

# 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, 29 July 2015 at 2.15 pm

The next ordinary meeting of the Committee will take place on Wednesday, 26 August 2015 at 2.15 pm in the Council Chamber, Town Hall, Tiverton

**KEVIN FINAN**  
Chief Executive  
21 July 2015

**Councillors:** Mrs H Bainbridge, Mrs J B Binks, K Busch, Mrs C Collis, Mrs F J Colthorpe, R Dolley, J M Downes, S G Flaws, P J Heal, D J Knowles, F Letch, R F Radford, J Smith, J D Squire and R L Stanley

## A G E N D A

**MEMBERS ARE REMINDED OF THE NEED TO MAKE DECLARATIONS OF INTEREST PRIOR TO ANY DISCUSSION WHICH MAY TAKE PLACE**

- 1 **APOLOGIES AND SUBSTITUTE MEMBERS**  
To receive any apologies for absence and notices of appointment of substitute.
- 2 **PUBLIC QUESTION TIME**  
To receive any questions relating to items on the Agenda from members of the public and replies thereto.  
  
Note: A maximum of 30 minutes is allowed for this item.
- 3 **MINUTES OF THE PREVIOUS MEETING** (*Pages 5 - 10*)  
To receive the minutes of the previous meeting (attached).
- 4 **CHAIRMAN'S ANNOUNCEMENTS**  
To receive any announcements the Chairman may wish to make.
- 5 **DEFERRALS FROM THE PLANS LIST**  
To report any items appearing in the Plans List which have been deferred.

- 6      **THE PLANS LIST** (*Pages 11 - 56*)  
To consider the planning applications contained in the list.
- 7      **THE DELEGATED LIST** (*Pages 57 - 76*)  
To be noted.
- 8      **MAJOR APPLICATIONS WITH NO DECISION** (*Pages 77 - 78*)  
List attached for consideration of major applications and potential site visits.
- 9      **APPEAL DECISIONS** (*Pages 79 - 80*)  
To receive for information a list of recent appeal decisions.
- 10     **APPLICATION 15/00779/MFUL - DEMOLITION OF EXISTING GARAGES AND ERECTION OF 26 DWELLINGS WITH ASSOCIATED WORKS AT LAND AT NGR 294775 111860 PALMERSTON PARK, TIVERTON** (*Pages 81 - 102*)  
Report of the Head of Planning and Regeneration regarding this application.
- 11     **APPLICATION 15/00004/TPO - TREE PRESERVATION ORDER - ALEXANDRA LODGE, OLD ROAD TIVERTON** (*Pages 103 - 106*)  
To receive a report of the Head of Planning and Regeneration regarding this application.
- 12     **APPLICATION 15/00005/TPO - TREE PRESERVATION ORDER - RECREATION GROUND, SAMPFORD PEVERELL** (*Pages 107 - 110*)  
To receive 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

E-Mail: [sgabriel@middevon.gov.uk](mailto:sgabriel@middevon.gov.uk)

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 1 July 2015 at 2.15 pm

### **Present Councillors**

Mrs F J Colthorpe, Mrs H Bainbridge,  
Mrs J B Binks, K Busch, Mrs C Collis,  
R Dolley, S G Flaws, P J Heal, D J Knowles,  
F Letch, R F Radford, J Smith, J D Squire  
and Mrs B M Hull

### **Apologies Councillor(s)**

J M Downes and R L Stanley

### **Present Officers:**

Jenny Clifford (Head of Planning and Regeneration), Simon Trafford (Area Planning Officer), Reg Willing (Enforcement Officer) and Sally Gabriel (Principal Member Services Officer)

## 14 **APOLOGIES AND SUBSTITUTE MEMBERS**

Apologies were received from Cllrs: J M Downes and R L Stanley.

Cllr R L Stanley was substituted by Cllr Mrs B M Hull.

## 15 **PUBLIC QUESTION TIME**

Mr Ryan (representing Lightsource Renewable Energy Limited) and referring to item 12 (Sharland Farm) on the agenda stated that since the last committee on 3 June 2015, the scheme had been amended to address the concerns of Members by removing 3.1 ha of Grade 3a agricultural land, the relocation of the essential infrastructure buildings to the south east corner of the site and the reduction in height of the panels. There was support from residents in the local area and the closest resident to the site had raised no objection. Down St Mary Parish Council had also raised no objection. The landowner was an experienced sheep farmer and would continue to graze sheep on the land. The positives of the scheme outweighed any objection and therefore he proposed that the revised scheme be accepted.

## 16 **MINUTES OF THE PREVIOUS MEETING**

The minutes of the meeting held on 3 June 2015 were approved as a correct record and **SIGNED** by the Chairman.

## 17 CHAIRMAN'S ANNOUNCEMENTS

The Chairman had the following announcements to make: she informed those present that two new officers Joanna Williams and Joanna Cavill had joined the enforcement team.

## 18 START TIME OF MEETINGS (00-07-42)

Discussion took place regarding the start time of meetings for the following year.

**RESOLVED** that meeting of the Planning Committee be held at 2.15pm on Wednesday's for the remainder of the municipal year.

(Proposed by Cllr D J Knowles and seconded by Cllr P J Heal)

## 19 ENFORCEMENT LIST (00-08-10)

Consideration was given to the following cases in the Enforcement List \*:

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

Arising thereon:

No. 1 in the Enforcement List (***Enforcement case ENF/15/00041/UDUR – Without planning permission, the carrying out of engineering works to raise the ground level at the north eastern boundary and erection of close boarded fence close to the boundary, alleged to be above the 2 metre permitted development height at Clouds, Barnfield, Crediton.***)

The Planning Enforcement Officer outlined the contents of the report stating that the matter referred to a building site which was at the rear of Clouds backing onto properties in Mount Pleasant, Park Street. The site was on a north facing slope and was formerly an orchard. Concern had been raised at a previous meeting regarding the inspection cover used to survey the site which may have been raised giving a false level from which to establish ground heights. Further site visits had taken place but because of works that had taken place on the site it was not possible to ascertain where the original levels had been taken from. Concern had been raised by local Ward Members regarding the soil build up against the neighbouring property and photographs were shown of the area of concern. Concern was also raised about the height of the fence on the resident's side, although this had been measured and no breach planning control was evident. It was suggested that as no breach could be established enforcement action and remedial measures would be difficult to impose and therefore no further action should be taken.

Consideration was given to the build-up of the soil against the neighbouring property and the height of the fence and whether it had been erected on original levels. It was suggested that this was now a civil issue between the neighbouring properties.

It was therefore

**RESOLVED** that the Legal Services Manager be authorised to take no further action in respect of either the engineering works carried out or the erection of the fence.

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

Notes:

- a) Cllr: F W Letch made a declaration in accordance with the Protocol of Good Practice for Councillors dealing in planning matters as he had been involved in discussions with both parties and had visited the site;
- b) Mr Perks (complainant) spoke;
- c) Cllrs Mrs J B Binks, R J Dolley, F W Letch and J L Smith requested that their abstention from voting be recorded.

20 **DEFERRALS FROM THE PLANS LIST (00-33-57)**

The Chairman informed Members that Item 1 (Menchine Farm) had been deferred as some of the neighbouring Parish Council and other respondents had not been informed that the application would be determined at today's meeting. It was **AGREED** that as there would be a delay that a site visit take place for the benefit of the new Members of the Committee prior to the determination of the application.

21 **THE PLANS LIST (00-37-00)**

The Committee considered the applications in the plans list \*

Note: \*List previously circulated, copy attached to minutes.

- a) No 1 on the Plans List (*15/00573/FULL – Erection of new building for processing digestate fibre in association with existing AD plant – land at NGR 283096 113579 (Menchine Farm) Nomansland*).

This application had been deferred as outlined in Minute 20.

- b) No 2 on the Plans List (*15/00749/TO – Application to reduce height by 2.5m and reshape crown, reduce western lower lateral by 2m and reduce lower crown to northeast to achieve 2-3m clearance from adjoining house of oak tree protected by Tree Preservation Order 4/52/88/TP4 – adj 7 Jasmine Close, Tiverton EX16 6UB*).

The Head of Planning and Regeneration outlined the application highlighting the location of the tree and the works required as described in the report.

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

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

- (ii) No 3 on the Plans List (*15/00750/TPO – Application to carry out works to 1 oak protected by Tree Preservation Order 83/00003/TP – Play area, Head Weir Road, Cullompton*).

The Head of Planning and Regeneration outlined the application highlighting the location of the tree and the works required as described in the report and stating that the tree would be reassessed in five years to ensure its safety and suitability for the play area.

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

(Proposed by Cllr Mrs B M Hull and seconded by Cllr J L Smith)

**22 THE DELEGATED LIST (00-44-10)**

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

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

**23 MAJOR APPLICATIONS WITH NO DECISION (00-44-48)**

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

The following applications were **NOTED** as being committee decisions

15/00934/MARM – Cummings Nursery, Cullompton

15/00650/MARM – Land North of Knowle Lane, Cullompton.

It was **AGREED** that site visits take place on the same day to both locations.

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

**24 APPEAL DECISIONS (00-52-14)**

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

Members received information regarding the outcome of the Bowden's Lane, Shillingford application which had been approved by the Planning Inspector.

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

**25 APPLICATION 15/00537/MFUL - INSTALLATION OF A SOLAR FARM TO GENERATE 4.6MW OF POWER (SITE AREA 7.65 HA) AND ASSOCIATED INFRASTRUCTURE, INCLUDING PHOTOVOLTAIC PANELS, MOUNTING FRAMES, INVERTERS, TRANSFORMERS, SUBSTATIONS, COMMUNICATIONS BUILDING, FENCE AND POLE MOUNTED SECURITY CAMERAS AT LAND AT NGR 274885 105456 (SHARLAND FARM), MORCHARD BISHOP (00-58-11)**

The Area Planning Officer outlined the contents of the report which had been deferred at the previous meeting as Members were minded to refuse the application on the grounds of the use of best and most versatile agricultural land and landscape and visual impact, including cumulative impact. Following discussions at that meeting the applicant had put forward a revised scheme removing the land parcel of



Grade 3a agricultural land, the relocation of the essential infrastructure to the south eastern corner of the site and the reduction in height of the panels. Photographs were shown from various viewpoints looking into the site that had been taken on the site visit the day before.

Discussion took place regarding:

- The direction that the panels would be facing
- The view from the location of Down St Mary Garage
- The proximity to the Two Moors Way
- The fact that the applicant had considered the previous views of the Committee.

It was therefore

**RESOLVED** that

a) Planning permission be granted subject to conditions and an informative note as recommended by the Head of Planning and Regeneration

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

b) The proposed variation to the S106 agreement pursuant to planning permission 92/01338/FULL be approved

(Proposed by the Chairman)

Notes:

a) Cllrs Mrs H Bainbridge, Mrs J B Binks, K Busch, Mrs C Collis, R Dolley, S G Flaws, P J Heal, Mrs B M Hull, D J Knowles, F W Letch, R F Radford, J L Smith and J D Squire made declarations in accordance with the Protocol of Good Practice for Councillors dealing in planning matters as they had all received correspondence regarding the matter, with Cllr Mrs Binks having also had contact with the applicant, Parish Council and objectors to the scheme and Cllr Mrs Colthorpe having had discussions with the Parish Council;

b) Cllr Mrs J B Binks requested that her vote against the decision be recorded;

c) The following late information was received: A further representation from a local stakeholder has been received confirming their objection to the scheme as it has been altered;

Morcharad Bishop Parish Council maintain their objection to the application scheme;

d) \* Report previously circulated, copy attached to minutes.

26 **APPLICATION 15/00701/PATH - DIVISION OF TIVERTON FOOTPATH 22 AT LAND AT NGR 294586 113569 (FARLEIGH MEADOWS), WASHFIELD LANE, LOWER WASHFIELD (1-26-19)**

The Area Planning Officer outlined the contents of the report stating that an application had been received to divert part of footpath 22 in association with the residential development scheme at the land to the rear of Rackenford Road (Farleigh Meadows). He highlighted the process required and informed the Committee that an objection had been received.

**RESOLVED** that the objection as submitted be noted and that authority be given to officers to proceed to making the order.

(Proposed by the Chairman)

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

27 **SCHEME OF DELEGATION (1-31-46)**

The Committee had before it a report of the Head of Planning and Regeneration updating the current scheme of delegation in order to provide clarity over the appropriate decision-making route for Conservation Area policy related work.

The Head of Planning and Regeneration outlined the contents of the report stating that when the reporting processes for planning policy had been amended in 2012, the issue of conservation areas had been omitted, the intention of the report was to clarify the process.

