

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, 4 February 2015 at 2.15 pm

The next ordinary meeting of the Committee will take place on Wednesday, 11 February 2015 at 2.15 pm in the Council Chamber, Town Hall, Tiverton

KEVIN FINAN
Chief Executive
27 January 2015

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

MEMBES 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 - 12*)
To receive the minutes of the previous meeting (attached).
- 4 **CHAIRMAN'S ANNOUNCEMENTS**
To receive any announcements the Chairman may wish to make.
- 5 **ENFORCEMENT LIST** (*Pages 13 - 26*)
To consider the items contained in the Enforcement List.

- 6 **DEFERRALS FROM THE PLANS LIST**
 To report any items appearing in the Plans List which have been deferred.
- 7 **THE PLANS LIST** *(Pages 27 - 56)*
 To consider the planning applications contained in the list.
- 8 **THE DELEGATED LIST** *(Pages 57 - 80)*
 To be noted.
- 9 **MAJOR APPLICATIONS WITH NO DECISION** *(Pages 81 - 84)*
 List attached for consideration of major applications and potential site visits.
- 10 **APPEAL DECISIONS** *(Pages 85 - 86)*
 To receive for information a list of recent appeal decisions.
- 11 **APPLICATION 14/01452/MFUL - INSTALLATION OF SOLAR ENERGY FARM ON 13.34 HA OF LAND TO GENERATE 5.5 MEGAWATTS OF ENERGY (REVISED SCHEME) AT LAND AT NGR 299298 125070 (EAST OF BOWDENS LANE), SHILLINGFORD**
(Pages 87 - 112)
 To consider a report of the Head of Planning to report to Members on the outcome of the review of the Minutes of the meeting of 5 November 2014 in relation to this planning application and to consider the reasons for refusal proposed by the Planning Committee at the meeting of 5 November 2014 in light of further advice from Officers and to decide how the Council would have determined the planning application had it the ability to do so in light of an appeal for non-determination submitted by the applicants on 23 December 2014.
- 12 **APPLICATION 09/01573/MOUT - OUTLINE APPLICATION FOR THE ERECTION OF 15,236 SQM (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) AT LAND AND BUILDINGS AT NGR 303161 108402 (VENN FARM) CULLOMPTON** *(Pages 113 - 136)*
 To consider a report of the Head of Planning and Regeneration regarding 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:

Tel: 01884 234229

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Public Wi-Fi is available in all meeting rooms.

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 7 January 2015 at 2.15 pm

Present

Councillors

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

Apologies

Councillors

J M Downes and Mrs L J Holloway

Present

Officers:

Jonathan Guscott (Head of Planning and
Regeneration), Alison Fish (Area Planning Officer),
Sally Gabriel (Principal Member Services Officer) and
Lucy Hodgson (Area Planning Officer)

119 **APOLOGIES AND SUBSTITUTE MEMBERS**

Apologies were received from Cllr Mrs L J Holloway.

Apologies were also received from Cllr J M Downes to be substituted by Cllr P F Williams.

120 **PUBLIC QUESTION TIME (02-16-00)**

Mr Woolley referring to the minutes of the previous meeting and in particular application 14/01452/MFUL, Bowdens Lane asked the following questions:

With Reference to Agenda item 3, the minutes of the 5th November Meeting.

Members refused to accept the section of these minutes relating to the debate on the Shillingford Solar Panel application. Members wished the minutes to properly record the discussion and the many reasons for refusal which members raised during the debate and wished their 13 to nil rejection of the proposal to be recorded. Where has the required amendment /addendum to the 5th November minutes been published?

The Head of Planning and Regeneration stated that an addendum to the minute of 5 November 2014 would be combined with an amended implications report that Members had requested, the report was being prepared and would be brought before the Committee on either 4th or 11 February.

With Reference to Agenda Item 3 minutes of the Planning Meeting on 3rd December 2014.

At the meeting on the 3rd December 2014 Planning Committee Meeting, Members stated they were unhappy with the Planning Officers report prepared for the meeting in that it failed to provide the sought after reasons why the Shillingford Solar Panel application should be refused. They asked for a report to be prepared by a different Officer of MDDC and for this report to be made available ASAP. Can you advise if the paper prepared by objectors for the 3rd December Meeting and circulated to Members prior to the meeting was used in the preparation of this report and has this report been produced? If so where is it available for public access? If it has not been prepared yet, when will it be issued and where will it be lodged to provide public access?

The Head of Planning and Regeneration stated that any information received after the previous report had been written would be taken into account when writing the revised implications report.

In relation to the meeting on 3rd December 2014

In relation to a Public question on the Agenda for the meeting which noted that the Agenda 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". The question noted that this was at variance to what was recorded so asked the planning officer if this was an interpretation of the planning committee's decision to suit what the planning officer recommended; and therefore, was this a case of bureaucracy 'browbeating' democracy?

In response the Professional Services Manager stated that she would review the tape and address the issues raised. Can she provide a statement on the outcome of this review?

The Head of Planning and Regeneration stated that the original report would be attached to the updated report that would be brought before committee. The Professional Services Manager had reviewed the tape and the findings of that review would be contained within the revised implications report scheduled for February.

In relation to the meeting on 3rd December 2014

In response to a question on the type of panel being proposed to be used in this scheme, 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. Is she now in a position to advise on the outcome?

The Head of Planning and Regeneration stated that there was no Government guidance with regard to panel preference.

In relation to the meeting on 3rd December 2014

I understand there was a site visit on Tuesday 2nd December but this was not reported on at the meeting on the 3rd. What was the conclusion of the site visit and where can a report be found?

The Chairman and the Head of Planning and Regeneration both explained that there were two different types of site visit: a full Committee site visit which provides Members with the opportunity to see the site of the proposed application, its setting and topography; all Committee Members are invited to attend the site visit; and a Planning Working Group where a selection of Members were sent out to site for a specific purpose and then report back to the Committee via written notes. The site visit on 2 December was a full Committee site visit.

In relation to Agenda Item 8 'Major Applications with no decision'(item 12 on the published list)

It has been rumoured that Wessex Solar Energy has referred their application to appeal. Can a comment on the status of this application be given, noting that, as referred to above, there are outstanding actions on MDDC Officers in relation to it?

The Head of Planning and Regeneration stated that an appeal had been lodged against non-determination.

121 MINUTES OF THE PREVIOUS MEETING (00-12-47)

The minutes of the meeting of 3 December 2014 were approved as a correct record and **SIGNED** by the Chairman.

At this point Members sought clarification regarding the type of panels that were proposed to be erected on different solar farms and whether bonds could be requested in relation to solar farms. The Head of Planning and Regeneration stated that that there was a provision for bonds in legislation in Scotland but not in England.

122 CHAIRMAN'S ANNOUNCEMENTS (00-16-25)

The Chairman informed Members of a special meeting of the Committee that would take place on 11 February 2015. Another special meeting in addition to the ordinary meeting for March was also proposed (date to be confirmed).

123 DEFERRALS FROM THE PLANS LIST (00-16-25)

There were no deferrals from the Plans List.

124 THE PLANS LIST (00-17-08)

The Committee considered the applications in the plans list *.

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

(a) Applications dealt with without debate.

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

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

(i) No 3 on the Plans List - **14/01851/FULL – Retention of a ground mounted photovoltaic system to generate 6kW of power – Land at NGR 287945 110268 (Middleway) Pennymoor** – grant planning permission subject to conditions as recommended by the Head of Planning and Regeneration.

(Proposed by the Chairman)

Note: The following late information was reported: 15th December 2014 Cruwys Morchard Parish Council – no objections.

(b) No 1 on the Plans List (**14/01592/MFUL – Erection of polytunnels (1200 sq.m – Ebear Farm, Westleigh).**)

The Area Planning Officer outlined the contents of the report.

Consideration was given to the upkeep of the polytunnels, an appropriate planting scheme, the hedge on the north east boundary of the site and any impact of the polytunnels on the Grand Western Canal

RESOLVED that this application be approved subject to conditions as recommended by the Head of Planning and Regeneration with 3 additional conditions stating:

(i) No development shall begin until there has been submitted to, and approved in writing by the Local Planning Authority, a landscaping scheme, including details of any changes proposed in existing ground levels. All planting, seeding, turfing or earth reprofiling comprised in the approved details of landscaping shall be carried out within 9 months of the substantial completion of the development, and any trees or plants which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species. **Reason:** To ensure that the development makes a positive contribution to the character and amenity of the area and to safeguard the character and appearance of the Grand Western Canal Conservation Area in accordance with policies DM2 and DM27 of Local Plan Part 3: (Development Management Policies).

(ii) The polytunnel hereby approved, shall be used only for agricultural purposes. On its becoming redundant for such purposes, it shall be demolished, and all materials resulting from the demolition shall be removed from the site, within 3 years of the date this occurs.

Reason: To safeguard the rural character of the area and the character and appearance of the Grand Western Canal Conservation Area in accordance with policies DM22 and DM27 of Local Plan Part 3: (Development Management Policies)

(iii) The hedge along the north east boundary of the site shall be maintained at a height of not less than 3m whilst the polytunnels are on site

Reason: To safeguard the amenity of local residents in accordance with policy DM2 of Local Plan Part 3: (Development Management Policies).

(Proposed by Cllr K D Wilson and seconded by Mrs H Bainbridge)

Note: The following late information was reported:

The poly tunnel will not have lighting. We work in the day time and at night the doors are shut. There will be a power socket so that we can plug in a night light should there be a problem at night and we need to investigate.

The plants we grow do not get special lights to grow which I believe is what you were thinking of. We grow Acer Palmatum , small shrubs in 9cm and 3L pots.

a/ I do not own Ebear Farm but am a tenant and moved in last week.

b/ I am hoping to move the business there in April

c/ Ebear Farm has enough outbuildings for us to operate fully so we will be moving the whole business .

I very much doubt the poly tunnel would be visible from the canal, but in the event they are, we would be willing to plant a bund.

(c) No 2 on the Plans List (14/01670/FULL – **Erection of a 2 storey extension (Revised Scheme) – Ash Cottage, Washfield**).

The Area Planning Officer outlined the contents of the report.

Consideration was given to the impact of the proposal on the neighbouring properties, the lack of objection from the neighbours and the Parish Council and the render finish of the proposed extension.

RESOLVED that planning permission be granted and that delegated authority be given to the Head of Planning and Regeneration to produce a set of conditions, to include conditions regarding the colour of the render and that the end panel of the existing extension and the brick extension to the rear to be rendered and painted to match the extension hereby approved.

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

Notes:

- (i) Cllr Mrs F J Colthorpe made declaration in accordance with the Protocol of Good Practice for Councillors in Dealing with Planning Matters as she had been involved in discussions regarding the application;
- (ii) Mr Bryant (Agent) spoke;
- (iii) Cllrs Mrs F J Colthorpe and R L Stanley spoke as Ward Members;
- (iv) Cllrs P F Williams and K D Wilson requested that their vote against the decision be recorded.

125 THE DELEGATED LIST (01-01-12)

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

Clarification was sought with regard to the criterion for change of use of an agricultural building to a dwelling house under Class MB(a).

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

126 **MAJOR APPLICATIONS WITH NO DECISION (01-07-02)**

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

Application 14/01938/MOUT - South View Road, Willand be determined by the Committee and that a site visit to take place.

Application 14/01629/MFUL – Car Park, Tiverton Parkway which had previously been listed as being determined by the Committee be delegated to the Planning Officer.

Application 09/01573/MOUT – Venn Farm, Members agreed that a site visit was not necessary.

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

127 **APPEAL DECISIONS (01-19-40)**

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

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

128 **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 (01-20-00)**

The Committee had before it a report * of the Head of Planning and Regeneration regarding the above application. The Planning Committee had considered the application at their meeting on 22nd October 2014 and 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 Chairman informed the meeting that following consideration of the relevant evidence it was not considered that any further specific noise mitigation measures were justified in order to ensure an acceptable residential environment for future occupiers, therefore no further conditions with regard to noise mitigation were deemed necessary.

RESOLVED that the report be **NOTED**

(Proposed by the Chairman)

Notes:

- (i) Cllrs M D Binks, R L Stanley and K D Wilson requested that their vote against the decision be recorded;
- (ii) *Report previously circulated, copy attached to signed minutes.

(The meeting ended at 3.40 pm)

CHAIRMAN

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PLANNING COMMITTEE AGENDA – 4/2/2015

Enforcement List

<u>Item No.</u>	Description
1.	ENF/12/00122/UDRU - Without planning permission, an unauthorised development has been undertaken to the area of land to the south east of Autumn Cottage. Namely the construction of an incomplete block built structure measuring 15m x 5m as shown on the attached plan and photographs at Autumn Cottage, 46A Brook Street Bampton, Tiverton.
2.	ENF/00009/UDRU - Without planning permission, an unauthorised development has been undertaken to the area of land to the north west of Hamslade farm. Namely the construction of a single storey building with the facilities required for the creation of a residential unit as shown on the attached plan and photographs at Hamslade Farm, Bampton , Tiverton
3.	ENF/14/00098/UWTPO – Unauthorised work carried out to a tree protected by a Tree Preservation Order at 1 Springfield, Western Road Crediton

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Planning Committee 4 February 2015

Case No. ENF/12/00122/UDRU

Grid Ref: 295856 122116

Address:

Autumn Cottage, 46A Brook Street, Bampton, Tiverton

Alleged Breach:

Without planning permission, an unauthorised development has been undertaken to the area of land to the south east of Autumn Cottage. Namely the construction of an incomplete block built structure measuring 15m x 5m as shown on the attached plan and photographs.

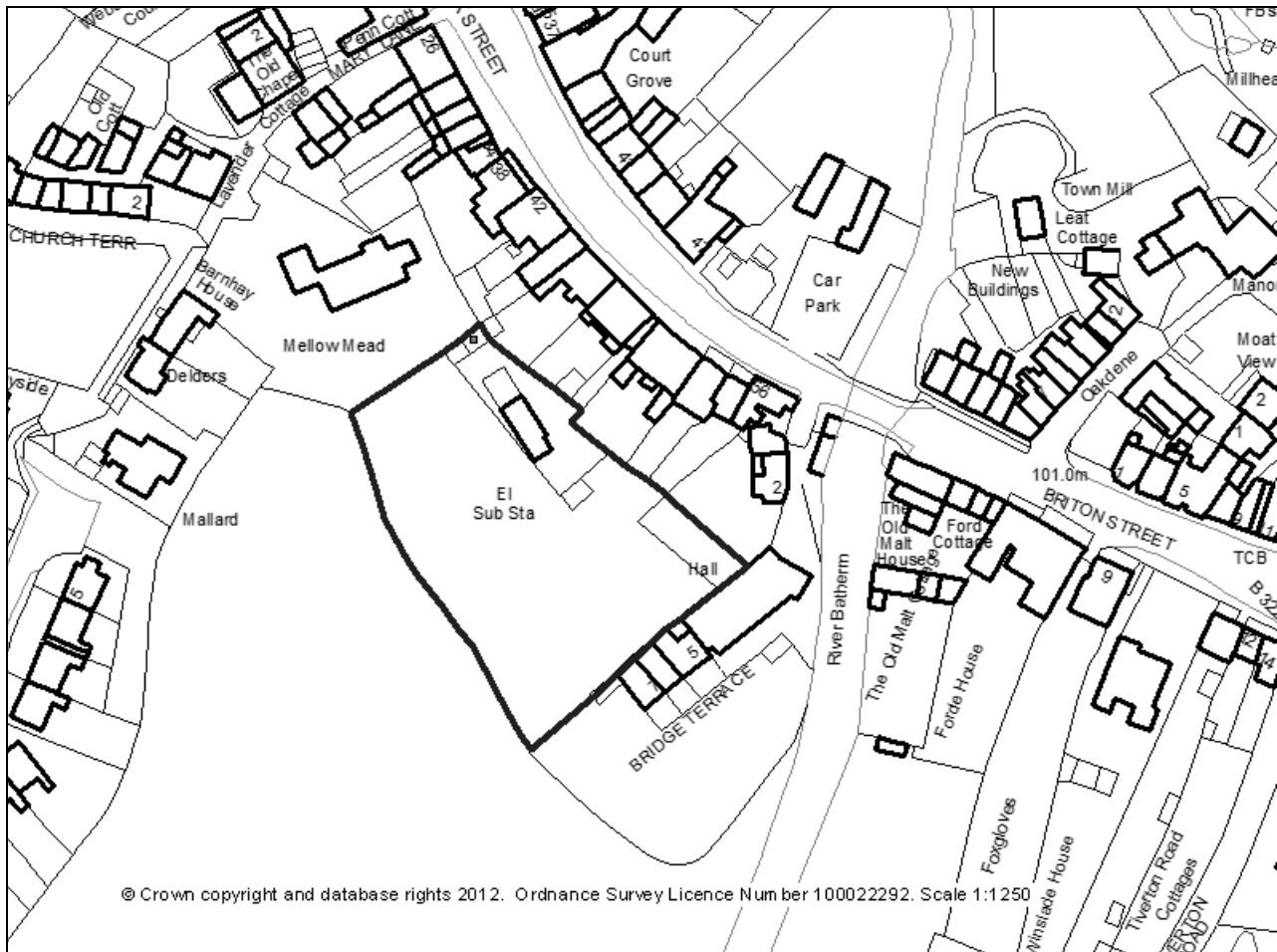
Recommendation:

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

Site Description:

Autumn Cottage, 46A Brook Street, Bampton, Tiverton

Site Plan:



Site History:

86/02238/FULL	Relaxation of condition (b) imposed under 4/01/74/234/BR relating to occupation as an annexe only	PERMIT
93/01706/OUT	Outline for the erection of a dwelling	WD
94/01435/OUT	Outline for the erection of a bungalow with double garage and formation of new vehicular access	REFUSE
98/00232/FULL	Erection of two storey extension, to include provision of garaging facilities, to replace existing	PERMIT
12/01507/CLU	Certificate of Lawfulness for existing use of land as a garden	PERMIT
13/01189/FULL	Retention and completion of storage/workshop	WDN
13/01400/FULL	Conversion of former hay barn into self contained annexe	DELETE
14/00296/FULL	Retention and completion of storage/workshop (Revised Scheme)	WDN
14/01016/CAT	Notification of intention to fell 1 Fir tree, 3 Ash trees and 1 Sycamore and to carry out works to 1 Willow tree within a Conservation Area	NOBJ

Development Plan Policies:

National Planning Policy Framework

Mid Devon Core Strategy (Local Plan 1)

COR2 – Local Distinctiveness

COR16 – Noise Pollution

Mid Devon Local Plan Part 3 (Development Management Policies)

DM1 – Presumption in favour of sustainable development

DM2 – High Quality design

DM3 – Sustainable design

DM13 – Residential extension and ancillary development

DM31 – Planning Enforcement

Reasons/Material Considerations:

The attention of officers was drawn to this site in January 2012. Meetings have been arranged to discuss the works undertaken. The main issue was to consider the impact the proposed would have on neighbouring properties and the location of the building within the flood zone of the river.

It was made clear to the owner that Planning Permission would be required for the proposed structure/building. The owner was also informed that it would be unlikely that such consent would be granted for such a large structure due to issues with flooding within the immediate area.

Further site visits and communication have been undertaken with the owner, along with the Environment Agency. The last meeting indicated that the owner is intending to submit a planning application for a substantially reduced structure/building and remove the rest. No planning application has been received to date.

It is considered that adequate time has elapsed for the owner to resolve the issues at Autumn Cottage 46A Brook Street Bampton Tiverton EX16 9LY by either removing the unauthorised structures or submitting an appropriate planning application which may resolve the concerns of the Environment Agency.

Human Rights and Equality Issues:

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

In this case, the owner has made a free choice to construct the structure/building without any prior approval or discussion as to the merits of building the structure/building and although has subsequently attempted to gain planning permission for the unauthorised structure/building by way of two applications both have been withdrawn before a decision has been made.

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

Options for action or remedy:

The list of options available is as follows:

Take no action:

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

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

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

Reasons for Decision:

The Unauthorised development has been undertaken within the last four years and is not substantially complete. The development is contrary to policy COR2 and COR16 of the Mid Devon Core Strategy (Local Plan Part1), Policies DM1, DM2, DM3, DM13, of the Mid Devon Local Plan Part 3 (Development Management Policies) and in line with policy DM31 of the same document.

Steps Required:

1. Remove the unauthorised structure/building from the land.

Period for Compliance:

Six months from the date the notice comes into effect.

Planning Committee 4 February 2015

Case No. ENF/14/00009/UDRU

Grid Ref: 291802 121769

Address:

Hamslade Farm, Bampton, Tiverton, Devon

Alleged Breach:

Without planning permission, an unauthorised development has been undertaken to the area of land to the north west of Hamslade Farm. Namely the construction of a single storey building with the facilities required for the creation of a residential unit as shown on the attached plan and photographs.

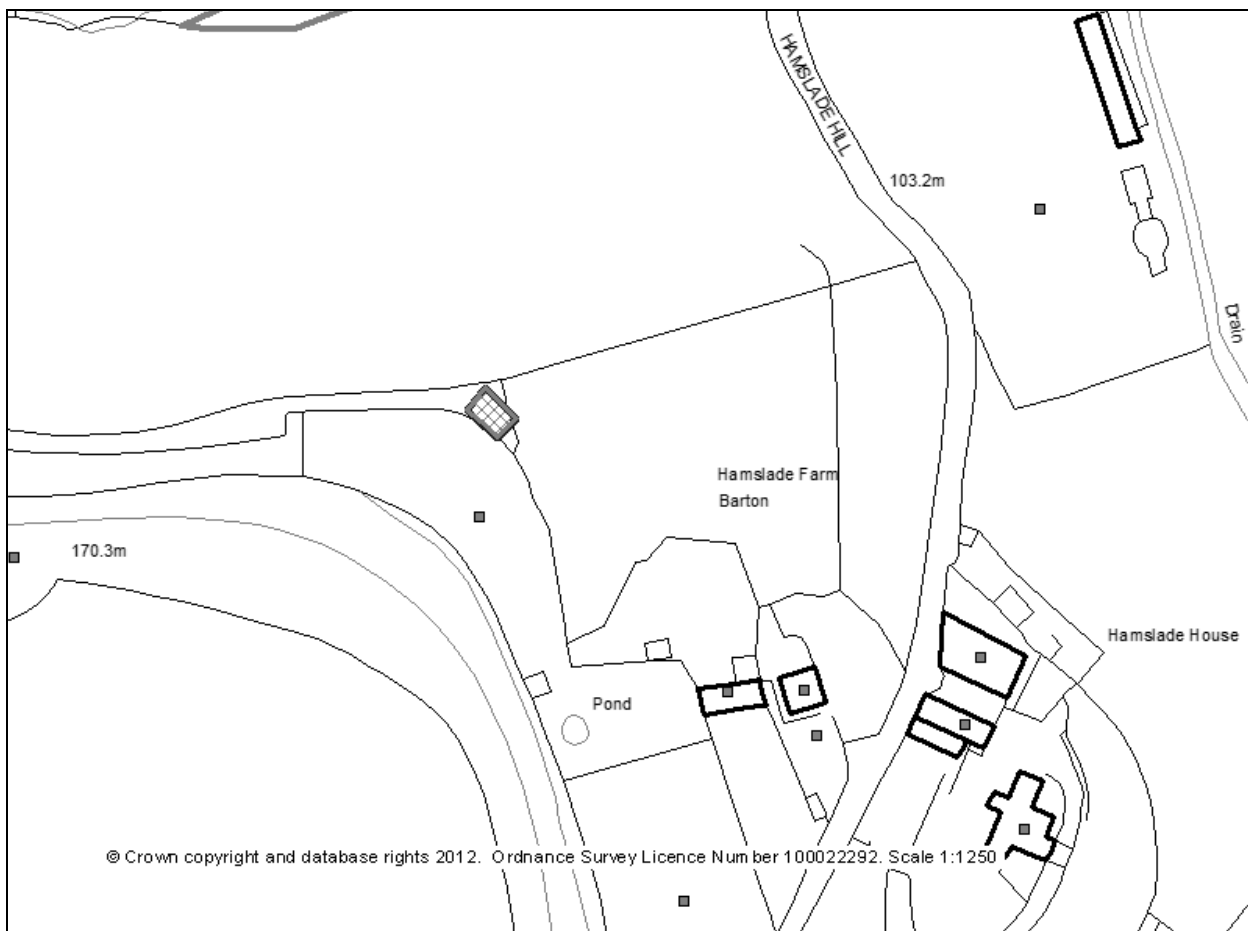
Recommendations:

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

Site Description:

Hamslade Farm, Bampton, Tiverton, Devon

Site Plan:



Site History:

87/00662/OUT	Outline for the erection of a dwelling	REFUSE
97/01486/OTHE R	Details of barn conversion	REC
98/00404/FULL	Conversion of barn to form dwelling (Revised Scheme)	PERMIT
78/01792/OUT	Outline for the change of use from barn into dwelling	ROUT
79/02036/FULL	Change of use from barn to dwelling; construction of vehicular access	PERMIT
12/01286/CLU	Certificate of Lawfulness for the existing use of agricultural Land for general storage (Class B8)	PERMIT

Development Plan Policies:

National Planning Policy Framework

Mid Devon Core Strategy (Local Plan 1)

COR2 - Local Distinctiveness

COR18 - Countryside

Mid Devon Local Plan Part 3 (Development Management Policies)

DM1 - Presumption in favour of sustainable development

DM2 - High Quality Design

DM31 - Planning Enforcement

Reasons/Material Considerations:

The attention of officers was drawn to this site in January 2014. The works have been discussed with the owner who claims that there is an existing building and that this existing building is part of the Certificate of Lawfulness consent 12/01286/CLU for Certificate of Lawfulness for the existing use of agricultural land for general storage (Class B8).

