishop 11
02.10.2014	29.10.2014 No Objection	14/01636/CAT	Mr D Hill 8 Station Road Cullompton Notification of intention to remove 2 Conifer trees within a Conservation Area	Cullompton 21
02.10.2014	13.11.2014 Grant permission	14/01659/FULL	Mr J Hollman Nutwood Coldridge Erection of a shed	Coldridge 16
03.10.2014	29.10.2014 Development Acceptance	14/01631/PNAG	Mr A Curtis Higher Acre Ridge Clayhidon Prior notification for the erection of roofing over existing livestock gathering area	Clayhidon 15
03.10.2014	29.10.2014 Grant permission	14/01669/CLP	Mr T Bowden Little Haydon Farm Stoodleigh Certificate of Lawfulness for the proposed use of dwelling as a children's home	Washfield 56
08.10.2014	04.11.2014 No Objection	14/01690/CAT	Mr John Pulford 25 Blundells Avenue Tiverton	Tiverton 52

			Application to fell 4 no fir trees and re-coppice 3 groups of coppiced hazel trees within a Conservation Area	
16.10.2014	10.11.2014 No Objection	14/01731/CAT	Mr Christopher Whitehead Little Daymer Stoodleigh Notification of intention to fell 2 Sycamore trees, 1 Leylandi tree and prune 1 Yew Tree within a conservation area	Stoodleigh 48
06.11.2014	20.11.2014 Approval of Prior Approval	14/01846/PNCOU	Mr Peter Tucker Agricultural Building at NGR 285670 111196 Puddington Prior notification for the change of use of agricultural building to dwelling under Class MB(a) and (b)	Cruwys Morchard 20

Background Papers: Contained in application files referred to.

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Major Applications with no Decision

Members are asked to note that some major applications will be dealt with under the delegation scheme. Members are also requested to direct any questions about these applications to the relevant case officer. It was resolved at the meeting of Planning Committee on 20th February 2013 that any ground mounted solar PV schemes recommended for approval will be brought to Planning Committee for determination.

Item No.	Weeks	TARGET DATE	REFVAL	PROPOSAL	LOCATION	NAME	Expected Decision Level	
							Delegated	Committee
1	2	27/01/2015	14/01629/MFUL	New surface car park and associated lighting	Land at NGR 304319 114213 (Tiverton Parkway) Sampford Peverell Devon	Mrs Alison Fish	COMM	COMM
2	3	20/01/2015	14/01592/MFUL	Erection of polytunnel (1200 sq. m)	Ebear Farm Westleigh Tiverton Devon EX16 7HN	Mrs Alison Fish	COMM	COMM
3	3	23/01/2015	14/01748/MARM	Reserved Matters for the erection of 112 dwellings, including garages, domestic outbuildings and structures, associated infrastructure, estate roads, footways, car parking courts, drainage, pumping station and landscaping, together with all other associated development, following Outline approval 13/00859/MOUT	Land and Buildings at NGR 302994 107178 (Former Cummings Nursery) Culm Lea Cullompton Devon	Mr Simon Trafford	DEL	
	10	05/12/2014	14/01501/MFUL	Installation of a ground-mounted photovoltaic solar farm to generate 4.45MW of power (site area 8.08ha) with access track, fencing, 3 inverter/transformer cabins and substation	Land and Building at NGR 295155 101916 Stumpy Cross Silverton Devon	Miss Lucy Hodgson	COMM	
	11	27/11/2014	14/01310/MFUL	Change of use of agricultural buildings for B1/B2/B8 commercial use, the demolition of agricultural buildings and the erection of replacement B1/B2/B8 commercial buildings, the use of The Forge and Unit 11 for B1/B2 and B8 commercial use, the provision of associated landscaping, yard areas and infrastructure	Hitchcocks Farm Uffculme Devon	Miss Thea Billeter	COMM	COMM
	11	27/11/2014	14/01452/MFUL	Installation of solar energy farm on 13.34 ha of land to generate 5.5 megawatts of energy (Revised scheme)	Land at NGR 299298 125070 (East of Bowdens Lane) Shillingford Devon	Ms Tina Maryan	COMM	COMM
	11	01/12/2014	14/01306/MOUT	Outline for the erection of 10 dwellings	Land and Buildings at NGR 277638 93018 (East Of Hill View) Cheriton Bishop Devon	Mr Simon Trafford	DEL	