**RESOLVED** that the scheme of delegation to the Head of Planning and Regeneration be amended in order to delete reference to the designation of new or amendment of existing Conservation Area boundaries from the conservation section and that this section read as follows:

In the case of Conservation:

- a) It requires the issue of repair and urgent work notices.
- b) It involves the submission of funding bids or schemes that have budgetary implications.

(Proposed by the Chairman)

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

(The meeting ended at 3.51 pm)

**CHAIRMAN**

## PLANNING COMMITTEE AGENDA - 29th July 2015

### Applications of a non-delegated nature

- | <u>Item No.</u> | Description  |
|-----------------|--|
| 1.              | 15/00382/FULL - Erection of an agricultural livestock building (889 sq.m) at Land at NGR 299384 112863, Red Linhay, Crown Hill.<br><b>RECOMMENDATION</b><br>Grant permission subject to conditions.  |
| 2.              | 15/00573/FULL - Erection of new building for processing digestate fibre in association with existing AD plant at Land at NGR 283096 113579 (Menchine Farm), Nomansland, Devon.<br><b>RECOMMENDATION</b><br>Grant permission subject to conditions. |
| 3.              | 15/00681/FULL - Erection of first floor rear extension at 31 Sunnymead, Copplestone, Devon.<br><b>RECOMMENDATION</b><br>Refuse permission.   |
| 4.              | 15/00743/FULL - Conversion of redundant chapel to dwelling at Coombe Head Chapel, Bow, Devon.<br><b>RECOMMENDATION</b><br>Grant permission subject to conditions.  |
| 5.              | 15/00771/FULL - Formation of layby for parking of vehicles/access to woodland at Land at NGR 268282 111909, (North Of Higher Ford House), Chawleigh.<br><b>RECOMMENDATION</b><br>Grant permission subject to conditions.                           |
| 6.              | 15/00944/FULL - Alterations to provide additional trading units and storage space at Pannier Market, Market Car Park, Newport Street.<br><b>RECOMMENDATION</b><br>Grant permission subject to conditions.  |
| 7.              | 15/00945/LBC - Listed Building Consent for alterations to provide additional trading units and storage space at Pannier Market, Market Car Park, Newport Street.<br><b>RECOMMENDATION</b><br>Grant Listed Building Consent subject to conditions.  |

**Application No. 15/00382/FULL**

**Plans List No. 1**

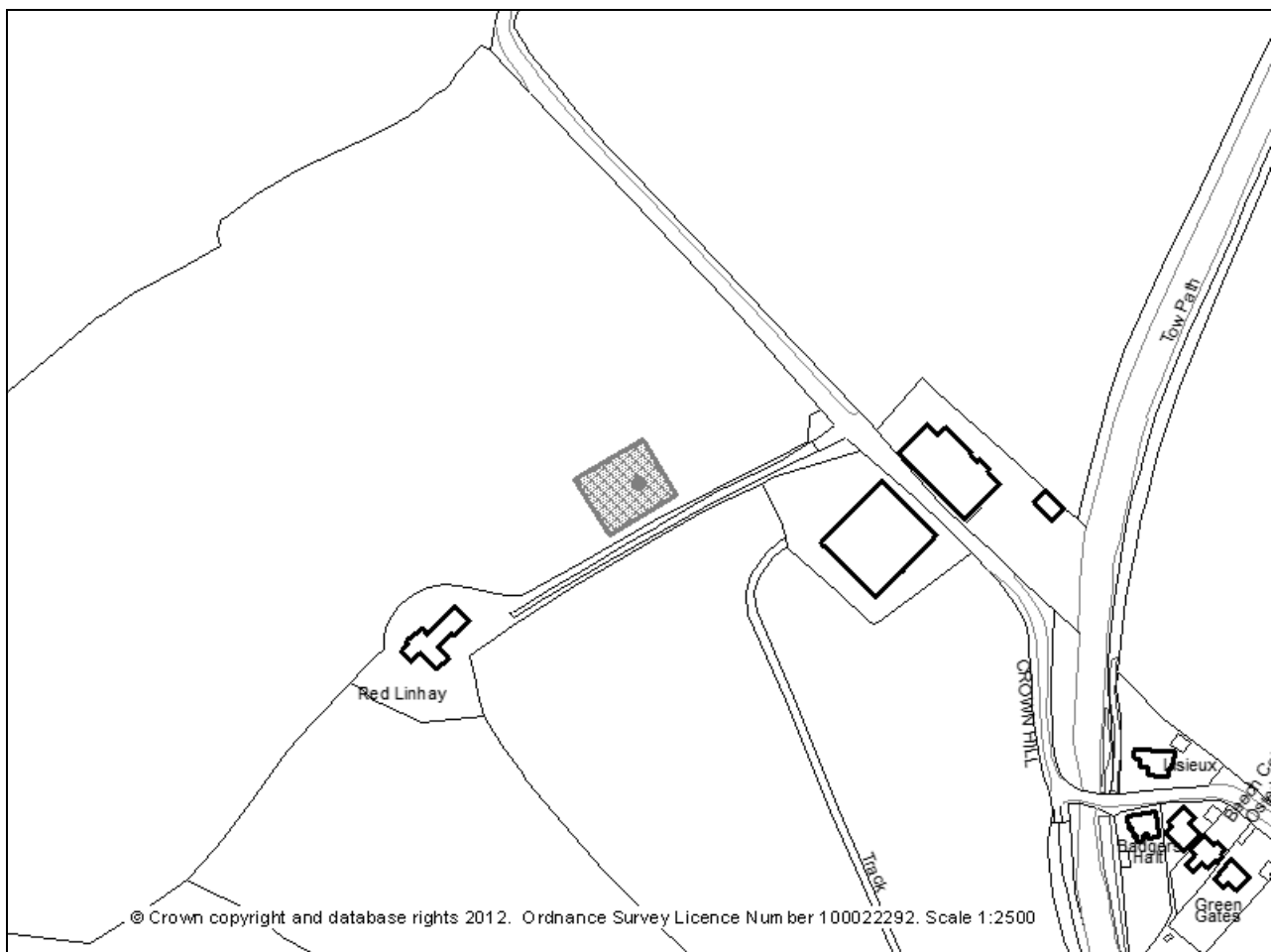
**Grid Ref:** 299384 : 112863

**Applicant:** Mr J Clapp

**Location:** Land at NGR 299384  
112863 Red Linhay  
Crown Hill Halberton

**Proposal:** Erection of an  
agricultural livestock  
building (889 sq.m)

**Date Valid:** 17th March 2015



## **Application No. 15/00382/FULL**

### **RECOMMENDATION**

Grant permission subject to conditions.

### **CLLR RAY RADFORD HAS REQUESTED THAT THIS APPLICATION BE DETERMINED BY THE PLANNING COMMITTEE TO CONSIDER WHETHER:**

1. There is a need for a further building.
2. Whether crops that were supposed to be used for the AD plant are now proposed to be grazed by the beef herd, and
3. Whether this would result in an increase in traffic movements.

### **UPDATE**

This application was deferred from the Planning Committee meeting of 3rd June 2015 for further information with regard to land parcels in connection with the proposal and the approved AD plant to ascertain whether the traffic generation was acceptable. The following further information has been received from the agent:

Mr Clapp wishes to clarify matters of land allocation with regard to the application as it would appear that there is some confusion over fields allocated to supply the anaerobic digester and that allocated for the grazing of the Charolais cattle.

The farmstead extends to approximately 900 acres with 426 assigned for supplying the anaerobic digester as identified in the Transport Statement produced for the AD plant. Of the land allocated for the AD, 45 acres are now to be for the grazing of the cattle. Of the remaining 474 acres, 58 acres have now been identified as replacement land to serve the AD plant. Please refer to the attached PDF extracted from the AD Transport Statement and amended to show allocation. (To be shown at the committee meeting).

The land shown will not increase traffic movements through Halberton as access from these two sites can be made via Manley Lane.

With regard the use of the existing storage building, in order to achieve regulatory accreditation in beef quality the herd and facilities are regularly inspected. This general purpose building is being utilised as an agricultural workshop, machinery store, grain store, fertilizer and chemical. It is not suitable for cattle or cattle feed.

### **PROPOSED DEVELOPMENT**

The proposed development is for the erection of an agricultural livestock building at NGR 299384 112863, Red Linhay, Crown Hill, Halberton. The applicants have advised that the building is intended to accommodate a 40 head of cattle, and includes a covered area to be used for feed storage and trailers, a cattle handling area and an overhang to protect animals from inclement weather during feed times.

The proposed building measures 32.27m long by 27.61m wide and 7m to the ridge, with a gross floorspace therefore of 890sqm. The building is proposed to be located directly adjacent to and to the west of the agricultural livestock building granted in Sept 2014 which measures 32 metres long, 14 metres wide, and has a floor space of 448sqm<sup>2</sup>. Both buildings will be located north west of the existing general purpose agricultural buildings on site, in the corner of a large agricultural field, adjacent to the site entrance. Also on site, work is underway to implement the consent granted in July 2014 for an anaerobic digester plant (AD) which is proposed to be supplied with feed and waste from the holding.

The proposed building's walling will be constructed using concrete panels, with Yorkshire boarding above and a fibre cement roof. Additional landscaping is proposed by way of a new hornbeam and beech hedge planted to the north of the building

## **APPLICANT'S SUPPORTING INFORMATION**

Waste Management Plan  
Waste Audit Statement  
Surface water drainage strategy  
Design and access statement  
Written scheme of investigation: archaeological watching brief  
Planning statement - revision A

## **PLANNING HISTORY**

08/00282/PNAG Prior notification for the erection of an agricultural storage building - NOBJ - 7th March 2008  
12/00585/PNAG Prior notification for the erection of an agricultural storage building  
PRIOR APPROVAL REQUIRED - LETTER SENT 17TH MAY 2012 - NOBJ - 11th June 2012  
12/00630/FULL Erection of an agricultural livestock building - PERMIT - 19th June 2012  
13/01605/MFUL Erection of a 500kW anaerobic digester and associated works with 4 silage clamps - PERMIT - 10th July 2014  
14/00801 Erection of agricultural livestock building - PERMIT - 15th Sept 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  
DM22 - Agricultural development

## **CONSULTATIONS**

### **CULLOMPTON TOWN COUNCIL - 30th March 2015**

No objections

### **HIGHWAY AUTHORITY - 14th May 2015**

My question would be what are the feed stock. E.g. if it is silage it could go to a clamp and be brought in by larger vehicles e.g. duoliners as is the case in Willand hence smaller movements. Notwithstanding that 183 m vehicles is 3.5 vehicles a week over the entire network and not significant or severe over the road from Post hill so is unlikely to pose a problem. The distance they are travelling may be something to consider and whether or not they are local or does sustainable traffic movements come into play, this is difficult as there is no definition of local only the 6km that inspector imposed on Menchine.

25th March 2015  
standing advice applies  
<http://www.devon.gov.uk/highways-standingadvice.pdf>

### **HALBERTON PARISH COUNCIL - 28th May 2015**

No further comments.

15th May 2015

The Parish Council at its recent meeting discussed the contents of your e-mail to Mr Taylor and have no additional comments for inclusion in the committee report.

#### **ENVIRONMENTAL HEALTH - 9th April 2015**

Contaminated Land - No objections

Air Quality - No objections

Drainage - No objections

Noise and other nuisances - No objections

Housing Standards - N/A

Licensing - N/A

Food Hygiene - N/A

Private Water Supplies - N/A

Health and Safety - Health and Safety Executive enforced activity

#### **HISTORIC ENVIRONMENT SERVICE - 14th April 2015**

The proposed development lies in an area of archaeological potential with the Historic Environment Record showing the presence of prehistoric activity across the wider landscape. The archaeological monitoring of the building to the east did not record any archaeological features being exposed, but two flint tools were recovered dating to the late Neolithic or early Bronze Age. The current planning application lies closer to the site of two prehistoric funerary monuments and any groundworks for this proposed development have the potential to expose archaeological and artefactual deposits associated with the known prehistoric activity in the immediate vicinity.

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 a suitable programme of work as taking the form of the archaeological monitoring and recording of topsoil removal and initial ground reduction to enable the identification, investigation and recording of any archaeological or artefactual deposits. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report.

22nd May 2015 - I refer to the above application and your recent re-consultation regarding the submission of the Written Scheme of Investigation (WSI) prepared by the Magnificent Science Company. The WSI is largely fine, but needs to be amended with regard to:

1. The sections on the Scope of WSI and Project Aims refer to archaeological evaluation. The required archaeological works are archaeological monitoring and recording not evaluation.
2. A timetable for deposition of the site archive needs to be included.
3. A timetable for publication, if required, needs to be included.
4. The museum accession number needs to be included.

