

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, 7 January 2015 at 2.15 pm

The next ordinary meeting of the Committee will take place on Wednesday, 4 February 2015 at 2.15 pm in the Council Chamber, Town Hall, Tiverton

KEVIN FINAN

Chief Executive
30 December 2014

Councillors: Mrs F J Colthorpe (Chairman), M D Binks, Mrs H Bainbridge, Mrs D L Brandon, J M Downes, E G Luxton, R F Radford, Mrs M E Squires (Vice Chairman), R L Stanley, A V G Griffiths, P J Heal, Mrs 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 - 16*)
To receive the minutes of the previous meeting - (attached).
- 4 **CHAIRMAN'S ANNOUNCEMENTS**
To receive any announcements the Chairman may wish to make.
- 5 **DEFERRALS FROM THE PLANS LIST**
To report any items appearing in the Plans List which have been deferred.

- 6 **THE PLANS LIST** (*Pages 17 - 28*)
To consider the planning applications contained in the list.
- 7 **THE DELEGATED LIST** (*Pages 29 - 44*)
To be noted.
- 8 **MAJOR APPLICATIONS WITH NO DECISION** (*Pages 45 - 48*)
List attached for consideration of major applications and potential site visits.
- 9 **APPEAL DECISIONS** (*Pages 49 - 52*)
To receive for information a list of recent appeal decisions.
- 10 **14/01047/MARM - RESERVED MATTERS FOR THE ERECTION OF 273 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** (*Pages 53 - 56*)
To receive a report of the Head of Planning and Regeneration regarding the variations of terms of the S106 Agreement for this application

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

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

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

Members of the public are welcome to attend the meeting and listen to discussion. Lift access to the 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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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 3 December 2014 at 2.15 pm

Present

Councillors

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

Apologies

Councillors

Mrs D L Brandon and P J Heal

Also Present

Councillors

N A Way and Mrs N Woollatt

Present

Officers:

Jenny Clifford (Professional Services Manager),
Simon Trafford (Area Planning Officer (West)),
John Clarke (Planning Enforcement Officer),
Sally Gabriel (Principal Member Services
Officer), Tina Maryan (Principal Planning Officer)
and Daniel Rance

107 **APOLOGIES AND SUBSTITUTE MEMBERS**

Apologies were received from Cllr Mrs D L Brandon and Cllr P J Heal.

108 **PUBLIC QUESTION TIME**

Mr Woolley referring to Item 5 on the agenda (Bowdens Lane) stated that whilst not available for the Planning Meeting we notice that an undated paper from Wessex Solar Energy was posted on the web site dated 3rd November and we believe were circulated to members for the meeting. This document entitled 'Response to Public Concerns' once again arrogantly dismisses the valid comments of some 176 objectors and Bampton Town Council. Can I ask the Head of Planning why this document was not made public at the meeting and ask if our response to it has also been circulated to members?

The Professional Services Manager stated that the applicant's paper was made public as it was uploaded on to Public Access. The paper that the objectors put forward was circulated to Members as requested.

Mr Woolley asked another question: in trying to justify why no public consultation had taking place in relation to this application the Wessex Solar Energy 'Public Concerns' document states that their second application is Sept was identical to their first in May. If this is true it raises the question of why objectors were told they had to resubmit their objections. If the documents are the same are you going to add the two sets of objections together making a total of 324 objections to this scheme?

The Professional Services Manager stated that these were 2 separate applications which are standalone applications; representations for each application are recorded and are not carried forward even if the applications are identical.

Mr Woolley continued referring to the minutes of 5 November 2014, having listened to the public recording of the 5th November meeting, I do not believe the minutes fully reflect the actual conclusions of the debate on Shillingford Solar Farm. I checked with the secretary who confirmed that 13 members voted in favour of refusal, this is not recorded. We accept it is for Committee members to decide if the minutes correctly record their intent and wonder if they feel the minutes do so?

Mrs Scott again referring to Item 5 on the agenda (Bowdens Lane) stated that she lived 300 yards from the site. We note that in your Planning Officer's update to the last meeting on the 5th November she included a lengthy response from Devon and Cornwall Police which stated that these sites are 'a magnet to organised gangs of thieves'. It is well known that when thieves go into an area for the specific purpose of theft they are on the lookout for other valuables to steal. Residents do not want a 'magnet to gangs of thieves' placed in our community so can we ask you for your protection?

The Principal Planning Officer stated that this was a standard response from the Police and that they had no objections.

Mrs Scott continued stating that in her report the Planning Officer states that Members must consider the balance of advantages and disadvantages of the scheme but whilst minimizing the disadvantages Members themselves raised at the last meeting she failed to point out that the advantages, namely the production of Solar Energy, were being overstated by up to a factor of 10. How does the planning Officer expect Members to strike the right balance when she has failed to provide the correct information?

The Principal Planning Officer stated that officers looked at installed capacity of any renewable development.

Mr Scott again referring to Item 5 on the agenda (Bowdens Lane) stated that residents are very concerned that the Planning Officers 'Implications Paper' produced in response to an action placed at the last meeting did not provide the information sought by Committee Members. To overcome this shortcoming residents produced a Report which provided the sought for justification for refusal. Can I ask if Committee Members have seen this report? We are concerned that the report prepared by the Planning Officer could encourage the applicant to appeal against the Committee's decision if they refuse this application. The reasons for refusal are robust and well supported so can we ask why the Planning Officer failed to include them in her report? At the planning meeting held on the 5th November I and my colleagues distinctly remember a proposed, and seconded, motion resulting in a 13 to none, decision to refuse the application for this Solar Farm. A second motion agreed that reasons for rejection would be deferred until a site visit had taken place. The agenda here today states that "Members were minded to refuse the application and therefore wished to defer their decision so that a report could be received setting out the implications of the proposed decision" etc. This is at variance to what we heard so can I ask the planning officer if this is an interpretation of the planning committee's decision to suit what the planning officer recommended; and therefore, is this a case of bureaucracy 'browbeating' democracy?

The Professional Services Manager stated that she would review the tape and address the issues raised.

Dr Wickstead again referring to Item 5 on the agenda (Bowdens Lane) stated that the SLR independent consultant's assessment your officer commissioned identifies some seven areas where the application is deficient and three areas of omission. Natural England also asked for more work to be done before this application was considered which has not been

done. Approving such a flawed application would, therefore, have been unsafe. Why did the Planning Officer not point this out in her report?

The Principal Planning Officer stated that the the Landscape Sensitivity Study was referred to in the report, it was noted that the original landscape assessment was deficient in several areas. Natural England had not recommended refusal and Devon Wildlife Trust would not respond to requests consultation requests.

Dr Wickstead continued stating that Councilor Stanley asked what types of panels are proposed but the question was not answered. There are three panel types. Mono-crystalline. Poly-crystalline and Amorphous. Some of these use cadmium a highly toxic heavy metal so knowing the type is important both in terms of their efficiency and in relation to disposal. Has the Planning Officer been able to establish which type of panel is proposed?

The Professional Services Manager stated that she was not aware of any Government guidance or policy which asks the Planning Authority to look at the type of panel being erected; she would look into this matter.

Councillor Baker (Bampton Town Council) again referring to Item 5 on the agenda (Bowdens Lane) stated that Committee Members will have seen on yesterday's site visit a pheasant shoot taking place on land immediately adjoining the site. Pheasant shooting and related activities support the existing accommodation, eating and transport facilities. The most comprehensive report in 2005 showed that the activity brought £18M to the local economy, supported 320 local jobs and generated 16,800 local visitor nights. This activity is crucial to Bampton so why does the Planning Officer say in her report that she "does not consider the impact on the rural economy to be significant? The Planning Officer's report says that Committee members have to consider the balance of advantages over disadvantages and yet she has done nothing to quantify the advantages. She could even have misled the Committee into thinking that 5.5MW of power will be generated all day, every day, but the average power output will only be 0.5MW only a tenth of that stated. Is she not aware that this difference between this average and the maximum output will actual compromise the capacity of the grid on which we in the Bampton area depend?

The Principal Planning Officer stated that there was no justification that the solar farm would affect those types of activities to any significant degree.

Mr Harris again referring to Item 5 on the agenda (Bowdens Lane) stated that you will have seen the narrowness of Bowdens Lane, the lack of pavements to the children's play area and how much it is used during your site visit. There will be significant safety risks during construction. Access to existing lay-bys has been refused by the landowner, so where will the 488 heavy Lorries and 30 people transports a day, assemble for the proposed convoy system. It will result in severe congestion and delays on the B3227, a well used main road (bus route). Can you explain how the traffic management plan can be made safe?

The Principal Planning Officer stated that the Highway Authority were consultees on matters of highway safety, if the Transport Management Plan was abided by, then no objection would be raised. She could not recommend refusal on safety grounds if the Highway Authority did not object.

Mr Thorne referring to Item 3 on the Enforcement List (Court Farm) stated that in reading the report and the recommendation not to enforce, who had been consulted and what was their advice?

The Enforcement Officer stated that he had consulted the Area Planning Officer of the original planning application, the Environment Agency, the Professional Services Manager, the Development Services Manager and the Legal Department.

Mr Dean again referring to Item 5 on the agenda (Bowdens Lane) stated that Wessex Solar Energy in their 'Response to Public Concerns' paper state that "there will be no safety risks" to children during construction. How any responsible Company can make such a claim is incomprehensible. Objectors have spelt out the risks and difficulties over access to the site for the over 488 heavy Lorries and 30 people transports per day during the proposed construction. There will be a safety risk and it is the inhabitants that will have to bear it. Can we ask you to protect our children from this irresponsible Company? Yesterday, we were surprised to see that a representative of Wessex Solar Energy was involved with the site visit at Quarterly Farm. Is it usual for the applicant to be involved in a site visit?

The Chairman noted that Mr Dean had left the meeting and accordingly his question was not answered.