It is confirmed that the majority of the building constructed is within the confines of the CLU area as approved.

However photographs show that the building in question has been recently constructed with new foundations and a damp-proof course inserted. It is our view that regardless of whether there used to be a dilapidated building on this site or not, the existing building is newly constructed and requires specific planning permission for its retention.

It was made clear to the owner that Planning Permission would be required for the proposed structure/building. The owner was also informed that he would need to provide specific reasons why the building is required and for the use it is intended to be put to.

The present structure contains all the required accruements for use as a separate dwelling, there is a living area and kitchen, bathroom, separate room. Your officers consider this separate room could be intended as a bedroom.

A further site visit was undertaken to ascertain the precise location of the building, this shows that the majority of the building is located at grid ref ss9180 and BNG217.

It is considered that adequate time has elapsed for the owner to resolve the issues at Hamslade Farm by either removing the unauthorised structure or submitting an appropriate planning application. No such application has been received and the building remains unauthorised. It is the view of the Local Planning Authority that if an application was received for its retention, that it would be likely to be refused.

Human Rights and Equality Issues:

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

In this case, the owner has made a free choice to construct the structure/building without any prior approval or discussion as to the merits of building the structure/building.

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

Options for action or remedy:

The list of options available is as follows:

Take no action:

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

Invite an application to grant consent to regularise the Development - It would be inappropriate to invite a planning application for the retention of the structure/building considering the likely refusal of such an application.

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

Reasons for Decision:

The unauthorised development has been undertaken within the last four years and is not substantially complete. The development is contrary to policy COR2 and COR16 of the Mid Devon Core Strategy (Local Plan Part1), Policies DM1, DM2, DM3, DM13, of the Mid Devon Local Plan Part 3 (Development Management Policies) and in line with policy DM31 of the same document.

Steps Required:

1. Remove the unauthorised structure/building from the land.

Period for Compliance:

Six months for the date the notice comes into effect.

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Site History:

86/01778/OTHER	Change of use of part of dwelling to registered residential home	DELETE
87/00421/FULL	Change of use from dwelling to residential home	PERMIT
94/00249/FULL	Erection of a two storey extension	PERMIT
04/00009/FULL	Erection of 1 no. dwelling	DELETE
04/00982/OUT	Outline for the erection of a dwelling and formation of access	REFUSE
80/00974/OUT	Outline for the erection of a dwelling	REFUSE
80/01719/OUT	Outline for the erection of dwelling and garage	REFUSE
13/01275/FULL	Erection of extension and detached garage with annex over	PERMIT
14/02038/TPO	Application to fell 1 Black Pine tree protected by Tree Preservation Order 14/00005/TPO	PENDING CONSIDERATION

Development Plan Policies:

National Planning Policy Framework

Reasons/Material Considerations:

On 3rd July 2014, your Local Authority Tree Officer had cause to visit 1 Springfield, Western Road, Crediton in relation to a trench that had been dug close to the base of a pine tree at the address, protected by a provisional Tree Preservation Order (14/00005/TPO) issued on 28th May 2014. This order was later confirmed on 17th July 2014, without modification.

The owner of the property was in the process of carrying out development granted under planning permission 13/01275/FULL for the erection of an extension and a detached garage with annex over. In consultation with Western Power, it was arranged to take a new power supply for the property from Western Road. It was agreed with Western Power to move an electric pole from the outer edge of the pavement in Western Road to a point adjacent to and conjoined to the southern boundary of 1 Springfield. Plans for the work were drawn up and were due to be carried out. The positioning of the pole so that it conjoined with 1 Springfield meant that the cable for the power could be brought down the pole to a position approx. 300 mm below the ground level of 1 Springfield (approx. 1 metre above the pavement level and a shallow trench dug for the cable to be taken across the property to serve the buildings. Because of objections to the line of the overhead power cable, the pole was moved to a position at the outer edge of the pavement.

The cable to the development, therefore, had to be buried in the pavement and a much deeper trench dug close to the tree in order to feed the cable onto the property. Work had reached a point where the trench had been dug when the Tree Officer attended. It was quite apparent that the trench had cut through a number of roots to the protected tree down at a depth of about 1 metre.

On 4th September 2014, the owner of the property was formally interviewed under caution. During the interview, the owner stated that he believed the work that affected the tree was carried out as exempted work by a Statutory Undertaker (Western Power) and had been necessary to provide

power to the property. In addition, he stated that the change in location of the pole supplying the power was out of his hands and that had the pole been allowed to remain in its original position, there would have been much less impact on the tree.

At the time of this report, there is no visible sign that the tree has suffered any fatal damage, but it is likely that such visible evidence would not become apparent for some years. However, the owner has submitted an application to fell the tree based on information received. Members will be updated as to the result of that application before the date of the meeting. If permission is granted, it will be conditional on a replacement tree being planted.

Human Rights and Equality Issues:

The implications of any action taken have been duly considered with regards to the provisions of the Human Rights Act 1998, but as this is a Legal decision based on an alleged offence, Article 8 and Article 1 of the First Protocol will not be compromised.

Options for action or remedy:

The list of options available is as follows:

Take no action:

This is a decision Members could take based on mitigation offered by the land owner and on the fact that a new tree will be planted to replace the tree affected. If Members do not believe that a prosecution would be in the public interest, then again, this would be an appropriate course of action.

Prosecution:

If members resolve to support a prosecution, a file would be prepared and passed to the Legal Team who would then determine that the circumstances fall within the Crown Prosecution Service criteria for such a prosecution. Ultimately, it would be a Legal decision whether to pursue a prosecution or not.

Issue a Formal Caution:

Where there is evidence to show that an individual is responsible for the commission of an offence, but the circumstances of the offence do not meet the criteria for a prosecution, there exists an option to issue a formal caution. This would be regarded as a finding of guilt and could be taken into consideration in future should the same person be responsible for a similar offence and would weigh more heavily toward a prosecution.

PLANNING COMMITTEE AGENDA - 4th February 2015

Applications of a non-delegated nature

- | <u>Item No.</u> | Description |
|-----------------|---|
| 1. | 14/01474/FULL - Conversion of redundant barn to dwelling at Land and Buildings at NGR 304595 116820, (Adjacent To Goldsmoor House), Westleigh.
RECOMMENDATION
Refuse permission. |
| 2. | 14/01727/FULL - Erection of single storey extension - HOUSEHOLDER at Barton Barn, Leigh Barton, Silverton.
RECOMMENDATION
Refuse permission. |
| 3. | 14/01876/FULL - Erection of 4 affordable flats following demolition of redundant buildings at 1 Birchen Lane, Tiverton, Devon.
RECOMMENDATION
Grant permission subject to conditions. |
| 4. | 14/01901/FULL - Change of use of land to allow log storage and the creation of hard standing at Land and Building at NGR 305546 108277, (Opposite Goodiford Cottages), Kentisbeare.
RECOMMENDATION
Grant permission subject to conditions. |

Application No. 14/01474/FULL

Plans List No. 1

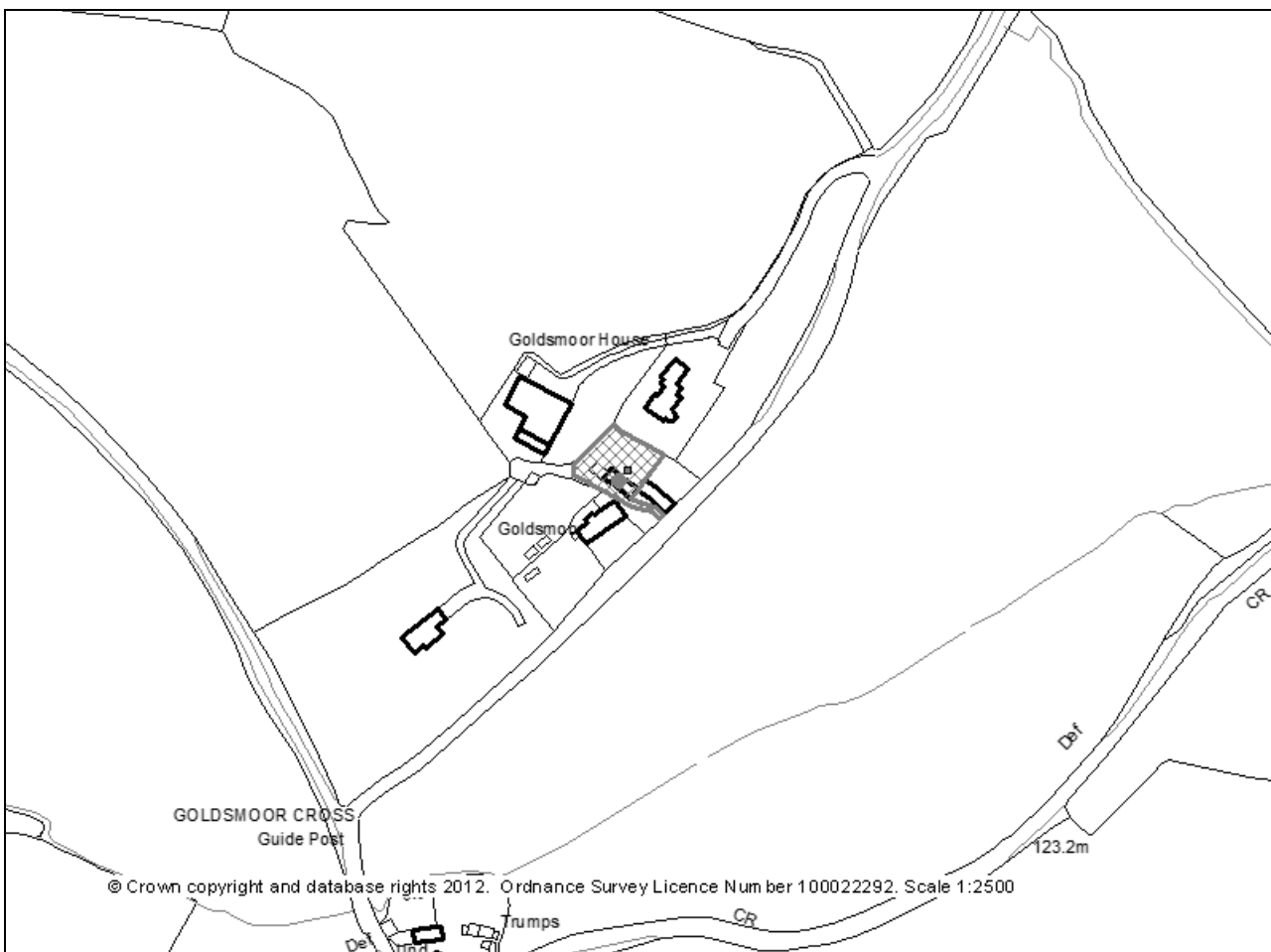
Grid Ref: 304595 : 116820

Applicant: Mr E J Perry

Location: Land and Buildings at NGR
304595 116820 (Adjacent
To Goldsmoor House)
Westleigh

Proposal: Conversion of redundant
barn to dwelling

Date Valid: 11th September 2014



Application No. 14/01474/FULL

RECOMMENDATION

Refuse permission.

COUNCILLOR MRS H BAINBRIDGE HAS REQUESTED THAT THIS APPLICATION BE DETERMINED BY THE PLANNING COMMITTEE FOR THE FOLLOWING REASON:

To consider whether the application meets the requirements of policy DM11 of the Local Plan Part 3 (Development Management Policies).

PROPOSED DEVELOPMENT

This application seeks planning permission for the conversion of a redundant barn to a dwelling at Goldsmoor, Westleigh. The barn is situated on the Class III road from Durley Moor Cross to Goldsmoor Cross approximately 1.5 miles to the East of the settlement of Westleigh. The building stands adjacent to a separate residential property known as Goldsmoor to the west, and an agricultural worker's dwelling known as Goldsmoor House to the east. The barn is immediately abutting a single storey barn close to the road which is under ownership of the occupants of Goldsmoor.

The building can be considered as two connecting parts. The largest section is a tall box shaped building, built from stone, cob and breeze block, measuring 12.7 metres in length, 6.1 metres in width and 5.6 metres at the highest point of the gently sloping monopitch metal roof. This building has a narrow depth, with a high wall to void ratio with unpainted render visible across most of the outer walls. The second part of the building is a small single storey addition to the rear which features a simple corrugated metal roof with block walls and a rough painted render exterior. This measures 7.7 metres in length and 4.8 metre width. The maximum height of the roof measures 3.2 metres.

There are a number of unusually shaped and positioned windows across the extent of the building including a wooden sash and uPVC casement in the main section, with metal Crittal and a fixed-shut stained glass window more recently added in the smaller section. The building is largely redundant, albeit there were a few areas used for storage of miscellaneous household items. There is some anecdotal evidence of use of the smaller section of the building for human habitation, including a water storage tank and curtain rails, as well as window openings and internal partition which are later additions to the building.

It is proposed to convert the barn to a dwelling with associated garden, parking spaces and driveway access. Upon conversion the building would provide two bedrooms, an open plan kitchen and dining room, a lounge, bathroom and storage area. Access from the highway is proposed to be taken via the existing lane with vehicular parking in a section of the garden 'courtyard' on the northern side. It is proposed to convert the building without exceeding the external dimensions although the design includes new openings as well as a replacement roof structure. The two sections of the building together measure approximately 20 metres in length.

APPLICANT'S SUPPORTING INFORMATION

Examples of other barn conversions
Structural Survey
Ecology Report
Supporting Statement

PLANNING HISTORY

90/02005/OUT Outline for the erection of detached house - REFUSED - DECEMBER 1990
91/01570/OUT Outline for the erection of a dwelling - REFUSED - OCTOBER 1991/APPEAL DISMISSED
MAY 1992

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
DM8 - Parking
DM12 - Replacement dwellings in rural areas

CONSULTATIONS

ENVIRONMENTAL HEALTH - 6th October 2014 - Contaminated land - There is no supporting information in respect of land contamination risks provided in support of this application.

Our contaminated land and historic mapping records are not sufficiently clear at this location/for this size of plot. Consequently, we cannot be certain of the site history therefore we recommend as a minimum that a Phase I contaminated land risk assessment be carried out. This should be provided prior to determination of the application in order to advise on probable risks from land contamination and if further Phase II-IV contaminated land assessments should be provided via appropriate conditions. This is consistent with the introduction of a new sensitive/ vulnerable land-use, in this case a proposed residential dwelling (see Question 14 on 1App application form).

A Phase I assessment should also provide additional information on the current status of the site including any contemporary potential sources of contamination e.g. heating oil tanks, asbestos containing material, waste/fly-tipped deposits, localised in-filling or raised ground and small vehicle workshops etc.

In the absence of the above we recommend refusal of the application on the grounds of insufficient information.

Air quality - I have no objections to this proposal
Drainage - I have no objections to this proposal
Noise and other nuisances - I have no objections to this proposal
Housing standards - I have no objections to this proposal
Licensing - N/a
Food hygiene - N/a

Private water supplies - Further information is required prior to any comment. No record is held as being a private supply. However, if a private water supply is serving any other associated dwelling, the supply would become a small private supply and subject to the Private Water Supply Regulations 2009. As such a private water risk assessment and sampling regime will need to be undertaken by this Authority prior to any residential or commercial use.

Health and safety - No comments on health and safety

12th January 2015

I am satisfied with this information and cannot see a reason to ask for any more, therefore I have no further objections to this proposal.

HIGHWAY AUTHORITY - 25th September 2014 - Standing advice applies please see Devon County Council document <http://www.devon.gov.uk/highways-standingadvice.pdf>

SAMPFORD PEVERELL PARISH COUNCIL - 8th October 2014

Members of a planning subcommittee of Sampford Peverell Parish Council have examined the proposal and visited the site.

The Members have two main concerns:

- although the application states that the property is not visible from the road, it is clearly visible, being almost adjacent to the highway.
- the application states that the property has good access to the road with good visibility: this was found not to be the case. The Members wonder what provision there will be for vehicle space and for turning within the curtilage.

It is felt that these issues need to be addressed before any approval can be considered.

REPRESENTATIONS

1 letter of representation summarised as follows:

1. No objection in principle
2. Proposed access from the road will result in an increase in traffic
3. The track in its upper part is unmade and rises steeply from the road to the proposed parking area - the track is prone to heavy surface run-off and if provisions are not made to improve it, there may be an increased risk of flooding to adjacent residential properties.
4. There is no mains water supply and a borehole should be at least 50 metres from a source of water supply.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The key issue for consideration is whether the existing building positively contributes to the area's rural character and whether this character would be retained through the conversion. The report also addresses the impact of the conversion upon protected species and the impact upon the character and appearance of the wider setting. The main issues for determination relate to:

1. **The principle for conversion**
2. **Parking and Access**
3. **Extent of building works**
4. **Design**
5. **Ecology**
6. **Impact on neighbours and surroundings**

1. The Principle for conversion

The site is outside of an adopted settlement limit where new residential development is subject to strict policy control. This is set out under Part 6 of the National Planning Policy Framework. However Paragraph 55 of Part 6 permits the reuse of redundant buildings where they are found to lead to an enhancement of the immediate setting.

Policy DM11 of the Local Plan Part 3 (Development Management Policies) expands upon the National Planning Policy Framework, and specifically deals with the conversion of redundant or disused rural buildings. This policy is consistent with the National Planning Policy Framework insofar as it seeks to secure high quality design as one of its core planning principles. The policy allows for the re-use of rural buildings for residential, tourism or employment uses where they are of substantial and permanent construction, and where they make a positive contribution to an area's rural character. An assessment under DM11 is also subject to four further criteria, set out below.

- a) A suitable access to the building is in place or can be created without damaging the surrounding area's rural character and the road network can support the proposed use;
- b) The building can be converted without significant alteration, extension or rebuilding;
- c) The design will retain the original character of the building and its surroundings
- d) The development will retain any nature conservation interest associated with the site or building, and provide net gains in biodiversity where possible.

It is agreed between the Authority and the applicant that the building is redundant for agricultural purposes and also that it is of substantial and permanent construction. This is confirmed in the submitted Structural report. In this case the building's suitability for conversion turns on its contribution to the area's character

because the test of Policy DM11 does not merely require a building to reflect the rural character of an area, but it also requires any such building to positively contribute to it.

Regarding this test of character, the main structure is fairly untypical of buildings found in the rural setting. It features a monopitch corrugated tin roof that is gently sloping, wall sections of cob, concrete block and stone, built to an equivalent height of 2 storeys. There are a number of substantial repairs which have been undertaken including the roof, and rebuilding of the north east elevation with breeze block, presumably where sections of cob walling have failed. It is unclear whether the building's height with large roof void may have increased from an original single storey position.

The building includes 3 main openings, two of which are adjacent to an original stone built wall supporting the more modern corrugated roof. This section, open on both sides, gives access to the land proposed to become garden space. There is a stone buttress on the south west elevation and some areas of stonework visible on the exterior. There is no substantive evidence within this application that setting out the historic use of the building, nor are there many clues from visiting the site. Whilst the building features a mixture of materials including cob and stone, there has been extensive rebuilding and the shape and height are not characteristic of agricultural buildings in any traditional form. Whilst it is considered that more modern buildings are capable of making a positive contribution, this building is not considered to be of any intrinsic merit, and is thought to make little in the way of positive contribution to the rural setting.

The Authority considers that the building sits awkwardly in its immediate setting adjacent to Goldsmoor which is a traditional cottage of more traditional design scale and massing. Whilst the agent has submitted further details arguing for the retention of the roof as an original feature, it is still thought there have been changes in the buildings height and overall massing, even if the barn has stood in its current form to a substantial period of time.

It is argued that the building is unique and has a special character which merits retention for its unusual but positive contribution to the local setting. Whilst the building is unusually tall for a traditional barn with such a gently sloping mono-pitched roof, the Authority considers that not all buildings within the Mid Devon Countryside necessarily make a positive contribution to the rural character and this building is not of an overall shape or form to warrant retention, despite the presence of some more traditional materials in places. As such, it is considered that the building fails to meet the preliminary character test of Policy DM11.

2. Parking and Access

In relation to part a) of policy DM11, the building is already served by an access track running between the south west elevation and Goldsmoor House. Vehicular access connects with the Class III road running from Whitnage to Westleigh. The Highway Authority has referred to standing advice, although the Authority has sought further advice from the Highways Officer. Overall it is considered that the building is capable of being served by a suitable access, subject to some upgrading and hard surfacing. This would also reflect concerns raised by neighbouring residents who have made representations on the application. The Highways Officer has advised that there is adequate visibility along the road, despite it being unrestricted and generally seeing vehicle speeds of around 40-50 mph. It was commented this would not constitute a reason for refusal. The proposal includes parking provision for 2 vehicles, which is sufficient to meet the requirements of policy DM8, which sets a requirement for 1.7 vehicles per new dwelling. There would also be sufficient parking space for vehicles to turn and leave the site in forward gear. Subject to the provision of a permeable surface and culvert, the issue of surface run off (as highlighted by neighbours) may also be overcome.

3. Extent of building works

In relation to part b) of DM11, it is not disputed that the building is of a substantial and permanent construction already. The structural report concludes that the stone walls need some upgrading in the form of repointing. Internally, minor repairs are required to the cob wall sections. The roof structure will have to carry additional loading and will need upgrading. On the whole, the building is found to be capable of conversion without substantial additions or alterations, despite the need to replace the roof and insert new openings predominantly on the north east elevation.

4. Design

Part c) of Policy DM11 requires the conversion to retain the building's existing character through good

design. The Authority maintains its position that the existing building is lacking in overall character, and therefore it is difficult to achieve a conversion which both retains a level of character and a high quality design. The building is proposed to be converted without interrupting the height, scale or massing as existing, whilst maintaining the majority of existing openings. There are new vertically shaped windows and doors proposed on the north east elevation which seek to balance the horizontal emphasis. Many of the existing windows are more recent additions or repairs (including that on the south east elevation) which do not add to an historic character.

The design would retain an external render finish with the retention of a mono-pitched roof. It is not thought that the new openings would disrupt the wider design and whilst the proposal would not substantially erode the overall appearance of the building at present, it is still not considered to be a building of a character which positively contributes to the area's rural character, therefore its conversion would be contrary to the preliminary test of policy DM11 of the Local Plan Part 3 (Development Management Policies).

Policy DM2 of the Local Plan Part 3 (Development Management Policies) sets out guidelines on how good design can be achieved through new development. This includes works to show a clear understanding of the characteristics of the site, a positive contribution to the local character, and to create visually attractive places that take into account architecture, siting, layout, orientation, fenestration, materials and landscaping. The conversion would retain the building's height and massing, although these are not features the Authority believes are worthy of retention. It is accepted that the building is not widely visible from the road, although the south east elevation is a dominant elevation in contrast to Goldsmoor House and the adjacent single storey redundant barn. Furthermore, there is some doubt as to how the building can positively contribute to the area's character when it is not considered to do so at present. Overall it is considered that there is an outstanding issue of compliance with policy DM11 that is intrinsically linked to the level of compliance with policy DM2.

5. Ecology

In relation to part d), the ecological report sets out a survey of the building and the assessment and results are drawn up in two halves, referred to as Building 1 and 2. Building 1 refers to the larger section of the barn equivalent to two storeys in height, whereas Building 2 refers to the smaller single storey concrete block and render building.

The survey found evidence of lesser horseshoe bats in Building 2 and the recommendations include the creation of a bat night shelter to be created in Building 1 prior to the commencement of work on Building 2. The report also recommends other appropriate mitigation including timber treatment, providing access for bats and appropriate timing of building works. Whilst it is conceded that there may be an impact on protected species, the findings are not considered to be so significant to warrant refusal of the application, and it is considered the recommendations could be made as a condition, should the application be considered for approval. The report also concludes that an EPS license will be required from Natural England.

6. Impact on neighbours and surroundings

The site is largely private with no clear or obvious views from the surrounding countryside. Any landscape impact can therefore be said to be localised. The proposed development lies between Goldsmoor House to the East and Goldsmoor to the West. There is also a large agricultural shed situated approximately 20 metres to the North West although this is not visible from the building. The application site is generally well screened from Goldsmoor House by an established tree and hedgerow boundary. From the neighbouring Goldsmoor Farmhouse there are only slight glimpses of the application site, and therefore the conversion would be very unlikely to constitute harm to the privacy or amenity of these neighbours.