If the WSI could be amended as above and re0submitted I would be able to recommend its acceptance by the Local Planning Authority.

## REPRESENTATIONS

1 letter of support from Veterinary Practice as follows:

1. The Clapp family have been farming in the parish of Halberton for generations.
2. The proposed building is an extension to a pre-existing agricultural livestock building.
3. The herd at Red Linhay will continue to expand and as such it goes without saying the cattle will need accommodation and
4. The fact that the herd at Red Linhay is a pedigree herd means that out wintering them is not an option as it will contravene Basic Payment Scheme cross compliance regulations with the associated financial penalties.
5. The UK farming industry now finds itself supplying a global market with all the associated price fluctuations. To be financially viable in the future farming families must look to maximise efficiency thereby increasing income streams that will hopefully fill in the short falls in conventional farming income.

## MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

1. **Justification for the agricultural building**
2. **The relationship of the proposed development to the AD plant requirements**
3. **Impact on neighbours and the character and appearance of the area**
4. **Impact on the environment and local road network**

### 1. **Justification for the agricultural building**

The site is located in the open countryside where COR18 of the Mid Devon Core Strategy (Local Plan Part 1) permits agricultural buildings. DM22 of the Local Plan Part 3 (Development Management Policies) permits agricultural buildings subject to certain criteria being fulfilled. The development should be reasonably necessary to support farming activity on the farm or the immediate agricultural community; not have an adverse impact on the living conditions of local residents or the character and appearance of the area; not have an unacceptable impact on the environment and not have an unacceptable traffic impact on the local road network.

The applicant has advised that the erection of an agricultural building is required in order for the applicant's livestock herd to be accommodated on site. There are currently 46 cattle accommodated in the building granted permission back in Sept 2014. Your officers have queried why there is a need for a further agricultural building so soon after permission was granted for the existing one, and the applicant has advised that not only is the business successfully expanding (with additional calves having been bred) but there is a need to move more cattle from a holding at Cove and then to keep the pedigree and commercial animals in separate buildings.

The proposed building is larger than the existing building as it includes an area for feed and a greater overhang to protect the animals from inclement weather. The applicant has been asked whether one of the buildings on the opposite side of the track (permitted under agricultural prior notifications in 2008 and 2012) could be used for feed storage, particularly the building currently used for grain storage, as this will now go straight into the AD plant rather than being stored in the building. This would mean that the size of the proposed building could be reduced. However, the applicant has advised that the building is not suitable for the storage of feed as fertiliser and seed for the arable crops are kept in the building and neither of these should be mixed with feed for cattle due to their poisonous nature.

Therefore on the basis of the information provided, it would appear that the proposed agricultural building is justified and complies with Policy DM22 in this respect

### 2. **Impact on neighbours and the character and appearance of the area**

The proposed agricultural building will be visible from the public highway to the north known as Crown Hill.



However, the building's visual impact is mitigated by the retention of mature hedges that will act to partly screen the building from the highway, and this building would be located 'behind' the existing building. Whilst there are houses near the site, there are other intervening buildings between them and therefore any impacts on neighbours will be low. The design of the building reflects that of a standard agricultural building, and the building will be viewed in the context of the other buildings on site, forming part of the existing farm complex; consequently any impacts on the wider landscape are considered to be low. The building will also be visible from the main road between Halberton and Tiverton but this would be at a distance. As such, the development can be considered to be well-designed and appropriately located, respecting the character and appearance of the area in accordance with Policy COR18 of the Mid Devon Core Strategy (Local Plan Part 1) and Policies DM2 and DM22 of the Local Plan Part 3 (Development Management Policies).

The proposed site is located approximately 150 metres from the Grand Western Canal and associated Conservation Area. It is not considered to impact upon the canal/the associated conservation area or setting such as to warrant refusal of the application. It will add to the group of buildings in this location, particularly once the Anaerobic Digester plant is completed. The proposed livestock building would be behind the Anaerobic Digester when viewed from the canal direction. In this respect it is also considered acceptable.

### **3. Impact on the environment and local road network**

The submitted Waste Management Plan advises that the herd is bedded on straw so there is no slurry production or dirty water. When the building is cleaned out, the waste is either stored on a sloping concrete pad or taken directly out to temporary field heaps but once the AD plant has been commissioned, all manure will be deposited there in the generation of renewable energy. As a result, the proposal is considered to have a limited impact on the environment.

With regards to the local road network, the Highway Authority have advised that standing advice applies. When applying this standing advice, it is concluded that the access is sufficient to cater for the additional development in that it is of sufficient dimension and has adequate visibility. The applicants have advised that they intend to move their herd currently located on land at Cove to the application site which will therefore reduce the number of transport movements from the site necessitated presently by a need to visit the animals in Cove on a daily basis.

However, there is concern that in determining the application for the AD plant, the applicant advised that the land on and around the current application site and that for the building granted in Sept 2014 was to be used for arable farming to supply the AD plant. Consequently, by approving the building, some of that land will not be available. However, the area in question is relatively small and unlikely to significantly affect the operation of the AD plant. Of greater concern is the use of the land around the buildings for the grazing of the cattle. The applicant has advised that 'the fields immediately surrounding the site are to be retained as 'grassland with the remaining acres given over to the growing of wheat and barley, that in turn provide food and bedding for the livestock.' Clarification has been sought from the applicant on the area of land involved. The concern is that if less AD feedstock comes from the holding, more will need to be brought in by road and the impact this will have on the local highway network, including the junction with Post Hill and the road through Halberton.

However the applicant has confirmed that only 99 of the 151 hectares at Hartnoll and Manley Lane were to be used for the AD plant (This is confirmed in the Transport Assessment for the AD plant) and that this leaves a balance of 52 hectares for the needs of the cattle. In the applicants opinion therefore, there would be no need to bring any additional feedstock for the AD plant in by road.

Even if the development did necessitate the bringing in feedstock for the AD plant from elsewhere, the Highway Authority have advised that there is capacity within the network for the level of traffic that this would give rise to and hence do not wish to object to the proposal.

On this basis, the proposal is considered to comply with the final criteria of Policy DM22 in terms of impact on the environment and local road network.

## **CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which shall first have been submitted to, and be approved in writing by, the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.
4. All planting comprised in the approved details of landscaping as shown on drawing: P495/03 Rev A, shall be carried out within 9 months of the substantial completion of the development and be so retained. Any trees or plants which within a period of five years from the implementation of the scheme die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

## **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. The site lies in an area of archaeological potential with the Historic Environment Record showing the presence of prehistoric activity across the wider landscape. As such a pre-commencement condition is justified to ensure that an appropriate record is made of archaeological evidence that may be affected or lost once the development commences in accordance with Policy DM27 of Local Plan Part 3 (Development Management Policies) and guidance in the National Planning Policy Framework (NPPF).
4. To ensure that the development makes a positive contribution to the character and amenity of the area in accordance with Policy DM2 of the Local Plan Part 3: (Development Management Policies).

## **REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT**

The proposed agricultural building is considered to be reasonably necessary to be used in connection with the business of rearing and keeping cows at the Red Linhay site, Crown Hill. It is not considered the application will have an unacceptable adverse impact on the neighbours, the character of the area including the Grand Western Canal and associated Conservation Area, the environment, or the local road network. Consequently this application is deemed to comply with Policies COR2 and COR18 of the Mid Devon Core Strategy (Local Plan Part 1), Policies DM2, DM8 and DM22 of the Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.

**Application No. 15/00573/FULL**

**Plans List No. 2**

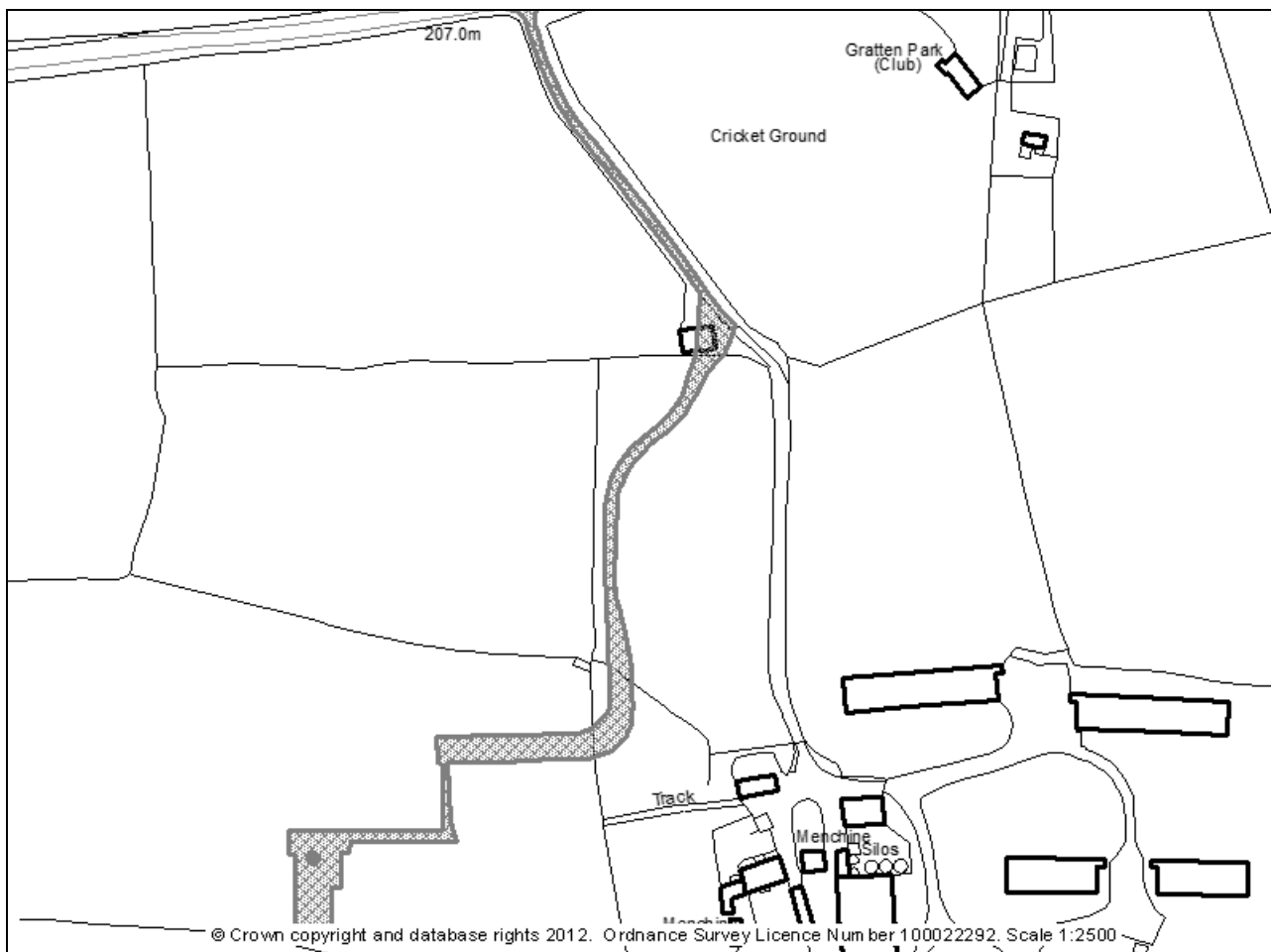
**Grid Ref:** 283096 : 113579

**Applicant:** Mr S Cole

**Location:** Land at NGR 283096  
113579 (Menchine  
Farm) Nomansland  
Devon

**Proposal:** Erection of new  
building for processing  
digestate fibre in  
association with  
existing AD plant

**Date Valid:** 24th April 2015



## **Application No. 15/00573/FULL**

### **RECOMMENDATION**

Grant permission subject to conditions.

### **PROPOSED DEVELOPMENT**

Erection of new building for processing digestate fibre, and a section of pathway.

The application scheme is for an agricultural style building (450 square metres), standing at 6.25 metres high (north elevation) and 9.3 metres high (south elevation).

The building will be split internally into two parts, one part will be a bunker for the digestate to be tipped into, the other part will be for the digestate processing. The bunker will be accessed through a large set of sliding doors to the north and the processing area will be accessed through a pedestrian and loading door on the east elevation.

The palette of materials will be sheet wall cladding will (olive green box profile sheet) on a concrete base, and the roof will be grey fibre cement panels.