Mr Headon referring to item 5 on the agenda stated that your Planning Officers update for the last meeting commenting on the felling of Haynemoor Wood, which provides some screening for the site, included comments from the Forestry Commission referring to this wood as "Ancient Semi Natural Woodland" clearly these comments do not refer to this plantation which is a conifer crop. The SLR report states this plantation will provide some screening of the site so why did Planning Officer say in her update the wood does not provide screening? I spoke at the last meeting explaining that I live at Lower Rill and have lived and farmed here all my life so I have a life time of experience of the land and soil here. My father farmed there before me. Both my own home and Bampton have been flooded recently and are put into further danger by this proposal. Many households, including my own cannot get flood insurance any longer. The land is already too wet to drive a tractor on. My concerns were echoed by the Chairman of Bampton Town Council when he addressed the last meeting. Noting this why does your Planning Officer persist in saying in her report there is no increased flood risk. Can I ask why she thinks that she and her advisors know better than those with the actual local knowledge?

The Principal Planning Officer stated that the Environment Agency were happy with the provision of the swales on the site, the planning application was not able to consider pre-existing planning problems.

109 MINUTES OF THE PREVIOUS MEETING

Discussion took place regarding the minutes of the previous meeting, it was suggested that the policies referred to in discussions during the Bowdens Lane application at the previous committee had not appeared in the resolution, it was also felt that appropriate reasons for refusal were not given and therefore the implications report that was before the Committee today did not contain the appropriate information. Members had sought additional information regarding a possible bond and the types of panels to be erected. It was felt that Members reasons for refusal needed to be incorporated into the implications report so that reasons were sound for appeal purposes.

Therefore subject to:

- a) the withdrawal of minute 100b from the minutes of the meeting of 5 November 2014 and the submission of a fresh minute identifying the various policy numbers and additional information if this formed part of the previous final resolution following review of the audio recording of the meeting; and
- b) an amendment to the resolution of Minute 100(e) (i) removing the words "amendment to" and inserting "additional condition",

the minutes of the held on 5 November 2014 were approved as a correct record and **SIGNED** by the Chairman.

110 CHAIRMAN'S ANNOUNCEMENTS

The Chairman had no announcements to make.

111 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

The Committee had before it a report * of the Head of Planning and Regeneration highlighting issues raised at the previous meeting when Members were minded to refuse the application. The report set out the reasons and implications of refusing the application.

Discussion took place regarding the events of the previous meeting and the requirement for a comprehensive implications report to be produced with reasons for refusal based on the following policies COR 2; Sections A, B and C, COR 11; Sections A, B and C, DM2; Sections A, B, C and E (ii), DM7; Sections 1.29, DM22; Sections B,C, D and E and DM29 Section B, COR 5, Planning Policy Guidance Statement , bottom of page 77, and DM7. Also discussions that had taken place with the Head of Planning and Regeneration regarding the contents of the implications report,

RESOLVED that the application be deferred to provide the Head of Planning and Regeneration with the opportunity to review both the officers report and the contents of the record of the meeting of 5 November and that a revised implications report be brought before the committee at a future meeting and that an additional report be produced on the purpose and principles of implications reports to ensure that it addresses Members reasons for a contrary decision to officers recommendations and the possibility of implications reports being written by someone other than the case officer.

(Proposed by Cllr R L Stanley and seconded by Cllr Mrs M E Squires)

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

112 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

The Committee had before it a report * of the Head of Planning and Regeneration highlighting issues raised at the previous meeting when Members were minded to approve the application. The report set out the reasons and implications of approving the application and suggested conditions in the event that planning permission was granted.

The Professional Services Manager outlined the contents of the report stating that officers had been concerned about the design and size of the proposed extension.

RESOLVED that planning permission be granted subject to conditions as set out by the Head of Planning and Regeneration in the implications report.

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

Notes: (i) Cllr R F Radford made a declaration in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as he had had contact with the applicant;

(ii) Cllrs Mrs F J Colthorpe and Mrs M E Squires requested that their abstention from voting be recorded.

- (iii) *Report previously circulated; copy attached to signed Minutes.

113 ENFORCEMENT LIST

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/13/00167/UDUR – 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 – 48 Cottey Brook Tiverton***).

RESOLVED that delegated authority be given to the Legal Services Manager 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.

(Proposed by Cllr A V G Griffiths and seconded by Cllr Mrs M E Squires)

(b) No. 2 in the Enforcement List (***Enforcement Case ENF/14/00162/UNLD – untidy land/building detrimental to visual amenity in contravention with Section 215 of the Town and Country Planning Act 1990 (as amended), The Twyford Inn, 64-66 Bampton Street, Tiverton***).

The Enforcement Officer started that he had been involved in discussions with the new owners of the site who had also undertaken some remedial work which had a material impact on the requirement of the Section 215 Notice proposal. The heras fencing had been removed from the perimeter of the site and the associated debris had been removed and the road re-opened. The scaffolding contract had been taken on by the new owners and would remain in situ as required. The new owners had met with Environmental Health Officers and pest control experts who had agreed that there was no infestation of rats on the site but that bait boxes would be set up and regularly inspected. A structural engineer and archaeologist had looked at the site and reports would be issued. It was therefore necessary for amendments to be made to step 1 identified in the proposed Section 215 Notice in the report to state that “subsequent inspection of the site shows that the ground floor windows and doors have been boarded appropriately, along with the removal of the heras fencing which now negates step 1 of the requirements listed to be included within the Section 215 Notice. All other elements including the retention of the scaffolding are to be retained within the proposed 215 Notice, it was therefore proposed that step 1 of the notice be removed.

RESOLVED that in the event that acceptable progress is not made by 1 March 2015 to undertake works to address the appearance of the site, the Legal Services Manager to be given delegated authority 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.

(Proposed by Cllr E G Luxton and seconded by Cllr Mrs M E Squires)

Notes: (i) Cllr Mrs F J Colthorpe made a declaration in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as the property was within her County Ward;

(ii) Cllrs E G Luxton and R L Stanley declared personal interests as the new owner was known to them.

(c) No. 3 in the Enforcement List (***Enforcement Case ENF/14/00096/BRE – Failure to comply with condition 10 of planning permission 09/01115/MFUL failure to maintain attenuation ponds and waterways contrary to Section 187A of the Town and Country Planning Act 1990 – Persimmon Development, Court Farm/Merchants Walk/Raleigh Drive, Cullompton***).

Discussion took place regarding the comprehensive representations that had been received from local residents with regard to the condition of the attenuation ponds and other concerns regarding outstanding issues on the site. It was felt that there were major drainage issues that required attention and the possibility of the lack of rock mattresses in some of the ponds and whether construction methods approved had actually taken place. It was therefore

RESOLVED the enforcement item be deferred to allow for a further report to address a wider scope of the investigation including Conditions 4, 9, 10, 11, 20 and 23 of the original planning permission, to include whether the SUDS scheme had been built in accordance with the appropriate plans with particular regard to levels and provision of the rock mattress features.

(Proposed by Cllr M A Lucas and seconded by Cllr Mrs M E Squires)

Notes: (i) Cllrs Mrs H Bainbridge, M D Binks, Mrs F J Colthorpe, J M Downes, A V G Griffiths, Mrs L J Holloway, D J Knowles, M A Lucas, E G Luxton, R F Radford, Mrs M E Squires R L Stanley and K D Wilson made declarations in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as they had received correspondence regarding this issue;

(ii) Mrs Thorne (Local resident) spoke;

(iii) Cllrs Mrs N Woollatt and Mrs L J Holloway spoke as Ward Members.

(d) No. 4 in the Enforcement List (***Enforcement Case ENF/11/00115/UNLD – untidy land detrimental to the amenity and in contravention of Section 215 of the Town and Country Planning Act 1990 (as amended). The Firs, 5 Higher Mill Lane, Cullompton***).

The Enforcement Officer explained that the issue had been deferred from the last meeting so that enquiries could be made with the landowner regarding his personal health issues. In order to discuss these issues the Committee having reflected on Article 12 12.02(d) (a presumption in favour of openness) in the Constitution and having weighed up whether the public interest in maintaining exemption outweighs the public interest in disclosing the information. The Committee agreed that in the view of the health issues to be discussed it was necessary to:

RESOLVED 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 1 of Part 1 of Schedule 12A of the Act, namely information relating to an individual.

(Proposed by the Chairman)

Following discussions regarding the sensitive health issues of landowner, the public were readmitted to the meeting. The works required to tidy the land were identified and it was:

RESOLVED that delegated authority be given to the Legal Services Manager to take the appropriate legal action including the service of a Section 215 Notice (Untidy Land). 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 the steps should be taken to tidy the land and to include that priority be given to clearing the access through Higher Mill Lane.

(Proposed by Cllr Mrs L J Holloway and seconded by Cllr J M Downes)

Notes: (i) Cllr Mrs N Woollatt declared a personal interest as she lived in Higher Mill Lane;

(ii) Cllrs Mrs N Woollatt and Mrs L J Holloway spoke as Ward Members;

(iii) Cllr K D Wilson requested that his vote against the decision be recorded.

(e) No. 5 in the Enforcement List (***Enforcement Case ENF/12/00027/NUNLD – untidy land, failure to comply with the requirements of a Section 215 Notice contrary to Section 216 of the Town and Country Planning Act 1990 (as amended) Harlequin Valet, 19 High Street, Cullompton***).

During the discussion on this item, the Committee having reflected on Article 12 12.02(d) (a presumption in favour of openness) in the Constitution and having weighed up whether the public interest in maintaining exemption outweighs the public interest in disclosing the information. The Committee agreed that in the view of the commercially sensitive nature (the cost of direct action) to be discussed it was:

RESOLVED 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).

(Proposed by the Chairman)

Following discussion regarding possible direct action the press and public were readmitted to the meeting.

It was therefore

RESOLVED that delegated authority be given to 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:

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.

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.

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).

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

Notes: (i) Cllrs Mrs L J Holloway and K D Wilson made declarations in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as they had received correspondence regarding this issue;

(ii) Cllr J D Squire made a declaration in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as he knew the owner of the public house next door.

114 DEFERRALS FROM THE PLANS LIST

There were no deferrals from the Plans List.