Goldsmoor to the West has a much closer relationship with the building by virtue of its proximity (with the south west elevation of the building standing less than 5 metres from the side elevation of the neighbouring property). The conversion of the building would increase vehicle movements and noise to and from the site, although the conversion would be unlikely to affect privacy between the two sites, as the side (east) elevation of Goldsmoor is a more private without any large openings reducing privacy. The proposed design of the south west elevation includes only one new opening, which is achieved by partially blocking the existing opening of the main barn. This window would serve as a lounge window, although it would not look directly into the neighbouring property, nor would it be likely to result in future occupants feeling exposed or

overlooked by neighbours.

As such, it is not considered that the proposed development would constitute unacceptable harm to the privacy or amenity of neighbouring residents, and the conversion would not affect any wider or strategic views of the countryside. The proposal can therefore be said to comply with some aspects of COR2 of the Core Strategy 2007, and DM2 of the Local Plan Part 3 (Development Management Policies).

REASON FOR REFUSAL

1. The existing barn, by virtue of its overall height, massing and construction including a mix of breeze block, stone, cob and render with corrugated metal sheet roofing, is considered to be of a low amenity value and is not considered to positively contribute to the area's rural character. Overall, it is considered that this agricultural building is one that merely reflects the rural character of the local area rather than being one that makes any positive contribution to it, regardless of whether it could reasonably be converted without significant alteration, extension or rebuilding. The proposed conversion would therefore be contrary to the preliminary requirement of policy DM11 of the Local Plan Part 3 (Development Management Policies) and the supporting information is insufficient to outweigh the conflict with the development plan. The application is therefore recommended for refusal.

INFORMATIVE NOTE

1. Informative note: The submitted plan indicates a package treatment plant to be situated approximately 50 metres from the neighbouring property's water supply. Should the application be granted planning permission, the applicant is advised that any new private water supply must also be at least 50 metres from the point of discharge from the package treatment plant in order to comply with building regulations.

Application No. 14/01727/FULL

Plans List No. 2

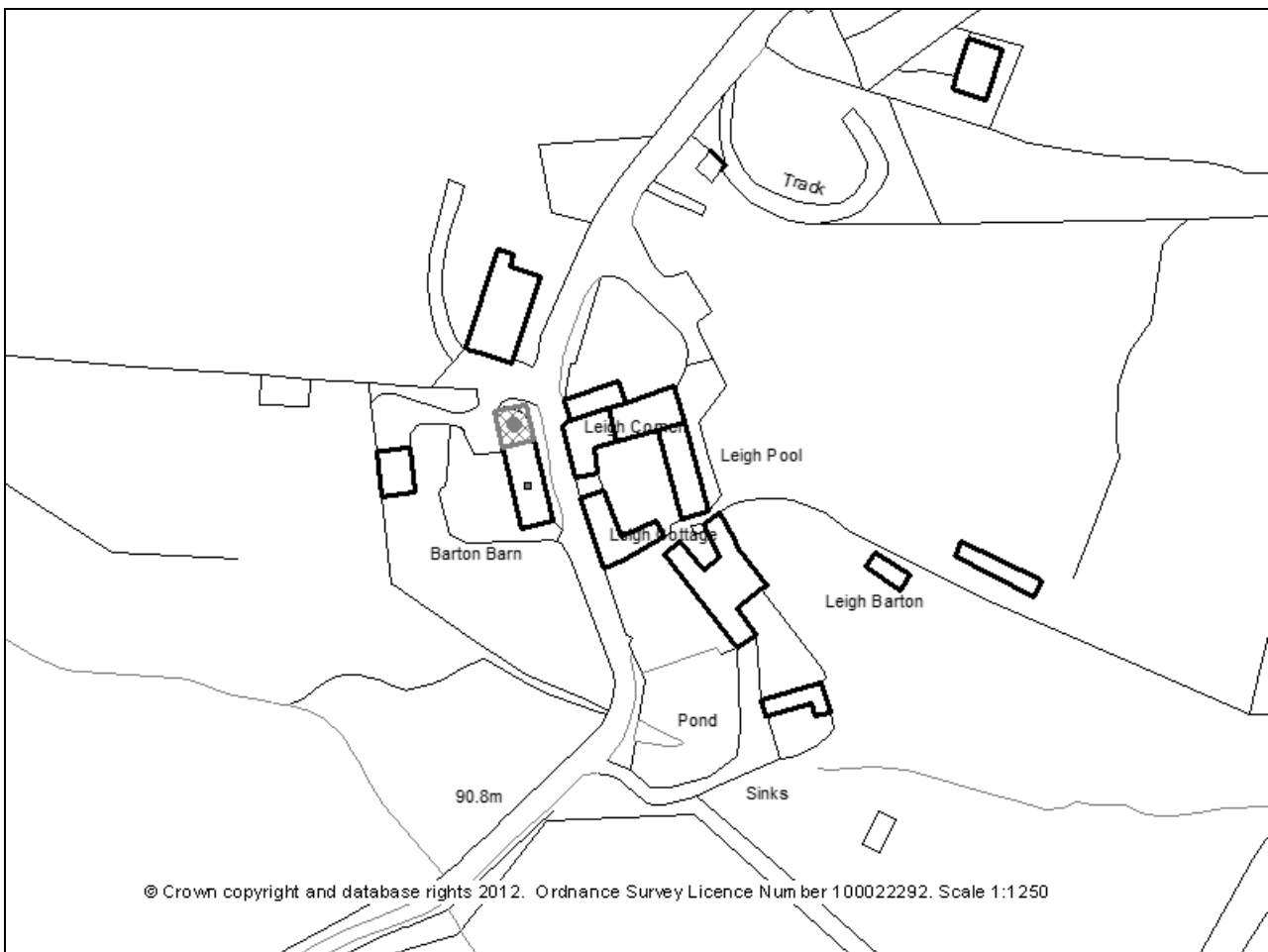
Grid Ref: 295026 : 105534

Applicant: Mr & Mrs R Fyfe

Location: Barton Barn Leigh
Barton Silverton

Proposal: Erection of single
storey extension -
HOUSEHOLDER

Date Valid: 13th October 2014



Application No. 14/01727/FULL

RECOMMENDATION

Refuse permission.

MEMBERS ARE ASKED TO NOTE THAT THIS IS A HOUSEHOLDER APPLICATION

COUNCILLOR R M DEED 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

As set out in the submitted plans and documentation, the application relates to a proposed single story extension, protruding from the northern elevation of the existing dwelling. The existing dwelling is a stone barn conversion approved under planning reference 90/00783/FULL, and could be considered to have significant architectural merit. The extension will be constructed of render with Oak Post detailing, a shallow dual pitched slate roof, and aluminium fenestration. The extension will measure 7.6metres in length and 5.4metres in width to create an increased ground floor area of 41 square metres. The proposal will measure approximately 2.5metres to the eaves, with a ridge height of 3.5metres to create a shallow dual pitched roof.

The proposal will permit the addition of a utility room, sun lounge and extended dining room. The proposal will feature windows in the western elevation, with the northern and eastern elevations rendered. The plans feature a rooflight on the western elevations, with a suntube providing light into the utility room on both the west and eastern elevation. It should be noted that the proposal features an alteration in the roof pitch at the abutment to the original property, allowing the existing first floor window to remain.

APPLICANT'S SUPPORTING INFORMATION

None

PLANNING HISTORY

90/00226/FULL Conversion of redundant farm building to single dwelling and construction of vehicular access - REFUSED MARCH 1990/APPEAL DISMISSED JULY 1990
90/00783/FULL Conversion of redundant farm building to single dwelling, installation of septic tank and improvements to access road - PERMITTED JUNE 1990
08/02165/FULL Erection of Garage/Workshop following demolition of existing timber garage - PERMITTED MARCH 2009
09/01875/FULL Erection of garage/workshop following demolition of existing timber garage (Revised Scheme) - PERMITTED MARCH 2010

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 - 23rd October 2014 - Standing Advice applies <http://www.devon.gov.uk/highways-standingadvice.pdf>

ENVIRONMENT AGENCY - 9th January 2015 - Householder development and alterations. Within flood zone 1. No Environment Agency consultation required.

SILVERTON PARISH COUNCIL - 9th January 2015 - No response to date.

REPRESENTATIONS

None

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The application relates to the erection of a single storey side extension at Barton Barn, Leigh Barton, Silverton. As the name suggests, Barton Barn is a barn conversion, approved under planning reference 90/00783/FULL. The original dwelling is constructed of stone, with a dual pitched slate roof, timber fenestration and brick surrounds. The barn is situated in a rural setting, whilst the surrounding properties include a listed farmhouse to the east and a modern agricultural building constructed of concrete and block to the north. The dwelling abuts the highway to the east.

The application relates to an extension to the North of the site. The site is currently used as gravelled amenity space, and is screened to the north, east and south and at a lower level than the road. There are distance views of the Exe-Valley to the west. The existing dwelling has its permitted development rights removed for the addition of extensions, as detailed in condition (g) of planning permission 90/00783/FULL.

The main issues in the determination of this application are:

- 1. Design and visual impact on the existing dwelling and the streetscene**
- 2. Impacts on any heritage asset**
- 3. Other planning considerations**

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

The existing barn conversion is traditional in its design, using local stone, timber fenestration and a dual pitched slate roof. The existing barn conversion is somewhat unspoilt, and has no extensions or alterations detracting from the rural nature and architectural merit of the barn. Policies DM2 and DM13 of the Local Plan Part 3 (Development Management Policies) aim to ensure that the proposed development respects the character and use of the surrounding area. As previously noted, the proposal is to construct a single storey extension from the Northern elevation (side elevation) of the dwelling, measuring 7.6metres in length and 5.4metres in width to create an increased ground floor area of 41 square metres. The submitted plans and documentation do not detail the full extent of the existing building; however, it was apparent on the officer's site visit that the scale of the proposal would exceed half the width of the existing dwelling and would detract from the existing design and appearance of the barn conversion. The extension would not be in accordance with Policy DM2 and DM13 of the Local Plan Part 3 (Development Management Policies).

Furthermore, the shallow roof pitch included within the design, is considered to be out of keeping with the existing roof pitch when viewed from the highway to the North of the site, whilst the aluminium fenestration proposed would further detracting from the appearance of the dwelling.

The dwelling is situated on a gradient, and the application site is lower than the surrounding highway to the east. The site is fairly well screened by a boundary hedge, and the existing site is not considered to be significantly visible from any public vantage point. Due to the size of the application, some works will have to be undertaken on the surrounding bank and hedgerow and a section of new hedgerow is proposed to replace any screening lost during construction. Considering the time new hedgerow takes to establish, it is

likely a section of the proposal, including a rendered gable, will be visible from the highway. During this time period, it is likely some harm will be caused to the streetscene.

It is considered that there is some scope to extend the dwelling, and discussions were held with the agent to encourage alterations which included reducing the extensions length, increasing the roof pitch, and altering the fenestration. No changes were made to the application. In view of the above points, it is deemed that the proposal would be contrary to Policies COR2 and COR18 of the Mid Devon Core Strategy (LP1) and DM2 and DM13 of the Local Plan Part 3 (Development Management Policies) and refusal is therefore recommended.

2. Impacts on a heritage asset

The proposal is adjacent to grade II listed buildings situated to the east, and therefore, it is important to consider the proposals impact on these properties.

The existing site is situated lower than the buildings situated to the east, and will be somewhat screened by the adjoining bank and hedge. Because of this, the proposal will appear low in its height and scale in comparison to the highway and the adjoining listed building. The slate roof of the proposal is likely to be visible from the listed building, however, the materials for the proposed roof are considered to be in keeping with the roof on the existing barn.

It is considered that due to the proposals siting, and the reasonable screening provided, the extension is not considered to negatively affect any heritage asset in accordance with Policy DM27 of the Local Plan Part 3 (Development Management Policies).

3. Other Planning Considerations

It is considered that the proposal is unlikely to lead to any loss of privacy or amenity for any neighbouring occupants, harm the future amenities and services of the existing dwelling, or negatively affect parking and highway safety, in accordance with Policies DM2 and DM13 of the Local Plan Part 3 (Development Management Policies).

REASON FOR REFUSAL

1. 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 (LP1) and DM2 and DM13 of the Local Plan Part 3 (Development Management Policies).

Application No. 14/01876/FULL

Plans List No. 3

Grid Ref: 295206 : 112479

Applicant: Mid Devon District Council

Location: 1 Birchen Lane
Tiverton Devon

Proposal: Erection of 4
affordable flats
following demolition of
redundant buildings

Date Valid: 19th November 2014



Application No. 14/01876/FULL

RECOMMENDATION

Grant permission subject to conditions.

PROPOSED DEVELOPMENT

Erection of 4 affordable flats following demolition of redundant buildings

APPLICANT'S SUPPORTING INFORMATION

Flood Risk Assessment
Design and Access Statement
South West Water Drainage maps
Ecology Report

PLANNING HISTORY

None

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR1 - Sustainable Communities
COR2 - Local Distinctiveness
COR3 - Meeting Housing Needs
COR7 - Previously Developed Land
COR9 - Access
COR11 - Flooding
COR12 - Development Focus
COR13 - Tiverton

Mid Devon Local Plan Part 3 (Development Management Policies)

DM2 - High quality design
DM7 - Pollution
DM8 - Parking
DM14 - Design of housing
DM15 - Dwelling sizes

CONSULTATIONS

HIGHWAY AUTHORITY - 26th November 2014 Standing advice applies
<http://www.devon.gov.uk/highways-standingadvice.pdf>

ENVIRONMENT AGENCY - 8th December 2014 - We have no objections to the proposal as submitted subject to your authority being satisfied that the Sequential and Exception Tests, as detailed within the National Planning Policy Framework, can be met in full.

The site is located within Flood Zone 3 of the River Exe, and Cottey Brook and would have flooded in the 1960 flood event. Whilst the current River Exe flood alleviation scheme provides a high standard of protection its construction hasn't completely removed the risk of flooding from the River Exe. The fact that the area is also at risk from shallow flooding from the Cottey Brook is also a material consideration.

Whilst the applicants Flood Risk Assessment (FRA) lacks some detail it is pleasing that the risk of flooding has been acknowledged, that floor levels will be raised, and that flood resilient construction will be used in

part. These measures would reduce the risk of internal flooding should the area flood, but not remove it, and would limit the amount of damage that would be sustained should internal flooding occur.

Your authority should bear in mind the fact that persons residing in the two proposed ground floor flats would potentially be stranded for a period of up to approximately six hours, on the first floor landing in an extreme event, when considering whether or not the Exception Test could be satisfied.

TIVERTON TOWN COUNCIL - 4th December 2014 - Whilst supporting in principle there are concerns that proposal does not conform to Mid Devon car parking policy and that it would go against DM14.

ENVIRONMENTAL HEALTH - 4th December 2014 - Contaminated Land

The proposed development will involve the demolition of existing premises or structures, which may contain hazardous liquid or solid materials (including asbestos). Therefore, the following condition is recommended if permission is granted.

Demolition should be carried out in such a manner as to minimise the potential for airborne nuisance, additional land contamination and/or creation of additional contamination pathways either on the site or at adjacent properties/other sensitive receptors.

Prior to demolition commencing, a works plan and risk assessment shall be submitted for approval to the Local Planning Authority for consultation with Environmental Health Services. This plan and assessment should identify and risk-assess any potential hazardous material in above or below ground structures that will be removed or disturbed during demolition and measures to deal with these safely. All potentially hazardous materials should be assessed.

Reason: In the interests of public health and protection of the environment. otherwise, no objections.

Drainage - No objections

Noise & other nuisances - No objections

Housing Standards - No objections

Licensing - N/A

Food Hygiene - N/A

Private Water Supplies - N/A

Health and Safety - There is a lack of information e.g. survey. There is a foreseeable risk of asbestos being present in these types of structure. A Refurbishment and Demolition survey following HSG264 available at www.hse.gov.uk/pubns/books/hsg264.htm should be carried out before work commences to identify precautions and legal requirements enforced by Health and Safety Executive.

NATURAL ENGLAND - 27 November 2014 - Statutory nature conservation sites - no objection

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

Protected species

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

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

Biodiversity enhancements

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

Landscape enhancements

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

REPRESENTATIONS

1 representation and 2 objections summarised as follows:

1. Concern regarding restricted access to garages and shops, particularly during construction
2. Concern regarding inadequate parking levels
3. Concern that the flats would block daylight to existing dwellings
4. Concern regarding sewer capacity as there are already problems
5. Concern regarding increase in noise in quiet area

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main material considerations in respect of this proposal are:

- 1) **Provision of affordable homes**
- 2) **Design and location**
- 3) **Flood Risk and mitigation**
- 4) **Parking and accessibility to services and facilities**
- 5) **Other**

- 1) **Provision of affordable homes**

The application would deliver 4 affordable, one bedroom flats within Tiverton and within walking distance of the services and facilities of the town centre. The flats would be erected on the site of a redundant store building and is therefore considered to be the development of a previously used site in accordance with policy COR7 Mid Devon Core Strategy (MDCS).

Policy COR1 (MDCS) requires development to meet sustainability objectives, brings positive benefits, supports the diverse needs of communities and provides vibrant, healthy and inclusive places where existing and future residents want to live (and work). The provision of these 4 modest sized affordable flats would help to meet the housing needs of the community in an area where there remains a need for the provision of affordable housing. The application is in accordance with the requirements of this policy. Policy COR1 is supported by Policy COR3 (MDCS) which seeks to provide 100 affordable dwellings in Mid Devon per year.

The application will also make a meaningful contribution toward the annual provision of affordable dwellings for Mid Devon.

2) Design and location

The existing range of stone and brick buildings on the site would be demolished and the site used for the construction of four, one bedroom flats. While elements of the existing buildings are not unattractive, the site is in need of repair and the demolition of the buildings that are not listed and are not within the conservation area will not have a detrimental impact on the character or appearance of the surrounding area.

The area immediately surrounding the application site includes a mix of residential properties, a secure residential institution, A1 (retail) premises and mixed uses premises with A1/A5 (retail/hot food takeaway) uses at ground floor with residential accommodation above. The proposed residential use will sit comfortably alongside the mix of uses in this area of Tiverton.

The proposal includes the erection of a two storey building that will be internally subdivided into 4 self contained flats. The flats would all have access to a communal rear yard, from which there would be a gated access onto the road. This yard area would provide an area for the storage of bins as well as a clothes drying area and potential for bicycle storage.

The flats are proposed to have an external appearance of facebrick with weatherboard detailing beneath some of the windows and brick coursing to be used to assist in defining the glazed communal entrance to the 4 flats. The roof is proposed to be slate. The use of brick and slate for a majority of the construction would complement the wide pallet of materials that have been used in developments in the area. There is a mix of render, brick, stone, slate and tile in the West Exe area. With regard to the appearance of the development, it would result in a visual improvement to the street scene in this fairly tucked away position and sit comfortably alongside existing development in accordance with Policy DM2 Local Plan Part 3 (Development Management Policies).

The two storey scale of the building is also acceptable and while it will be dwarfed by the considerably higher development to the east, it will be a similar to scale to the two storey dwellings, residential institution and A1 unit that are also within the same local area. The development includes the provision of a new dual pitch roof as part of the proposed building. The raised internal floor levels will result in the development having a different relationship with the street than the existing two storey dwellings to the west and southwest, however, as the development will be immediately adjacent to the road and the raised floors will assist in preventing impact of flooding, the height of the ground floor windows above the road level is considered appropriate and acceptable. The overall bulk of the building has been reduced by the provision of the yard area on the north side. This results in an L shape building with a footprint that is smaller than the existing on site buildings. The scale and density of the development, its appearance and relationship to the local context are all considered to be acceptable and in accordance with the requirements of Policies DM2 and DM14 Local Plan Part 3 (Development Management Policies).

The flats provide suitably sized accommodation that is compliant with the dwelling sizes policy DM15. There is some amenity space, communal for the four flats, and there are public parks and gardens within easy walking distance of the site. The Design and Access Statement indicates that the flats have been designed to meet a minimum of level 3 of the Code for Sustainable Homes and the energy efficiency of the properties will exceed current Building Regulation requirements while at the same time the orientation of the building and habitable rooms maximises the potential for daylight within the units and natural ventilation. The Design and Access Statement also indicates that the principles of Secure By Design have been incorporated into the design where possible. With regard to these matters the design of the development is considered to be in accordance with Policy DM14 and the relevant parts of Policy DM2 Local Plan Part 3 (Development Management Policies).

The four flats will have windows allowing views into the road surrounding the site. There would also be views toward 11 Birchen Lane (two storey end of terraced house) to the south west and toward the ground floor windows of the maisonettes above 21 and 19 West Exe South, to the east of the application site. Any views toward 11 Birchen Lane would be oblique views and would not provide a direct line of sight toward this

property. 11 Birchen Lane is approximately 15m from the closest part of the application site. The maisonettes to the east are elevated above the road by one storey, hence the front doors and lower floor windows of these existing residential units would be at a similar height to the first floor of the proposed flats. While there may be some opportunity for views toward the front doors and single lower floor windows of these properties, the views would be at an angle from the proposed development and are not considered to result in a significant level of overlooking such as to warrant refusal of the application. With regards to impact on the residential amenity of occupiers of nearby properties, the proposal is considered to be in accordance with Policy DM2.

Two members of the public have raised concerns about access to their shed or garage to the north of the site during the development of the site. While there could be some local disruption to access during delivery of building materials etc, there is no indication or reason why access to the existing sheds and garages (or parking spaces) should be prevented during the development of the site. Construction workers would need to ensure they park their vehicles legally and do not obstruct access to other resident's facilities. The sheds immediately north of the site stand completely separately from the buildings to be demolished on site. However there is lead flashing on top of the southern elevation wall between the sheds and the buildings currently on site. A condition has been imposed that the lead flashing will be replaced following development of the site to prevent water ingress to the sheds.

One letter of objection raised concern about noise from the site during construction. While it is inevitable that there will be noise and some disruption associated with the construction period this should be during normal working hours only. In order to protect the amenity of the occupiers of nearby residential properties a condition imposing working hours has been suggested.

3) Flood risk and mitigation

Policies COR11 Mid Devon Core Strategy (LP1), DM2 Local Plan Part 3 (Development Management Policies), National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG) are relevant to the assessment of this application. A Flood Risk Assessment has been submitted with the application and the Environment Agency has acknowledged that flood resilient construction methods would assist in reducing risk of internal flooding.

The application site is located within the flood plain of the River Exe. This area is categorised as being flood zone 3a 'high probability of flood' where flood risk is a 1 in 100 year (or greater) flood. The NPPF and NPPG advise that residential development is a 'more vulnerable' development type and a sequential test should be applied as the site is not allocated for residential development. The NPPF and NPPG state that only where there are no reasonably available sites in flood risk zones 1 (low probability) or 2 (medium probability) should the suitability of sites in zone 3 be considered taking into account flood risk vulnerability of the use.

A sequential test has been applied to the proposed development in accordance with the guidance in the NPPF and NPPG. The sequential test that has been applied to the assessment of this application defines the area of search (for alternative sites at lower flood risk) as those within or immediately adjacent to the town centre boundary of Tiverton that would be suitable for the provision of affordable dwellings within walking distance of the services and facilities of the town centre. Any potential sites in or adjacent to the town centre have been excluded where they have the same risk of flooding.

The sequential test establishes that there are no allocated sites for residential development within or adjacent to the town centre boundary that that not either been developed, in the process of being developed or have planning permission granted committing the site to a particular development. There are no alternative and available sites within the search area and no sequentially preferable sites within the search area that should be developed before the application site. The application therefore passes the Sequential Test.

The NPPF requires that an exception test be applied and passed if the sequential test is passed. The Exception Test is a method to demonstrate and help ensure that flood risk to people and property will be managed satisfactorily, while allowing necessary development to go ahead in situations where suitable sites at lower risk of flooding area not available.

The Exception Test is in two parts. It requires the proposed development to show that it will provide wider sustainability benefits to the community that outweigh flood risk and that it will be safe for its lifetime, without increasing flood risk elsewhere and where possible reduce flood risk overall.

The Local Planning Authority consider that both parts of the Exception Test are passed. However, it should be noted that the Environment Agency will never indicate whether they consider a development to be safe or not. The Local Planning Authority do liaise with the Authority's Emergency Planner although they too will not state whether or not a development is safe. The proposals indicate that the internal finished floor levels of the two ground floor flats will be elevated above the external ground level by approximately 750mm with electrical outlets set at least 900mm above internal ground floor levels. Both ground floor flats will have direct access to the first floor landing (which is over 2 m²) that would provide a safe refuge if the ground floor apartments had to be evacuated during a flood event. This has been referred to in the Flood Risk Assessment as being a large enough area and calculated from the Fire Escape Regulations. While there is no external or internal consultee that is willing or able to confirm that any proposed development is safe, it appears that in comparison to the existing residential development in this area, the proposed development would have a lower risk of being inundated by flood waters than properties surrounding it. The application site is a brownfield site, is currently covered with buildings and located in a part residential area. The proposal would result in a majority of the site retaining a coverage of buildings but with the inclusion of a communal yard area to the north of the flats. The development of the site would not therefore increase the risk of flooding and the increase in ground floor levels and slight reduction in building may actually result in a reduced risk of flooding to the site.