The section of pathway links the building to the AD complex.

The building is located in the same field as the approved and operational AD plant managed by the Greener for Life Group. It sits in position on the slope of the field just below the complex of built structures and equal to the digestate lagoon. The plans as submitted demonstrate that it sits just outside the approved, but not yet implemented, belt of additional landscaping secured to assist with the screening of the AD plant.

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

Application form, supporting statement, existing and proposed plans.  
Section drawings showing the building in relation to the AD plant.

The applicant's agent has set out the follows reasons (email rec'd 26 May 2015) in terms of the location of the proposed building:

- The existing infrastructure on site would require minimum distances to be observed of any new buildings on site. These would place the building on the banking for the lagoon and this is not acceptable.
- The sites slope downwards from north to south increases in steepness the more the site is situated to the north, this is where we have proposed to place the building therefore minimising the required engineering on site to make the building fit, this negates the requirement for large amounts of cut or the introduction of new retaining walls.
- The screening as approved for the existing AD plant will remain unaffected when implemented.
- The proposed building is smaller in mass, length, width and height than the intake building, by siting the new building in its proposed location the visual impact from the surroundings will be reduced to a minimum. It is close in proximity to the existing site development but not at a distance for it to appear disassociated from the existing built form. With the building being situated on the lower levels, the vertical intrusion is kept to a minimum further reducing the cumulative impact if it were situated adjacent to the existing intake building.
- The building will be used to process the dried fibre from the driers which are already situated at the lower level of the site therefore to enable ease of transferring the dried matter from the driers to the

processing building, it will be via a level access track to enable the tipping of the matter into the sunken building which is situated at a lower level than the area where vehicles will be tipping from. If the building were situated adjacent to the existing intake building, then the vehicles used for tipping would have to encroach and use the concrete yard area in front of the existing intake building. Vehicle movements between the existing clamp and intake building could become compromised due to the introduction of additional vehicles manoeuvring the dried matter over the same yard, this should be avoided and the building has been located in a position where this is prevented.

- Moving the building will have a detrimental impact on the landscaping of the site as it would not permit a natural introduction of screening to suitably screen the sites infrastructure including the new building due to the required separation distances between new plantings. The proximity, general arrangement and separation distance between the buildings required would not allow for a natural screening as per the approved revised scheme currently implemented.

The applicants agent has set out the following response (email rec'd 26 May 2015) to regards the proposed transport arrangements arising from proposed development.

With respect to the associated traffic movements and to provide you the clarification which you seek, the fibre will incur an additional 100 movements (per year) using lorry and drag trailer with a load capacity of 20 tons. This will equate to 2,000 tons of fibre being moved by this mode of transport.

## **PLANNING HISTORY**

10/00956/DCC County Matter application for erection of anaerobic digestion plant, ancillary equipment and associated works - REFUSAL OF PLANNING PERMISSION 15TH DECEMBER 2010 and subsequent appeal dismissed - This application was refused for 3 reasons, including the increase in traffic and resultant additional hazards that will be caused for existing highway users

12/01659/MFUL: Erection of an Anaerobic Digestion Facility (APPEAL FOR NON DETERMINATION) - ALLOWED JULY 2013

14/00575/MFUL: Erection of an Anaerobic Digestion Facility (Revised Scheme) - this application was considered by committee on the 30th June and approved subject to 10 conditions, including condition 10, as set out above, and to which this current application relates to.

14/01887/FULL: Erection of extension to existing office premises (The cricket barn) and provision of 10 additional parking spaces was permitted on 6th January 2014.

14/01915/FULL: This application has been submitted to vary the terms of condition 10 of planning approval 14/00575/MFUL to allow for the installation of an Anaerobic Digestion facility with 1,000Kw installed capacity. THIS APPLICATION IS CURRENTLY SUBJECT TO AN APPEAL: AGAINST NON-DETERMINATION. An Informal Hearing is yet to take place.

## **DEVELOPMENT PLAN POLICIES**

### **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

DM8 - Parking

DM20 - Rural employment development

DM22 - Agricultural development

## CONSULTATIONS

### **MORCHARD BISHOP PARISH COUNCIL - 12th May 2015**

No comment beyond concerns of increased traffic volumes.

### **CRUWYS MORCHARD PARISH COUNCIL - 18th May 2015**

The decision made by the council was to refuse this application for the following reasons:

1. Such a large building will have a significant detrimental visual effect.
2. The use of such a large building must increase traffic, although requested there has been no traffic movement information forthcoming.

### **NORTH DEVON DISTRICT COUNCIL - 19th May 2015**

We do not wish to comment. It is noted that the Highway Authority is satisfied that there will be no material increase in traffic, and potential reduction. The new building appears to be well related to the main group.

This authority's interests will not be affected by the proposal.

### **PUDDINGTON PARISH COUNCIL - 7th May 2015**

Puddington Parish Council wishes to object to this planning proposal.

This proposed building for processing digestate fibre was not part of the original planning application for the 500KW Anaerobic Digester and its subsequent consent. It must be assumed therefore that there has been a change in the amounts of stated biomass inputs to the anaerobic digester, this then has implications to the number of road traffic movements to and from this site on which the consent was based. The subsequent planning application to increase the generation output from the digester has already suggested an increase in road traffic movements. These traffic movements will be detrimental to the surrounding area in terms of safety, noise and nuisance.

The digester and its associated buildings are already an imposition on the landscape and are clearly visible from the road that leads to Puddington from the B3137, the addition of another building would only add to what is slowly becoming an industrial site in the middle of the Mid Devon countryside.

### **TEMPLETON PARISH COUNCIL - 19th May 2015**

Whilst Mr Stuart Cole (the Applicant) and Menchine Farm are not in our Parish, we feel that due to the close business association with Mr Winston Reed of Reed Farms Ltd, Cleave Farm Templeton and the following reasons we must ask MDDC Planning to REFUSE this application:

1. The proposed pelletising building is far larger than required to process the minor proportion of solid/fibrous digestate produced under the existing planning permission allowed maximum production of 500 kw.
2. This further additional large building will increase the industrial site on the farm and have an even greater detrimental effect on the local landscape than that noted in Inspector Mike Robins Appeal decision APP/Y1138/A/13/2193382 Character and Assessment No. 21 in relation to conflict with MDDC Core Strategy Policy (COR2 and COR18).
3. Inspector Robins also recognised and observed Mid Devon District Council's own Landscape Character Assessment in the area under Character and Appearance No. 11 "The area is identified as having a high local sensitivity to change." As well as No. 15 "There would be some harm to the landscape character". These observations by the Inspector can only increase in intensity with the continual expansion of this site.
4. The Applicant/Operators have done their utmost with their piece-meal approach to cause confusion with their myriads of Application/Amendments/Appeals with no effort at clarity of purpose or explanation - which is in direct conflict with the New Planning Guidelines/Conditions 2014. If this application is granted it could

prejudice the pending Appeal APP/Y1138/W/15/3003677 as well as any future Application/Appeal made by the Applicant/operator to increase capacity of the AD due to increased storage/handling capability and hence all associated Traffic/Pollution/Environmental/Quality of Life issues already experienced with the present site and operations.

5. To facilitate any allowed increase in production of solid digestate, which is only a minor proportion (10/20%) of the total digestate produced by the AD, would therefore also involve a larger proportional increase in imported feedstock together with a far greater proportional increase in liquid digestate to be safely disposed of/exported off site in accordance with DEFRA and EA Best practice regulations. Applicant offers no explanation or evidence as to how he proposes to do this without the necessary sufficient land ownership/tenure to allow for safe disposal and in abidance of all NVZ regulations.

6. Due to Bio-security fears of cross contamination with mixed species farm manures (chickens, cattle, pigs) and with no restriction as to slurry from dirty TB farm cattle being included; no pasteurization taking place to ensure destruction of disease/pathogens/bacteria like Salmonella, Botulism, E coli; there appears to be a considerable reluctance/resistance from local livestock farmers to take either the liquid/solid or pelletized non-pasteurized digestates. The prime use for the digestates is on cultivated/arable land where it will be ploughed in and this area of mid devon (certainly within the recognised 6 km radius acknowledged under Traffic No.26 APP/Y/1138/A/13/2193382) consists mainly of small 100/150 acre livestock pasture farms.

Whilst we trust you will refuse this Application, if you are so minded to approve and in view of the above we respectfully ask that the Applicant/operators be conditioned to comply/abide by the following:-

a) in view of 2) and 3) above a Full Environmental Impact Assessment should be carried out.

b) this should include a Noise Assessment in view of the additional mechanical operations and the noise nuisance already noted by the local residents.

c) An Odour assessment as many of the affected residents have been experiencing and complaining to the Environmental Agency and Environmental Health about a detrimental odour nuisance.

d) A full cyclical Traffic assessment for all AD feedstock imported and digestates (liquid and solid) to be exported.

e) Written agreement from the Applicant/Operator to submit accurate records as to traffic movements in and out of the site in compliance with paragraph 8) under Decision on APP/Y1138/A/13/2193382 and as per point 42 under Conditions of same. This is necessary as Applicant/Operator refused to comply with such a request from MDDC Enforcement Officers in February 2015.

f) Clarity is required as to what is classified as 'waste' by Inspector Mike Robins in his APPEAL Decision APP/Y1138/A/13/2193382 Conditions No.43 with regard to preventing odour and storing waste. Is all the Chicken litter being stored inside the Intake Shed as this is highly dangerous waste and the worst farm manures for harbouring/spreading disease pathogens, etc. and would definitely create odour?

g) Applicant to provide a detailed plan for vermin/pest control to include contractual evidence, as local residents have already noted marked increase in rodent and fly presence since AD operations commenced.

**ENVIRONMENTAL HEALTH - 18th May 2015**

Contaminated Land - N/A

Air Quality - N/A

Waste & Sustainability

Drainage - no objections to this proposal

Noise & other nuisances - no objections to this proposal

Housing Standards - Not applicable

Licensing - N/A

Food Hygiene - Not applicable

Private Water Supplies - Not applicable

Health and Safety -Health and Safety Executive enforced activity - no objections

**HIGHWAY AUTHORITY - 8th May 2015**

The proposed development is for a building to process the existing digestate produced from the plant which already has a consent. The process being applied will condense the digestate product into a pellet form which will result in more product being able to be transported in a single vehicle which may give rise to a reduction in traffic overall. Therefore the Highway Authority would raise no further observations.

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

**THELBRIDGE PARISH COUNCIL - 15th May 2015**

No Objection

**REPRESENTATIONS**

19 letters have been submitted by local stakeholders in response to the consultation undertaken on the application, predominantly objecting to the application scheme for the following reasons.

1. The application form states the site area is 3,580 square metres whereas the plans clearly show a building 450 square metres. (Case officer response it is assumed the higher site area refers to the redline as identified on the site plan (MF/FB/02A).
2. The use of dried AD solids as bedding dried digestate as Biomass fuel is challenged - in terms of whether there would be market demand. (Case office comments: This is not considered to be a relevant 'planning' material consideration).
3. The site plan does not include the existing chicken sheds on the land adjacent.
4. Concerns about spreading in an NVZ area - not relevant to the determination of the application.
5. The building is beyond the landscaping to be planted pursuant to the planning permission that allowed the AD plant to be constructed.
6. The proposal will add to the built coverage on the site giving the impression of an industrial area causing harm to both the landscape character and the visual amenities of the area.
7. The application scheme will generate additional levels of traffic that local roads can not accommodate, particularly through Templeton.
8. A noise assessment should be submitted.
9. The proposals will result in odour problems in the locality.



## **MATERIAL CONSIDERATIONS AND OBSERVATIONS**

The main determining factors in this application are:

- 1. Policy**
- 2. Impact on the landscape character and appearance of the area,**
- 3. Impact on amenity of residents**
- 4. Transportation impacts**

### **1 Policy**

The site is in the open countryside. Local (COR18) and national planning policies make clear that new development in the countryside should be strictly controlled. However, there is scope for essential agricultural development and development which supports the rural economy.

Policy DM20 specifies that rural employment development will be permitted where;

In countryside locations, planning permission will be granted for newbuild employment development or expansion of existing businesses, provided that the development is of an appropriate use and scale for its location. Proposals must 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.

DM22 specifies that agricultural development will be permitted where;

- a) The development is reasonably necessary to support farming activity on that farm or in the immediate agricultural community;
- b) The development is sensitively located to limit any adverse effects on the living conditions of local residents and is well-designed, respecting the character and appearance of the area; and
- c) The development will not have an unacceptable adverse impact on the environment.
- d) The development will not have an unacceptable traffic impact on the local road network be permitted given the contribution agriculture makes to the character of the countryside and the necessity for such development to be located in rural locations.