115 THE PLANS LIST

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).*

The Area Planning officer outlined the contents of the report stating that the application had been deferred from the previous meeting to allow for further information to be provided with regard to the works required 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 highway works Section 106 agreement and the provision of detailed plans showing the proposed routes and crossing points and information regarding how the proposed percentage of affordable housing had been arrived at. An additional plan had been provided highlighting the proposed crossing points which had been requested.

He outlined the identified crossing points by way of presentation and the updated negotiations that had taken place with the development to increase the amount of affordable housing to 27.5%.

Discussion followed with regard to the need for the inclusion of the plan identifying the crossings to be appended to the Section 106 Agreement.

RESOLVED planning permission be granted subject to the prior signing of a Section 106 Agreement to secure the following matters and subject to the conditions as recommended by the Head of Planning and Regeneration.

(i) 27.5% affordable housing on site, in terms of tenure and house types the legal agreement should ensure that with regard to the first 25% of the affordable units 35% one bed units (to be provided as predominately 1 bed

houses), 50% two bed houses and 15% three bed houses. All these units shall be made available on affordable rent basis. The additional 2.75% shall be provided as 2 bed houses and shall predominately be affordable rent with 20% as shared equity or other form of tenure as agreed by the Council.

(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. (The LDA Access and Movement plan identifying the crossing improvements to be appended to the S106 Agreement).

(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).

(Proposed by Cllr J M Downes and seconded by Cllr Mrs M E Squires)

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) Cllrs M D Binks and J M Downes declared personal interests as they had spoken with residents regarding this application;

(iii) Cllr R L Stanley declared a personal interest as he knew the agent;

(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) The following late information was provided: Page 103: Revise clause (i) in the recommendation section of the report as follows: 27.5% Affordable housing. In terms of tenure and house types the legal agreement should be drafted to ensure the following:

With regards to the first 25% of the affordable units: 35% one bed units (to be provided as predominantly 1 bed houses), 50% two bed houses and 15% three bed houses. All these units shall be made available on an affordable rent basis.

The additional 2.75% shall all be provided as 2 bed houses, and shall predominantly be affordable rent with 20% as shared equity or other form of tenure as agreed by the Council.

The grouping size of all the affordable units shall be agreed at the reserved matters stage.

Page 120: Amend last sentence of paragraph 2 as drafted in the report as follows and with the additional sentences as set out:

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 44 units as per the indicative Masterplan Scheme) affordable housing provision is considered a reasonable and robust approach to adopt for this site. Following further discussions with the applicant since the report was drafted the applicant has agreed to increase the proportion of affordable homes to 27.5% of the total number that is approved. Based on the indicative Masterplan Scheme this would increase the total number of affordable homes to 50.

116 THE DELEGATED LIST

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

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

117 MAJOR APPLICATIONS WITH NO DECISION

The Committee had before it, and **NOTED**, a list * of major applications with no decision. It was **AGREED** that the following be brought before the Committee and that site visits take place prior to determination:

14/01748/MARM – Cummings Nursery, Culm Lea, Cullompton

14/01501/MFUL – Stumpy Cross, Silverton

The Professional Services Manager informed the Committee that since the publication of the agenda for this meeting additional major applications had been forthcoming it was therefore **AGREED** that the following be brought before the Committee and that site visits take place prior to determination:

14/019832/MFUL – Wiseburrow Farm, Burlescombe

14/01984/MFUL – Redhill Farm, Burlescombe

14/01949/MFUL – Stoneshill farm, Willand Road, Cullompton

14/01847/MFUL – Rear of Town Hall, Tiverton

The size of application 14/01780/MFUL be sent to Members so they could consider whether they wish to have it brought before the Committee and if so, whether a site visit was necessary.

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

118 APPEAL DECISIONS

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.

(The meeting ended at 6.05pm)

CHAIRMAN

PLANNING COMMITTEE AGENDA - 7th January 2015

Applications of a non-delegated nature

<u>Item No.</u>	Description
1.	14/01592/MFUL - Erection of polytunnel (1200 sq. m) at Ebear Farm, Westleigh, Tiverton. RECOMMENDATION Grant permission subject to conditions.
2.	14/01670/FULL - Erection of a 2 storey extension (Revised Scheme) at Ash Cottage, Washfield, Tiverton. RECOMMENDATION Refuse permission.
3.	14/01851/FULL - Retention of a ground mounted photovoltaic system to generate 6kW of power at Land at NGR 287945 110268 (Middleway), Pennymoor, Devon. RECOMMENDATION Grant permission subject to conditions.

Application No. 14/01592/MFUL

Plans List No. 1

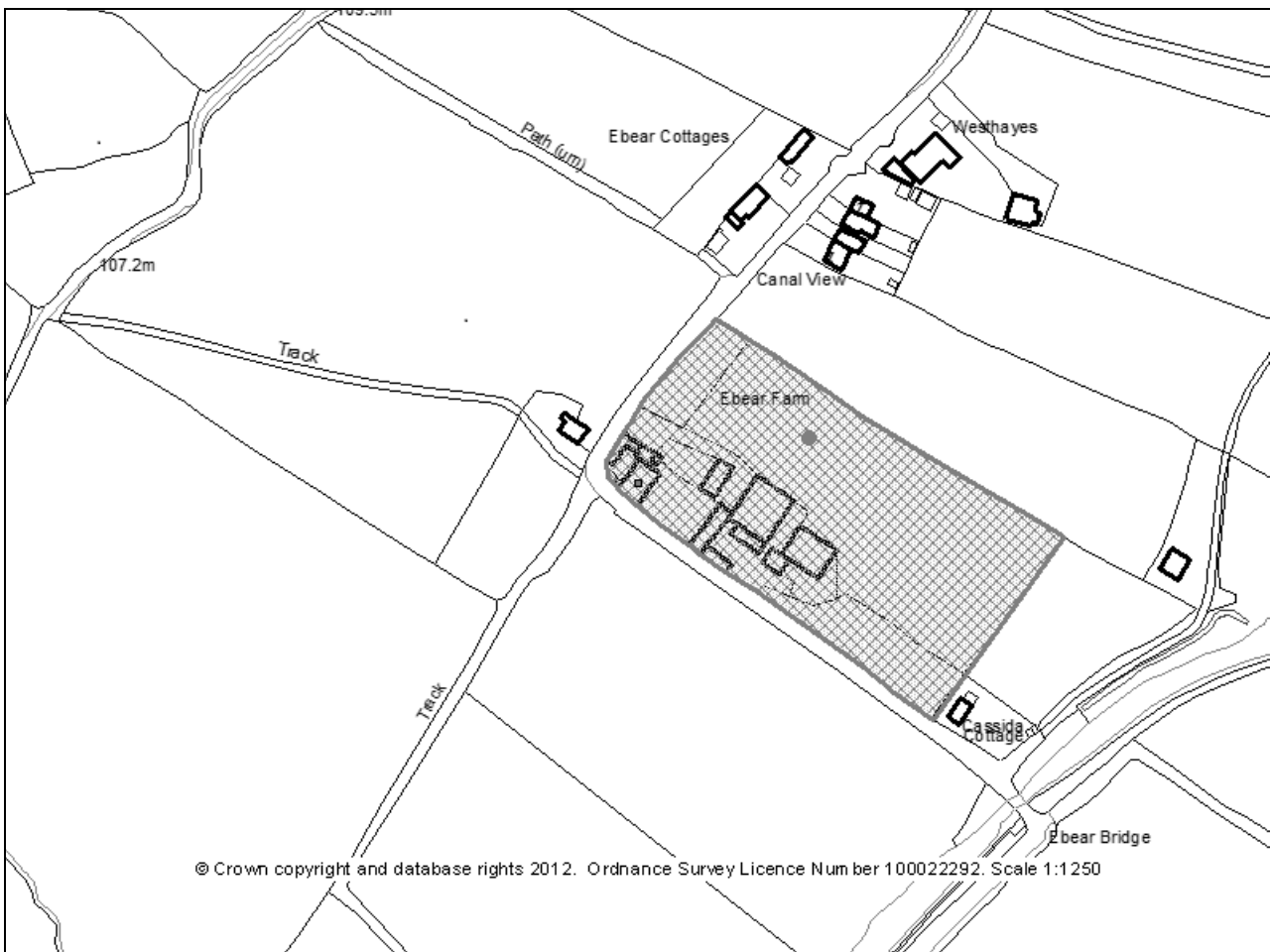
Grid Ref: 305894 : 116485

Applicant: Ms F Box

Location: Ebear Farm Westleigh
Tiverton

Proposal: Erection of polytunnel
(1200 sq. m)

Date Valid: 21st October 2014



Application No. 14/01592/MFUL

RECOMMENDATION

Grant permission subject to conditions.

PROPOSED DEVELOPMENT

Erection of a polytunnel with 4 bays measuring 39m x 32m to a maximum height of 4m on an agricultural field to the north east of existing agricultural buildings serving Ebear Farm. The site consists of a slightly sloping field running from its highest point at the northwest where it adjoins the highway, down to the south east. The entrance to each of the 4 bays are located on the south west and north east elevations. The Grand Western Canal (which is a Conservation Area) lies further to the south east. The polytunnel is located a minimum of 130m from the canal.

APPLICANT'S SUPPORTING INFORMATION

Design and Access statement

PLANNING HISTORY

91/01877/FULL - DEEMED CONSENT for the erection of slurry Store - DEMCON - 20.12.91
01/02158/FULL - Conversion of office/games room on footprint of part demolished barn, construction of utility on footprint of demolished dairy, closure of vehicular access to traffic and erection of replacement boundary wall, change of use of agricultural - PERMIT - 27.01.04
03/05511/FULL - Erection of single storey extensions - PERMIT - 19.02.02
14/01885/CLU - Certificate of lawfulness for the existing solar panels on workshop roof - PCO

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
DM22 - Agricultural development
DM27 - Development affecting heritage assets

CONSULTATIONS

BURLESCOMBE PARISH COUNCIL - 10th November 2014 - No additional comments.