As detailed above the development would deliver 4 modest sized, affordable flats. The flats would be built on a site owned and controlled by Mid Devon District Council to try to meet some of the identified housing need in the Tiverton area. The provision of decent and affordable homes is a key objective of the Council and this is reflected in the relevant planning policies and Supplemental Planning Document relating to the provision of affordable housing in Mid Devon. The provision of affordable homes in a location where residents can access the services and facilities of a town centre without needing to use a private vehicle is considered to be a significant community benefit that would be compliant with Policies COR1, COR3, COR13 Mid Devon Core Strategy (LP1), Supplemental Planning Document 'Meeting Housing Needs' and the NPPF. It is considered to outweigh the flood risk in this instance.

As the proposal has passed the Sequential and Exception Tests it is concluded that the Environment Agency therefore have no objection to the redevelopment of the site for 4 flats and the application is in accordance with policy COR11 Mid Devon Core Strategy (LP1), Policy DM2 Local Plan part 3 (Development Management Policies) and the NPPF.

4) Parking and access to services and facilities

The application does not include any parking for the 4 flats. Policy DM8 states that 'development must provide an appropriate level of parking, taking into account: a) the accessibility of the site, including the availability of public transport; b) the type, mix and use of development' and 'design must enable and encourage the maximum use of sustainable modes of transport, including provision for cyclists and low-emission vehicles'.

The application site is within walking distance of the services and facilities in Tiverton town centre as well as within easy walking distance of the facilities and services in the West Exe area of Tiverton. The site is also very close to a public pay and display car park where residents could park vehicles. Due to the modest size of the flats and the proximity to the town centre where public transport is available from Fore Street and the Bus Station and services and facilities are available, it is considered acceptable in this instance to apply a zero car parking option. Were the application site not in such a sustainable location the DM8 parking spaces ration would apply. With regards to this specific form of development on this specific site, it is not considered essential for parking spaces to be provided as it is easily accessible by pedestrians and cyclists. Cycle storage would be available in the rear yard and occupants could access public transportation. The application is considered to be in accordance with Policy DM8.

5) Other

An ecology report was submitted with the application which concluded that no protected species including bats or birds were found within the buildings.

The foul drainage and surface water drainage are proposed to be connected to the public combined sewerage system.

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. Demolition should be carried out in such a manner as to minimise the potential for airborne nuisance, additional land contamination and/or creation of additional contamination pathways either on the site or at adjacent properties/other sensitive receptors.

Prior to demolition commencing, a works plan and risk assessment shall be submitted for approval to the Local Planning Authority for consultation with Environmental Health Services. This plan and assessment should identify and risk-assess any potential hazardous material in above or below ground structures that will be removed or disturbed during demolition and measures to deal with these safely. All potentially hazardous materials should be assessed.

4. No development shall begin until details or samples of the materials to be used for all the external surfaces of the building(s) have been submitted to, and approved in writing by, the Local Planning Authority.
5. The dwellings hereby permitted shall be occupied as affordable housing only, as defined within the National Planning Policy Framework and in line with the policies set out in the adopted Supplementary Planning Document "Meeting Housing Needs" or such other Supplementary Planning Document as may be adopted by the Local Planning Authority subsequently.
6. No construction work shall take place on the application site except between the hours of 0730 and 1900 hours Monday to Friday and 0800 and 1300 hours on Saturdays. No construction work shall take place on the application site on Sundays or Bank Holidays.
7. Prior to the first occupation of any of the four flats hereby permitted, the lead flashing on top of the southern wall of the existing off- site sheds, immediately north of the application site, shall be reinstated to prevent water ingress.
8. Prior to the commencement of development the internal finished floor levels of the ground floor residential units hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved finished floor levels.

REASONS FOR CONDITIONS

1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of proper planning.
3. In the interests of public health and protection of the environment in accordance with policy DM7 Local Plan Part 3 (Development Management Policies).

4. To ensure the use of materials appropriate to the development in order to safeguard the visual amenities of the area in accordance with Mid Devon Core Strategy 2007 Policy COR2 and Local Plan Part 3 (Development Management Policies) DM2.
5. Therefore, the occupation of the dwellings is restricted to affordable housing only.
6. To safeguard the amenities of nearby residents in accordance with Policy DM2 of the Local Plan Part 3 (Development Management Policies).
7. To ensure that the sheds which do not form part of the application site remain water tight and available for use by local residents following the demolition of the adjacent buildings in accordance with policy DM2 Local Plan Part 3 (Development Management Policies).
8. In interests of reducing the risk of the new residential units being affected by flooding as the site is within flood zone 3, in accordance with policy COR11 Mid Devon Core Strategy (LP1) and the National Planning Policy Framework.

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The proposal, delivering 4 units of affordable housing is considered to result in a development which by virtue of its design, scale, height, proportions and density, is in keeping with the character of the area and would not result in a development which is overbearing or result in loss of privacy of neighbouring properties. The provision of affordable housing in Tiverton is considered to be an overriding economic and social issue that outweighs the location of the site within Flood Zone 3. The application is considered to comply with policies together with Government policies in the National Planning Policy Framework and Government guidance in the National Planning Policy Guidance.

Application No. 14/01901/FULL

Plans List No. 4

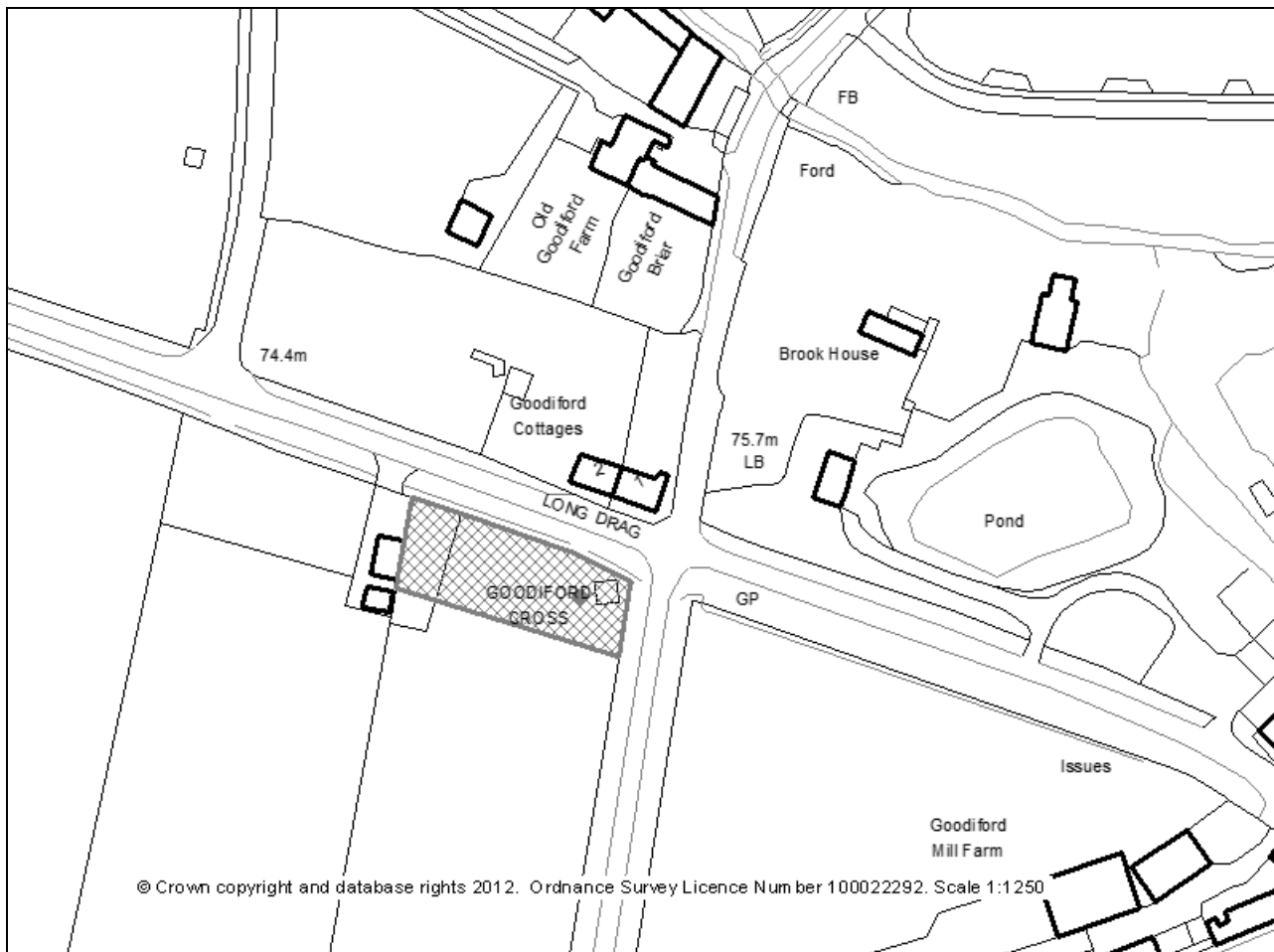
Grid Ref: 305546 : 108277

Applicant: Mr J Drummond

Location: Land and Building at
NGR 305546 108277
(Opposite Goodiford
Cottages) Kentisbeare

Proposal: Change of use of land
to allow log storage
and the creation of
hard standing

Date Valid: 10th November 2014



Application No. 14/01901/FULL

RECOMMENDATION

Grant permission subject to conditions.

COUNCILLOR D F PUGSLEY HAS REQUESTED THAT THIS APPLICATION BE DETERMINED BY THE PLANNING COMMITTEE FOR THE FOLLOWING REASON:

To consider whether the site is a suitable location for the proposed use.

PROPOSED DEVELOPMENT

This application seeks planning permission for the change of use of agricultural land to allow for the creation of a hard standing for a small business use, adjacent to Goodiford Cottages, Kentisbeare. This is a revised application following the withdrawal of application 14/01037/FULL, withdrawn to enable the applicant to clarify the details of the proposed use. The applicant has established a small scale tree surgery business, travelling to sites mainly around the Mid Devon area, and the hardstanding is required to enable the applicant to store logs collected from various jobs.

The site lies at the northern section of the applicant's field and is adjacent Goodiford Cross, where the Long Drag intersects with Dead Lane. The site is not in a designated flood risk area, nor is it within a conservation area or any designated landscape. However, the site lies outside of an adopted settlement boundary, and is therefore considered to be in a countryside location.

The hardstanding would largely be used for log storage, and no structures are proposed as the collected wood is proposed to be bundled and wrapped with waterproof covering to prevent decay. The hardstanding would also allow the applicant to access the field with his Land Rover and trailer in order to offload the logs. The change of use and hard standing will also enable the applicant to operate a 'Hycrack' wood splitter which mounts to the back of the applicant's tractor to break logs. Planning permission is required because the land would be used to support a business, beyond the shape of its current lawful agricultural use.

The proposed hardstanding area measures 18 metres in width by 45 metres in length, and shall be orientated from land adjacent to the gated field entrance in the north east of the field, running toward the post and rail fence on the boundary to the west. The proposed site area comprises approximately one sixth of the field to cover a maximum area of approximately 810 square metres in total, albeit not all of this area is to be hard surfaced. The surfaced areas shall be created from a compacted permeable stone surface which can be more easily lifted than concrete should the use cease.

It is stated that the hard standing will be concealed by a row of newly planted native hedge species to the right of the field entrance in order to restrict views from the public highway. The hardstanding is also intended to be physically separated from the rest of the field by a post and rail fence with hedge planting, in order to provide further screening.

APPLICANT'S SUPPORTING INFORMATION

Supporting Document 1 of 3 Supporting Statement

PLANNING HISTORY

14/01037/FULL Change of use of land to allow the processing and storage of timber and for the creation of hard standing area and associated works WITHDRAWN AUGUST 2014.

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
DM8 - Parking
DM20 - Rural employment development

National Planning Policy Framework

(Notably Part 3 – Supporting a prosperous rural economy)

CONSULTATIONS

HIGHWAY AUTHORITY - 25th November 2014 - No objections to the proposal and the Local Planning Authority will be aware of the previous comments at this site 14/01037 which are equally applicable to the current application. and should be imposed.

Recommendation:

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

Previous Comments from 14/01037/FULL - The Highway Authority has visited the site and has the following observations to make. The access into the field is some 13m from Dead Lane and this is not a location where the Highway Authority would wish to see access to the site from HGV traffic without further information on swept paths from Dead lane. Dead lane is narrow but has a number of passing opportunities and exits onto the A373 to the south. The site can also be accessed from the west along Long drag and from the A373 via Horn road which has ample width and from the east at Moorhayne Cross which is less attractive.

There have been a number of correspondences which have referred to dangerous junctions at Dead land and the A373 and the Goodiford cross itself. The recorded personal injury accidents in the last 5 years this number does not indicate a specific problem and the accidents involved a number of differing factors. At Goodiford Cross there are no recorded personal injury accidents in the last 5 years. These records would indicate that the junctions perform adequately in safety terms. Long drag is a derestricted section of road and vehicle speeds are in the region of 40-50mph, the Highway Authority would seek a condition requiring visibility splays of 2.4m back along the centre line of the access and extending to a point on the near side carriageway edge 120m in either direction. This is easily achievable over the public highway verges that exist. The only obstruction to this is the existing vehicles which are currently parking on the verge and causing a potential obstruction to the existing gateway. This access is functioning adequately as can be seen from the accident records.

The intensification of the access which a general timber use would attract would warrant a scheme to remove the parking from the verge over the visibility splay which under the highways act there is no rights to park on the public highway; where as there is a right of access onto a public highway in the act and any obstruction of that access can be prosecuted under the act. However the applicant has set out that this is for himself and a small number of staff and the use would be for the storage of cut wood with occasional log splitting and that no HGV traffic would be accessing the site and that he is willing to accept a condition to limit the site to his operation. The operation described by the applicant and the vehicles identified by the applicant can be accommodated by the existing access. Should the Local Planning Authority be minded to impose a personal use on the land or make more restrictive use descriptions then the Highway Authority would raise no objection to the proposal subject to the following conditions. Should the planning Authority be minded to consider the application as a general timber use then the highway authority would seek further information on the swept path of HGV traffic and/or the provision of a traffic management plan with an identified route for HGV traffic and would wish to comment further.

ENVIRONMENT AGENCY - 19th January 2015 - Operational development less than 1ha within Flood Zone 1 - No consultation required - see surface water management good practice advice - see standard comment

KENTISBEARE PARISH COUNCIL - 8 December 2014 - Following a discussion at the last meeting of Kentisbeare Parish Council, on December 2nd 2014, it was agreed to recommend refusal of the application.

The exact same points of concern that were made regarding application no. 14/01037/FULL, which was withdrawn by the applicant, are still applicable.

With reference to point no. 4 below, and the fact that the description of application no. 14/01037/FULL is vague. The description of the recent application may be clearer, however it is considered that in principle the recent application remains of a similar nature, and therefore we do not wish to support the application.

Kentisbeare Parish Council wish to re-iterate the points below. Please find herewith, a copy of the points raised in our email dated 20/07/14 with reference to application no: 14/01037/FULL. Kentisbeare Parish Council consider that these points also apply to application no: 14/01901/FULL:

Re: 14/01037/FULL Change of use of land to allow the processing and storage of timber and for the creation of a hard standing area and associated works.
Land and Building at NGR 305546 108277 (Opposite Goodiford Cottages), Goodiford, Nr Kentisbeare.

Following a discussion at the last meeting of the Parish Council, it was agreed to recommend refusal of the above application. Please refer to the points below:

1. Due to the location, the site is considered unsuitable for commercial use. The site is close to Goodiford Cross which is approached along a narrow country road known as Dead Lane, which is approached from a busy main road on a bend where accidents have occurred previously.
2. The business would cause an increase in traffic along the narrow country roads it is approached from.
3. The entrance to the site is close to Goodiford Cross where visibility is limited.
4. The description of the application is vague, we refer in particular to "associated works".
5. A change in use of the land could give the applicant or any future occupier of the cottage, potential to develop further in the future, thus causing ramifications for the surrounding properties at a later date.
6. There are several private houses in this immediate location along with fishing lakes and holiday cabins where holiday makers come to enjoy this rural, peaceful area.
7. The noise of machinery would be a nuisance to the surrounding properties/neighbours.
8. Any such business could operate from one of the existing industrial sites within the parish opposed to a new development within the open countryside. The applicants would not need to commute only living a short distance from these sites, some of which are currently advertising for tenants.

ENVIRONMENTAL HEALTH - 22nd December 2014 - Contaminated land - No objections

Air quality - No objections

Drainage - No objections

Noise and other nuisances - Recommend approval with conditions.

Noise from fixed plant, equipment or machinery can be very annoying and disruptive to people living nearby, particularly where that item involved emits a noise with impulsive or tonal characteristics. Many of the noise complaints Environmental Health receive are about noise from fixed plant, equipment and machinery specifically concerning the character of the noise emitted therefore, I recommend the following condition:

No fixed plant, equipment or machinery shall be operated on the site on any Sunday, Christmas Day or Bank Holiday or other than between the hours of 0800 and 1800 hours on Monday to Fridays and 0800 and 1300 on Saturdays.

If any fixed plant, equipment and machinery are used on this site for a period greater than 1 hour in any 24 hour period the conditions detailed below will apply:

Any fixed plant, equipment or machinery operated on this site must achieve a noise level (LAeq (15 min)) of at least 5 dB below the background noise level (LA90 (15 Min)) at the nearest noise sensitive locations including; 2 Goodiford Cottage & amenity area, Goodiford Mill & amenity area including fishing ponds and Goodiford Mill Farm & amenity area.

Any noise surveys must be carried out in accordance with BS4142 (2014)

Reason: To ensure that the proposed development does not prejudice the amenities of neighbouring properties.

Housing standards - N/a

Licensing - N/a

Food hygiene - N/a

Private water supplies - N/a

Health and safety - No objections

REPRESENTATIONS

3 Letter of objection summarised as follows:

1. Concern relating to the future business/commercial development which could adversely affect surrounding properties in what is a quiet rural location
2. Potential increase in traffic movements at a dangerous crossroads
3. There are available industrial units within the locality more appropriate for this type of business that would not impact on the countryside
4. The development may erode the character of the rural setting.
5. Concern that a personal consent would not fully protect the rural hamlet in the future and uncertainty of the enforceability or legal standing behind the use of conditions.
6. Question as to whether the hard standing would be removed, and how this would be enforced.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

- 1. Principle of the proposal**
- 2. Impact on amenity of neighbouring properties**
- 3. Impact on character and appearance of the countryside**
- 4. Highways, parking and access**

1. Principle of the proposal

The main policies in determining the principle for this application are COR18 of the Core Strategy 2007 and Policy DM20 of the Local Plan Part 3 (Development Management Policies). The National Planning Policy Framework also provides support in principle for rural economic growth under Part 3 where it states: [Plans should] support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings; [whilst also seeking to] promote the development and diversification of agricultural and other land-based rural businesses; Page 9.

Policy COR18 seeks to strictly control developments outside of defined settlement limits although it permits rural uses including appropriately scaled retail, employment, farm diversification and tourism related development.

The proposal is considered to support a new and relatively small business which operates around the Mid Devon area out of a single vehicle and trailer. The application states that it is solely the applicant and his partner who are involved in the running of the business and the development is proposed to cover a relatively small proportion (approximately one sixth) of a larger agricultural field. As such the use as has been described can reasonably be considered to fall into the category of an appropriately scaled form of rural employment development.

Policy DM20 states that in countryside locations, planning permission will be granted for new build employment development or expansion of existing businesses, provided that the development is of an appropriate use and scale for its location. The policy continues by requiring proposals to demonstrate that:

- a) The development would not lead to an unacceptable impact on the local road network;
- b) There would not be an unacceptable adverse impact to the character and appearance of the countryside;

and

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

For the reasons already set out above, it is thought that the site area is proportionate to the nature of the business. With reference to part a), the Authority is mindful that the site is situated adjacent to a cross roads between two fast roads and the Authority has resultantly consulted Devon County Highways for further guidance. The Highways Officer has not objected to the application on the basis of a personal consent for a small scale business. The proposal is considered to comply with part a) of the policy, and this is set out in greater detail under Section 4 of this report.

In relation to part b), the operational development consists of the laying of a hard surface to cover a width of approximately 18 metres and length of 48 metres. This area is comparable to a section of field adjacent to the site belonging to a neighbouring resident, which is used for the grazing of animals with a newly constructed area of hard surfacing. The application site is screened by well-established hedgerow on the north and east field boundaries which prevents any clear view of the site, other than from the vehicular access. Any visual impact upon the character and appearance of the countryside is considered to be from solely from the immediate location, and the surrounding land is very flat. It is not considered that the development would conflict with part b) of DM20, and this is further considered under Sections 2 and 3 below.

With reference to part c), the applicant has set out in a supporting statement their case that the business is very small in scale, and whilst there may be available units to let nearby, the cost of using a separate yard for storage of either logs or necessary equipment would be financially unviable for such a small scale enterprise. The business is based almost entirely around the applicant.

The Authority considers that there may be available sites within the vicinity of the area, such as Post Cross Business Park approximately 1 mile away from the applicant's home address; however these business park units are designed for larger scaled businesses and include office/conference spaces as well as storage space. As such they are not ideally suited to the nature of the applicant's business and the Authority would question the suitability of nearby business premises, bearing in mind it is a small scale operation for log storage and occasional log splitting.

Objectors and the Parish Council have expressed concern that this is an unsuitable site for a business or commercial use as it will be incompatible with the rural setting. There is also some concern that the change of use from agricultural to a B2 general industrial use would risk harm to the character of the countryside through future business or commercial development.

The Authority would agree that an unrestricted B2 business use would be unacceptable in this location, as it could give rise to a material increase in traffic movements, and prompt a need for further development which could constitute harm to the character of the countryside and risk harm to the amenity of neighbouring residents. However the applicant has provided sufficient justification to support the principle for the use of the field in support of a small rural business, and has clearly specified they are happy to proceed on the basis of a personal consent. This would ensure that, upon becoming redundant for its intended purpose, the land would revert back to agricultural land with the removal of the hard standing and other items.

Therefore the development is deemed to be acceptable in this location and can therefore be considered to comply with DM20 of the Local Plan Part 3 (Development Management Policies) subject to a condition granting a personal consent for the sole use of the site for the benefit of the applicant and his limiting the nature of the activity to be carried out.

2. Impact on amenity of neighbouring properties

The Parish Council and objectors have identified two key issues relating to potential for the development cause harm to the amenity of surrounding properties. These concerns relate to a perceived detrimental visual impact on the immediate setting and the potential for noise nuisance associated with machinery and the splitting of logs.

Regarding visual impact, the site is well screened from the public highway and the hedgerow on the northern

site boundary is of a sufficient height to restrict views from the first floor windows of 2 Goodiford Cottages. Further landscaping is proposed in the way of additional hedgerow close to the vehicular entrance to restrict views from the field gate.

Whilst there may be some perception of harm caused by a large area of hardstanding, it is not considered this will have an effect on the living conditions of neighbouring residents. It is expected that the occupants of 2 Goodiford Cottages may be able to see some part of the hard standing through gaps in the field gate, although the harm this causes is not considered to be severe, nor is it considered to outweigh the economic benefit and support for the growth of a rural business. Furthermore the loss of a private view is not a material consideration in the determination of a planning application and the proposed hard standing and use are likely to have little impact on the visual amenities of the area.

The noise generated will not be from the Hycrack log splitter itself, but from the running of the tractor to which it is mounted. The tractor is already kept in the field and will continue to be parked there. It is always necessary for the tractor engine to be running in order to split logs, although this will only be an occasional use. The applicant has argued that the noise generated would be similar to agricultural noise that can already arise in connection with the lawful agricultural use of the field.

Nevertheless, the Authority must consider that the use will be for a business purpose, and the Authority has sought further guidance from Mid Devon Environmental Health. Officers have not objected to the proposal subject to a condition to ensure that any noise generated from the use of the Hycrack log splitter or any other machinery would be restricted to specific operating times, excluding holidays, Sundays and outside of general working hours. This is considered to be a suitable way of controlling the use of machinery and to protect neighbours from nuisance. It is not considered the change of use and operation of wood splitting would constitute a reason for refusal where the noise generated is likely to be infrequent and can be adequately controlled by way of condition.

Overall, the proposed change of use of the land in support of the tree surgery business is not considered to constitute an unacceptable level of harm to the privacy or amenity of neighbouring residents and the development is acceptable in this respect.