The site is in the open countryside where Policy COR18 of the Mid Devon Core Strategy (Local Plan Part 1) permits agricultural buildings.

The proposed building seeks to maximise the recycling opportunities arising from the operation of the AD plant. The building enables the applicant to form fertiliser, and/or animal bedding in a pelleted form using the dried digestate that arises from the AD plant. Both processes require a permit from the Environment Agency.

Therefore the principal of the application has policy support subject to considerations in relation to the landscape impact, general amenity issues and transportation impacts, as discussed below.

### **2. Impact on the landscape character and visual amenities of the area**

The application building will be located alongside the AD plant which sits in the landscape as part of the Menchine Farm complex. Clear views of the complex are evident from the south along the public footpath (No.12) that leads away from the site. Other views are apparent as pinched glimpses where it is possible to see the top intake building and/or digester tank.

Some local residents argue that the area has become industrialised by the proliferation of buildings that have constructed over recent years. The view from the south clearly shows the spectrum of development which stretches for 200 metres as a panoramic. Whilst the spread of structures is clear in the landscape the

existing tree coverage (native), hedgerows and grassed areas help to soften how the wider developed group sits in the landscape. Whilst the height and overall massing of the spread of buildings varies, it is considered that the proliferation of buildings remain at farm scale with the farm house cottage clearly sitting as the centre piece, with the intake building digester tank and lagoon appearing taller to the west.

In allowing the appeal under LPA ref: 12/01659/MFUL the Inspector concluded that the plant AD would result in some limited impact to the landscape character and visual quality of the area. your officers consider that a landscaping scheme would not address this entirely in the short term, but in the longer term landscaping would establish native woodland of value which would be characteristic of the area. This new landscaping has not yet been planted out but it is clear from the existing vegetation that it will further assist in softening the new infrastructure and assist with it's integration within the landscape.

The new building will be set further down in the field than the existing AD complex accordingly the existing field hedgerow will assist with screening the proposed building which will sit lower than the intake building. The proposed planting associated with the AD plant, and the opportunity for further planting to the west of the new building will help to maintaining the rural setting and avoid a highly visible proliferation of buildings across the complex.

Whilst the new building will be visible within the context of the surrounding landscape, on balance it is not considered that the visual impact of the proposed building, individually and cumulatively with the other buildings across the complex, would justify refusing planning permission on the basis of permanent harm to the landscape character and to the visual amenities of the area. A condition is proposed which seeks additional landscaping on the western side of this building.

### **3. Impact on amenity of residents**

Although residents continue to suggest that noise in the area and general disturbance issues arise in connection with the operation of the on-site plant, no formal complaints have been made to this Authority's Health and Environment Services Team.

The closest residential property to the site is that which belongs to the applicant with the nearest dwelling outside of the site located approx. 430 metres away and over. The properties at Nomansland Cross are some 700m distant. In conclusion it is not considered that there are residential properties/uses (that are not associated with the business) nearby that would be affected in terms of noise, odour and/or privacy impacts.

### **4. Transportation Issues**

The applicants' agent has confirmed that the proposed use for the building would result in 100 extra movements per year on the Highway which is a classified B road. These trips would arise from exporting the pellets from the site. There are no trips on the highway in terms of transporting the raw material to be processed. The Highway Authority has not raised any objections on highway safety and/or capacity grounds.

Local stakeholders continue to raise issues regarding how the transport pattern associated with this development individually and cumulatively with approved uses at the Menchine complex will affect the affect the local amenities of the area given the number of trips arising.

Unlike the proposals under application 14/01915/FUL, the proposed number of additional trips associated with the application scheme within is considered robustly defined.

Reflecting on the conclusions which the Inspector reached when allowing the appeal under LPA ref: 12/01659/MFUL, the low level of traffic generation (100 trips per year) which would arise is not considered to have a detrimental affect on highway safety and or local capacity issues either individually and/or cumulatively with the approved uses on Menchine Farm.

## **Conclusion**

For members information as stated above the appeal against 14/01915/FULL is currently being considered and it is not considered by officers that a decision to approve this application under prejudice the Local Planning Authority's position on this case.

Whilst local stakeholders continue to raise concerns regarding further development at Menchine Farm, for the reasons given above, the planning application scheme is considered to comply with the policies of the adopted Development Plan, and therefore approval is recommended. Conditions are recommended to ensure the improvements to the proposed farm track at the junction with the highway are delivered, together with landscaping of this site.

## **CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. The site access road to Menchine Farm shall be hardened surfaced and drained for a distance of not less than 10 metres back from its junction with the public highway, prior to the first use of the building and shall thereafter be so retained.
4. In accordance with details that shall previously have been submitted to, and approved in writing by, the Local Planning Authority, provision shall be made within the site for the disposal of surface water so that none drains on to any County Highway.
5. The proposed scheme of landscaping adjacent to the application building as shown on plan MF/FB/01B and as required as part of the scheme approved for the AD plant shall be carried out in the first planting season following the construction of the building hereby approved. In addition a further scheme of planting immediately to the south and west of the building hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of its construction, and shall be implemented in the first planting and seeding season following the construction of the building hereby approved. Any trees or plants which within a period of 5 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. Once provided, the landscaping scheme shall be so retained.

## **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 prevent mud and other debris being carried onto the public highway.
4. In the interest of public safety and to prevent damage to the highway.
5. In the interest of the visual amenity of the area in accordance with policy DM2 of the Local Plan Part 3: (Development Management Policies).

## **REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT**

The proposal is for the erection of a further building on the Menchine Farm complex to enable the processing of digestate into a pellet format. The siting, location and design of the building is such that it is not considered that the proposed development would harm the landscape character and/or visual amenities of the area in the long term or the living conditions of any nearby residential dwellings when considered individually and/or cumulatively character with the existing buildings and lawful uses on the farm complex. Furthermore the proposals raise no traffic and/or transportation concerns. The proposal therefore accords with the aims and objectives of restricting development in the countryside whilst maintaining the presumption in favour of suitable development within the rural economy.

On this basis the proposal complies with Policies COR2 and COR18 of the Mid Devon Core Strategy and Policies DM1, DM2, and DM22 of the Mid Devon Local Plan (LDF) Local Plan Part 3: (Development Management Policies) and government policy as contained in the National Planning Policy Framework.

Plans List No. 3

Application No. 15/00681/FULL

Grid Ref: 277045 : 102767

Applicant: Mr & Mrs S Penny

Location: 31 Sunnymead  
Coplestone Devon  
EX17 5NQ

Proposal: Erection of first floor  
rear extension

Date Valid: 27th April 2015



**Application No. 15/00681/FULL**

**RECOMMENDATION**

Refuse permission.

**COUNCILLOR HEAL HAS REQUESTED THAT THIS APPLICATION BE DETERMINED BY THE PLANNING COMMITTEE FOR THE FOLLOWING REASONS:**

To consider if:

1. The living conditions of neighbouring properties will be adversely affected contrary to Policy DM13 of the Local Plan Part 3 (Development Management Policies).
2. The design, scale and massing is acceptable under Policy DM13 of the Local Plan Part 3 (Development Management Policies).

**MEMBERS ARE ASKED TO NOTE THAT THIS IS A HOUSEHOLDER APPLICATION**

**PROPOSED DEVELOPMENT**

This application is for the erection of a first floor rear extension at 31 Sunnymead, Copplestone. This is a semi-detached property located in a residential part of Copplestone. The property is set back slightly from the road with a garden area to the front, parking to the side. To the rear the property is set into a higher ground level which is approximately level with the height of the single storey conservatory at the rear. The property has a rendered finish with a concrete tile roof and uPVC windows and doors.

The proposal is to erect a first floor extension to the rear of the property to provide a fourth bedroom. The extension will be set on two pillars and extend out over the existing lean-to conservatory. The extension would extend 3.2m from the rear of the property and be 3.7m wide. The proposed material palette includes a composite flat roof, timber singles, timber weatherboard cladding and uPVC windows.

Following discussion with the Local Planning Authority the applicant's agent has amended the plans from showing an extension across the entire rear of the property 6.5m wide to now being 3.7m wide.

**APPLICANT'S SUPPORTING INFORMATION**

None

**PLANNING HISTORY**

None

**DEVELOPMENT PLAN POLICIES**

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

COR2 - Local Distinctiveness  
COR17 - Villages

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

DM1 - Presumption in favour of sustainable development  
DM2 - High quality design  
DM13 - Residential extensions and ancillary development

## CONSULTATIONS

HIGHWAY AUTHORITY - 7th May 2015 - No comments

## REPRESENTATIONS

One letter of objection was received in respect of the initial scheme;

- Loss of light to no. 33
- Loss of light to the garden area
- Poor design- substandard materials
- No consideration has been given to rainwater run off
- No agreement has been reached to access the neighbours property to allow maintenance of the extension
- There are no rear extension on this road at all- they are all to the side
- No investigations have been carried out of the capabilities of the existing foundations
- The angle of the roof is not sufficiently steep to carry cement tiles

Following the amendments to the scheme to reduce the size of the proposed extension no further letters of representation in support or objection have been received.

## MATERIAL CONSIDERATIONS AND OBSERVATIONS

DM13 deals with residential extensions and ancillary development, more specifically it supports this development subject to the following criteria;

- a) Respects the character, scale, setting and design of existing dwelling
- b) Will not result in over-development of the dwelling curtilage; and
- c) Will not have a significantly adverse impact on the living conditions of occupants of neighbouring properties.

Policy DM2 requires new development to be of high quality design showing clear understanding of the characteristics of the site, its wider context and the surrounding area. It also sets out that development should aim to create visually attractive places that are well integrated with surrounding buildings, streets and landscapes.

The existing house is a traditional 1970's semi- detached property of simple proportions comprising rendered walling under a tiled pitch roof.. The proposed design of the extension is considered to be incongruous to the style of the existing property such that it would harm the appearance of the property. The design, being flat roof and on 'stilts' is an unconventional design that is considered to detract from the simple appearance of the existing dwelling. This is further amplified by the choice of facing material for the new sections of walling - timber boarding. As such it is considered that the new build element would be incongruous to the appearance of the existing dwelling. Although the extension is set to the rear of the property it would in part still be visible from the street scene and given the poor design and inappropriate material palette it is not considered that the development respects the character of the site or the surrounding area. The appearance of the extension would detract from the character of the existing buildings, its surroundings and appearance of the street scene and is therefore contrary to the aim of DM2 to provide high quality design that creates visually attractive places. The change to the appearance of the host dwelling and street scene is considered to be unacceptable and therefore it is deemed that the application does not meet criteria A of DM13.

The proposed extension is set back from the party boundary by 2.85m. Both of the properties have a higher garden level to the rear (north). There is a small yard area at the rear of the properties approximately 3m wide which is occupied by the conservatory of the application property but serves as a small court yard amenity area for the adjoining property. The Local Planning Authority has to consider the amenity of current and future occupiers of the neighbouring properties. In terms of overlooking the Local Planning Authority is satisfied that the proposed extension would not result in any significant adverse impact to the amenities of occupiers of the neighbouring property and there would not be any loss of privacy as a result of the

development. However given the orientation of the properties it is considered that the proposed extension is likely to result in a loss of light and moreover an oppressive environment for the occupiers of the neighbouring property, particularly within the courtyard area which is a main outside amenity area for the neighbours. This impact will be emphasised due to the position of the extension to the south of the rear yard of the neighbouring property. On this basis the application scheme is contrary to criteria C of DM13.

Given the scale of the extension in relation to the size of the curtilage it is not considered that the proposal would result in over development of the dwelling curtilage.

## **REASONS FOR REFUSAL**

1. The design of the proposed extension, being a flat roof box style design supported on 'stilts', and the material palette is considered to be of a poor quality, such that it would appear as an incongruous feature and would result in harm to the appearance, character and design of the dwelling, its surroundings and the wider street scene. On this basis it is considered that the design of the extension does not demonstrate an understanding of the characteristics of the surrounding area and would be detrimental to the local character and therefore the application proposal is contrary to the following Policies: DM2 and DM13 of the Local Plan Part 3 (Development Management Policies) and COR2 of the Mid Devon Core Strategy (Local Plan Part 1).
2. Given the siting of the proposed extension and the orientation in relation to the adjoining property the Local Planning Authority considers that it would result in an oppressive environment with an unacceptable detrimental impact upon the amenities of the current and future occupiers of the neighbouring property such that the proposal is considered to be contrary to Policies DM2 and DM13 of the Local Plan Part 3 (Development Management Policies).