ENVIRONMENTAL HEALTH - 11th November 2014

Contaminated Land N/A
Air Quality N/A
Drainage N/A
Noise & other nuisances N/A
Housing Standards N/A
Licensing N/A
Food Hygiene N/A
Private Water Supplies N/A
Health and Safety: Checked - no objection

REPRESENTATIONS

At the time of writing this report, none had been received.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main material considerations in respect of this proposal are:

- 1) **Policy**
- 2) **Need**
- 3) **Visual impact and the impact on the Grand Western Canal Conservation Area**
- 4) **Impact on neighbouring residents**
- 5) **Impact on the local road network**

Policy

Policy COR18 of the Mid Devon Core Strategy (Local Plan Part 1) seeks to strictly control development but allows 'agricultural and other appropriate rural uses'. COR 2 of the Mid Devon Core Strategy (Local Plan Part 1) and DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies) seek 'high quality sustainable design'. Policy DM22 of Mid Devon Local Plan Part 3 (Development Management Policies) states that agricultural development will be permitted where the development is reasonably necessary to support a farming activity on the farm of in the immediate locality, where the development is sensitively located to limit adverse impacts on residents or the character of the area, where it will not have an adverse impact on the environment and where it will not have an unacceptable traffic impact on the local road network. Each of these issues is dealt with below.

Need

The applicants advise that they currently run a wholesale plant nursery for the propagation and growing of Japanese Maple shrubs on rented land at Budlake (Near Killerton). They employ 3 people and are organic, mixing their own peat free potting soil. They also advise that due to the wholesale nature of the business, traffic to the site is limited. They also intend to utilise the current redundant farm buildings which are already on the site and that they consider them to be suitable for their plant nursery requirements. On this basis, it is considered that the development is reasonably necessary to support a horticultural activity on the holding in compliance with policy DM22.

Visual impact and the impact on the Grand Western Canal

The polytunnel, whilst having a large footprint, is less than 4m high at its highest point. It is proposed to site the polytunnel behind the existing large agricultural building on site and therefore its visual impact from the Highway to the south west would be limited. However, there are more open views from the road to the north west of the site but the polytunnel would be on lower ground and therefore the visual impact would again be limited. The main view of the site and the polytunnel would be from the Grand Western canal which is also a Conservation Area. Policy DM27 requires that proposal which are likely to substantially harm heritage assets of their settings should only be approved where the public benefit outweighs the harm and where there is less than substantial harm this is weighed against any public benefit.

The polytunnel will be visible from the canal but will be viewed at some distance and in conjunction with the existing redundant agricultural buildings on the site. It is not considered that the polytunnel will harm the setting of the Grand Western Canal Conservation Area and therefore the proposal is considered to comply with policy DM27.

Impact on neighbouring residents

There are a few residential properties around the boundary of the site. Canal View and Ebear Cottages sit in excess of 50m away to the north on slightly higher ground, Ebear farmhouse itself to the west (in the applicants ownership) and Cassida Cottage sits 90m to the south east on slightly lower ground. No letters of objection have been received from any occupiers of those properties and Environmental Health have been consulted regarding noise and other nuisances but have raised no objection. It is not considered that the growing and propagation of shrubs would be a noisy activity but there may be some impact as a result of lighting used in the polytunnels, given the transparent nature of the construction material.

At the time of writing this report, further information was being sought on this issue and an update will be provided to members.

Impact on the local road network

The application site has an agricultural use and there are a number of buildings on site, which although not currently used, have the ability to be used for agricultural purposes. It is not considered that the erection of the polytunnel will result in an unacceptable level of traffic generation and no contrary advice has been received from the Highway Authority. On this basis the proposal is considered to comply with policy DM22.

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.

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.

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The Authority considers that the proposal is reasonably necessary to support a farming activity on the farm of in the immediate locality, that it is sensitively located to limit adverse impacts on residents or the character of the area, that it will not have an adverse impact on the environment and will not have an unacceptable traffic impact on the local road network. In addition, it is not considered that the proposal will result in harm to the setting of the Conservation Area. The proposal therefore complies with COR2 and COR18 of the Mid Devon Core Strategy (Local Plan Part 1), DM2, DM22 and DM27 of the Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.

Grid Ref: 293619 : 115364

Applicant: Ms Jessica Lampard

Location: Ash Cottage
Washfield Tiverton

Proposal: Erection of a 2 storey
extension (Revised
Scheme)

Date Valid: 4th October 2014



Application No. 14/01670/FULL

RECOMMENDATION

Refuse permission.

CLLR POLLY COLTHORPE HAS REQUESTED THAT THIS APPLICATION BE DETERMINED BY THE PLANNING COMMITTEE FOR THE FOLLOWING REASON:

To consider whether the scale and design of the proposed extension is acceptable in this location.

PROPOSED DEVELOPMENT

The application is for a two storey extension to the side of a semi-detached traditional stone house. The house is one of a pair elevated above the road in a highly visible location. The dwelling has been extended to the rear with a two storey brick extension. Planning permission was granted for a single storey extension to the side in 2005 but this permission has now lapsed. A planning application for a very similar extension to the current one was refused earlier in the year.

The proposed extension is to measure approximately 5.9 metres wide x 3.2 metres deep and is to provide a family room on the ground floor and bedroom, ensuite bathroom and wardrobe on the first floor. The garden slopes away to the south west resulting in an overall height of 8.7 metres to ridge height of the extension on the south western elevation. Materials are to be rendered walls over a stone plinth, a slate roof and white UPVC windows.

APPLICANT'S SUPPORTING INFORMATION

None.

PLANNING HISTORY

05/02330/FULL Erection of a single storey extension - PERMIT - 16.12.05
14/00616/FULL Erection of 2 storey extension - REFUSE - 19.06.14

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

CONSULTATIONS

HIGHWAY AUTHORITY - 16th October 2014 - Standing advice applies please see Devon County Council document <http://www.devon.gov.uk/highways-standingadvice.pdf>

WASHFIELD PARISH COUNCIL - 19th November 2014 - Support

REPRESENTATIONS

None.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The key issues in determination of this application are:

1. Design and visual impact on the existing dwelling and the street scene
2. Other

1. Design and visual impact on the existing dwelling and the street scene

The dwelling is of traditional design and has a small stone two storey projection to the side which is well set back from the front elevation. The projection to the side of the neighbouring attached dwelling is similarly set well back from the frontage. The proposal is to construct a two storey extension forward of the existing side projection, and to extend approximately 1.8 metres further into the garden. The scale and wide proportions of the proposed extension are considered to be out of keeping with the existing narrow frontage, the extension being considerably wider than the existing house. In addition, the fenestration in the proposed extension does not retain the proportions and vertical emphasis of that in the original dwelling. The use of a render finish in such a prominent position would detract from the traditional character of the dwelling and emphasise the scale of the extension in relation to the original dwelling. It is considered that the proposed extension would dominate the view of the house and would eradicate the view of the existing traditional stone two storey side element, unbalancing the pair of semi-detached dwellings.

The dwelling is on sloping land with the side garden somewhat lower than the house. At present there is a retaining wall and pathway around the side of the dwelling. It is proposed to replace the retaining wall with the new extension. From the side, the simplicity of the original dwelling would be compromised by the proposed configuration of three differently designed and proportioned extensions, the proposed extension raised above ground level dominating the view. The dwelling is not listed or in a conservation area, however, the dwelling itself and the group of dwellings visible from the road of which it forms part, are of a traditional nature and form part of an attractive street scene. The current proposal only differs from that previously refused by the removal of the basement storage area doors and the raised terrace. In all other respects, the design remains the same.

It is considered that there is scope to extend the dwelling, perhaps by remodelling and extending the existing rear extension which would also serve to improve an existing poor quality extension, but the benefits of achieving improved living accommodation as a result of the current proposal do not outweigh the harm to the character and appearance of the existing cottage and the area. It is considered that the proposal would be contrary to policies COR2 and COR18 of the Mid Devon Core Strategy (Local Plan Part 1) and DM2 and DM13 of the Mid Devon Local Plan Part 3 (Development Management Policies) and refusal is therefore recommended.

2. Other

The proposal is not considered to lead to any loss of privacy or amenity for any neighbouring occupants, or to negatively affect parking and highway safety, in accordance with policies DM2 and DM13 of the Mid Devon Local Plan Part 3 (Development Management Policies).

REASON FOR REFUSAL

Mid Devon District Council requires new development to respect the character and appearance the area and to demonstrate a clear understanding of the site and its context. Extensions to existing dwellings should respect the character, scale, setting and design of the existing dwelling. In the opinion of the Local Planning Authority, the proposed extension is out of scale and proportion with the existing dwelling and the design, fenestration and materials do not respect the scale, character, setting and design of the existing dwelling, contrary to policies COR2 and COR18 of the Mid Devon Core Strategy (Local Plan Part 1) and DM2 and DM13 of the Mid Devon Local Plan Part 3 (Development Management Policies).