3. Impact on character and appearance of the countryside

The site is largely concealed from view from the Dead Lane or the Long Drag. The landscape is typically flat and there are no high vantage points enabling views into the site. The lack of any proposed structures is considered to minimise the visual impact of the development on its surroundings, and when considered in combination with the currently afforded level of privacy and proposed additional screening, the development is not considered to constitute unacceptable harm to the character or appearance of its rural setting.

The proposal can therefore be reasonably considered to comply with COR2 of the Core Strategy 2007, DM2 and DM20 of the Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.

4. Highways, parking and access

The site is accessed from an existing gated entrance opposite 2 Goodiford Cottages onto the Long Drag, which is a derestricted section of road with vehicle speeds in the region of 40-50mph. The Parish Council and Objectors have also highlighted the close proximity to Goodiford Cross, where the Long Drag and Dead Lane intersect. The Highways Officer has visited the site and has considered that the applicant is content with a personal use for access by Land Rover with a trailer. Overall, the officer has stated the use with no HGV traffic would be wholly acceptable, subject to a condition to limit and restrict the use to a personal consent.

No specific parking is laid out although the hardstanding is large enough to allow vehicle, trailer and tractor parking with sufficient turning space for the applicant to leave the site in forward gear. The operation described by the applicant and the vehicles identified by the applicant can be accommodated by the existing access. Whilst vehicles are known to park outside of the entrance, it is still possible to leave the site with views to the east and west along the public highway. The grass verges outside of the field are maintained by

Devon County Council Highways department.

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. No machinery, equipment or fixed plant shall be operated on the site on any Sunday, Christmas Day or Bank Holiday or other than between the hours of 0800 and 1800 hours on Monday to Fridays and 0800 and 1300 on Saturdays. Should any equipment, machinery or fixed plant used on this site be operated for a period greater than 1 hour in any 24 hour period, the use must achieve a noise level (LAeq (15 min)) of at least 4 dB below the background noise level (LA90 (15 Min)) at the nearest noise sensitive locations including: 2 Goodiford Cottage and associated garden, Goodiford Mill, area and fishing ponds and Goodiford Mill Farm and associated garden.
4. The application site shall be used solely for the benefit of Mr J Drummond in connection with tree surgery business and for the storage of logs, machinery and equipment associated with that use, and for no other purpose, including any other purpose in Class B2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

REASONS FOR CONDITIONS

1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of proper planning.
3. To safeguard the amenities of the area and the occupiers at 2 Goodiford Cottage, Goodiford Mill and Goodiford Mill Farm.
4. To ensure a use appropriate to the character and amenity of the rural setting, where an unrestricted business use would be otherwise undesirable in this location, in accordance with COR2 and COR18 of the Core Strategy 2007 and DM2 and DM20 of the Local Plan Part 3 (Development Management Policies).

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The proposed change of use and associated hard surfacing is considered to be reasonably necessary to support the rural business and is given clear overarching support by the National Planning Policy Framework. For a business use of this small capacity, consisting of a hardstanding for storage of logs, vehicle parking and occasional log splitting, the proposal is not considered to constitute unacceptable harm the privacy or amenity of the occupiers of another dwelling, the future amenities of the rural setting or the visual amenity of the surrounding countryside subject to conditions restricting the use and operating times for machinery. The proposal is deemed to be in accordance with policies COR2 and COR18 of the Mid Devon Core Strategy 2007, policies DM1 and DM20 of the Local Plan Part 3 (Development Management Policies), and the National Planning Policy Framework. Planning permission is recommended subject to the following conditions.

Jonathan Guscott
Head of Planning and Regeneration

PLANNING COMMITTEE - 4 February 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
21.05.2013	09.01.2015 Grant permission	13/00717/FULL	Devonshire Homes Land and Buildings at NGR 295243 122092 (Former Bampton School) Variation of condition 2 of planning permission 11/00052/MFUL to allow substitution of housetypes on plots 1, 2, 4, 20, 26 and 27, change of external materials on plots 4, 5 and 6 and removal of condition 25 to allow plot 21 to be allocated land previously proposed as allotment	Bampton 01

12.03.2014	06.01.2015 Grant permission	14/00388/FULL	Mr S Harper Fair Havens Mill Street Erection of 3 dwellings with shared courtyard and parking areas, following demolition of existing dwelling	Crediton Town 18
03.06.2014	17.12.2014 Grant permission	14/00895/FULL	Mr C Labdon Land at NGR 307571 113710 (Lucas Farm) Erection of an agricultural building	Uffculme 53
13.06.2014	14.01.2015 Grant permission	14/00927/FULL	Mr W Martin The Flat 2 Union Road Installation of 2 replacement bay windows	Crediton Town 18
19.06.2014	18.12.2014 Grant permission	14/01036/FULL	Mr C Labdon Land at NGR 307621 113728 (Lucas Farm) Uffculme Erection of an agricultural livestock building	Uffculme 53
30.07.2014	11.12.2014 Grant permission	14/01294/FULL	Mr & Mrs M Cleverdon Land and Buildings at NGR 281295 109852 (Higher Densham Farm) Black Dog Conversion of barn to dwelling	Woolfardisworthy 60
21.08.2014	11.12.2014 Grant permission	14/01431/ADVERT	Mr G Dart South Western Ambulance Services Ambulance Station Advertisement consent to display 1 non-illuminated fascia sign	Cullompton 21
29.08.2014	05.01.2015 Grant permission	14/01414/FULL	MFPD Ltd Land at NGR 271057 112706 (Adj	Chawleigh 10

			New Inn Cottages) Erection of 3 dwellings and associated works	
01.09.2014	17.12.2014 Grant permission	14/01463/FULL	Mr Hughes Land and Buildings at NGR 286077 123613 (Stubnail Post) Oakford Erection of an agricultural building for the storage of logs and agricultural machinery	Oakford 39
08.09.2014	15.12.2014 Grant permission	14/01516/FULL	Mr R Sheppard West Studham Farm Yeoford Erection of stable block after demolition of existing stables	Colebrooke 17
08.09.2014	15.12.2014 Grant permission	14/01519/LBC	Mr R Sheppard West Studham Farm Yeoford Listed Building Consent for the erection of stable block after demolition of existing stables	Colebrooke 17
16.09.2014	11.12.2014 Grant permission	14/01562/FULL	Mr T Aspden Uffculme School Chapel Hill Erection of drama theatre and studio classrooms following part demolition of existing drama hall	Uffculme 53
16.09.2014	22.12.2014 Grant permission	14/01567/FULL	Mr M Krombas & Mrs P Krombas Velthams Morebath Conversion and extension of existing barn to form dwelling and replacement garage (Revised Scheme)	Morebath 36
22.09.2014	08.01.2015 Grant permission	14/01588/FULL	Mrs C Bancroft 1 Town Mead Oakford Erection of extension	Oakford 39

29.09.2014	06.01.2015 Grant permission	14/01599/FULL	Mr M Goodridge Knowle Farm Clayhidon Change of use of outbuilding to additional accommodation	Clayhidon 15
29.09.2014	18.12.2014 Grant permission	14/01625/FULL	Mr L Granville 7 Valley View Culmstock Formation of access and provision of hardstanding for the parking of vehicles following removal of bank (Revised Scheme)	Culmstock 22
01.10.2014	11.12.2014 Grant permission	14/01647/FULL	Mr & Mrs D Angel Burrow Farm Zeal Monachorum Conversion and extension of outbuilding to holiday accommodation	Zeal Monachorum 61
01.10.2014	22.12.2014 Grant permission	14/01654/FULL	Mr W Thorpe 7 Sawyers Mill Shillingford Erection of first floor extension over existing garage	Bampton 01
02.10.2014	07.01.2015 Grant permission	14/01656/OUT	Yeoford Community Association Village Hall Station Road Outline for the erection of 2 dwellings following demolition of former village hall	Crediton Hamlets 19
06.10.2014	20.01.2015 Grant permission	14/01679/FULL	Mr J Burgess Talzac Property Ltd White Horse Inn Fore Street Retention of separation of shop and accommodation above from public house	Bampton 01
06.10.2014	20.01.2015 Grant permission	14/01680/LBC	Mr J Burgess Talzac Property Ltd White Horse Inn Fore Street	Bampton 01

			Listed Building Consent for the of separation of shop and accommodation above from public house and refurbishment of public house and accommodation above	
08.10.2014	09.01.2015 Grant permission	14/01699/FULL	Mr K Harrison Land at NGR 273411 108426 (Adjacent to Sandhurst) Lapford Erection of a dwelling	Lapford 33
08.10.2014	09.01.2015 Grant permission	14/01705/LBC	Mr S Probert Whelmstone Cottage Coleford Listed Building Consent for the installation of replacement windows	Colebrooke 17
09.10.2014	17.12.2014 Grant permission	14/01711/OUT	Mr & Mrs Z Grochala The Mobile Home Minnows Caravan Park Outline for the erection of a replacement dwelling to provide staff/holiday accommodation	Sampford Peverell 42
13.10.2014	11.12.2014 Grant permission	14/01723/FULL	Mr & Mrs A Newberry 11 Foxglove Chase Willand Erection of ground floor extension to rear	Willand 59
14.10.2014	15.12.2014 Grant permission	14/01736/FULL	Mr & Mrs J Bendle Land and Buildings at NGR 315235 114158 (Gladhayes Farm) Conversion of barn to dwelling (Revised scheme)	Clayhidon 15
14.10.2014	16.01.2015 Grant permission	14/01740/OUT	Mr & Mrs Viv Bennett Land at NGR 272104 98680 (Littlecombe Farm)	Bow 03

			Outline for the formation of a new access	
15.10.2014	11.12.2014 Grant permission	14/01732/FULL	Mr & Mrs Corbin 20 Mayfair Tiverton Raising of roof height to provide additional living accommodation at first floor level with balcony area and erection of porch	Tiverton 52
15.10.2014	15.12.2014 Grant permission	14/01738/FULL	Ms M Turner Land and Buildings at NGR 295835 107395 (Lower Brithayes) Retention of agricultural access track	Bickleigh 02
16.10.2014	18.12.2014 Grant permission	14/01724/OUT	Mrs M A Nickols 16 Lower Town Halberton Outline for the erection of 1 dwelling	Halberton 25
16.10.2014	11.12.2014 Grant permission	14/01728/FULL	Mrs S Reed 13 Champion Court Willand Erection of single storey extension and porch	Willand 59
17.10.2014	15.12.2014 Grant permission	14/01745/FULL	Mr S Rogers Higher Filleigh Lapford Installation of replacement door leafs and new windows	Lapford 33
17.10.2014	15.12.2014 Grant permission	14/01749/FULL	Mr & Mrs Skinner Star Meadow Zeal Monachorum Erection of an extension (Revised scheme)	Zeal Monachorum 61
21.10.2014	15.12.2014 Grant permission	14/01753/FULL	Mr J Kilbride Land and Buildings at NGR 286582 98521 (South of Swallowdale) Newton	Newton St Cyres 37

			St Cyres Erection of detached open garages and workshop, new boundary walls and gateways	
21.10.2014	12.12.2014 Grant permission	14/01756/OUT	Mr J Sanders Land at NGR 278786 103130 Endfield Farm Outline for the erection of an agricultural worker's dwelling	Sandford 43
22.10.2014	18.12.2014 Grant permission	14/01762/FULL	Mr I Thomas & Mrs A Wilkinson Fairby Lodge Cove Retention of a conservatory	Tiverton 52
22.10.2014	18.12.2014 Grant permission	14/01765/LBC	Mr I Thomas & Mrs A Wilkinson Fairby Lodge Cove Listed Building Consent for the erection of a conservatory	Tiverton 52
22.10.2014	16.12.2014 Refusal of Prior Approval	14/01766/PNCOU	Mrs R H Aldridge Land and Building at NGR 279175 94912 Crediton Lane Prior notification for the change of use of agricultural building to a dwelling under class MB (a) and (b)	Cheriton Bishop 11
22.10.2014	16.12.2014 Refuse permission	14/01767/FULL	Mrs R H Aldridge Land and Building at NGR 279175 94912 Crediton Lane Formation of access track	Cheriton Bishop 11
23.10.2014	08.01.2015 Grant permission	14/01776/LBC	Mrs Sylvia Stagg 1 Pump Cottages Crazelowman Listed Building Consent for the replacement of front door frame, 1 pair of french doors and 4 windows	Tiverton 52

23.10.2014	13.01.2015 Approval of Prior Approval	14/01783/PNCOU	Mr A Bennett Land and Buildings at NGR 292456 105982 (Chilton Deer Farm) Prior notification for the change of use of agricultural building to dwelling under Class MB(a)	Thorverton 51
24.10.2014	16.12.2014 Refusal of Prior Approval	14/01773/PNCOU	Mr M Smith Land and Buildings at NGR 302505 105804 (Knightswood) Prior notification for the change of use of agricultural building to dwelling under Class MB(a)	Cullompton 21
24.10.2014	12.12.2014 Grant permission	14/01777/FULL	Mr P Brimacombe Hill Barton Farm Yeoford Erection of a conservatory	Crediton Hamlets 19
24.10.2014	17.12.2014 Refusal of Prior Approval	14/01790/PNCOU	Mr Paul Cheetham Land and Buildings at NGR 308268 107308 (Orway Crescent) Kentisbeare Prior notification for the change of use of agricultural building to 2 dwellinghouses under Class MB(a) and (b)	Kentisbeare 32
25.10.2014	16.12.2014 Grant permission	14/01785/FULL	Mrs C E Stanbury Land & Buildings at NGR 269569 107610 (South of Grange House) Higher Frost Variation of condition (7) of planning permission 06/02512/FULL to allow the use of timber alternative material in lieu of timber windows	Coldridge 16

27.10.2014	18.12.2014 Grant permission	14/01802/CLU	Mr & Mrs P J Bolt Havana House Cadeleigh Certificate of lawfulness for the existing occupation of an agricultural tied dwellinghouse in breach of condition g of planning permission 4/12/90/610 in excess of 10 years	Cheriton Fitzpaine 12
28.10.2014	22.12.2014 Approval of Prior Approval	14/01789/PNCOU	Ms Katherine Mead Land and Buildings at NGR 290600 119277 (Wheatlands Farm) Stoodleigh Prior notification for the change of use of agricultural building to 2 no. dwellinghouse under Class MB(a) and (b)	Stoodleigh 48
28.10.2014	15.12.2014 Grant permission	14/01794/FULL	Mr R Toy 17 Courtney Road Tiverton Erection of an extension	Tiverton 52
28.10.2014	12.12.2014 Withdrawn	14/01795/PNCOU	Mr L Newell Butts Park Zeal Monachorum Prior Notification for the change of use of building from Retail or Mixed Retail and Residential Use to dwelling under Class IA (a)	Zeal Monachorum 61
28.10.2014	12.12.2014 Grant permission	14/01801/LBC	Mr R Haward Coburg Cottage Pump Street Listed Building Consent for internal alterations and insertion of extractor fan on East elevation	Newton St Cyres 37
29.10.2014	12.12.2014 Grant permission	14/01811/FULL	Mr J Quick Land and Buildings at NGR 270628 105665 (Birch Farm)	Coldridge 16

			Erection of an agricultural livestock building (562 sq m)	
29.10.2014	15.12.2014 Grant permission	14/01819/LBC	Mr M Corden The Cider Press Nymet Rowland Listed Building Consent for alterations to windows and doors	Nymet Rowland 38
30.10.2014	23.12.2014 Grant permission	14/01804/FULL	Maple Tree Properties Ltd Land Adjacent to Applegarth Silver Street Erection of 2 bungalows and associated works	Culmstock 22
30.10.2014	23.12.2014 Grant permission	14/01816/FULL	Mr D Pugsley, ADDS Property Developments Land and Buildings at NGR 273231 108312 (Adjacent Malt Scoop Public House) Variation of condition 3 of planning permission 12/01782/FULL to change white timber windows to light oak stain	Lapford 33
30.10.2014	18.12.2014 Grant permission	14/01821/FULL	Mr M Baldock Luckleigh Cottage Hockworthy Erection of single and two storey extensions including swimming pool, plant room and domestic accommodation	Hockworthy 28
30.10.2014	15.12.2014 Grant permission	14/01823/FULL	Mrs A Rice Canns Meadow Wood Lane Erection of first floor extension over garage	Morchard Bishop 35

30.10.2014	17.12.2014 Grant permission	14/01831/FULL	Mrs D Parker Mulberry Cottage Moor Farm Removal of condition (8) of planning permission 01/00587/FULL to allow the use of the building as a separate unit of accommodation	Morebath 36
31.10.2014	13.01.2015 Refusal of Prior Approval	14/01807/PNCOU	Mr & Mrs A Brightwell Land and Buildings at NGR 288969 101209 (West Efford Farm) Efford Prior notification for the change of use of agricultural barn to dwelling under Class MB (a) and (b)	Shobrooke 44
31.10.2014	14.01.2015 Grant permission	14/01808/FULL	Mr & Mrs J Wheatley 45 Gold Street Tiverton Change of use from shop/restaurant and dwelling to single dwelling, re-instatement of chimney stack and replacement of shop front with 2 windows to match existing	Tiverton 52
31.10.2014	14.01.2015 Grant permission	14/01809/LBC	Mr & Mrs J Wheatley 45 Gold Street Tiverton Listed Building Consent for internal and external alterations to include re-instatement of chimney stack and replacement of shop front with 2 windows to match existing	Tiverton 52
31.10.2014	11.12.2014 Grant permission	14/01824/FULL	Mr P Ollis 9 Boobery Sampford Peverell Erection of single storey extension and extension to existing raised patio	Sampford Peverell 42
03.11.2014	18.12.2014 Grant permission	14/01815/FULL	Mr & Mrs A Bragg 1 The Paddocks Cove	Tiverton 52

			Erection of extension	
03.11.2014	17.12.2014 Approval of Prior Approval	14/01825/PNCOU	Mr & Mrs Phillips Land and Buildings at NGR 306291 116668 (Moor Farm) Westleigh Prior notification for the change of use of agricultural barn to dwelling under Class MB(a)	Burlescombe 06
03.11.2014	12.01.2015 Grant permission	14/01841/FULL	Mr Adam Wishart Spillifords Lower Washfield Erection of a replacement dwelling, garage and new access following demolition of existing dwelling, garage and shed	Washfield 56
04.11.2014	16.12.2014 Approval of Prior Approval	14/01826/PNCOU	Mr & Mrs N Worsnop Land and Buildings at NGR 275322 107819 (Cottage Gardens) Prior notification for the change of use of agricultural buildings to 2 dwellings under Class MB(a)	Morchard Bishop 35
04.11.2014	18.12.2014 Refusal of Prior Approval	14/01827/PNCOU	Ixthon Ltd Barns at Bradleigh Down Calverleigh Prior notification for the change of use of agricultural building to 2 dwellings under Class MB(a)	Tiverton 52
04.11.2014	15.12.2014 Grant permission	14/01842/FULL	Mr D Rowe 25 Leofric Road Tiverton Change of flat roof on garage to pitched roof	Tiverton 52
04.11.2014	17.12.2014 Grant permission	14/01853/LBC	Ms Sam Williams Waterslade Cottage Hockworthy	Hockworthy 28

			Listed Building Consent for internal and external alterations	
04.11.2014	22.12.2014 Grant permission	14/01861/FULL	Mr C Dibble Land at NGR 300503 112348 (Bycott Farm) Lower Town Erection of cover over existing silage clamp	Halberton 25
05.11.2014	12.01.2015 Approval of Prior Approval	14/01833/PNCOU	Mr D Heard Land at NGR 294419 122591 (High Cross) Bampton Prior notification for the change of use of agricultural building to dwelling under Class MB(a)	Bampton 01
05.11.2014	08.01.2015 Refusal of Prior Approval	14/01838/PNCOU	Mr M Snow Land and Buildings at NGR 283593 102559 (The Dutch Barn) Prior notification for the change of use of barn to dwelling under class MB(b)	Sandford 43
05.11.2014	16.12.2014 Refusal of Prior Approval	14/01839/PNCOU	Mr & Mrs M Gooding Land at NGR 279642 110498 Copstone Barn Prior notification for the change of use of barn to dwelling under class MB(a) and MB(b)	Washford Pyne 57
05.11.2014	22.12.2014 Not Permitted Development	14/01845/PNCOU	Mr I Coren Barn at Mill Farm Yeoford Prior notification for the change of use of agricultural building to dwelling under Class MB(a) and (b)	Crediton Hamlets 19
05.11.2014	19.01.2015 Grant permission	14/01860/FULL	Mr A Lewis United Roofing Products Ltd Unit 1A	Cullompton 21

			Erection of extension to warehouse/workshop	
05.11.2014	08.01.2015 Grant permission	14/01862/FULL	Mr D Short 129 The Walronds Tiverton Erection of two-storey extension	Tiverton 52
05.11.2014	18.12.2014 Grant permission	14/01865/FULL	Mrs H Gendall Land at NGR 317140 114835 (Shepherds Halt) Clayhidon Change of use of agricultural land to mixed domestic and equine and construction of a ménage	Clayhidon 15
05.11.2014	12.12.2014 Grant permission	14/01866/FULL	Mr M Johnson Lapford County Primary School Lapford Erection of classroom block	Lapford 33
05.11.2014	17.12.2014 Grant permission	14/01868/FULL	Mr & Mrs Shetler-Jones Box Tree Cottage Upton Hellions Repair of south east portion of roof	Upton Hellions 55
05.11.2014	16.12.2014 Grant permission	14/01869/LBC	Mr & Mrs Shetler-Jones Box Tree Cottage Upton Hellions Listed Building Consent for repair of south east portion of roof	Upton Hellions 55
05.11.2014	14.01.2015 Grant permission	14/01870/FULL	Ms A Osborough Stockwell House Silverton Erection of stable block following demolition of existing outbuilding and temporary stables, alterations to existing garage, formation of driveway and stable yard, and installation of new entrance gate	Silverton 45

05.11.2014	23.12.2014 Grant permission	14/01871/FULL	Mr S & Mrs R Hodder Higher Penstone Farm Penstone Erection of replacement rear extension, side extension and garden room	Colebrooke 17
06.11.2014	15.12.2014 Grant permission	14/01872/FULL	Mrs M Brittain Barrondene Church Lane Erection of single storey extension	Cheriton Bishop 11
06.11.2014	08.01.2015 Grant permission	14/01873/FULL	Mr J Seamer Unit B Ginko Court 2 William Street Change of use from Use Class A1 (Shop) to Class A3 (restaurant) and/or A5 (Hot food takeaways)	Tiverton 52
07.11.2014	22.12.2014 Grant permission	14/01874/FULL	Mr D Powell 24 Churchills Rise Hemyock Erection of single storey extension and retention of the conversion of a garage to additional living accommodation	Hemyock 26
07.11.2014	08.01.2015 Grant permission	14/01875/FULL	Mr R Prance Thorne Moor Cheriton Bishop Erection of an agricultural storage building	Cheriton Bishop 11
07.11.2014	12.01.2015 Grant permission	14/01877/FULL	Mr Mark Holding 4 Countess Mead Chettiscombe Erection of a replacement shed	Tiverton 52
07.11.2014	16.12.2014 Grant permission	14/01879/LBC	Mr S Clarke Land and Buildings at NGR 287859 110935 (East Ruckham) Pennymoor Listed Building Consent for the erection of a 3 bay timber frame	Cruwys Morchard 20

			garage	
07.11.2014	17.12.2014 Grant permission	14/01880/FULL	Mr M Webb Finistere Stoodleigh Erection of ground floor extensions, raising of roof height and installation of 2 dormer windows to provide additional living accommodation	Stoodleigh 48
10.11.2014	22.12.2014 Approval of Prior Approval	14/01858/PNCOU	Mr & Mrs Murray Wheatland Stud (Wheatland Farm) Prior notification for the change of use of agricultural building to 2 dwellings under Class MB(a)	Stoodleigh 48
10.11.2014	22.12.2014 Refuse permission	14/01885/CLU	Mr Frederick Chatfield Ebear Farm Westleigh Certificate of lawfulness for the existing solar panels on workshop roof	Burlescombe 06
10.11.2014	13.01.2015 Grant permission	14/01896/FULL	Mr Mark Anderson Buehills Holcombe Rogus Erection of a replacement boundary fence on existing stone wall	Holcombe Rogus 29
10.11.2014	13.01.2015 Grant permission	14/01897/LBC	Mr Mark Anderson Buehills Holcombe Rogus Listed Building Consent for the erection of a replacement boundary fence on existing stone wall	Holcombe Rogus 29
11.11.2014	06.01.2015 Grant permission	14/01887/FULL	Mr S Cole The Cricket Barn Menchine Farm Erection of extension to existing office premises and provision of 10 additional parking spaces	Thebridge 50