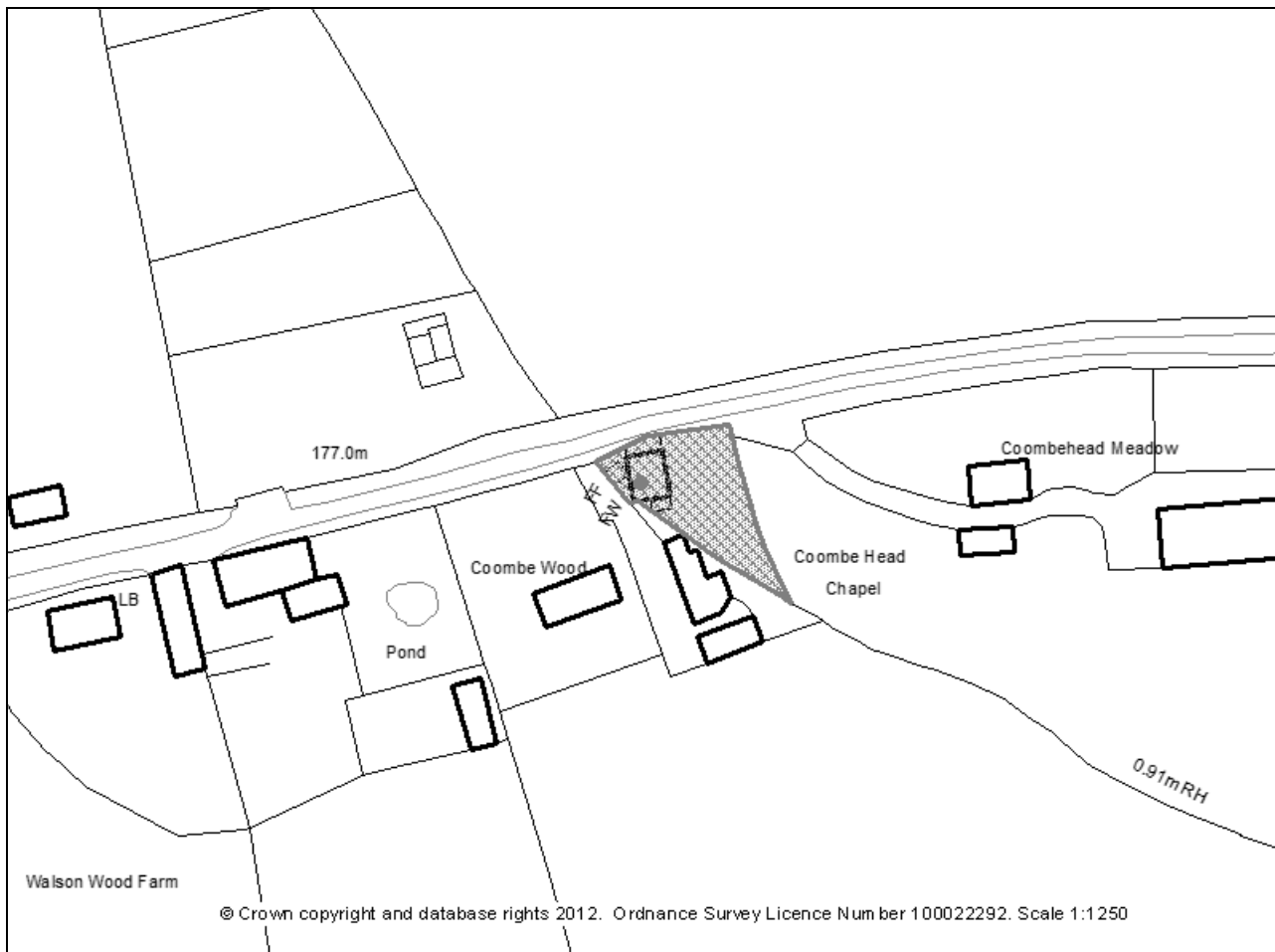
**Grid Ref:** 273827 : 98156

**Applicant:** Mr K Knight

**Location:** Coombe Head Chapel  
Bow Devon

**Proposal:** Conversion of  
redundant chapel to  
dwelling

**Date Valid:** 27th May 2015



## **Application No. 15/00743/FULL**

### **RECOMMENDATION**

Grant permission subject to conditions.

### **PROPOSED DEVELOPMENT**

The proposal is for the conversion of redundant chapel to dwelling at Coombe Head Chapel, Bow. This is a modest, detached building located in the countryside to the east of Hillerton. The building, a former chapel, is set within a small curtilage that formed the graveyard with some tombstones still present. Although not listed, the building would be considered to be a non-designated heritage asset. The building is currently redundant and in a poor state of repair, being constructed of random stone and cob with a natural slate roof and timber frame windows. At the southern end of the building there is a concrete block lean to extension which is likely to have been a later addition and on the north elevation there is a small entrance porch.

The proposal is to convert the chapel building to provide a dwelling. At ground floor level there will be an open plan kitchen, dining and sitting area and within the extension a small shower room. There will be a mezzanine level which will provide a bedroom with ensuite and a walk in wardrobe. The proposed extension will be rebuilt in concrete block, the roof will be natural slate to match the existing property. The windows are proposed to be of uPVC. The surface water will be disposed of via a soakaway. Foul drainage would be processed via a package treatment plant.

The Site Location Plan identifies the proposed residential curtilage as is proposed and the applicant has confirmed that although this area will be used as a residential garden, they intend to keep the grave stones in position.

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

None

### **PLANNING HISTORY**

87/00860/FULL Change of use of Chapel to one residential unit - REFUSE

### **DEVELOPMENT PLAN POLICIES**

#### **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

DM11 - Conversion of rural buildings

DM27 - Development affecting heritage assets

### **CONSULTATIONS**

**HIGHWAY AUTHORITY** - 8th July 2015 - I have visited the site and have no objection to a layby, I would consider that the traffic generated by a residential dwelling would be less than the potential generation of a D2 use and while the roads are substandard in terms of width alignment, current NPPF guidance would lead me to advise that the traffic generation being less than the potential will give rise to a development which would not be severe and is acceptable.

In looking at the layby, consideration should be given to the neighbours access and the visibility from it which currently does not have any obstruction I would anticipate that a wider than normal layby would

maintain this so would advise a layby which is 3.0m wide with two spaces 5.5 in length each and splayed at 45 degrees to the highway. This will take out the entire bank.

The applicant has set out in their block plan the layby which has taken into consideration the visibility splay for the neighbour and is of a length to cater for two cars therefore subject to a condition for the hardening of the layby with a bound material, no loose stones or chippings and it being drained to prevent surface water entering the public highway I would raise no objections in principal.

1.HC106 The site access road shall be hardened, surfaced, drained and maintained thereafter to the satisfaction of the Local Planning Authority

#### REASON

To prevent mud and other debris being carried onto the public highway

2.HC115 In accordance with details that shall previously have been submitted to, and approved by, the Local Planning Authority, provision shall be made within the site for the disposal of surface water so that none drains on to any County Highway

#### REASON

In the interest of public safety and to prevent damage to the highway

### **COLEBROOK PARISH COUNCIL - 18th June 2015**

The Parish Council discussed this application at their meeting in May. Since then the Planning Committee has had the opportunity to consider the application and has made the response below. This response has been circulated to all Councillors for approval. Colebrooke Parish Council has no objection to a conversion being carried out on the building. However it must object to the present application on the grounds that no mention is made of the management or future of the graveyard and its memorials. The graveyard would have been opened in the 1840s and closed in the 1870s possibly because of difficulties digging graves in wintertime. Subsequent burials appear to have taken place at the newly opened Bow Gospel Hall burial ground. Although just three memorials remain, when the chapel was in use the mounds of over twenty graves were still visible. The three memorials represent three of the men involved in the erection of the chapel. Of these William Arscott who lived at Coleford resigned as parish clerk and left the Church of England to join the Brethren movement and was also earlier responsible for starting the chapel at Coleford. In the Parish Council's opinion Coombehead forms a historical part of the nonconformist movement in Colebrooke in the 1840s and any development should endeavour to preserve this.

### **NATURAL ENGLAND - 9th June 2015 - No comments**

ENVIRONMENTAL HEALTH - 14th July 2015 - Contaminated Land - No objections

Air Quality - No objections

Drainage - No objections

Noise & other nuisances - No objections

Housing Standards - No objections

Private Water Supplies - INFORMATIVE NOTE:

No record is held as being a private supply. However, if a private water supply is to be used together with any other associated property, the supply would become a small private supply, unless a commercial element is involved when it would become a commercial supply. In either circumstance would be 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. Please contact Public Health at Mid Devon District Council to discuss on completion of the proposal.

Health and Safety - No objections

### **REPRESENTATIONS**

At the time of writing this report four letters of representation had been received, these are summarised below:

- In favour of the chapel being converted in order that the building can be retained.
- Concerns with regard to the intended soakaway for the septic tank and that the VP figures may not be correct.
- The land to the south of the site is situated at a lower level than the site of the chapel, this land is

- waterlogged in winter.
- The foul drainage form is not correct and there are soakaways within 50m of the site. The proposal does not provide a clear plan showing the location of the whole system and the position of elements such as the septic tank, drainage field and points of discharge.
- The percolation test was carried out by the applicant, the test should be carried out by an experienced independent site evaluator to give an unbiased assessment of the ground conditions, soakage capacity and drainage.
- There is no provision of visitor parking. There have already been problems caused by the owners parking opposite an existing driveway.
- The proposed works could impact on the root system of the trees on the site.
- The previous planning application was refused because the chapel is not considered suitable for conversion due to its poor structural condition which would be likely to necessitate major alterations and reconstruction works being involved tantamount to the erection of a new dwelling.
- The applicant has already breached planning control by putting a caravan on the site and staying in it.
- There is no mention of the graves and how these will be preserved by the proposals.
- The Local Planning Authority needs to ensure full compliance with any permissions granted.

## **MATERIAL CONSIDERATIONS AND OBSERVATIONS**

Policy COR18 of the Mid Devon Core Strategy (Local Plan Part 1) establishes the principle that development in the open countryside should be strictly controlled. Furthermore, it provides criteria that identify an acceptable range of uses and building types that could be considered acceptable. COR18 does not provide specific policy support however the National Planning Policy Framework (2012) advises that the government will allow for provision of high quality homes through the reuse of redundant and disused buildings in the open countryside, in certain circumstances. DM11 of the Local Plan Part 3 (Development Management Policies) reflects these policy objectives and the criteria are detailed below.

DM11- the conversion of redundant or disused rural buildings of substantial and permanent construction which positively contribute to an area's rural character for residential, tourism or employment uses will be permitted where:

- 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.

A summary assessment of the application scheme against these criteria is set out below;

The proposed building, by virtue of its character, design and historic significance is considered to positively contribute to the area's rural character and is therefore considered to be a candidate building under policy DM11.

- A) The chapel is situated adjacent to the highway with a small grass bank, approximately 1m high which provides the boundary to the curtilage. The proposal demonstrates that two parking spaces will be provided in a parking bay arrangement adjacent to the highway. This will necessitate removal of the grass bank. The applicant engaged in pre-application advice with the Highway Authority who are satisfied that the layout of parking as proposed is acceptable. Whilst the nature of the roads in the area are narrow, there is reasonable visibility along this stretch and it is considered that the local road network is capable of supporting the traffic resulting from the development. Although the proposal would require a short section of the small bank to be removed it is not considered that this would harm the overall character of the surrounding area. The proposal is considered to be in accordance with this requirement and also policy DM8 in terms of parking provision.

B) Upon visual inspection it is clear that the building is in a declining condition and the report by W H Badger Consulting Engineer (May 2015) sets out the repairs that are required, these are summarised as follows:

- The timber floor will need to be renewed with a timber suspended floor above an over site concrete base.
- The present roof form is formed of a series of high collar A frames with low level steel tie bars. This will not be consistent with the provision of a first floor mezzanine level. The roof will need to be re-engineered to allow the provision of the mezzanine level. This structure will be formed through a series of steel H frames, surmounted by raking principal rafters. Certain elements of the existing A frames or some timber frame elements as decorative features. The foundations of the steel H frame will be via steel counter frames with inset foundation blocks to avoid disturbing footings of the existing external walls. The roof will be re-slatted.
- The cob walls are generally in a state of outlean towards the top. The walls are in a poor condition and show signs of previous repair and re-rendering. The proposed works to the external walls are to re-render, rectify any verticality with stone/brick/cob veneers as required. Strengthen the corners with heli-coils and tie back walls to new steel structure.
- The foundations will be exposed and rectified with concrete underpinning as necessary.
- The external elements of the porch will be preserved and repaired with thermal insulation provided on an internal timber stud lining wall. The roof will be battened, felted and re-slatted.