Application No. 14/01851/FULL

Plans List No. 3

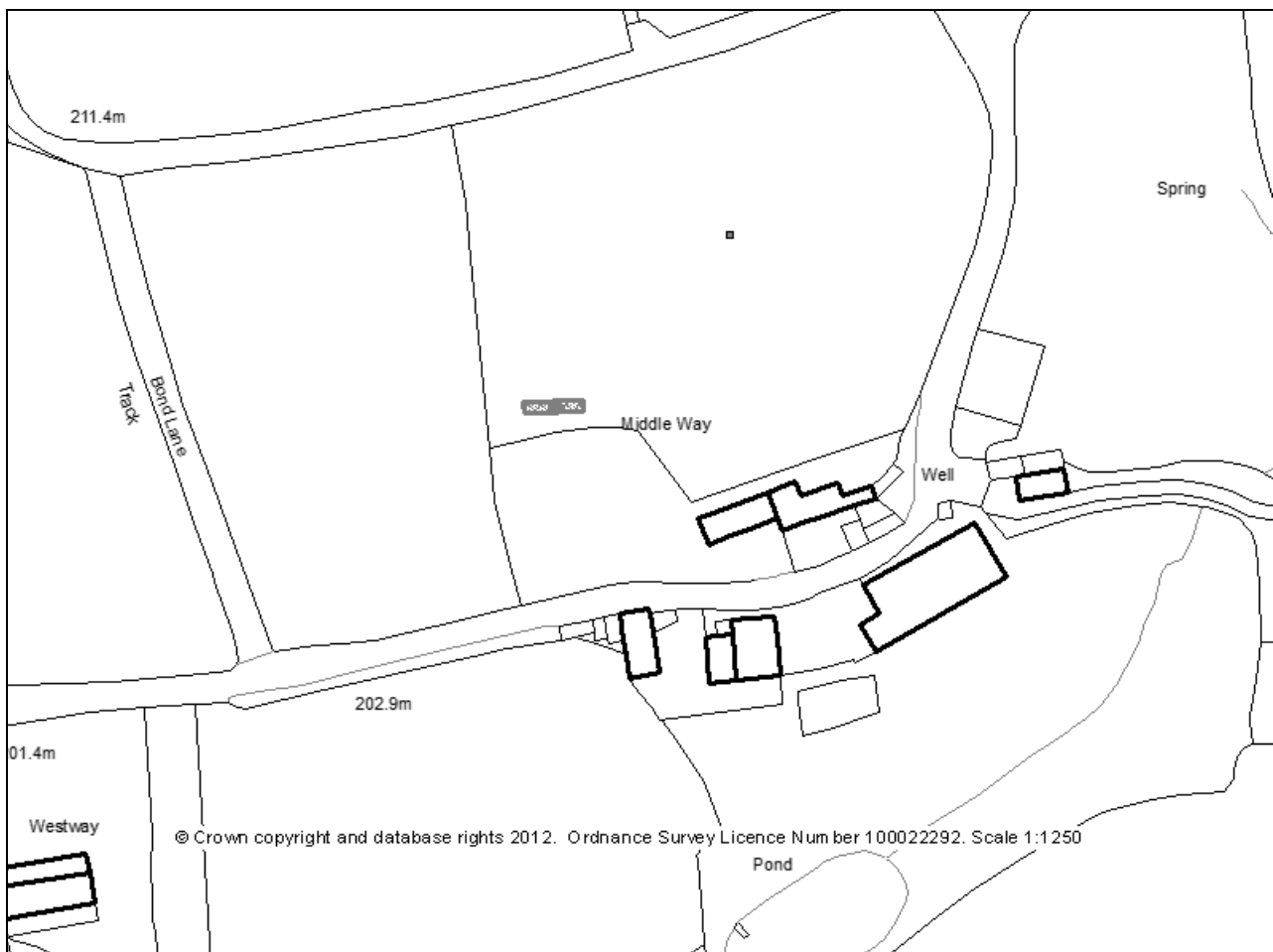
Grid Ref: 287982 : 110304

Applicant: Mr G Hall

Location: Land at NGR 287945
110268 (Middleway)
Pennymoor Devon

Proposal: Retention of a ground
mounted photovoltaic
system to generate
6kW of power

Date Valid: 3rd November 2014



Application No. 14/01851/FULL

RECOMMENDATION

Grant permission subject to conditions.

PROPOSED DEVELOPMENT

The application site relates to an agricultural piece of land bordering the curtilage of a residential property at Middleway, Pennymoor, EX16 8LX. The proposal seeks planning permission for the retention of a ground mounted solar panel array to generate 6kW of power in connection with the dwellinghouse. The solar panels have been constructed next to land used as a vegetable garden, approximately 30 metres from the dwelling. The panels form two lines, 12 panels across; 24 panels in total. The rows are parallel, one above the other and are constructed on a wooden frame (painted green). The panels (including the frame) measure approximately 12.11 metres in length, 3 metres in width, with a height of approximately 2.5metres. Public vantage points of the site are limited, with hedgerow screening provided to the North, South, East and West of the site. It should be noted that the panels are visible from a small section of highway to the South East, from a gateway to the North East, and distant views from Way village to the East. The landscape character of the area is considered to be upper farmland and wooded valley slopes.

APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement

PLANNING HISTORY

14/01851/FULL Retention of a ground mounted photovoltaic system to generate 6kW of power - PCO

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR2 - Local Distinctiveness

COR5 - Climate Change

COR18 - Countryside

Mid Devon Local Plan Part 3 (Development Management Policies)

DM2 - High quality design

DM5 - Renewable and low carbon energy

CONSULTATIONS

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

REPRESENTATIONS

None received at the time of writing this report.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

- 1. Design, scale, location and use**
- 2. Impact upon landscape**
- 3. Impact upon heritage assets**

1. Design, scale, location and use

As previously noted, the application seeks planning permission for the retention of a 6kw solar panel installation, consisting of a total of 24 panels in 2 rows of 12, mounted on treated timber racking. The panels (including the framing, span a total length of 12.1M, including a 3 metre width and an overall height of 2.5 metres. The solar panels will face south, maximising the sun's trajectory. The height of the panels are considered relatively low, however it was noted the development may be visible from a gateway to the North East, and from a small section of highway to the Southeast. There may be distant views of the array from properties situated 600metres to the East, however, due to the array's orientation, impacts on the properties will be minimal. The proposal uses the site to its advantages, minimizing its visual impact whilst being sited to gain the most efficient use of the panels. This is deemed to be in accordance with policy's DM2 and DM5 and the Local Plan Part 3 (Development Management Policies) Part 10 of the National Planning Policy Framework and COR2 and COR5 of the Mid Devon Core Strategy (Local Plan Part 1).

The nearest dwelling (excluding the applicants) is a listed property to the South West of the site, this is significantly screened in the form of well-established hedging and the solar panels are unlikely to be visible from the listed building or its curtilage. The application is not deemed to have an impact on a heritage asset (see below) and is therefore in accordance with Policy DM27 of the Local Plan Part 3 (Development Management Policies).

The panels will be sited on an agricultural piece of land, just outside the curtilage of the associated property, Middleway. The panels are proposed in a location where views are limited from the surrounding area by the vegetation to the North, East, South and West, whilst the site area is gently sloped. Land reduces in height to the South and rises gently to the North. There are very limited viewpoints to the site. As noted in the design and access statement, Middleway is a residential property aiming to reduce the rising costs of energy, and moving towards more sustainable energy consumption. It is deemed the proposal causes minimal harm to the surrounding area, due to its limited visual impact from public vantage points, respects the agricultural setting of the area, and is relatively small in scale, therefore, it is considered to comply with policies COR18 and COR5 of the Mid Devon Core Strategy (Local Plan Part 1), DM2, DM5 and DM27 of the Local Plan Part 3, and Part 10 of the National Planning Policy Framework

2. Impact upon Landscape

Due to the relatively small scale of the panels, together with the limited views of them, the impact upon the landscape is considered to be minimal. This is aided by existing screening in the form of the well-established vegetation such as hedge rows which will screen the panels to the North, East, South and West. Overall, the panels are not widely visible from public vantage points within the surrounding landscape, and given their small scale and positioning, the development does not amount to an unacceptable impact on the local landscape character. Therefore the proposal is deemed in accordance with policies COR2 and COR5 of the Mid Devon Core Strategy (Local Plan Part 1), DM5 of the Local Plan Part 3 (Development Management Policies) and Part 11 of the National Planning Policy Framework.

A Landscape Sensitivity Study has recently been published for the Mid Devon district which acknowledges the application site to be within a landscape character type with a low to moderate sensitivity to solar photovoltaic development under 1 hectare in size (Land type 3A: Upper Farmed and Wooded Valley Slopes). The small scale of this proposal which is far below 1 hectare in size means that when referenced against the Landscape Sensitivity Study, the proposal site is deemed to be of low sensitivity.

3. Impact Upon Heritage Assets

The nearest Heritage Asset to the proposal is Westway Farmhouse, a grade two listed building situated 130M to the South West of the proposal. There are no other heritage assets near the proposal. Heritage Assets and their setting are an irreplaceable resource, and therefore, it is important to consider any impact on them the development may produce. During the site visit it was noted that the proposal is well screened and would not be visible from any surrounding Heritage Asset.

Due to the limited size of the proposal and its limited prominence in the surrounding area, the impact on the surrounding heritage asset, along with its setting, is considered minimal and in accordance with Policy DM27 of the Local Plan Part 3 (Development Management Policies).

CONDITIONS

1. The date of commencement of this development shall be taken as the 12/11/2014, when the Local Planning Authority undertook a site visit to the application.
2. When no longer required for the purposes of electricity generation, the solar photovoltaic panels, and all other associated infrastructure shall be removed from the site within 12 months of the cessation of electricity generation and the land restored to its former state.

REASONS FOR CONDITIONS

1. In order to establish a legal commencement date for the development to enable the application to be monitored by the Local Planning Authority.
2. In the interests of maintaining the character and appearance of the rural landscape, in accordance with Policy COR18 of the Mid Devon Core Strategy (Local Plan 1), the National Planning Policy Framework and Policy DM5 of the Local Plan Part 3 (Development Management Policies).

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The 24 ground mounted panels are not considered to harm the privacy or amenity of the occupiers of another dwelling, the future productivity of the agricultural land, the visual amenity of the surrounding countryside or harm a Heritage Asset. The proposal is therefore deemed to be in accordance with policies COR2, COR5 and COR18 of the Mid Devon Core Strategy (Local Plan Part 1), DM2, DM5 and DM27 of the Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.