<i>Item</i>	<i>No.</i>	<i>Weeks</i>	<i>TARGET DATE</i>	<i>REFVAL</i>	<i>PROPOSAL</i>	<i>LOCATION</i>	<i>NAME</i>	<i>Expected Decision Level</i>	
								<i>Delegated</i>	<i>Committee</i>
8	14	04/11/2014	14/01332/MOUT	Outline for a mixed use development comprising of a primary school and pre-school with ancillary facilities including sports pitch and parking and turning area; erection of up to 25 dwellings with parking and open space	Land at NGR 288080 098230 East of Station Road Newton St Cyres Devon	Mr Simon Trafford	COMM	COMM	
9	20	25/09/2014	14/01047/MARM	Reserved Matters for the erection of 255 dwellings, formation of children's play area, landscaping, open space, and associated access and road and drainage infrastructure following outline approval 12/00277/MOUT	Land at NGR 294586 113569 (Farleigh Meadows) Washfield Lane Lower Washfield Devon	Mr Simon Trafford	COMM	COMM	
10	23	24/09/2014	14/00881/MOUT	Outline for a mixed use development comprising up to 700 dwellings, 22,000 square metres of B1/B8 employment land, care home, primary school and neighbourhood centre with associated access including a left in left out junction on the westbound A361 and access and egress onto Blundells Road	Land East of Tiverton, South of A361, and Both North and South of Blundells Road Uplowman Road Tiverton Devon	Miss Lucy Hodgson	COMM	COMM	
11	24	27/08/2014	14/00830/MOUT	Outline for the erection of up to 185 dwellings and 1935m2 of employment uses (B1 and B8) together with structural landscaping, sustainable drainage and ancillary open and play space	Land at NGR 284242 99827 (Wellparks) Exeter Road Crediton Devon	Mr Simon Trafford	COMM	COMM	
12	29	28/07/2014	14/00604/MFUL	Erection of care home and 12 apartments with associated access, parking and landscaping, following demolition of existing hospital buildings (Revised Scheme)	Post Hill Nursing Home 36 Post Hill Tiverton Devon EX16 4ND	Miss Lucy Hodgson	COMM	COMM	
13	49	28/03/2014	13/01616/MOUT	Outline for the development of up to 330 dwellings together with public open space, associated infrastructure and other works including vehicular access, pedestrian/cycle links and highway improvements.	Land at NGR 298671 113603 Uplowman Road Tiverton Devon	Miss Lucy Hodgson	COMM	COMM	
14	82	16/07/2013	13/00525/MFUL	Application to replace extant planning permission 09/01870/MFUL (to extend time limit). A mixed development of 13 open market eco-houses and 6 affordable eco-houses; new access and estate road; additional car parking facilities for the Village Hall; closure of the existing Parish Hall Car Park entrance; provision of a children's play area for the Parish Hall; highway improvements to Fanny's Lane; footpath link to Snows and Meadowside Road (Revised Scheme)	Land at NGR 282973 102485 (East of Oxford Terrace) Fanny's Lane Sandford Devon	Mr Simon Trafford	COMM	COMM	

<i>Item No.</i>	<i>Weeks</i>	<i>TARGET DATE</i>	<i>REFVAL</i>	<i>PROPOSAL</i>	<i>LOCATION</i>	<i>NAME</i>	<i>Expected Decision Level</i>	
							<i>Delegated</i>	<i>Committee</i>
15	263	01/02/2010	09/01573/MOUT	Outline application for the erection of 15,236 sq m (164,000 sq ft) of industrial buildings (B1, B2, and B8 use), formation of new site access, estate roads, parking and associated landscaping (Revised scheme)	Land and Buildings at NGR 303161 108402 (Venn Farm) Cullompton Devon	Ms Tina Maryan	COMM	COMM

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List of Appeal Decisions from 23/10/2014 to 17/11/2014

Application No.	Description	Location	Officer Recommendation	Committee or Delegated	Decision	Appeal Type	Inspector Decision
14/00781/FULL	Variation of condition (2) of planning permission 12/01204/FULL to permit use of hardstanding for parking of a caravan and boat (APPEAL DISMISSED 12.11.14)	The Coach House 8 Silver Street Willand Cullompton Devon EX15 2RG	Refuse permission	Delegated	Refuse permission	Householder Appeal	Appeal Dismissed

Summary of Inspector's Comments

Appeal against refusal to grant planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted. Application sought retention of single garage and hardstanding for one vehicle without complying with a condition imposed on the grant of planning permission that required the garage and hardstanding to be kept available for parking in order to safeguard the amenity of nearby residential properties. Main issue is effect that varying the condition would have on parking arrangements and highway safety in Silver Street. History of the condition requiring provision of parking for this property being amended. Current variation proposed to enable parking of a boat or caravan on hardstanding. on street parking in Silver Street would prevent two way flow of traffic. Policy DM8 requires two parking spaces per dwelling and removal of the hardstanding would result in one space, with the area in front of the garage not being able to be used due to the shared access with neighbouring property. Garage does not meet the 6m x 3m requirements of SPD on provision of parking in new development. Bus route nearby unlikely to reduce parking requirement. Variation of condition would result in deficiency of off street parking, leading to overspill onto a road not suitable to accommodate more parked vehicles, to detriment of free flow of traffic and highway safety. Variation would be contrary to the development plan and the NPPF. Appeal dismissed.

14/00423/FULL	Erection of single storey and two storey extensions, conversion of garage to study, erection of a double garage and alteration to existing access (APPEAL ALLOWED WITH CONDITIONS 12.11.14 - PLANNING PERMISSION GRANTED)	35 Tidcombe Lane Tiverton Devon EX16 4DZ	Refuse permission	Delegated	Refuse permission	Householder Appeal	Allow with Conditions
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Summary of Inspector's Comments

The main issue was the effect of the proposal on the character and appearance of the building and the area. The Inspector considered the materials would be at odds with the existing dwelling but these could be conditioned. The garage would be large and its design unusual in the area, but it would not be prominent. Again, the materials would be incongruous with the house but could be conditioned. The Inspector considered that the harmful effects of the proposal would be outweighed by the benefits of improving the accommodation. While there would be some minor conflict with development plan policy, the marginal departure would not undermine the aims of the development plan or set an undesirable precedent given the specific circumstances of the proposal.

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