The proposed extension to the South elevation that will replace the more modern block built has a slightly larger footprint but is of a design which is more in keeping to the character and appearance of the building and will assist with the preservation of the building as a non-designated heritage asset. Overall this aspect is considered to be allowable under the terms of policy DM11 and in accordance with policy DM27.

C) The scheme has been designed to incorporate the existing fenestration arrangement and although the proposal incorporates a new roof structure the roof material will be replaced with a natural slate such that the original form and appearance of the building will be retained. The proposed replacement extension to the south elevation of the building is considered to be an appropriate replacement that is sympathetic to the design of the existing building and does not detract from the original character of the building. The design largely retains the existing openings, with the addition of some roof lights and re-orientating the front door from the side elevation of the porch to the north end elevation. The applicant has suggested that they would install uPVC windows however given the character of the building it is not considered that this would be acceptable and would detract from the traditional character of the original building and as such a condition is imposed to ensure that the windows are of a timber frame design to be in keeping with the original character of the building. The conservation officer has confirmed that the building should be treated as a non-designated heritage asset, and subject to the windows being constructed of timber and the roof lights being flush fitting the design is considered satisfactory and would not harm the character of the original dwelling. The proposed works are considered to retain the character and appearance of the existing building and it is considered that the application scheme will sit comfortably within its natural surroundings. Therefore it is considered that the proposal satisfies criteria C of DM11.

D) An ecological survey was carried out on behalf of the applicant by Western Ecology in May 2015 and a report prepared by them was submitted as part of the application. The recommendations of the survey are as follows:

There is no evidence of bats found within the site and therefore no further survey work or mitigation measures are required or recommended. The building has no potential for roosting or nesting Barn Owls and similarly no further survey work or mitigation is required for recommended for barn owls. There is evidence within the building of nesting birds and therefore the report recommends that any works should be completed during the period of September to February inclusive outside the accepted bird nesting season.

In summary of this issue, the principle of a residential conversion of the barn as proposed is considered justified taking into account the provisions of DM11 and guidance in the National

Planning Policy Framework, which in this case should override the policy position established under COR18.

### **Design Issues**

The scope of the alterations to the building and the layout for the conversion to a dwelling have been described above and as stated are considered acceptable. Although the building is modest in scale the proposal delivers habitable accommodation which exceeds the space requirements established by DM15. There is sufficient space within the site to create a layout that accommodates satisfactory amenity space.

### **Drainage Issues**

It is noted that a number of the representations have raised concern over the drainage proposals for the development. The surface water will be managed through a soakaway as demonstrated on the proposed block plan. The foul drainage will be managed through a Klargestor Bio disc package treatment plant. The applicants have carried out percolation tests at the site to determine that the size of the soakaway that is required as a drainage outlet for the package treatment plant as proposed. Technical justification for this aspect of the conversion has been submitted to support the application, and the proposals comply with the technical requirements. The applicants have also provided certification that confirms that proposed package plant exceeds the standard required by the Environment Agency. It is considered that on the basis of the evidence provided that the drainage arrangements are satisfactory to manage foul and surface water transfer from the site.

### **Amenity Issues**

The chapel is situated in reasonably close proximity to the neighbour at Coombe Wood however it is noted that no objections have been received in terms of the potential overlooking and loss of privacy resulting from the development. Given the orientation in relation to the neighbouring dwellings and the minimal window openings on the west elevation facing the nearest property, it is not considered that the development would have a significant adverse impact on the occupiers of the neighbouring properties.

### **Other Issues**

The Parish Council have raised concerns on the basis that no mention is made of the management or future of the graveyard and its memorials. Since this comment the applicants have provided an additional statement within which they outline that they intend to preserve the existing head stones (3 of which remain). Notwithstanding this the works to the headstones or to exhume the graves would require separate consent.

There are a number of relatively mature trees on the site, the one at the front of the site will need to be removed in order to accommodate the parking area and soakaway. The applicant has confirmed that they do not intend to remove any of the other mature trees on the site. Although the loss of the tree is regrettable, no consents would be required to remove the trees and it is not considered that the contribution of the tree to the general amenity of the area is such that they would warrant long term protection through the imposition of a tree preservation order.

JA contribution towards the provision of new/maintenance of existing open space off site would have been required to comply with the requirements of Policy AL/IN/3 of the Allocations and Infrastructure Development Plan Document (Local Plan Part 2), and Supplementary Planning Document: The Provision and Funding of Open Space Through Development (May 2008). However on 28th November 2014 the Government announced changes to national planning guidance which have significant implications on sites that fall below a certain size threshold. In this instance where the site falls outside of the defined settlement limits of Crediton, Cullompton and Tiverton, and provides less than 5 dwellings there would be no requirement for any contributions to be made.

### **CONDITIONS**

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

3. The roof covering of the development hereby permitted shall be of natural slate a sample of which shall be submitted to, and be approved in writing by the Local Planning Authority prior to its use on the buildings. Such approved slate shall be so used and retained.
4. The conclusions and mitigation measures set out in the Western Ecology protected species survey (final report - dated May 2015) received on 27th May 2015 by the Local Planning Authority shall be complied with in full during construction of the development hereby approved.
5. Prior to their installation, details of the new external windows including sections, mouldings and profiles, finishes and glazing shall be submitted to, and approved in writing by, the Local Planning Authority. Installation of the windows shall be in accordance with these approved details, and be so retained thereafter.
6. Before the first occupation of the dwelling, there shall be submitted to, and approved in writing by the Local Planning Authority, a landscaping scheme, including details of any changes proposed in existing ground levels, samples of surfacing materials and edging, and details of new hedge planting. All planting, seeding, turfing or earth re-profiling 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. The landscaping shall be retained in accordance with the approved scheme.
7. Prior to the occupation of the dwelling there shall be submitted to, and been approved in writing by, the Local Planning Authority a plan indicating the height, positions, design, materials and type of boundary treatment to be erected on the site and a timescale for its implementation. The boundary treatment so approved shall be completed in accordance with the approved details and shall be so retained.
8. Before the development hereby permitted is first brought into use, the vehicular parking bay indicated on the approved plans shall be surfaced and drained (to avoid surface water discharge onto the highway) in accordance with details to be submitted to, and be approved in writing by, the Local Planning Authority. Following their provision, these facilities shall be so retained.
9. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015, no development of the types referred to in Classes A, B, C, D, E, F, G, H of Part 1, or Classes A or C of Part 2 of Schedule 2, relating to extensions, alterations to the roof, porches, outbuildings, hard surfaces, chimneys, flues and microwave antenna, gates fences and walls and exterior painting shall be undertaken within the application site without the Local Planning Authority first granting planning permission.
10. The proposed roof lights, as shown on the approved plans, shall be conservation type (flush fitting to the roof line) and shall be retained as such.

## **REASONS FOR CONDITIONS**

1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of proper planning.
3. To ensure the use of materials appropriate to the development in order to safeguard the character and appearance of the building in accordance with Mid Devon Core Strategy (Local Plan part 1) Policy COR2 and Local Plan Part 3 (Development Management Policies) Policies DM2 and DM27.
4. To ensure the protection of any ecological interests at the site.

5. To ensure the use of materials and detailing appropriate to the works, in order to safeguard the character and appearance of this non-designated heritage site in accordance with Mid Devon Core Strategy (Local Plan Part 1) Policy COR2 and Local Plan Part 3 (Development Management Policies) Policies DM2, DM11 and DM27.
6. To ensure that the development makes a positive contribution to the character and appearance of the area and the setting of this non-designated heritage site in accordance with Mid Devon Core Strategy (Local Plan Part 1) Policy COR2 and Local Plan Part 3 (Development Management Policies) Policies DM2, DM11 and DM27.
7. To safeguard the character and amenities of the area in accordance with Policy DM2 of Local Plan Part 3 (Development Management Policies).
8. In the interest of highway safety.
9. To safeguard the character and appearance of the building and the visual amenity of the area in accordance with Policy COR2 of the Mid Devon Core Strategy (Local Plan Part 1) and Policies DM2, DM11 and DM27 of the Local Plan Part 3 (Development Management Policies).
10. To safeguard the character and appearance of the building in accordance with Policy COR2 of the Mid Devon Core Strategy (Local Plan Part 1) and Policies DM2, DM11 and DM27 of the Local Plan Part 3 (Development Management Policies).

#### **INFORMATIVE NOTE**

1. The applicant is advised that wild birds and common species of reptile are legally protected under the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2010. If any hedgerow removal works are to take place during the bird nesting season (March to September), works should only be undertaken immediately following an inspection by an ecologist to minimise the risk of killing or injuring reptiles and to confirm the presence/absence of nesting birds.

#### **REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT**

The National Planning Policy Framework establishes the principle that the reuse of redundant or disused buildings in the open countryside as dwellings, could be considered acceptable, and Policy DM11 of the Local Plan Part 3 (Development Management Policies) reflects this guidance where a building makes a positive contribution to the rural character of the locality. Given the contribution that the Chapel is considered to make to the character of the local area, in policy terms the conversion of the chapel is considered to be acceptable. The proposal includes extensive repairs to the main building and porch, and largely a rebuild of the single storey extension. On balance these works are considered to be compliant in terms of what is allowable under DM11 enabling the non-designated heritage asset to be preserved and retained in accordance with Policy DM27. Overall the works to the building are considered to respect the character of the building and the surrounding rural environment. The proposal is not considered to cause harm to nature conservation interests in the local area subject to mitigation measures, or have a significant adverse impact on the occupiers of neighbouring dwellings. On this basis the proposal is considered to be compliant with Policies DM1, DM2, DM8, DM11, DM14, DM15 and DM27 of the Local Plan Part 3 (Development Management Policies), Policies COR1 and COR2 of the Mid Devon Core Strategy (Local Plan Part 1) and policy guidance in the National Planning Policy Framework.



**Plans List No. 5**

**Application No. 15/00771/FULL**

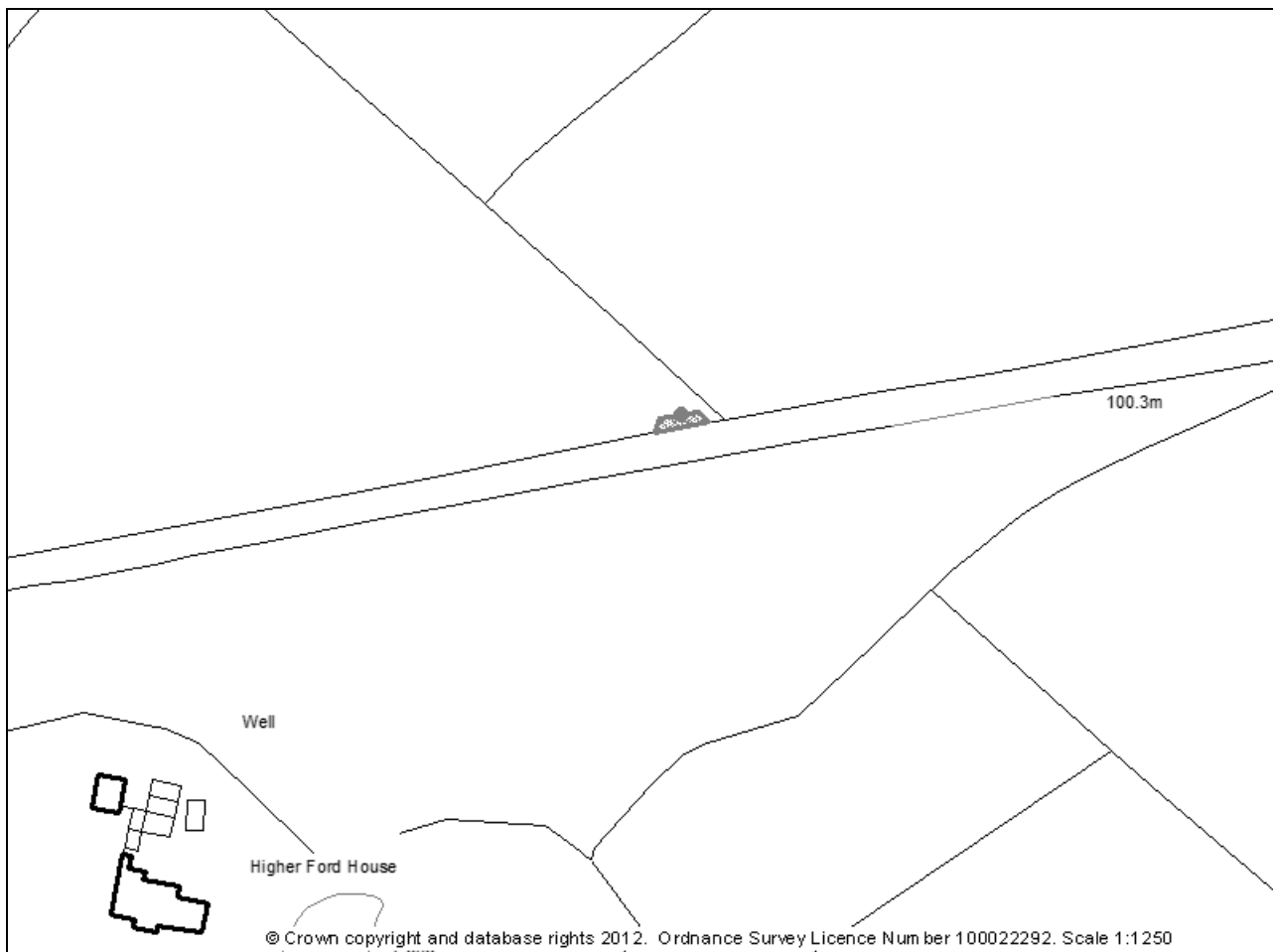
**Grid Ref:** 268282 : 111909

**Applicant:** Mr Stephen Darke

**Location:** Land at NGR 268282  
111909 (North Of  
Higher Ford House)  
Chawleigh Devon

**Proposal:** Formation of layby for  
parking of  
vehicles/access to  
woodland

**Date Valid:** 18th May 2015



## **Application No. 15/00771/FULL**

### **RECOMMENDATION**

Grant permission subject to conditions.