Jonathan Guscott
Head of Planning and Regeneration

PLANNING COMMITTEE - 7 January 2015

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
06.05.2014	10.12.2014 Grant permission	14/00715/FULL	Mr C Labdon Land at NGR 307524 113674 Lucas Farm Erection of an agricultural building	Uffculme 53
12.05.2014	05.12.2014 Grant permission	14/00767/FULL	Mr P Proffitt Cottage Garden Nursery Uffculme Road Change of use of land from horticultural nursery to a mixed use of horticultural nursery and children's	Halberton 25

			day nursery; external refurbishment of wooden building to include solar panels to the south elevation (Revised Scheme)	
13.05.2014	09.12.2014 Grant permission	14/00771/FULL	Mr S Drake Land and Buildings at NGR 272041 101163 (West Langford Farm) Station Road Replacement of existing dairy barn with residential dwelling (Revised Scheme)	Bow 03
24.07.2014	04.12.2014 Grant permission	14/01231/FULL	Mrs W Baker 24 Bampton Street Tiverton Change of use of ground floor from office to shop and office, change of use of office on first, second, and loft floors to dwelling, and alterations to shop front	Tiverton 52
24.07.2014	04.12.2014 Grant permission	14/01232/LBC	Mrs W Baker 24 Bampton Street Tiverton Listed Building Consent for works in connection with change of use of ground floor from office to shop and office, change of use of office on first, second, and loft floors to dwelling, and alterations to shop front	Tiverton 52
29.07.2014	02.12.2014 Grant permission	14/01235/FULL	Mr D Fisher Land and Buildings at NGR 275062 99367 (Fairfield) Colebrooke Erection of a polytunnel	Colebrooke 17
01.08.2014	28.11.2014 Refuse permission	14/01306/MOUT	Mr P Nickells Land and Buildings at NGR 277638	Cheriton Bishop 11

			93018 (East Of Hill View) Outline for the erection of 10 dwellings	
18.08.2014	24.11.2014 Grant permission	14/01354/FULL	Mr J Brown Venbridge Grange Cheriton Bishop Erection of general purpose agricultural building to include a washroom	Cheriton Bishop 11
26.08.2014	01.12.2014 Grant permission	14/01444/FULL	Mr A Irwin Prestons Colebrooke Conversion of agricultural barn to holiday accommodation and/or granny annexe	Colebrooke 17
28.08.2014	03.12.2014 Grant permission	14/01458/FULL	Mr L Hopson Higher Endicott Cadeleigh Erection of 1 dwelling	Cadbury 08
29.08.2014	26.11.2014 Not Permitted Development	14/01415/PNCOU	Mr P May Building at NGR 274426 102610 (Clannaborough Barton) Prior Notification for the change of use of agricultural building to dwelling under class MB(a) and (b)	Clannaborough 13
05.09.2014	05.12.2014 Refuse permission	14/01501/MFUL	Ms Line, Juwi Renewable Energies Ltd Land and Building at NGR 295155 101916 Stumpy Cross 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	Silverton 45

08.09.2014	24.11.2014 Grant permission	14/01532/FULL	Mrs I Richardson Gotham Tiverton Installation of 4kw solar panels to barn roof	Tiverton 52
08.09.2014	24.11.2014 Grant permission	14/01533/LBC	Mrs I Richardson Gotham Tiverton Listed Building Consent for installation of 4kw solar panels to barn roof	Tiverton 52
12.09.2014	27.11.2014 Grant permission	14/01555/FULL	Mr P Kelland Land at NGR 287401 121793 South Esworthy Farm Erection of an agricultural building	Oakford 39
17.09.2014	25.11.2014 Application Part Granted/Part Refused	14/01577/CLP	Mr Woolcock & Mason 25 Exeter Road Silverton Certificate of lawfulness for the proposed erection of extensions and installation of 2 dormer windows	Silverton 45
18.09.2014	02.12.2014 Grant permission	14/01517/FULL	Mr Steven Beard Land at NGR 313629 114095(Sunnylea) Withy Lane Erection of an agricultural building	Hemyock 26
18.09.2014	25.11.2014 Grant permission	14/01583/FULL	Mr & Mrs Ross Land and Buildings at NGR 286351 108521 (South Yeo) Poughill Conversion of former Threshing Barn to dwelling and alterations to existing access	Poughill 40
22.09.2014	03.12.2014 Refuse permission	14/01538/FULL	Mr & Mrs A Worthington Barton Barn Smithincott Removal of Condition 10 of planning	Uffculme 53

			permission 03/01206/FULL (Holiday Occupation Restriction)	
22.09.2014	27.11.2014 Withdrawn	14/01556/FULL	Mr N J Guscott Land and Buildings at NGR 287715 106509 (White Cross Farm) Erection of an office building	Cheriton Fitzpaine 12
23.09.2014	03.12.2014 Grant permission	14/01568/FULL	Newton St Cyres Parish Hall Parish Hall West Town Road Erection of an extension to provide store room, internal alterations and improvements	Newton St Cyres 37
23.09.2014	03.12.2014 Grant permission	14/01570/LBC	Mr Michael Brooke-Webb Linfield House South Street Listed Building Consent for the installation of replacement windows	Holcombe Rogus 29
23.09.2014	01.12.2014 Approval of Prior Approval	14/01575/PNAG	Miss L Farrington Land at NGR 293835 122191 (Pixton Woodlands) Bampton Prior notification for the erection of 6 polytunnels	Bampton 01
23.09.2014	05.12.2014 Grant permission	14/01584/ARM	Mr A Palfrey Land at NGR 279788 97662 (South Hill Farm) Yeoford Reserved Matters for the erection of an agricultural worker's dwelling following outline approval 12/01359/OUT	Crediton Hamlets 19
23.09.2014	04.12.2014 Not Permitted Development	14/01594/PNCOU	Mr & Ms M Elphick Land and Buildings at NGR 274053 93411 (Moor View Farm) Prior Notification for the change of use	Cheriton Bishop 11

			of agricultural buildings to 2 dwellings under Class MB(b)	
25.09.2014	21.11.2014 Refuse permission	14/01585/CLP	Mr M Aspland Beau Point Blackborough Certificate of Lawfulness for the proposed erection of a summer house	Kentisbeare 32
25.09.2014	02.12.2014 Grant permission	14/01617/ADVERT	Mr J Garner Uffculme Parochial Church Council 18 The Square Advertisement consent to display 1 fascia sign	Uffculme 53
26.09.2014	24.11.2014 Grant permission	14/01622/FULL	Mrs K Meechan 10 Chulmleigh Road Morchard Bishop Erection of an extension	Morchard Bishop 35
29.09.2014	26.11.2014 Grant permission	14/01624/LBC	Mr C Nelson Deanes Well 6 Lower Town Listed Building Consent for the replacement of existing door with window and replacement of 3 windows	Halberton 25
30.09.2014	21.11.2014 Approval of Prior Approval	14/01602/PNCOU	Mr P Roberts Land and Buildings at NGR 303198 115178 (Micholsfield) Whitnage Road Prior notification for the change of use of agricultural building to 2 dwellings under class MB(a)	Uplowman 54
30.09.2014	27.11.2014 Grant permission	14/01630/FULL	Mr J Wallace Knightshayes Stables Bolham Refurbishment and extension to catering facility	Tiverton 52

30.09.2014	27.11.2014 Grant permission	14/01632/LBC	Mr J Wallace Knightshayes Stables Bolham Listed Building Consent for refurbishment and extension of catering facility	Tiverton 52
30.09.2014	24.11.2014 Grant permission	14/01637/FULL	Mr A Gilbert Mount Lodge Bampton Erection of extension	Bampton 01
30.09.2014	21.11.2014 Grant permission	14/01648/TPO	Mr Timothy Ware Former Police Station The Avenue Application to fell 2 conifer trees protected by Tree Preservation Order 84/00003/TPO	Tiverton 52
01.10.2014	24.11.2014 Development Acceptance	14/01608/PNCOU	Mr R Harris Land and Buildings at NGR 294001 109130 Southwood Farm Prior notification for the change of use of agricultural building to a dwelling under Class MB(a)	Tiverton 52
01.10.2014	04.12.2014 Grant permission	14/01628/FULL	Mr E Rodd The Old Mill Upton Hellions Erection of two-storey extension	Upton Hellions 55
01.10.2014	24.11.2014 Grant permission	14/01652/FULL	Mole Valley Farmers Ltd Mole Valley Farmers Cullompton Variation of condition 5,6 and 7 to allow noise from operations, use of plant, machinery or power tools and artificial illumination within the business hours of condition 2 of planning permission 14/01194/FULL	Cullompton 21

01.10.2014	24.11.2014 Grant permission	14/01653/FULL	Mole Valley Farmers Mole Valley Farmers Cullompton Variation of condition 5,6 and 7 to allow noise from operations, use of plant, machinery or power tools and artificial illumination within the business hours of condition 2 of planning permission 14/01192/FULL	Cullompton 21
01.10.2014	02.12.2014 Grant permission	14/01655/FULL	Mrs J Ali-Hassan Ridgeway Willand Installation of woodburner and flue	Halberton 25
02.10.2014	05.12.2014 Grant permission	14/01614/FULL	Mr & Mrs A Casavieille Lacaze Lilac Cottage Wembworthy Erection of single storey sunroom extension to rear (Revised Scheme)	Wembworthy 58
02.10.2014	02.12.2014 Grant permission	14/01618/FULL	Mr Julian Garner Uffculme Parochial Church Council 18 The Square Erection of a first floor extension and refurbishment of external frontage	Uffculme 53
03.10.2014	25.11.2014 Grant permission	14/01633/FULL	Mr B Hampson Westcars of Tiverton 11 Blundells Road Erection of an extension to existing commercial building	Tiverton 52
06.10.2014	04.12.2014 Refuse permission	14/01681/FULL	Mr & Mrs T Way Land at NGR 295346 121557 (New Park) Tiverton Road Erection of 2 holiday units, formation of new access, and associated works (Revised scheme)	Bampton 01