11.11.2014	06.01.2015 Grant permission	14/01898/FULL	Mr H Swire Bailliff's House Chaffcombe Manor Replacement of existing gable ended corrugated fibre-cement sheet-clad pitched roof with a thatched, 4-hipped roof, and refurbishment of external stone staircase	Down St Mary 23
11.11.2014	06.01.2015 Grant permission	14/01899/LBC	Mr & Mrs H Swire Bailliff's House Chaffcombe Manor Listed Building Consent to replace the existing gable ended corrugated fibre-cement sheet-clad pitched roof with a thatched, 4-hipped roof; refurbishment of the external stone staircase and internal alterations, re-opening of first floor doorway and installation of central heating	Down St Mary 23
12.11.2014	11.12.2014 No Objection	14/01895/CAT	Mr Trevor White Land at NGR 306441 112367 (Grantlands) Commercial Road Notification of intention to fell 1 Yew tree within a Conservation Area	Uffculme 53
12.11.2014	22.12.2014 Grant permission	14/01906/CLP	Miss Taylor Vindor Stoodleigh Certificate of Lawfulness for the proposed erection of an extension	Stoodleigh 48
13.11.2014	13.01.2015 Grant permission	14/01888/FULL	Mr S Kittow Land at NGR 311331 110151 (Haynefield Farm) Blackborough Erection of isolation stable in	Uffculme 53

			association with equestrian use	
14.11.2014	12.01.2015 Grant permission	14/01893/FULL	Mrs J Burnett 4 High Street Cullompton Change of use from A1(Shops) to A2 (Financial and Professional Services)	Cullompton 21
14.11.2014	22.12.2014 Refusal of Prior Approval	14/01900/PNCOU	Mr Clifford Bennett Land at NGR 292213 107885 (Next To Caswell House) Prior notification for the change of use of an agricultural building to a dwelling under Class (MB)a	Cadeleigh 09
14.11.2014	06.01.2015 Development Acceptance	14/01904/PNCOU	Mr Simon Parish Land and Buildings at NGR 303182 109827(Tanyard Farm) Willand Prior notification for the change of use of agricultural building to dwelling under Class MB (a) & (b)	Willand 59
17.11.2014	16.01.2015 Grant permission	14/01911/FULL	Mrs T Leaman The Gables Gables Road Conversion and extension to former stable blocks to form new health and community centre	Willand 59
17.11.2014	19.01.2015 Grant permission	14/01916/FULL	Mr Nick Heard Land and Buildings at NGR 291306 102279 (Old Lynch) Lynch Road Conversion of redundant building to one dwelling with associated parking and access	Thorverton 51
17.11.2014	12.01.2015 Grant permission	14/01917/FULL	Mr & Mrs Cole Land and Buildings at NGR 292868	Thorverton 51

			101981(Court Barton) Silver Street Variation of Condition 10 of Planning permission 11/00713/FULL to lift restriction of work area from solely B1 to B1/C3	
17.11.2014	08.01.2015 Grant permission	14/01919/FULL	Mr P Joshi Southay Station Road Erection of single storey extension, two storey extension with first floor balcony and installation of dormer window	Newton St Cyres 37
17.11.2014	14.01.2015 Grant permission	14/01920/LBC	Mr Miller Thurlby Cottage 8 - 9 Fore Street Listed Building Consent for alterations to internal layout	Morchard Bishop 35
18.11.2014	13.01.2015 Grant permission	14/01921/FULL	Ms L Dean 32 Tidcombe Walk Tiverton Erection of extension to garage	Tiverton 52
20.11.2014	12.01.2015 Development Acceptance	14/01926/PNCOU	Mr I Seatherton Land and Building at NGR 291052 107289 East Dunster Farm Prior notification for the change of use of an agricultural building to a dwelling under Class (MB)a	Cadeleigh 09
20.11.2014	12.01.2015 Development Acceptance	14/01927/PNCOU	Mr I Seatherton Land and Building at NGR 291024 107373 East Dunster Farm Prior notification for the change of use of an agricultural building to a dwelling under Class (MB)a	Cadeleigh 09

20.11.2014	14.01.2015 Approval of Prior Approval	14/01928/PNCOU	Mrs J Pettyfer South Emlett Cottage Morchard Bishop Prior notification for the change of use of agricultural building to dwelling under Class MB (a) & (b)	Woolfardisworthy 60
20.11.2014	13.01.2015 Approval of Prior Approval	14/01934/PNCOU	James Whilding Hayne Farm Cheriton Fitzpaine Prior notification for the change of use of agricultural building to dwelling under Class MB (a)	Cheriton Fitzpaine 12
21.11.2014	15.01.2015 Not Permitted Development	14/01939/PNCOU	Mr G Yeandle Land and Buildings at NGR 286496 104963 (Dovers Linhay) Cheriton Fitzpaine Prior notification for the change of use of agricultural building and machinery store to 2 dwellings under Class MB (a) & (b)	Cheriton Fitzpaine 12
21.11.2014	15.01.2015 Grant permission	14/01952/FULL	Mr R White Land at NGR 276021 101703 (Broomhill Farm) Copplestone Erection of an agricultural livestock building	Colebrooke 17
24.11.2014	19.01.2015 Grant permission	14/01940/FULL	Mr & Mrs B Clements 51 Heyridge Meadow Cullompton Erection of a two storey side and rear extension	Cullompton 21
24.11.2014	17.12.2014 No Objection	14/01941/CAT	Mr J Elkins Samara House Lower Town Notification of intention to fell 1 Sycamore tree and carry out works to	Sampford Peverell 42

			1 Sycamore within a Conservation Area	
24.11.2014	11.12.2014 Withdrawn	14/01944/CAT	Mr K Holdom 3 Ashleigh Park Bampton Notification of intention to remove 4 Sycamore trees and carry out works to 1 Sycamore and 1 Ash tree within a Conservation Area	Bampton 01
24.11.2014	12.01.2015 Grant permission	14/01974/FULL	Mr Ken Lancaster Brambles Kennerleigh Erection of a single storey extension to north east elevation	Kennerleigh 31
24.11.2014	06.01.2015 Grant permission	14/01975/FULL	Mr & Mrs I Wyatt 74 Exeter Road Cullompton Erection of extension	Cullompton 21
25.11.2014	12.12.2014 Development Acceptance	14/01953/PNAG	Mr G Stevens Land and Buildings at NGR 292426 116085 (Courtenhay Farm) Prior notification for the erection of an agricultural storage building	Washfield 56
25.11.2014	12.12.2014 Development Acceptance	14/01958/PNAG	Mr I Batchelor Land and Buildings at NGR 301028 109351 (Sutton Barton) Cullompton Prior notification for the erection of an agricultural storage building	Halberton 25
26.11.2014	13.01.2015 Grant permission	14/01961/FULL	Mrs Janita Pullen Allotments Ellerhayes Erection of a communal wooden shed (Revised Scheme)	Silverton 45

26.11.2014	16.01.2015 Withdrawn	14/01966/PNCOU	Mr R Toms Land and Building at NGR 275140 94909 (Pitton Barton) Cheriton Bishop Prior notification for the change of use of agricultural building to dwelling under Class MB (a)	Cheriton Bishop 11
27.11.2014	09.01.2015 Withdrawn	14/01969/PNCOU	Mr P Kelland Land at NGR 297899 120559 (Bampton Down) Track from Nine Ash Cross to Bampton Down Cross Prior notification for the change of use of agricultural building to dwelling under Class MB (a)	Tiverton 52
27.11.2014	19.01.2015 Grant permission	14/01994/FULL	Mr & Mrs G Last 22 The Walronds Tiverton Erection of a single storey rear extension and front porch extension (Revised Scheme)	Tiverton 52
03.12.2014	12.01.2015 No Objection	14/02023/CAT	EDBF Ltd FAO Mr M Lewis The Vicarage 3 Court Gardens Notification of intention to fell 1 Sweet Chestnut tree in a Conservation Area	Stoodleigh 48
08.12.2014	13.01.2015 No Objection	14/02037/CAT	Mr R Wightmore Easter House 45 - 49 St Andrew Street South Notification of intention fell 1 Monterey Pine tree within a Conservation Area	Tiverton 52
10.12.2014	13.01.2015 Grant permission	14/02049/FULL	Mr & Mrs G Slabbert Barpark Clayhidon Installation of pitched roof over existing garage to form storage area above	Clayhidon 15

11.12.2014	12.01.2015 No Objection	14/02063/CAT	Mr Roger Erskin-Hill The Old Malt House Briton Street Notification of intention to carry out works to trees within a Conservation Area	Bampton 01
12.12.2014	08.01.2015 Withdrawn	14/02065/FULL	Mr J A & S Tolly 52 Oak Close Tiverton Erection of extension to front, side and rear elevations; conversion of part garage to form additional living accommodation with room above and provision of hardstanding for the parking of vehicles	Tiverton 52
15.12.2014	13.01.2015 No Objection	14/02087/CAT	Mr Michael Brooke-Webb Linfield House South Street Notification of intention to fell 1 Populus Tremula (Aspen) tree within a Conservation Area	Holcombe Rogus 29

Background Papers: Contained in application files referred to.

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Major Applications with no Decision

Members are asked to note that some major applications will be dealt with under the delegation scheme. Members are also requested to direct any questions about these applications to the relevant case officer. It was resolved at the meeting of Planning Committee on 20th February 2013 that any ground mounted solar PV schemes recommended for approval will be brought to Planning Committee for determination.

Item No.	Weeks	TARGET DATE	REFVAL	PROPOSAL	LOCATION	NAME	Expected Decision Level	
							Delegated	Committee
1	0	15/04/2015	14/02141/MFUL	Erection of 10 dwellings with associated infrastructure and parking (Revised Scheme)	Newcombes Resource Centre Newcombes Crediton Devon EX17 2AB	Mr Simon Trafford	DEL	
2	2	06/04/2015	14/02130/MFUL	Erection of 10 flats following demolition of existing building (Revised scheme)	47 Mill Street Crediton Devon EX17 3AA	Mr Daniel Rance	DEL	
3	4	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	COMM	COMM
5	5	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	
5	7	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
6	7	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	8	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

<i>Item</i> <i>No.</i>	<i>Weeks</i>	<i>TARGET DATE</i>	<i>REFVAL</i>	<i>PROPOSAL</i>	<i>LOCATION</i>	<i>NAME</i>	<i>Expected Decision Level</i>	
							<i>Delegated</i>	<i>Committee</i>
8	8	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
9	10	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
10	12	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	DEL	DEL
11	12	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
12	20	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
13	20	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
14	24	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
15	29	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

<i>Item No.</i>	<i>Weeks</i>	<i>TARGET DATE</i>	<i>REFVAL</i>	<i>PROPOSAL</i>	<i>LOCATION</i>	<i>NAME</i>	<i>Expected Decision Level</i>	
							<i>Delegated</i>	<i>Committee</i>
16	32	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
17	33	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
18	38	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
19	58	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
20	92	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 Meadows Road (Revised Scheme)	Land at NGR 282973 102485 (East of Oxford Terrace) Fanny's Lane Sandford Devon	Mr Simon Trafford	COMM	COMM
21	272	01/02/2010	09/01573/MOUT	Outline application for the erection of 12,000 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 12/12/2014 to 20/01/2015

Application No.	Description	Location	Officer Recommendation	Committee or Delegated	Decision	Appeal Type	Inspector Decision
10/00010/NUCU	Unauthorised material change of use from agriculture to a mixed use of agriculture and use for human habitation - Appeal dismissed and Enforcement Notice upheld 16th December 2014.	Southcombe Hill Farm Southcombe Hill Cheriton Bishop Exeter Devon EX6 6JX		Delegated		Public Inquiry	Appeal Dismissed

Summary of Inspector's Comments

Appeal decision issued 16th December 2014. The Inspector looked at the main issue in this Ground (d) appeal (that at thye time the Notice was issued, it was too late to take action) and decided that the structure enforced against was not substantially complete at the time of her appeal site visit, so could not have been considered to be substantially complete for more than four years at the time the notice was issued. The planning history was largely diregarded as having no bearing on the matter at hand.

14/01285/FULL	Erection of extensions to rear (APPEAL ALLOWED 17.12.14)	Little Orchard Lower Town Sampford Peverell Tiverton Devon EX16 7EG	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 proposed extension on the character and appearance of the area. The inspector considered that although the ridge height of the larger of the two extensions would be above the ridge to the main part of the dwelling, the dwelling already displays some variation in ridge height, and that the new extension would merely add a further step change to the buildings height that would not be excessive and would be in scale and proportion to the building overall. The inspector considered any impact on the street scene was mitigated by the properties recessed and elevated position on its plot, due to the extension being situated well beyond the properties existing main ridge and because the roof would be pitched and tiled to match the existing. Concluding the extension adequately respects the character scale setting and design of the existing dwelling without any harm to the character and appearance of the area in accordance with policy.

13/01135/CLP	Certificate of Lawfulness for the proposed erection of a dwelling following outline planning permission reference 86/00183/OUT (APPEAL ALLOWED 2.1.15)	Land Adjacent to Woodbank Tiverton Road Cullompton Devon EX15 1HT	Refusal CLP for Proposed Use	Delegated	Refuse permission	Written Representations	Appeal Allowed
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Summary of Inspector's Comments

The appeal sought to determine whether or not a 1986 planning permission for the erection of two dwellings had been implemented with the erection of one of the dwellings and therefore whether or not the second dwelling could now be built. The appeal revolved around the wording of a condition requiring the provision of access to the site. The Inspector found that as the reserved matters approval included a separate access to each dwelling the permission was implemented with the construction of one of the houses and the second house can still be built.

Application No.	Description	Location	Officer Recommendation	Committee or Delegated	Decision	Appeal Type	Inspector Decision
13/01569/FULL	Erection of a live/work unit and installation of an air source heat pump (APPEAL DISMISSED 6.1.15)	Crosslands House Ash Thomas Tiverton Devon EX16 4NU	Refuse permission	Varied	Refuse permission	Written Representations	Appeal Dismissed

Summary of Inspector's Comments

The main issue was whether the proposal would be consistent with the principles of sustainable development. The Inspector found that the site is in a countryside location where there would be very limited access to services to meet daily living needs and there would be increased need to travel by private car, which is the least sustainable means of transport. The lack of an alternative location or premises for the applicant to live and work did not demonstrate an essential need for a rural worker to live at or near their place of work. Taking into account the sustainable technologies proposed to be used there would be nothing truly ground breaking in the new dwelling to justify its presence in the countryside. The design would be unusual and contemporary but would not be of an exceptional quality that alone could justify its provision. Releasing the host property for occupation by other persons and adding to the local housing stock were a potential benefit but this was outweighed by the harm associated with building in the countryside. The Inspector concluded that the proposal would not be consistent with the principles of sustainable development and conflicts with policies COR9 and COR18 of the Core Strategy and paragraph 55 of the NPPF.

REPORT OF THE HEAD OF PLANNING AND REGENERATION

14/01452/MFUL INSTALLATION OF SOLAR ENERGY FARM ON 13.34 HA OF LAND TO GENERATE 5.5 MEGAWATTS OF ENERGY (REVISED SCHEME) EST OF BOWDENS LANE, SHILLINGFORD

Description of Development:

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

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

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

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

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

Additional hedge and copse planting is proposed.

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

REASON FOR REPORT:

- 1. To report to Members on the outcome of the review of the Minutes of the meeting of 5 November 2014 in relation to this planning application.**
- 2. To consider the reasons for refusal proposed by the Planning Committee at the meeting of 5 November 2014 in light of further advice from Officers and to decide how the Council would have determined the planning application had it the ability to do so in light of an appeal for non-determination submitted by the applicants on 23 December 2014.**

RECOMMENDATION:

1. That Members indicate that had they the opportunity to do so, that they would have approved planning permission for the scheme subject to conditions as set out in the officer report to Planning Committee 5th November 2014.
2. Should Members wish to refuse the application, that of the draft reasons put forward, they do so only on landscape and visual impact grounds:

In the opinion of the Local Planning Authority, due to the scale, design and siting of the proposed solar photovoltaic installation, the development is considered to have a significant adverse effect on the visual amenity and rural landscape character of the area, in particular when viewed from vantage points on local roads to the south and north west of the site and from the B3227 during winter months, and it has not been demonstrated that the harm could be addressed adequately by mitigation planting. The Local Planning Authority does not consider that the benefits of renewable energy production in this instance outweigh the significant adverse effect. The application is therefore considered to be contrary to policies COR2 and COR5 of the Mid Devon Core Strategy (LP1), DM2 and DM5 of the Local Plan 3 Development Management Policies and the National Planning Policy Framework.

Relationship to Corporate Plan:

None

Financial Implications:

Any appeal may require the appointment of planning consultants to assist in the defence of the reasons for refusal. The applicant may make an application for costs on any appeal against the Council and such costs claims are made by demonstrating that there has been unreasonable behaviour. The Council must be in a position to defend and substantiate each and every reason for refusal based on evidence.

Legal Implications:

Planning Committee may indicate that they would have refused this application contrary to officer advice. Due to the non-determination appeal jurisdiction for the determination of the application now lies with the Planning Inspectorate. If Members conclude that they would have refused permission had they the opportunity to do so, the reasons for refusal will form the Council's appeal case. The Council will need to be in a position to robustly justify and defend any reasons, calling on policy backing within the Development Plan and any other material considerations.

Risk Assessment:

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

Reason for report

At the meeting on 5 November 2014, Planning Committee indicated that they were minded to refuse the application and in accordance with the protocol covering proposed decisions against officer recommendation, consideration of the application was deferred for a further report setting out suggested reasons for refusal, advising on the implications of these reasons for refusal (the implications report), to ensure that the original report had considered

a number of specific policies which the Planning Committee listed, and to allow Planning Committee to attend a site visit. The site visit has now taken place.

The implications report was due to be considered at the Planning Committee meeting on 3 December 2014, following the site visit. At that meeting, Planning Committee were unable to approve the minutes of the previous meeting as they did not agree that the minutes were a true representation of the discussions and resolutions. The implications report had been based on the minutes and therefore could not be discussed. Consideration of the implications report was deferred until the minutes could be reviewed and the implications report reconsidered in the light of the reviewed minutes.

Since 3 December 2014, the application has been appealed to the Planning Inspectorate on non-determination. The Planning Committee are no longer able to determine this application, although it is requested that the Committee consider it to conclude whether they would have resolved to approve or refuse the application.

1. **Review of Minutes of the meeting of 5 November 2014**

The minutes drafted of the meeting of 5th November 2014 for this application (Minute 100b) were as follows:

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

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

At the meeting of Planning Committee on 3rd December 2014 minute 108 records:

‘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.'*

The review of the recording of the meeting of Planning Committee 5th November 2014 has occurred and was undertaken by the Principal Member Services Officer and the Professional Services Manager. The officers reviewed the recording and came to conclusion over whether the minutes as drafted were an accurate reflection of the resolution on the application. The officers undertook this separately.

It is important to note that a range of issues were debated but did not form part of the formal resolution. Both officers have concluded that the minutes as drafted record the formal resolution of the Planning Committee, but that the minutes should also have recorded that Members wished the following policies to be had regard to when drafting the proposed reasons for refusal:

COR2 a, b, c; COR5; COR11 a, b, c; DM2 a, b, c, e(ii); DM7 1.29; DM22 b, c, d and DM29 b.

These policies in themselves did not form proposed reasons for refusal, but rather were being suggested in support of the four proposed reasons. Whilst raised during discussion on the application, the formal resolution of the Committee did not refer to the taking of a financial bond or the type of panels.

2. Reasons for refusal and implications

Set out below are:

1. The Committee's proposed draft reasons for refusal,
2. Implications of refusing the application under each reason, and
3. Consideration of the relevant policies listed in the meeting that Members wished to be taken into account when drafting these reasons.

Set out below is suggested wording for the reasons for refusal to appear on the planning decision notice, together with any implications identified for each reason for refusal. This report does not repeat the reasons for the officer's original recommendation of approval, subject to conditions. These are set out in the report presented to the 5th November Planning Committee meeting.

2.1 Landscape and visual impact of the proposal

Suggested wording:

1. In the opinion of the Local Planning Authority, due to the scale, design and siting of the proposed solar photovoltaic installation, the development is considered to have a significant adverse effect on the visual amenity and rural landscape character of the area, in particular when viewed from vantage points on local roads to the south and north west of the site and from the B3227 during winter months, and it

has not been demonstrated that the harm could be addressed adequately by mitigation planting. The Local Planning Authority does not consider that the benefits of renewable energy production in this instance outweigh the significant adverse effect. The application is therefore considered to be contrary to policies COR2 and COR5 of the Mid Devon Core Strategy (LP1), DM2 and DM5 of the Local Plan 3 Development Management Policies and the National Planning Policy Framework.

In their report to Planning Committee, your officers identified that there would be some harm to the landscape character and visual quality of the area, but, in balancing that harm against the benefits of production of renewable energy, were of the opinion that the benefits outweighed the harm. Members should undertake this balancing exercise for themselves and come to a conclusion as to the weight attributable to both the harm identified and to the benefits and determine whether the harm outweighs the benefits.

2.2 The effect on the local economy

Suggested wording:

2. In the opinion of the Local Planning Authority, due its adverse effect on visual amenity and rural landscape character, the proposed solar photovoltaic installation is considered to harm the rural economy in an area which relies on tourism and country pursuits and which forms a gateway to Exmoor National Park, contrary to the National Planning Policy Framework which seeks to support a prosperous rural economy.

Members should consider any evidence they have of a negative impact on the rural economy of a solar farm in this location and weigh any harm identified against the benefits of the production of renewable energy. Members should ensure that the evidence on which their reason for refusal is based is robust enough to defend this reason for refusal at appeal. In addition Exmoor National Park Authority has not objected to the application. Instead it has confirmed that it does not wish to comment.

2.3 Highway impact

Suggested wording:

3. In the opinion of the Local Planning Authority, the increased traffic movements in Bowdens Lane during the construction period, the road being narrow and without passing places, would cause a significant danger to other road users, including to cyclists, horse-riders, pedestrians, and children using the Bowdens Lane play area, contrary to the National Planning Policy Framework.

The Highway Authority has indicated that, subject to compliance with the submitted construction management plan, it does not object to the development for reasons of highway safety. The construction period and associated disruption to the highway network would be for a limited period only (3-4 months). The National Planning Policy Framework states that development should only be refused on transport grounds where the residual cumulative impacts of development are severe.

Members should consider any evidence they have that the proposed development would have a significant impact on highway safety and ensure that the evidence on which their reason for refusal is based is robust enough to defend this reason for refusal at appeal. Members should bear in mind that the Highway Authority will not assist Members in defending this reason for refusal at appeal.

2.4 Inappropriate use of medium grade agricultural land

Suggested wording:

4. In the opinion of the Local Planning Authority, the proposal would represent an unacceptable development of medium quality agricultural land where it has not been adequately demonstrated that use of this land is necessary, contrary to the National Planning Policy Framework.

The National Planning Policy Framework defines “best and most versatile agricultural land” as land in grades 1, 2 and 3a of the Agricultural Land Classification and directs Local Planning Authorities to seek to use areas of poorer quality land in preference to that of a higher quality. Policy DM5 of the LP3 DMP states that development should consider the quality and productivity of the best and most versatile agricultural land and defines this as grades 1, 2 and 3a. The land has been assessed as being grade 3b with some grade 4.

At the meeting on 5 November, Members referred to the content of the Minister’s Speech referred to in Planning Practice Guidance which seeks to focus solar panels on previously developed and non-agricultural land. However, it does allow for agricultural land to be used for large scale solar PV if necessary, provided it is poorer quality land and an agricultural use can continue.

The land is not considered to be best and most versatile agricultural land in grades 1, 2 and 3a” and your officers therefore consider that, if a greenfield site can be demonstrated to be *necessary* for renewable energy development, then grade 3b and 4 land would be poorer quality land and would be acceptable.

Members are directed to the original officer’s report on page 59 which refers to the applicant’s assessment of alternative sites. Members should take into consideration the applicant’s assessment and come to a conclusion as to whether the applicant has demonstrated that there are no suitable alternative previously developed sites, and therefore whether the use of greenfield land is necessary.

3. Consideration of relevant policies

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

COR2: This policy seeks to sustain the distinctive quality, character and diversity of Mid Devon’s environmental assets through high quality sustainable design, efficient use and conservation of natural resources and the preservation and enhancement of Mid Devon’s natural landscape. This policy is considered in the original committee report and is included in the suggested wording for the first reason for refusal.

COR5: This policy seeks to minimise the impact of climate change and seeks measures to contribute against the reduction of greenhouse gas emissions where the development of renewable energy would have an acceptable local impact, including visual, on nearby residents and wildlife. This policy is considered in the original committee report and is included in the suggested wording for the first reason for refusal.

COR11: This policy relates to flood risk and was considered in the officer’s original report. The Environment Agency has confirmed it has no objection to the proposal provided it proceeds in accordance with the surface water drainage strategy outlined in the proposal. Flooding did not form one of the Members’ reasons for refusal.

DM2: This policy seeks high quality design that demonstrates a clear understanding of the site, its wider context and surrounding area, makes efficient and effective use of the site, makes a positive contribution to local character and which takes account of surrounding landscapes and the amenities of neighbouring properties in its siting, layout, scale and massing. This policy is considered in the original committee report and is included in the suggested wording for the first reason for refusal.