06.10.2014	01.12.2014 Grant permission	14/01696/LBC	Mr A Irwin Prestons Colebrooke Listed Building Consent for the conversion of agricultural barn to holiday accommodation and/or granny annexe	Colebrooke 17
07.10.2014	01.12.2014 Grant permission	14/01642/FULL	Mr K J Hutchings Land and Building at NGR 274434 94078 (Rydons) Cheriton Bishop Erection of an agricultural livestock building	Cheriton Bishop 11
07.10.2014	04.12.2014 Refuse permission	14/01645/TPO	Mrs S Andrews 11 Hayne Court Tiverton Application to remove 1 Lime tree protected by Tree Preservation Order 14/00002/TPO	Tiverton 52
07.10.2014	02.12.2014 Approval of Prior Approval	14/01651/PNCOU	Mr & Mrs Noall Upcott Barns Lapford Prior notification for the change of use of agricultural buildings to 3 dwellings under class MB(a) and (b)	Morchard Bishop 35
07.10.2014	02.12.2014 Refuse permission	14/01688/FULL	Mrs Davina Emmett Goldsmoor House Westleigh Removal of condition (f) of planning permission 87/01131/OUT relating to the agricultural tie	Sampford Peverell 42
07.10.2014	10.12.2014 Grant permission	14/01691/FULL	Mr Colin Champion Ruggs Moor Blackborough Erection of an extension and replacement porch	Uffculme 53

07.10.2014	27.11.2014 Withdrawn	14/01692/FULL	Mr J Higson 33A St Peter Street Tiverton Erection of 8 flats following demolition of existing workshop buildings and garages	Tiverton 52
08.10.2014	03.12.2014 Development Acceptance	14/01682/PNCOU	Mr & Mrs R Ford Land and Buildings at NGR 278322 101534 (Fordhayes Farm) Prior notification for the change of use of an agricultural building to a dwelling under Class MB (a) and (b)	Copplestone 62
08.10.2014	27.11.2014 Development Acceptance	14/01689/PNCOU	Mrs Joan Pitts Stables at NGR 294341 117401 (Fairby) Prior notification for the change of use of an agricultural building to a dwellinghouse under Class MB(a)	Tiverton 52
08.10.2014	03.12.2014 Grant permission	14/01704/FULL	Mrs R Chidgey Orchard Lea Hemyock Erection of rear extension	Hemyock 26
09.10.2014	02.12.2014 Grant permission	14/01673/FULL	Mr S Brooks Burnells Coombe Neopardy Erection of single storey side extension	Crediton Hamlets 19
09.10.2014	28.11.2014 Grant permission	14/01683/FULL	Mr Robert Parkes Land at NGR 283916 107108 (Down Farm) Change of use of land to equestrian and creation of a manege	Stockleigh English 46
09.10.2014	03.12.2014 Grant permission	14/01706/FULL	Mr S Barnard Goodiford Mill Farm Kentisbeare	Kentisbeare 32

			Change of use of land from agricultural to domestic garden; change of use of outbuildings and formation of vehicular access	
09.10.2014	04.12.2014 Grant permission	14/01709/FULL	Mrs T Matthews Land and Buildings at NGR 283190 97241 (Holmfield House) Trobridge Change of Use of agricultural storage building to (B1) light engineering workshop (Revised scheme)	Crediton Hamlets 19
09.10.2014	10.12.2014 Grant permission	14/01710/FULL	Ms S Murphy Greenlands Blackborough Erection of replacement single storey extension at upper ground level and replacement and raising of roof	Uffculme 53
10.10.2014	03.12.2014 Grant permission	14/01687/TPO	Mr David Clive 10 Jasmine Close Tiverton Application to carry out works to one Oak tree protected by Tree Preservation Order No. 4/52/88/TP4	Tiverton 52
10.10.2014	25.11.2014 Withdrawn	14/01719/LBC	Mr K Southgate Easter Cottage Lurley Listed Building Consent for the erection of a shed	Tiverton 52
13.10.2014	05.12.2014 Grant permission	14/01694/FULL	Mr I Parsons Springfield Coleford Erection of garage	Colebrooke 17
13.10.2014	08.12.2014 Development Acceptance	14/01698/PNCOU	Mr & Mrs Stanbury Cleaveanger Farm Coldridge Prior notification for the change of use of an agricultural building to a	Nymet Rowland 38

			dwellinghouse under Class MB(a)	
13.10.2014	03.12.2014 Refuse permission	14/01720/FULL	Mr W Hutchings 12 Ashley Rise Ashley Retention of timber decking and fencing (Revised Scheme)	Tiverton 52
14.10.2014	02.12.2014 Refuse permission	14/01721/FULL	Mrs Davina Emmett Goldsmoor House Westleigh Removal of condition (g) of planning permission 87/02515/ARM relating to the agricultural tie	Sampford Peverell 42
16.10.2014	04.12.2014 Development Acceptance	14/01730/PNCOU	Mr I Ellicott Land at NGR 305843 107659 (Yerrishayes) Kentisbeare Prior notification for the change of use of agricultural building to dwelling under Class MB (a)	Kentisbeare 32
16.10.2014	03.12.2014 Grant permission	14/01733/FULL	Mr D Pinhey Land at NGR 265492 109219 (Upcott Farm) Wembworthy Erection of extension to livestock and general purpose agricultural building	Wembworthy 58
16.10.2014	08.12.2014 Grant permission	14/01735/FULL	Mr Keith Jeram Three Corners Pounds Hill Erection of a 2.5m high acoustic fence	Crediton Town 18
16.10.2014	08.12.2014 Grant permission	14/01737/FULL	Mr Robert Crooks Land and Building at NGR 278885 112117 (Thelbridge Cross Farm) Thelbridge Alterations to existing farm entrance and track surfacing	Thelbridge 50

17.10.2014	08.12.2014 Grant permission	14/01741/FULL	Mr A El-Tawil Barnfield Union Hill Erection of an outbuilding	Down St Mary 23
19.10.2014	08.12.2014 Withdrawn	14/01754/FULL	Mr J Helliwell 15 South Street Holcombe Rogus Erection of extension, increase in size of existing rear dormer, and erection of garage/workshop	Holcombe Rogus 29
20.10.2014	28.11.2014 No Objection	14/01751/CAT	Ms L Green Penton House Penton Lane Notification of intention to remove 2 branches from 1 Ash tree within a Conservation Area	Crediton Town 18
20.10.2014	03.12.2014 Grant permission	14/01752/FULL	Mr & Mrs J Warren Arcadia Chulmleigh Road Conversion of garage with ground and first floor extensions to provide ancillary accommodation	Morchard Bishop 35
20.10.2014	28.11.2014 Grant permission	14/01755/LBC	Miss A Exley 2 Bridge Cottages Lapford Listed Building Consent for replacement of 3 windows, 2 doors, and guttering	Lapford 33
21.10.2014	08.12.2014 Development Acceptance	14/01757/PNCOU	Mr R Crooks Land and Building at NGR 278885 112117 (Thelbridge Cross Farm) Thelbridge Prior notification for the change of use of agricultural building to dwelling under Class MB (a) and (b)	Thelbridge 50

24.10.2014	27.11.2014 Grant permission	14/01781/FULL	Mr R Andrews 31 Bouchier Close Bampton Conversion of garage to additional living accommodation and erection of porch	Bampton 01
24.10.2014	02.12.2014 Development Acceptance	14/01782/PNCOU	Mr A Rigamonti Ramstorland Farm Stoodleigh Prior notification for the change of use of agricultural barns to 2 dwellings under Class MB (a) and (b)	Washfield 56
27.10.2014	10.12.2014 Grant permission	14/01797/TPO	Mr G Tidball Land at NGR 313892 113012 (Adjacent 6 East Mead) Hemyock Application to carry out works to 3 Oak trees protected by Tree Preservation Order 00/00007/TPO	Hemyock 26
28.10.2014	10.12.2014 Development Acceptance	14/01786/PNFG	Mr Alan Every-Clayton Land at NGR 274330 96884 (Howard Copse) Hittisleigh Prior Notification for the construction of a proposed road	Hittisleigh 27
29.10.2014	09.12.2014 Withdrawn	14/01818/FULL	Mr M Corden The Cider Press Nymet Rowland Erection of porch and installation of additional window and pair of doors	Nymet Rowland 38
30.10.2014	24.11.2014 Development Acceptance	14/01803/PNAG	Mr G Warren Land at NGR 288756 110207 (Hollow Dale) Pennymoor Prior notification for the erection of an agricultural storage building	Cruwys Morchard 20

31.10.2014	02.12.2014 Development Acceptance	14/01806/PNCOU	Mr Peter Mclean-Buechel 54B Bampton Street Tiverton Prior notification for the change of use of offices to dwelling under Class J- B1(a)	Tiverton 52
31.10.2014	27.11.2014 No Objection	14/01820/CAT	Mr Martin White 21 Blundells Avenue Tiverton Notification of intention to fell 2 Laurel trees and carry out works to 1 Eucalyptus tree within a Conservation Area	Tiverton 52
04.11.2014	01.12.2014 Withdrawn	14/01857/FULL	Mr J Harris Coxs Court Park Street Erection of 3 dwellings following demolition of 14 garages	Tiverton 52
05.11.2014	27.11.2014 Approval of Prior Approval	14/01840/PNAG	Mrs M Hill Land at NGR 284658 111817 (Stubborn Cross) Prior notification for the erection of an agricultural building	Cruwys Morchard 20
11.11.2014	11.12.2014 Withdrawn	14/01905/FULL	Ms K George Higher Eastington Racing Stables Lapford Erection of a dwelling	Lapford 33
13.11.2014	09.12.2014 No Objection	14/01884/CAT	Mr Southall Bridge House Fore Street Notification of intention to carry out works to 1 Beech tree and 1 Maple tree within a conservation area	Kentisbeare 32

Background Papers: Contained in application files referred to.

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	0	18/03/2015	14/01938/MOUT	Outline application for up to 97 dwellings, to include the importation of inert waste to raise land, with details of access onto the public highway provided and with all other matters reserved for future consideration	Land at NGR 303843 111382 South View Road Willand Devon	Miss Thea Billeter	DEL	
2	1	11/03/2015	14/02044/MFUL	Erection of new head office comprising offices, warehouse, country store, external storage area, parking, new access and associated works	Land at NGR 284608 99421 (Wellparks) Joseph Locke Way Crediton Devon	Mr Simon Trafford	DEL	
3	3	25/02/2015	14/01932/MFUL	Installation of a ground-mounted photovoltaic solar farm to generate up to 6MW of power (site area 11ha) with associated infrastructure including inverter cabins, sub station buildings, access tracks, fencing and CCTV	Land at NGR 307922 118303 (Wiseburrow Farm) Burlescombe Devon	Mrs Alison Fish	COMM	COMM
4	3	20/02/2015	14/01949/MFUL	Change of use of land from agriculture to the installation and operation of a solar PV park to generate up to 5MW of power (site area 12.26 hectares) to include associated infrastructure (Revised Scheme)	Land at NGR 302663 109953 (Stoneshill Farm) Willand Road Cullompton Devon	Miss Thea Billeter	COMM	COMM
5	3	24/02/2015	14/01984/MFUL	Installation of a ground-mounted photovoltaic solar farm to generate 4.8MW of power (site area 9.30 ha) with associated infrastructure including inverters, transformers, substations, communications building, fence, and pole-mounted security cameras	Land at NGR 308764 118163 (Redhill Farm) Burlescombe Devon	Miss Thea Billeter	COMM	COMM
6	3	25/02/2015	14/01780/MFUL	Erection of replacement equestrian arena (1711sqm) and erection of extension to existing	Land and Buildings at NGR 308268 107308 Orway Crescent Farm Kentisbeare Devon	Miss Hannah Cameron	DEL	DEL
7	5	09/02/2015	14/01847/MFUL	Erection of 44 apartments for older persons, including communal facilities, associated car parking including construction of parking deck and landscaping (Revised Scheme)	Land and Buildings at NGR 295350 112455 (Rear Of Town Hall) Angel Hill Tiverton Devon	Mrs Jenny Clifford	COMM	COMM

<i>Item</i>							<i>Expected Decision Level</i>	
<i>No.</i>	<i>Weeks</i>	<i>TARGET DATE</i>	<i>REFVAL</i>	<i>PROPOSAL</i>	<i>LOCATION</i>	<i>NAME</i>	<i>Delegated</i>	<i>Committee</i>
8	7	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
9	7	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	COMM	COMM
10	8	20/01/2015	14/01592/MFUL	Erection of polytunnel (1200 sq. m)	Ebear Farm Westleigh Tiverton Devon EX16 7HN	Mrs Alison Fish	COMM	COMM
11	16	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
12	16	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
13	19	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
14	25	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
15	28	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

<i>Item</i>							<i>Expected Decision Level</i>	
<i>No.</i>	<i>Weeks</i>	<i>TARGET DATE</i>	<i>REFVAL</i>	<i>PROPOSAL</i>	<i>LOCATION</i>	<i>NAME</i>	<i>Delegated</i>	<i>Committee</i>
16	29	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
17	33	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
18	53	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
19	87	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
20	267	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 22/10/2014 to 11/12/2014

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.

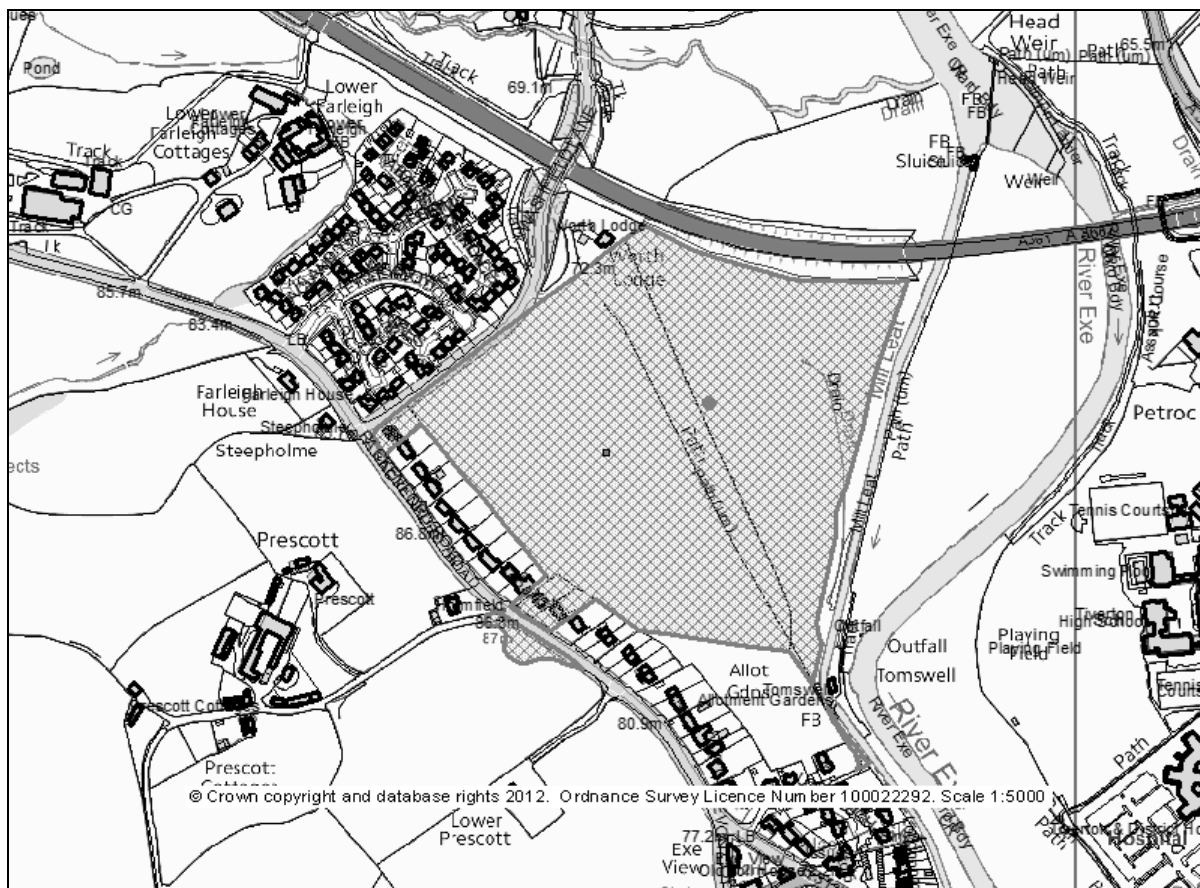
Application No.	Description	Location	Officer Recommendation	Committee or Delegated	Decision	Appeal Type	Inspector Decision
14/00609/PNCO	Prior notification of change of use of agricultural building to a dwelling house and associated operational development (24.8sq mtrs) - APPEAL DISMISSED 01/12/2014	Agricultural Buildings at NGR 308087 112770 (Ratsash Lane) Uffculme Devon	Not Permitted Development	Delegated	Not Permitted Development	Written Representations	Appeal Dismissed

Summary of Inspector's Comments

The Inspector found that the proposed change of use, and associated building operations to convert the building to a C3 dwellinghouse, would be undesirable, due to the building's proximity to two oak trees (subject to a TPO). The proposal was therefore found to be contrary to MB.2 (1) (e) of the 2014 amendment to the CPDO. In addition the building works reasonably necessary to enable the change of use were found to go beyond the works set out under MB.1 (i), including installation or replacement of the foundations and overall structure. The appeal was dismissed on this basis.

REPORT OF THE HEAD OF PLANNING AND REGENERATION

14/01047/MARM - RESERVED MATTERS FOR THE ERECTION OF 273 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



Reason for Report:

When the Planning Committee considered this application at their meeting on 22nd October 2014 the Committee resolved that planning permission be granted subject to the variation of terms of the S106 agreement pursuant to planning approval 12/00277/MOUT, various conditions and subject to various other provisions, including:

c) That delegated authority be given to the Head of Planning and Regeneration in conjunction with the Chairman and Ward Members consider whether further noise mitigation measures are reasonably necessary to safeguard the living conditions of the occupiers of dwellings proposed close to the A361 and whether any such measures should be secured by an additional condition.

The reason for this report is to report back to members on the specific issue set out above.

RECOMMENDATION

Taking into account the site layout as approved, and the relevant evidence, it is not considered that any further specific noise mitigation measures are considered justified in order to ensure an acceptable residential environment for future occupiers. On this basis no further conditions are recommended.

Relationship to Corporate Plan:

The plan contains key objectives that include a thriving economy, better homes and caring for our environment. These are relevant to this application.

Financial/ Legal Implications:

None identified.

Risk Assessment:

None identified.

Since 22/10/2014 consultation has been carried out with:

1. Environmental Health (EH) Officers
2. Chair of Planning, All 3 ward members and Cllr Binks

OFFICER COMMENTS & CONCLUSIONS

Background: The scope of the application site is set back so there is a separation gap of a minimum of approximately 10.0 metres between the boundary of the site development area and the boundary with the A361 which is at a higher level than the development site. On the side of the A361 there is a Devon Bank with a hedgerow above which presents a substantial buffer/barrier.

Noise Climate assessment: As part of the documentation to support the outline application submission a technical report was prepared by WSP which specifically examined the noise effects of the A361 upon future development. The conclusions of the report indicate that the provisions under the Building Regulations (sound insulation - walling and windows) will be sufficient to create a suitable living environment. It also recommends that mitigation in terms of the organisation of the internal space and windows facing out towards the A361 should be avoided for any house proposed within 12.0M of the A361.

When the outline application was being assessed officers in the Environmental Health Department considered this evidence base and did not raise an objection in terms of noise and resultant living conditions for occupiers of the proposed dwellings.

Having consulted the Environmental Health Officer again following the committee resolution on the 22/10, their professional opinion has not changed given that reserved matters scheme does not include any houses within the 12.0 M zone as referred above, with the nearest being approximately 15 metres from A361. However the scheme layout has been designed so that the houses in the development cluster closest to the A361 are orientated side on to A361, and therefore without any windows to principal rooms overlooking the highway.

On this basis it is not considered it would be necessary and/or justified to seek further acoustic mitigation in terms of an acoustic fence alongside the section of the A361 that is adjacent to the approved development area.

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