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

DM22: This policy relates to agricultural development and requires that development is sensitively located to limit adverse effects on the living conditions of local residents and respects the character and appearance of the area, will not have an unacceptable adverse effect on the environment and will not have an unacceptable traffic impact on the local road network. Your officers do not consider that this policy is strictly relevant to the proposal as although the development could be considered to be farm diversification, it is not agricultural development. However, each of the sub-paragraphs are in this policy addressed through consideration of other policies in the original committee report.

DM29: This policy relates to the proposal in that the development has the potential to affect the setting of Exmoor National Park. Where development proposals affect a protected landscape, the policy seeks to conserve and enhance biodiversity where possible through linking of habitats, landscaping and habitat creation. Consideration of the requirements of this policy is included in the officer's original report. Exmoor National Park Authority was re-consulted and has confirmed it does not wish to comment on the application.

Members also asked officers to consider the Minister's Speech by Greg Barker on 25 April 2013 which is referred to in Planning Practice Guidance. This was considered in the original officer's report and under paragraph 4 above.

Contact for any more information

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Background Papers

Planning Committee 5th November and 3rd
December 2014
Planning Practice Guidance
Ministerial speech 25th April 2013

File Reference

14/01452/MFUL

Circulation of the Report

Cllrs Richard Chesterton
Members of Planning Committee

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**IMPLICATIONS
REPORT**

**PLANNING COMMITTEE
3rd December 2014**

REPORT OF THE HEAD OF PLANNING AND REGENERATION

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

Reason for Report:

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

RECOMMENDATION

Grant permission, subject to conditions

Relationship to Corporate Plan:

None

Financial Implications:

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

Legal Implications:

None

Risk Assessment:

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

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

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

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

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

1. The Committee's reasons for refusal

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

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

2. The implications of refusing the application

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

1. Landscape and visual impact of the proposal

The independent review of the submitted LVIA identified a number of shortcomings with the submitted LVIA, in particular that the quality of the landscape was underestimated and the photoviews were not all up to the standard expected. However, Members will note from the officers' report that both the submitted LVIA and the independent review of that LVIA

concluded that the site was an acceptable candidate for solar PV, subject to mitigation in the form of additional planting and provided the existing land cover remained substantially the same.

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

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

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

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

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

2. The effect on the local economy

Your officers set out the potential impacts on the local rural economy in their committee report. The National Planning Policy Framework seeks to support a prosperous rural economy including promoting rural tourism and leisure developments and promoting diversification of agricultural and other land-based businesses. The proposed development would have limited visibility from public vantage points and is likely only to be glimpsed from

the B3227 in the winter months when travelling along this road. Little evidence has been provided that a solar PV installation would affect the rural economy in a negative way.

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

3. Highway impact

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

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

4. Inappropriate use of medium grade agricultural land

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

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

3. Compliance with relevant policies

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

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

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

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

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

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

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

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

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

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

Members also asked officers to consider the Minister's Speech by Greg Barker on 25 April 2013 which is referred to in Planning Practice Guidance. This has been considered under "Use of good quality agricultural land" above. The Speech is generally supportive of solar but recognises the concerns of communities, the loss of productive agricultural land and the over-incentivising of solar on green field land. The Minister's Speech confirms the Government's commitment to solar energy and states that the Government wants to see

more solar, but “not at any cost, not in any place and not if it rides roughshod over the views of local communities”.

The local community has objected strongly to the proposal and the concerns set out in those objections have been considered in the original committee report. The planning concerns of the community are very relevant to determining this application and must form part of the balancing exercise.

Conclusion:

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

1.0 DESCRIPTION OF DEVELOPMENT

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

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

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

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

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

Additional hedge and copse planting is proposed.

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

Contact for any more information

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Background Papers

Application Files

File Reference

14/01452/MFUL

Circulation of the Report

Cllr Richard Chesterton

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Menu

Speech

Gregory Barker speech to the Large Scale Solar Conference

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

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

Location County Hall, Truro, Cornwall

First published: 25 April 2013

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

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



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

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

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

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

- 2.

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

3.

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

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

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

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

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

Solar's progress so far

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

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

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

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

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

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

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

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

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

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

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

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

Making solar work for local communities

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

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

We want to keep it that way.

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

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

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

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

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

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

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

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

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

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

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

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

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

Taking solar further

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

To do this the sector needs real champions...

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

This is where the National Solar Centre comes in.

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

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

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

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

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

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

So, what next?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Conclusion

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

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

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

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

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

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

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

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

Thank you.

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

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

Application No. 09/01573/MOUT

Agenda Item 12

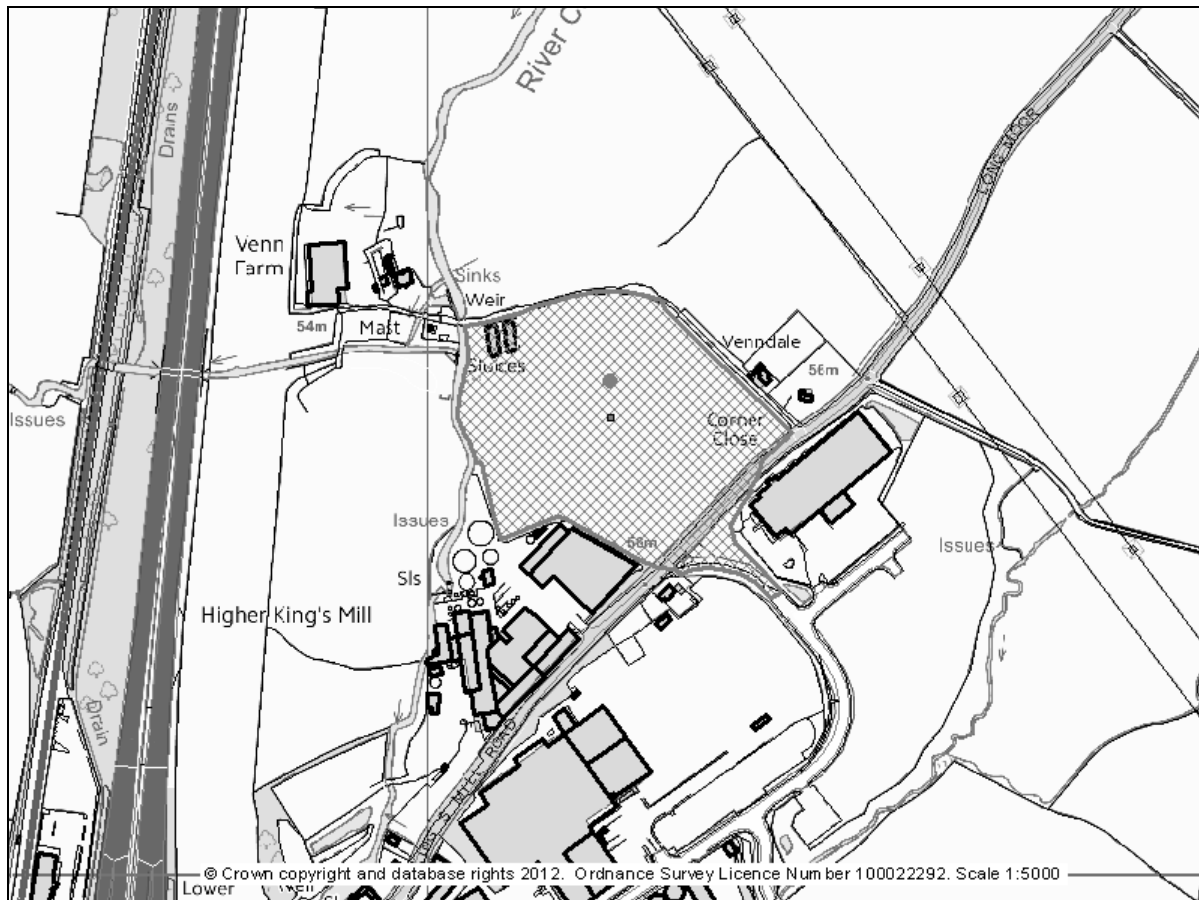
Grid Ref: 108402 : 303161

Applicant: Pricewaterhouse Coopers LLP

Location: Land and Buildings at NGR 303161
108402 (Venn Farm) Cullompton
Devon

Proposal: Outline application for the erection of 12,000 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)

Date Valid: 2nd November 2009



REPORT OF THE HEAD OF PLANNING AND REGENERATION

09/01573/MOUT - OUTLINE APPLICATION FOR THE ERECTION OF 12,000 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

Reason for Report:

This is a major planning application and a **departure** from the policies in the adopted development plan.

RECOMMENDATION(S)

Grant, subject to conditions as set out in this Report

Relationship to Corporate Plan:

Managing the environment

Financial Implications:

None

Legal Implications:

None

Risk Assessment:

None identified

Consultation carried out with:

1. HIGHWAY AUTHORITY
2. HIGHWAYS AGENCY
3. ENVIRONMENT AGENCY
4. NATURAL ENGLAND
5. ENVIRONMENTAL HEALTH

6. DEVON HISTORIC ENVIRONMENT SERVICE
7. DEVON & CORNWALL POLICE
8. CULLOMPTON TOWN COUNCIL

1.0 PROPOSED DEVELOPMENT

- 1.1 The application is an outline application for the erection of 12,000 square metres of floorspace of industrial buildings for B1, B2 and B8 use, with associated estate roads, parking and landscaping, on land adjacent to the existing Kingsmill Estate. All matters are reserved except for access which is to be provided from Kingsmill Road, and the application includes the provision of a new access into the Kingsmill Industrial Estate to take commercial traffic away from Kingsmill Road. The site is an agricultural field immediately to the north west of the existing Kingsmill Industrial Estate and is partly within Flood Zones 2 and 3.

The submitted indicative layout shows the proposed floor space divided between four buildings, two to either side of a central estate road with turning head. The plan indicates that the 12,000 square metres will include mezzanine floors, the footprint of the buildings being approximately 8,400 square metres. Access is from Kingsmill Road. The buildings are shown outside the flood zone with some car parking, a landscape buffer and a flood mitigation zone included within Flood Zones 2 and 3. The plan is indicative only and the final layout and design of the buildings will be submitted with the reserved matters application.

2.0 APPLICANT'S SUPPORTING INFORMATION

- 2.1 Design and access statement
Planning and development statement
Planning statement
Planning statement addendum
Flood risk assessment
Flooding sequential test
Air quality assessment
Travel assessment
Land contamination report
Landscape and visual appraisal
Wildlife survey
Reptile survey
Dormouse survey
Ecology addendum
Preliminary drainage layout
Carbon reduction strategy
Indicative layout plan

3.0 PLANNING HISTORY

- 3.1 The land (4.93 hectares) was allocated for commercial development under policy CU9 King's Mill Road, in the Mid Devon Local Plan 2006. The requirements of the allocation policy were in respect of landscaping and payment of a contribution towards carrying out road and improvements to the junction of King's Mill Road and

the A377. No floor space guideline was specified in the allocation. The allocation policy refers to any increase in flood risk being unacceptable but does not specify that development should be restricted to land outside the flood zone.

The Local Plan was amended by the Mid Devon Core Strategy in 2007 and the allocation policy was saved.

The current application was received in June 2009 and was an outline application for the development of 15,236 square metres of industrial buildings in use classes B1, B2 and B8, with access, parking and landscaping. The application was not determined as the Highways Agency placed a holding direction on the application in respect of required improvements to J28 of the M5.

Following the review of policies and allocations in the Local Development Framework, policy CU9 was deleted from the Local Plan in September 2010. Subsequently, the applicant went into administration and the application was “deemed withdrawn” in March 2012.

The liquidators of the applicant company appointed new planning consultants in April 2013 and the application was “resurrected”, and new, updated, supporting documentation was received. The application was advertised as a departure from the development plan as the site was no longer allocated.

The Local Plan is currently being reviewed and a draft for publication and consultation has been approved by Cabinet and Full Council. The current plan review re-allocates the site for commercial development but with a reduced level of floor space of 9,000 square metres as follows:

Policy CU18 - Venn Farm

A site of 4.4 hectares is allocated for employment development, subject to the following:

- a) 9,000 sqm of employment floorspace within use classes B2-B8;
- b) Suitable vehicular access which directs traffic to and from the site via Saunders Way;
- c) Development shall not be commenced until the completion of improvements to M5 Junction 28 through signalisation of the slip roads east of the motorway;
- d) Archaeological investigation and appropriate mitigation;
- e) Transport assessment and implementation of a travel plan and other non-traditional measures to minimise carbon footprint and air quality impacts;
- f) Measures to protect and enhance trees, hedgerows and other environmental features which contribute to the character and biodiversity, maintaining a wildlife network within the site and linking to the surrounding countryside; and
- g) Retention of areas within the floodplain as green infrastructure.

4.0 DEVELOPMENT PLAN POLICIES

- 4.1 Mid Devon Core Strategy (Local Plan Part1) – COR1, COR4, COR9, COR11, COR14, COR18
Allocations and Infrastructure Development Plan Document (Local Plan Part 2) – AL/IN/6, AL/CU/15
Local Plan Part 3 (Development Management Policies) – DM2, DM3, DM6, DM7, DM8, DM20, DM27, DM28
National Planning Policy Framework

5.0 CONSULTATIONS

- 5.1 **Highway Authority** - 31st July 2013 - Observations: This application has been subject to a recently removed holding direction. Given the time that has elapsed, and a material change in highway circumstances, this consultation response supersedes that dated 16th December 2009.

The application is in outline with access as a reserved matter for which approval is sought at this time.

It has always been proposed that the access route to the site from the A373 would be via the first section of Kingsmill Road to its junction with Saunders Way, then via Saunders Way which would be extended to meet Kingsmill Road with a new 3 arm roundabout, then north on Kingsmill Road to the new site access.

It was previously requested that an £80,000 contribution towards the cost of upgrading the Kingsmill Road/A373 junction and adjacent highway be sought. Works to that junction have now been completed but adjacent highway works, to facilitate the re-prioritising and improvement of the Kingsmill Road/Saunders Way junction in order to minimise the use of Kingsmill Road to through commercial/industrial traffic, remain outstanding and will require either being funded, or completed, by the applicant. The works will need to be the subject of an appropriate legal agreement.

The land for the roundabout is reserved under a S106 agreement. The applicant will be required to provide the roundabout, Saunders Way extension and improvements to Kingsmill Road, to raise it to a standard suitable for commercial/industrial traffic, between the new roundabout and the site access. The works will need to be the subject of an appropriate legal agreement which should include provisions for the payment of all costs incurred for processing and implementing any TRO required as a consequence of the development.

The above described access proposals will require being the subject of a Grampian condition. I recommend the conditions set out below are included in any grant of planning permission.

Recommendation: The Local Highway Authority recommends that the following conditions shall be incorporated in any grant of permission:-

1. (a) The development shall not be carried out otherwise than in complete accordance with the plans & details (hereby & subsequently) approved in writing by the Local Planning Authority

The plans hereby approved are :-

- (b) No part of the development shall be commenced until details of all the following matters have been submitted to and approved by the Local Planning Authority:-

- (i) the matters listed in Part 1 of the Industrial Estate Roads Schedule annexed hereto (hereinafter called `the Schedule`)

[then list other Reserved Matters]

(c) No buildings shall be commenced until the relevant facilities/services described in Part I of the Schedule have been constructed in accordance with the requirements of Part IIA of the Schedule and no building shall be occupied until the said facilities/services have been provided and completed in respect of such building in accordance with the requirements of Part IIB of the Schedule.

Reason: To ensure that:

- (i) adequate information is available for the proper consideration of the detailed proposals,
- (ii) the site is developed in a proper manner,
- (iii) adequate access and associated facilities are available for all traffic attracted to the site, in the interest of the safety of all users of the adjoining public highway and to protect the amenities of the adjoining and future occupiers.

2. No other part of the development hereby approved shall begin until:

- (a) the re-prioritising of, and improvements to the Kingsmill Road/Saunders Way junction, and
- (b) the extension of Saunders Way, the new roundabout and the improvements to Kingsmill Road between the new roundabout and the site access, and
- (c) the site access itself have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority. Once provided the above works shall be retained and maintained for that purpose at all times.

Reason: To ensure that adequate facilities are available for the traffic attracted to the site.

3. No part of the development hereby approved shall be brought into its intended use until the parking facilities, commercial vehicle loading/unloading areas and commercial vehicle turning facilities have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority. Once provided the above works shall be retained and maintained for that purpose at all times.

Reason: To ensure that adequate facilities are available for the traffic attracted to the site.

5.2 **Highways Agency** – 12th January 2015

Further to our recent emails, I am now writing to confirm that the Agency is now in a position to issue an Article 25 TR110 directing a Grampian condition.

The condition seeks to ensure that the site is not occupied until the improvement scheme at M5 J28 has been implemented. This position varies slightly to our approach to residential development where we have sought to limit both commencement and occupation, but we believe is more appropriate for an employment development where enforcement is realistically achievable.

Condition - The development hereby permitted shall not be occupied prior to completion of the improvements to Junction 28 of the M5, as identified on drawing B2300168/C.01A/0103, and those improvements open to traffic.

Reason - In the interest of highway safety and the efficient operation the strategic road network in accordance with policy COR9 of the Mid Devon Core Strategy (LP1).

5.3 Environment Agency – 11th December 2009

From the Development and Flood Risk aspect we have no objections to the above proposal subject to your authority confirming that the Sequential Test has been passed and the subsequent inclusion of several conditions should planning permission be granted. However we do advise that the application is not determined until written assurances are given by the developer regarding the long-term maintenance of the SUDS features.

In broadest terms the development complies with PPS25 guidance for development and flood risk. The main flooding issues have been addressed within the Flood Risk Assessment dated April 2009 and are shown on drawings 30825/PDL/02 Rev A and 30825/PDL/012 Rev C. These in essence show the SUDS requirements, finished floor levels, a floodplain compensation area and the requirement not to raise parts of the site. We recommend these form part of the approved drawings should permission be granted.

Consequently we recommend that the following conditions are included in the decision notice if planning approval is granted.

Condition: No development approved by this permission shall be commenced until such time that a scheme for the disposal of surface water run-off has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall incorporate best practice techniques in the form of swales, attenuation basins, above ground ponds and basins and incorporate numerous flow controls devices. Details of how the drainage scheme shall be maintained after completion shall also be provided.

Reason: To prevent an increase in flood risk and provide a sustainable surface water drainage system for the lifetime of the development.

Condition: A minimum 7m unobstructed buffer shall be retained at existing levels between the eastern bank of the River Culm and any pond, swale features etc.

Reason: To allow for migration of the channel over the lifetime of the development and allow access for machinery for the maintenance of the river channel and the SUDS features.

From the Environment Management aspect we also have no objections provided the following conditions are imposed should planning permission be granted.

Condition: Prior to being discharged into the surface water drainage system (SUDS) for the site all surface water drainage from impermeable delivery/loading areas shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

Reason: To prevent pollution of the water environment.

Condition: Any oil or chemical storage facilities should be sited in bunded areas. The capacity of the bund should be at least 10% greater than the capacity of the storage tank or, if more than one tank is involved, the capacity of the largest tank within the bunded area. Hydraulically inter-linked tanks should be regarded as a single tank. There should be no working connections outside the bunded area.

Reason: To prevent pollution of the water environment.

6th May 2014

I refer to your email, regarding the above, which was received on the 11th April 2014.

We are pleased that the build outline has been revised to take into account flood risk. The principle of the proposed layout would accord in overall terms with policies and sequential approach as detailed within the National Planning Policy Framework.

There must be no raising of ground levels within the '10m wide landscape zone', the '30m wide flood zone' or 'Additional area for landscaping and Suds features' as shown on drawing 118 010 Rev B Revised - WSP April 2014. These areas are vital to ensure that existing floodplain storage and surface water flow paths are not compromised. The open space and buffer zones should be landscaped to act in a Suds/surface water management role and improve flow conveyance routes. We take this opportunity to confirm that we would oppose underground structures/tanks for the management of surface water given such are not sustainable urban drainage features and in light of the fact that there is adequate land available to build Suds features within.

It is evident from the Nov 2012 event that the car park to the north and west of units 'C' and 'D' would be at risk of shallow flooding and this should be made transparent in any future application.

The FFL's of the buildings should be set to ensure that they would be free of internal flood risk up to and including the 1 in 1000 year event from any source of flooding. Given the work to date we are satisfied that details regarding re-grading of the site, finished floor levels and sustainable urban drainage measures, can be addressed by condition. Whilst the assessment to date is sufficient for the purposes of submitting an outline application there is a risk that reserved matters application could be delayed given that there will be a requirement to append the FRA work to date with additional information.

23rd July 2014 - We are able to withdraw our objection to the proposal provided development proceeds in accordance with the revised Flood Risk Assessment undertaken by WSP.

19th January 2015 - We would support the revised layout as shown on Drawing 118 010 Rev B Revised WSP Jan 2015 given a clear intention to adopt a sequential approach as detailed within the National Planning Policy Framework. The alteration to the layout will secure a sustainable future for the businesses and adjacent landowner interests.

Despite this we would advise that attention be given to ground and floor levels within the development site given instances of surface water flooding and that some of the existing ground levels within Flood Zone 1 are in places only marginally above those in Flood Zones 2 and 3. The control of proposed ground and finished floor levels are issues that we strongly advise be covered by condition, and that development not commence until such have been agreed.

We also advise that the provisions of Suds and localised floodplain lowering, the principle of which have been highlighted previously, be covered by planning condition in this instance as follows.

Condition:

No development approved by this permission shall be commenced until such time that a scheme for the disposal of surface water run-off has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall incorporate best practice techniques in the form of swales, attenuation basins, above ground ponds and basins and incorporate numerous flow controls devices. Details of how the drainage scheme shall be

maintained after completion should also be provided.

Reason:

To prevent an increase in flood risk and provide a sustainable surface water drainage system for the lifetime of the development.

Condition:

A minimum 7m unobstructed buffer shall be retained between the eastern bank of the River Culm and any pond, swale features etc.

Reason:

To allow for migration of the channel over the lifetime of the development and allow access for machinery for the maintenance of the river channel and the SUDs features.

Condition.

No development approved by this permission shall be commenced until details of finished floor and site ground levels has been submitted to, and approved in writing by, the Local Planning Authority.

Reason:

To prevent an increase in flooding.

With regard to Condition 3, we would only normally request oil interceptors for a large lorry park or petrol filling station; I would have no concerns if this condition was omitted.

Condition 4, it is my understanding that oil storage tanks are double skinned, therefore suggest this condition is no longer appropriate.

5.4 **Natural England** – 11th October 2013

Protected species

Dormice

From the information available to us, Natural England

- Considers that there are suitable habitats on, or in the vicinity of the application site for dormice
- Advises that it is unclear whether a detailed survey for dormice has been carried out at the right time of year using recognised techniques.

We advise that clarification on the survey work undertaken is required in accordance with the Dormouse conservation handbook (second edition), with further information to be requested from the applicant before determination of the application.

Bats

Natural England does not object to the proposed development. On the basis of the information available to us, our advice is that the proposed development would be unlikely to affect bats.

We have not assessed the survey for barn owls, breeding birds or reptiles. Standing advice applies to these species.

Biodiversity enhancements

The application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes.

Landscape enhancements

The application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment, using natural resources more sustainably, and bring benefits to the local community, for example through green space provision.

5.5 Environmental Health – 17th November 2009

Drainage: No additional comments

Noise & other nuisances: No additional comments

Housing Standards: No comments

Licensing: No comments

Food Hygiene: No comments

Private Water Supplies: N/A

Health & Safety: No comments

Air Quality - This is a significant application and the supporting air quality impact assessment indicates that it will have a minor adverse impact on existing receptors locations, including ones currently experiencing poor air quality. Mitigation proposals in the application are considered weak and do not accord with emerging policy and practice as specified in the draft Allocations and Infrastructure (DPD) (LDF) and the proposed update to the Air Quality and Planning SPD (to take into account contributions to the Cullompton Air Quality Action Plan). Given the above, it is recommended that a meeting is required to discuss this application in respect of this material consideration before recommendations can be finalised.

Land Contamination - The phase 2 report from Clarke Bond (August 2007) is noted as supporting information and has been reviewed. Whilst the report has been produced in the context of now withdrawn national guidance, a conservative approach was adopted by the assumption of residential land-use (rather the proposed commercial development). Consequently, I am satisfied that the report conclusions overall remain valid. Accordingly, a further assessment is required in respect of a localised hydrocarbon 'hot-spot'. I therefore recommend inclusion of the following conditions to control the additional assessment/any required remediation and any unexpected contamination that may be revealed during site-works.

All conditions below are from the model DCLG conditions published in May 2008, with condition 1 amended to reflect the specific nature the required additional assessment work.

1. Site Characterisation

An investigation and risk assessment, in addition to (and as recommended within) the assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of identified total petroleum hydrocarbon contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority

The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to;

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- ground waters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11'.

2. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

3. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

5. Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring of long term effectiveness of the proposed remediation over a period of [x] years, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Following the completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with

DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11'.

Reason (common to all): To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with policy of the adopted local plan.

2nd February 2010

Air Quality - I'm satisfied that the travel plan and infrastructure commitments (including EV charging) are an appropriate compromise at this stage. Therefore, I'd be happy to see the relevant requirements incorporated into the Section 106 Agreement. One point I would make is to ensure that any buried cabling for EV is suitable for a future upgrade to 3 phase @ 32 amps/space for fast charging when equipment and compatible vehicles become available. Fast charging could be a future revenue generation opportunity whereas access to conventional charging facilities is commonly provided for free to users.

22nd August 2013

Contaminated Land - Previous comments apply

Air Quality - Previous comments apply

Drainage - No objections

Noise and other nuisances - No objections

Housing Standards - Not applicable

Licensing - No comments

Food Hygiene - Not applicable

Private Water Supplies - No objections

Health and Safety - No objections

5.6 **DEVON ENVIRONMENT SERVICE** – 1st October 2013

The proposed site lies within an area where little in the way of archaeological investigation has been undertaken, but nonetheless in an area of archaeological potential with regard to the background prehistoric, Romano-British and Roman activity in the landscape around Cullompton/Willand. For this reason and in accordance with paragraph 141 of the National Planning Policy Framework (2012) I would advise that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95, whereby:

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

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

Reason: *'To ensure that an appropriate record is made of archaeological evidence that may be affected by the development'.*

I would envisage the programme of archaeological work as comprising a staged scheme of investigation - including desk-based research, geophysical survey and the excavation of evaluative trenches to determine the nature, significance and extent of any surviving archaeological deposits across the site. The results of these investigations would allow the impact of the proposed development upon the archaeological resource to be understood and the requirement and scope of any further archaeological works required to be determined.

The results of the fieldwork and any post-excavation analysis undertaken would be presented in an appropriately detailed and illustrated report. I will be happy to discuss this further with you, the applicant or their agent. We can provide the applicant with a Brief setting out the scope of the works required, as well as contact details for archaeological contractors who would be able to undertake this work.

5.7 DEVON & CORNWALL POLICE – 9th November 2009

As it is outline, I would just highlight perimeter security, parking facilities, and possibly SBD for commercial buildings. As you know most of my observations are about detail, so little else I can add at this stage.

26th September 2013 - Thank you for your correspondence dated 23 Sept 2013 referring to 09/01573 Industrial buildings.

I refer back to my email of 6 Nov 2009 which refers to perimeter security etc. I have now been able to open the block plan and see that there are five separate buildings with their own parking etc.

I would at some stage request further information in relation to the nature of the business i.e. if precious metals, scrap metal, expensive materials or tools etc. What hours would vehicles be parked there, and what considerations have been given to securing each compound especially gating.

5.8 CULLOMPTON TOWN COUNCIL - 16th August 2013

Recommend approval on condition that access road is upgraded to allow the transit of large vehicles to and from new industrial units and for the Highways Agency's proposals for a second access to this industrial estate to be brought forward.

6.0 REPRESENTATIONS

Four objections were received, summarised as follows:

1. Concern that run-off from the site will result in diesel, petrol and other pollutants being flushed into the River Culm. Micro-filters will be required to stop pollution.
2. The increase in traffic flow on the country road is unsafe as is the junction with the Honiton Road.
3. There are already traffic problems on the M5 junction and slip road which will increase.
4. The development will increase light pollution in the area.
5. Noise levels will increase and will become unacceptable.
6. There are available/planned units at Kingsmill and Willand and another industrial development is not needed.
7. Flooding in the area is already a major danger and the amount roofs and hard surfacing will increase the flood risk from the River Culm.
8. The development will have an unacceptable impact on wildlife as it is a greenfield site.
9. Restrictions should be placed on operating hours and some way of screening noise and lights.

7.0 MATERIALS CONSIDERATIONS AND OBSERVATIONS

The key issues in determination of this application are:

1. Principle of development
2. Highways and air quality issues
3. Flood risk and pollution
4. Visual impact
5. Ecology and landscaping
6. Archaeology
7. Effect on neighbouring residents

7.1 Principle of development

The site was previously allocated, but now unallocated, land between the Kingsmill Industrial Estate and the River Culm. The Local Plan is currently being reviewed and a draft for publication and consultation was approved by Cabinet on 11 December 2014 and Full Council on 17 December 2014. The current draft re-allocates the site for commercial development but with a reduced level of floor space of 9,000 square metres to ensure that development was restricted to areas outside the flood zone. The proposed allocation Policy CU18 was set out earlier in this report.

During the options consultation, no objections were received to this site being allocated and one letter of support was received stating that this was a logical extension to the Kingsmill Industrial Estate. The Local Plan Review is now at the second public consultation stage and is considered to carry some weight in making planning decisions.

Policy COR1 of the Mid Devon Core Strategy (LP1) supports development in accessible locations that increases the economic prosperity and self-sufficiency of the District and its settlements. Policy COR4 seeks the development of 300,000 square metres of employment floorspace during the period 2007-2026, again to increase the self-sufficiency of settlements. Policy COR14 sees Cullompton growing as a market town and includes the provision of 4,000 square metres of commercial floorspace annually, in particular where this removes congestion from the town centre, so improving air quality and taking into account flood risk.

As the site is currently outside the Cullompton settlement boundary, policy COR18 must be considered which seeks to control development in the countryside, but permitting appropriately scaled employment development. If the site allocated under emerging policy CU18 is adopted, it will come within the revised settlement boundary. As the site is currently outside the settlement boundary, Policy DM20 of the Local Plan 3 Development Management Policies (rural employment development) applies which permits new employment development of an appropriate use and scale for its location which demonstrates that the development would not lead to an unacceptable impact on the local road network and the character and appearance of the countryside, and where there are insufficient suitable sites in the immediate area to meet the needs of the proposal.

As the site is proposed to be allocated, impacts on the road network and the environment and on the character and appearance of the area have been considered during the allocation process (and are considered further below). Similarly, the level of employment provision for Cullompton has been assessed and the Local Authority considers that further employment allocations, including the allocation at Venn Farm, can be justified.

Granting planning permission for the development technically would be contrary to Policies COR18 of the Mid Devon Core Strategy (LP1) which restricts development outside settlement boundaries and DM20 of the Local Plan 3 Development Management Policies which permits development of an acceptable scale for rural areas. However, the site is adjacent to the existing Kingsmill Industrial Estate and would provide a logical extension to

the industrial estate. The site is proposed to be allocated in the emerging Local Plan, as is a large area to the east of the Kingsmill Industrial Estate proposed for the mixed use East Cullompton Urban Extension. Your officers consider that in principle the development is acceptable, subject to consideration of the planning issues detailed below.

7.2 Highways and air quality issues

The development has the potential to increase traffic on the sub-standard Kingsmill Lane and to increase traffic using Junction 28 onto the M5. The submitted Transport Statement analyses existing and projected traffic movements and recommends a new junction to extend Saunders Way into Kingsmill Lane to direct commercial traffic through the existing Kingsmill Industrial Estate rather than using Kingsmill Lane.

As part of the application, a new roundabout is proposed to link the site into the existing Kingsmill Industrial Estate and onto the A373 via Saunders Way. Improvement works to the Kingsmill Road/A373 junction have been completed so the originally requested contribution towards these works cannot now be requested. However, the applicant will be required to carry the agreed improvements between the site and Saunders Way. The improvements will be secured via a Grampian condition as recommended below and the appropriate legal agreement/s with the Highway Authority.

As far as access into the site is concerned, a new access with visibility splays along the Kingsmill Road boundary of the site, together with a new estate road is required. The Highway Authority has recommended the standard estate roads condition to be applied and that detail of the access itself is provided before any development begins.

In addition, although the Highways Agency has lifted its holding direction in respect of the J28 works, it requires a Grampian condition to the effect that the development cannot be brought into use until the J28 improvement works have been completed, again as recommended below.

Policy COR9 of the Mid Devon Core Strategy (LP1) provides that development and transport planning are co-ordinated to improve accessibility, and that travel demand is managed, reducing air pollution and enhancing road safety, including through investment in transport facilities. The policy also requires the provision of transport plans and infrastructure where necessary. Policy DM2 of the Local Plan 3 Development Management Policies requires the creation of safe and accessible places that also encourage sustainable modes of travel.

Policy DM8 of the Local Plan 3 Development Management Policies sets out Mid Devon's parking standards. The indicative layout plan provides for 204 parking spaces for the 12,000 square metres of floor space (approximately 1 parking space per 59 square metres of commercial floor space). Policy DM8 specifies maximum parking standards for non-residential development and the parking provision complies with this policy. Policy DM8 sets out a minimum standard for cycle parking of 1 space per 300 square metres (40 cycle spaces) and the applicant has confirmed that these standards will be met. The development will also provide 3 electric vehicle charging points.

In respect of air quality, Environmental Health initially objected to the proposal as they considered the mitigation proposals to be weak and not in accordance with policy AL/CU/15 of the AIDPD. Following discussions with the agent, Environmental Health is satisfied with the proposed mitigation which comprises: Travel Plan (to address site sustainability and travel plan initiatives such as car sharing and links to bus stops), cycle parking in accordance with MDDC's standards, a new junction into Saunders Way to allow better management of industrial estate traffic, and the provision of 3 electric charging points. It is recommended that these facilities are conditioned. The development is now considered to

comply with policy AL/CU/15 and Policy DM6 of the Local Plan 3 Development Management Policies which requires assessment and mitigation of air quality impacts where developments would give rise to significant levels of vehicular movement.

Subject to the improvements specified and the submission of further details being conditioned, it is not considered that the development would have an unacceptable impact on the highway network or on air quality and it would comply with policies Policy COR9 of the Mid Devon Core Strategy (LP1), Policy AL/CU/15 of the AIDPD and DM2, DM6 and DM8 of the Local Plan 3 Development Management Policies in these respects.

The applicant has also prepared a carbon reduction strategy. Whilst it is not yet known the type of business that would take up the units and therefore what their average energy usage would be, it is feasible that the carbon reduction required under policy AL/IN/6 of the AIDPD (15% as at 2015) would be feasible with the provision of photovoltaic panels and/or biomass boilers. An indicative BREEAM pre-assessment report submitted indicates that the buildings could also be expected to meet BREEAM standards of construction as required by policy DM3 of the Local Plan 3 Development Management Policies.

7.3 Flood risk and pollution

The application seeks outline permission for up to 12,000 square metres floor space, rather than the 9,000 square metres floor space provided for in the proposed allocation. However, the indicative layout plan shows the 12,000 square metres floor space being provided at ground and mezzanine floors, with a total building footprint of approximately 8,400 square metres. Your officers consider that, subject to approval of reserved matters, a total floor space of 12,000 square metres could be achieved on land outside of the flood zone, with the footprint of the buildings remaining under the 9,000 square metres provided for in the proposed allocation.

The Environment Agency required the submitted Flood Risk Assessment to be updated following the winter 2012 flooding event and is now satisfied that the development will be acceptable in flood risk terms provided it proceeds in accordance with the Flood Risk Assessment which requires the submission of a drainage management strategy and surface water management plan (SUDS scheme) and a minimum floor level of buildings 56.00 AOD. The Environment Agency has recommended conditions in relation to submission of surface water drainage plan, finished floor and site levels and the maintenance of a 7 metre buffer zone between the River Culm and any drainage features.

A proportion of the car parking will be provided within Flood Zone 2 which accords with the Environment Agency's sequential approach of locating the most vulnerable development in areas with the lowest flooding potential. A 30 metre wide flood zone is to be provided as well as a 10 metre wide landscape zone within which no raising of ground levels will be permitted.

Policy COR11 of the Mid Devon Core Strategy (LP1) requires that development is guided to the most appropriate locations with the lowest flood risk, reduce the risk of flooding to life and property where possible, and ensure that development does not increase flood risk elsewhere. The buildings on the site are all located outside the flood zone, with car parking and landscaping within Flood Zone 2. The Environment Agency has recommended minimum finished floor levels to reduce the risk of flooding and drainage management is intended to prevent an increase in flood risk elsewhere.

Policy DM2 of the Local Plan 3 Development Management Policies provides for appropriate drainage provisions, including sustainable drainage systems and connection of foul drainage to a mains sewer. The Environment Agency has considered the indicative plans and is

satisfied that a suitable drainage management scheme can be achieved on site. It is recommended that conditions be attached to any planning permission requiring the submission of appropriate drainage system management plans.

Subject to conditions and the submission of reserved matters, it is considered that the development is capable of complying with policies COR11 and DM2 of the Local Plan 3 Development Management Policies with regard to flood risk.

Environmental Health has considered the submitted Land Contamination Report and is satisfied that the conclusions are valid. A further assessment is required in respect of a localised hydrocarbon "hot spot" and conditions are recommended to cover the further assessment and any necessary remediation, in accordance with policy DM7 of the Local Plan 3 Development Management Policies with regard to flood risk.

Concern has also been raised with regard to polluted surface water run-off from the site. The method of treatment of this run-off should be included in the drainage management scheme to be submitted which is required by the Environment Agency.

7.4 Visual impact

Layout and design are reserved matters and it is therefore not possible to assess the actual visual impact of the scheme. However, the site is adjacent to existing industrial development and views of the site are seen in context with the existing industrial development. A significant 10 metre wide landscaping buffer will be provided to screen the development from views from the west (M5 and Cullompton), north and north-east (agricultural land) and from neighbouring residents to the north-west and north-east. From the south, the site is potentially indistinguishable from the industrial estate development. Accordingly, it is considered that, subject to design and screening, it is considered that the development is capable of having an acceptable visual impact, in accordance with policy DM2 and DM20 of the Local Plan 3 Development Management Policies.

7.5 Ecology and landscaping

An updated Extended Phase 1 Habitat Report was submitted in 2013 which identified the potential for hedges to provide habitat for dormice and nesting birds, trees to provide roosting opportunities for bats, hedges and long grass to provide habitat for reptiles, and for there to be otter habitat along the River Culm. The development will not encroach towards the river and therefore otter surveys and/or mitigation are not considered necessary. Similarly, trees are not being affected and no further bat survey work or mitigation is required. Natural England identified that insufficient survey work had been carried out in respect of dormice which are a European Protected Species.

Further survey work has been carried out in respect of dormice and reptiles as identified in the initial report.

No reptiles were found during the survey and the report identifies potential habitat as being within the flood and landscape buffer zones, where enhancements can be provided to enhance biodiversity.

The dormouse report identified that dormice were using the hedges on the site and one dormouse nest was found in the dormouse tubes. The hedgerows within the site boundary are generally low quality habitat and the report has identified that the nest can be attributed to a juvenile dispersing in autumn. The removal of the hedgerow along the road boundary of the site is likely affect the range of a single dormouse. As the habitat of a European

Protected Species would be affected the Local Authority is required to carry out 3 tests under the Habitats Directive 1992.

1. That the development is for reasons of overriding public interest including those of a social or economic nature. The development will provide employment opportunities for the growing town and the habitat can be re-created within the same area.
2. There is no satisfactory alternative. The site has been through a site selection process as part of the Local Plan Review and has been allocated in preference to less suitable sites.
3. The action will not be detrimental to the maintenance of the species concerned at a favourable conservation status in their natural range. The development is only considered to affect the range of 1 dormouse and mitigation can be provided in the form of enhanced landscaping and the provision of new, more suitable and connected habitat in the landscape buffer.

The eastern part of the site within which the 30 metres flood zone and the 10 metre landscaping zone will be provided will act a green infrastructure for the area, linking up with habitats on the River Culm. Details of the landscaping scheme will be required to be submitted with the reserved matters application.

Subject to this, the development is considered to comply with the policy DM2 of the Local Plan 3 Development Management Policies which requires a positive contribution to biodiversity assets and DM28 which seeks to incorporate green infrastructure into major development.

7.6 Archaeology

Devon Historic Environment Service has identified that the land is in an area where little in the way of archaeological investigation has been undertaken but nonetheless is an area of archaeological potential. They are therefore recommending that a programme of archaeological work is conditioned, in accordance with policy DM27 of the Local Plan 3 Development Management Policies.

7.7 Effect on neighbouring residents

There are two dwellings adjacent to the north-east corner of the site and two dwellings adjacent to the north-west corner of the site. Four objections were received to the application, from the occupiers of a group of dwellings approximately 450 metres to the north-east.

As far as flooding is concerned, the Environment Agency has considered the impact of the development in the light of the 2012 flooding incident and has worked with the applicant to ensure that the development does not increase flooding elsewhere.

As far as the potential for an increase in noise and light pollution is concerned, the site is adjacent to an existing industrial estate and mill and already experiences noise and artificial light from the industrial estate and from the M5. Environmental Health has no objections in terms of noise pollution. It is not considered that the development is likely to increase noise or light levels significantly, particularly as there is to be a 10 metre wide landscaping buffer around the site, but your officers consider it reasonable to require a noise and light pollution mitigation strategy to be submitted with the reserved matters application.

From a visual perspective, the 10 metre wide landscape buffer will act to screen the development from nearby residential dwellings.

8.0 SUMMARY

The site is not allocated and is outside the settlement boundary and granting planning permission for the development technically would be contrary to the Local Development Plan Policies COR18 of the Mid Devon Core Strategy (Local Plan Part 1) and DM20 of the Local Plan Part 3 (Development Management Policies). However, the site is adjacent to the existing Kingsmill Industrial Estate and would provide a logical extension to the industrial estate. Additional employment space is considered to be required to meet projected growth in Cullompton and the site is proposed to be allocated in the emerging Local Plan. A suitable access can be achieved and the required highway improvements to Kingsmill Lane, the extension of Saunders Way and a new roundabout to provide access between Kingsmill Lane and Saunders Way forms part of the application. Although the final layout, scale, appearance and landscaping of the development are reserved matters, it has been demonstrated that 12,000 square metres of floorspace can be achieved outside the flood zone with suitable provisions put in place in respect of flood risk, drainage, landscaping, screening, archaeology, protected species and parking. Subject to conditions with regard to drainage, land contamination, screening and minimisation of noise and light pollution, the development is not considered to have an unacceptable impact on neighbouring residential properties. The development is considered to comply with the following Policies: COR1, COR4, COR9, COR11, COR12, COR14 and COR18 of the Mid Devon Core Strategy (Local Plan Part 1), AL/IN/6 and AL/CU/15 of the Allocations and Infrastructure Development Plan Document (Local Plan Part 2), DM2, DM3, DM6, DM7, DM8, DM20, DM27 and DM28 of the Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.

9.0 CONDITIONS AND REASONS

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

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

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

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

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

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

- 4) No development shall begin until details of the matters listed in Part 1 of the Industrial Estate Roads Schedule attached to this planning permission (the Schedule) have been submitted to and approved in writing by the Local Planning Authority. No buildings shall be commenced until the relevant facilities/services described in Part I of the Schedule have been constructed in accordance with the requirements of Part IIA of the Schedule and no building shall be occupied until the said facilities/services have been provided and completed in respect of such building in accordance with the requirements of Part IIB of the Schedule.

Reason: To ensure that (i) adequate information is available for the proper consideration of the detailed proposals, (ii) the site is developed in a proper manner, and (iii) adequate access and associated facilities are available for all traffic attracted to the site, in the interest of the safety of all users of the adjoining public highway and to protect the amenities of the adjoining and future occupiers, in accordance with Policy DM2 of the Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.

- 5) No other part of the development hereby permitted shall begin until:
- (a) the re-prioritising of, and improvements to the Kingsmill Road/Saunders Way junction, and
 - (b) the extension of Saunders Way, the new roundabout and the improvements to Kingsmill Road between the new roundabout and the site access, and
 - (c) the site access itself,

have been provided and maintained in accordance with details that shall have been previously submitted to, and approved in writing by, the Local Planning Authority. Once provided the above works shall be retained and maintained for that purpose at all times.

Reason: To ensure that adequate facilities are available for the traffic attracted to the site in accordance with Policy DM2 of the Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.

- 6) No development shall begin until a scheme for the disposal of surface water run-off has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall incorporate best practice techniques in the form of swales, attenuation basins, above ground ponds and basins and incorporate numerous flow controls devices, and shall also include a timescale for its implementation and details of how the drainage scheme shall be maintained after completion. The approved surface water drainage scheme shall be provided in accordance with such approved details and shall be so retained and maintained.

Reason: To prevent an increase in flood risk and provide a sustainable surface water drainage system for the lifetime of the development in accordance with Policies COR11 of the Mid Devon Core Strategy (Local Plan Part 1) and DM2 of the Local Plan Part 3 (Development Management Policies).

- 7) No development shall begin until a minimum 7 metre unobstructed buffer has been provided between the eastern bank of the River Culm and any pond, swale, or other drainage feature. Such buffer shall be permanently so retained.

Reason: To allow for migration of the channel over the lifetime of the development and allow access for machinery for the maintenance of the river channel and the SUDs features, in accordance with Policy COR11 of the Mid Devon Core Strategy (Local Plan Part 1).

- 8) No development shall begin until details of finished floor and site ground levels has been submitted to, and approved in writing by, the Local Planning Authority. The development shall proceed in accordance with such approved details and the approved levels shall be permanently so retained.

Reason: To prevent an increase in flooding in accordance with Policy COR11 of the Mid Devon Core Strategy (Local Plan Part 1).

- 9) **Site Characterisation**
No development shall begin until an investigation and risk assessment to assess the nature and extent of identified total petroleum hydrocarbon contamination on the site, whether or not it originates on the site, as recommended in the assessment provided with the planning application, has been completed in accordance with a scheme which has previously been submitted to and approved in writing by the Local Planning Authority. The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
(ii) an assessment of the potential risks to;

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- ground waters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11'.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely in accordance with Policy DM7 of the Local Plan Part 3 (Development Management Policies).

- 10) **Submission of Remediation Scheme**
No development shall begin until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A

of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely in accordance with Policy DM7 of the Local Plan Part 3 (Development Management Policies).

- 11) **Implementation of Approved Remediation Scheme**
The approved remediation scheme shall be carried out in accordance with its terms before commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely in accordance with Policy DM7 of the Local Plan Part 3 (Development Management Policies).

- 12) **Reporting of Unexpected Contamination**
In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 9, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 10, and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, submitted to and approved in writing by the Local Planning Authority in accordance with condition 11.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely in accordance with Policy DM7 of the Local Plan Part 3 (Development Management Policies).

- 13) **No development shall begin until a mitigation plan in respect of dormice, which can form part of the landscaping scheme, has been submitted to and approved in writing by the Local Planning Authority and the development shall proceed in accordance with the approved details.**

Reason: In order to minimise harm to protected species in accordance with the National Planning Policy Framework.

- 14) **No development shall begin until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local**

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

Reason: To ensure that an appropriate record is made of archaeological evidence that may be affected by the development in accordance with Policy DM27 of the Local Plan Part 3 (Development Management Policies).

- 15) No development shall begin until a mitigation plan in respect of minimising noise and light pollution shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: To minimise noise and light pollution from the development in order to protect the amenities of nearby residents in accordance with Policies DM2 and DM7 of the Local Plan Part 3 (Development Management Policies).

- 16) At least 15% of the energy to be used in the development shall be provided from solar panels which shall be installed and operational before the development is first brought into its intended use.

Reason: To provide a reduction in the carbon footprint of the building in accordance with Policy AL/IN/6 of the Allocations and Infrastructure Development Plan Document (Local Plan Part 2).

- 17) The development shall be constructed to achieve at least a BREEAM “very good” standard

Reason: In the interests of the sustainability of the development in accordance with Policy DM3 of the Local Plan Part 3 (Development Management Policies).

- 18) The development shall not be occupied until the parking facilities (including cycle parking and electric vehicle charging points), commercial vehicle loading/unloading areas and commercial vehicle turning facilities have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing, by the Local Planning Authority. Once provided the above works shall be retained and maintained for that purpose at all times.

Reason: To ensure that adequate facilities are available for the traffic attracted to the site in accordance with Policies DM2 and DM8 of the Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.

- 19) The development shall not be occupied before completion of the improvements to Junction 28 of the M5, as identified on drawing number B2300168/C.01A/0103, and those improvements are open to traffic.

Reason: In the interest of highway safety and the efficient operation the strategic road network in accordance with Policy COR9 of the Mid Devon Core Strategy (Local Plan Part 1).

- 20) The development shall not be occupied until a Travel Plan comprising immediate, continuing and long-term measures to promote and encourage alternatives to single occupancy car use has been prepared, submitted to and been approved in writing by the Local Planning Authority. The approved Travel Plan shall then be implemented, monitored and reviewed in accordance with the agreed Travel Plan Targets.

Reason: In order to deliver sustainable transport objectives including a reduction in single occupancy car journeys and the increased use of public transport, walking and cycling, in accordance with Policy COR9 of the Mid Devon Core Strategy (Local Plan Part 1).

Contact for any more information

Tina Maryan

Background Papers

Previous Committee Report

File Reference

09/01573/MOUT

Circulation of the Report

Cllrs Richard Chesterton
Members of Planning Committee