### **COUNCILLOR EGINTON HAS REQUESTED THAT THIS APPLICATION BE DETERMINED BY THE PLANNING COMMITTEE FOR THE FOLLOWING REASON:**

To consider the necessity to create a parking space and access to the woodland and the size of the proposed layby.

### **PROPOSED DEVELOPMENT**

The proposal is for the formation of a layby for parking of vehicles and for access to woodland. The site is a small plot of woodland extending to 1.29 hectares and known as 'Ford Wood'. It is located adjacent to the B3042, approximately 560m to the north of the junction with the A377 at Eggesford Station. The woodland forms a largely triangular shape and is bounded by the B3042 road along the south boundary, and agricultural land to the north east and north west. There is an existing unmade track through the woodland which continues beyond the land in the applicant's ownership to adjoin the A377 at Ford Cross, the track is not within the ownership of the applicant.

The proposal is to construct a layby at the edge of the woodland, adjacent to the highway, to allow for parking of vehicles and access to the woodland. The main parking area of the layby will be 8m long, with 45 degree reveals making it 14m long at the front where it abuts the highway. It is proposed to extend back from the highway for 3 metres into the site. The layby will be finished with a self-binding surface, onto a base layer, comprising of 300mm (scalpings and stone). The perimeter off the new layby on the woodland side will be fenced off (post and rail type) with a gateway opening set to allow access by a digger or quad bike to carry out forestry operations. The plans indicate that there will be a reinstated hedgerow although there is no hedgerow existing at the moment. However, the Local Planning Authority understands, following discussions with the applicant, that the earth that is excavated will be used to form a bund around the edge of the layby (on the woodland side). The applicant has suggested that he will be erecting a small chain link fence to the roadside boundary to prevent others from using the layby. No specific details have been provided of these and therefore it will be necessary to have details of the proposed boundary treatments prior to their use on the site. The application does not propose to provide any hard surfacing into the wood beyond the layby as set out above.

The applicant requires the layby in order to park vehicles safely off the highway whilst carrying out maintenance of the woodland, in accordance with the felling license that he has been granted by the Forestry commission to allow the maintenance and improvement of the land. The nature of the works are to thin the wood of dead and dangerous trees and to clear the drainage ditches to improve the conditions for the trees that remain.

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

None

### **PLANNING HISTORY**

None

## **DEVELOPMENT PLAN POLICIES**

### **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

## **CONSULTATIONS**

### **HIGHWAY AUTHORITY - 5th June 2015**

Observations:

The Highway Authority has visited the site and has provided pre-application advice and has no objections to the proposed development. The applicant should be reminded to apply for an appropriate licence to carry out the works with the highway authority and should liaise with Mr Bob King the Neighbourhood Highway Engineer.

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

### **CHAWLEIGH PARISH COUNCIL - 3rd June 2015**

We have concerns about the necessity of the application to create a parking space and access to the woodland. There is currently a lane that runs along one edge of the woodland that we would argue already creates adequate access to the woodland for the 'Occasional light forestry works and parking of a four wheel drive vehicle and trailer' as suggested in the application. We do not feel it necessary to disturb the roadside hedge for this purpose when there is already adequate means. The size of the proposed layby is also questionable for the proposed use.

We would also have concerns that the layby would attract other road users, and encourage things like littering. By creating a parking provision on a roadside you open the space to be used by all road users which could potentially prevent it from being used as intended.

Due to these points we are not in support and ask you to refuse this planning application.

## **REPRESENTATIONS**

Two letters of objection has been received at the time of writing this report and are summarised below;

- It is not clear how many vehicles or how big the layby will be
- Is the applicant intending to use the layby for siting of a caravan for residential use?
- Other vehicles- travellers, lorries, caravans could all use the layby for parking
- There is already a track into the wood that can accommodate 4x4 vehicles and forestry machinery. The lane can be accessed directly from the A377 to the north west of the site, where the track is stone grounded and has good visibility for entering and exiting.
- The layby, with metal posts and a chained off area, would be visually urbanising a rural setting.

## **MATERIAL CONSIDERATIONS AND OBSERVATIONS**

The site of the layby is currently an earth bank approximately 0.5m above the highway, there is some overgrowth and trees within the site that would need to be cleared and removed. This applicant has stated that the trees to be removed include one which is diseased and has been identified to be removed as part of

the felling license. In addition some saplings and some laurel bushes would be removed. The trees that are within the site frontage that are going to be removed are not considered to be particularly good specimens and it is considered that their loss would not harm the overall character and appearance of the wooded area and the wider countryside location.

The earth bank extends back into the site on a relatively level plateau although the land slopes away more steeply beyond this to the north. The applicant proposes to excavate the site down to 300mm below the level of the road; this will clear the builder's spoil that has historically been dumped at the site. The level will then be built up to the level of the road with 100mm of scalping and a base of stone as set out above. The plan, which was based on pre-application advice with the Highway Authority, demonstrates that the gradient of the layby would fall towards the road, beyond this the site will naturally slope away into the woodland. The Highway Authority has not raised any objection to this and are satisfied that the details can be dealt with through a License. Given the scope of the layby it is not anticipated that there will be a significant level of surface water run-off, and therefore it is not considered that the proposal would increase surface water run-off that would impact on the highway network.

The existing track to the woods is situated on a sharp bend and is largely unmade and therefore intensification of the use of this track is likely to result in mud being carried out onto the highway. The representation that has been submitted suggests that the track can be accessed from the other end where it adjoins the A377, however the track is not within the applicant's ownership and therefore it is considered reasonable to allow the layby in order to provide a hard standing parking area to enable effective maintenance and improvement of the woodland. The provision of a layby to enable off road parking and loading/unloading of machinery and timber is considered to present a favourable situation to parking a vehicle and trailer on the highway. Furthermore, the Highway Authority have raised no concerns in terms of the highway safety implications of the layby

The representation and consultation response from the Parish Council raises concerns in terms of the potential use of the layby by other road users. The applicant has confirmed that he will be installing a post and chain fence on the edge of the layby to prevent other users from occupying the layby.

The nearest property is situated approximately 130m to the south west. The property sits on significantly higher ground and is screened by woodland that surrounds it. Although the representation raises concerns in terms of the impact on the amenity of their property the Local Planning Authority is satisfied that the development is not likely to result in any significant adverse impacts on the amenity of occupiers of surrounding properties given the separation distances to the nearby dwellings. As outlined above, the layby will be finished at road level, with an earth bank surround and a post and rail fence and this is considered to be appropriate to the rural area. No specific details have been provided of the finished surface details and therefore this will be required by condition in order to ensure that the finished surface is appropriate and would not detract from the character and appearance of the area. Although the layby will alter the appearance of this wooded area it is not considered that it would cause significant harm to the character and appearance of the open countryside and is therefore acceptable.

The provision of a layby at this open countryside location to allow off road parking of vehicles to serve the forestry works is considered to be reasonable. There are no other material considerations to weigh against the grant of planning permission and therefore conditional approval is recommended.

## **CONDITIONS**

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

3. Prior to the first use of the layby, details of the surfacing materials to be used shall be submitted to, and approved in writing by, the Local Planning Authority. Such approved works shall then be carried out before the development hereby permitted is first brought into its permitted use and shall be so retained.
4. Prior to their implementation, a plan indicating the height, positions, design, materials and type of boundary treatment to be erected on the site and a timescale for its implementation shall be submitted to and approved in writing by, the Local Planning Authority. The boundary treatment so approved shall be completed in accordance with the approved details and shall be so retained.

### **REASONS FOR CONDITIONS**

1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of proper planning.
3. To ensure the use of materials appropriate to the development in order to safeguard the visual amenity of the area in accordance with Mid Devon Core Strategy (Local Plan Part 1) Policy COR2 and Local Plan Part 3 (Development Management Policies) Policy DM2.
4. To safeguard the character and amenities of the area in accordance with Mid Devon Core Strategy (Local Plan Part 1) Policy COR2 and Local Plan Part 3 (Development Management Policies) Policy DM2.

### **REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT**

The application is for the formation of a layby for parking of vehicles/ access to woodland. The applicant proposes to construct the layby in order to park a vehicle and trailer to be used for management of the woodland, and it is considered to be reasonably necessary given that there is no provision for off road parking and no appropriate accesses to the woodland. The applicant has been granted a felling license by the Forestry Commission and the layby is required in order to facilitate the access to the woodland for the works. The proposed layby is not considered to result in any highway safety concerns. Although the layby will alter the appearance of the immediate area, subject to details to be provided by condition, it is not considered that the provision of the layby would harm the character and appearance of this woodland area or the character of the wider countryside. It is not considered that the proposal would result in any significant adverse impacts on the amenity of occupiers of nearby properties. The proposal is considered to be in accordance with the following Policies: COR2 and COR18 Mid Devon Core Strategy (Local Plan Part 1), DM1 and DM2 of the Local Plan Part 3 (Development Management Policies) and Government advice in the National Planning Policy Framework.

**Grid Ref:** 295491 : 112681

**Applicant:** Mid Devon District Council

**Location:** Pannier Market  
Market Car Park  
Newport Street  
Tiverton

**Proposal:** Alterations to provide additional trading units and storage space

**Date Valid:** 12th June 2015



## **Application No. 15/00944/FULL**

### **RECOMMENDATION**

Grant permission subject to conditions.

### **PROPOSED DEVELOPMENT**

This application seeks planning permission for alterations to provide an additional trading unit and buildings and storage space at the Pannier Market in Tiverton. The application is proposing minor alterations to two parts of the existing market site to enable an additional retail unit and storage units to be provided and in the same format and design as the previous enhancement scheme. The proposal comprises two areas. These are:

Area 1 is the West Stalls forming Units 1 to 12, also referred to as the Pig Pens. Here it is proposed to extend the timber frontage to the roofed area to create a new storage area matching the existing storage use on this western side of the market. Proposed materials consist of timber frame with softwood cladding, timber windows and doors to match the existing storage units. The ground floor area is 88 square metres.

Area 2 is the East Stalls forming Unit 15. Here it is proposed to infill a roofed area to match the existing side stall bays in order to provide an additional retail unit although a section is left open abutting the wall of the Deli Shack, facing the southern gable entrance into the Pannier Market building. It is proposed to use a mix of brick, timber and softwood cladding to closely match the adjoining retail units. The proposed ground floor area is 16 square metres.

Not only does the proposed scheme affect a listed building, but also the Tiverton Conservation Area. An application for listed building consent runs parallel to this application, registered under 15/00945/LBC which solely assesses the impact of the development proposal upon the listed buildings.

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

Planning, Design and Access Statement including: Heritage Statement; Justification Statement; and Schedule of Works

### **PLANNING HISTORY**

03/00589/FULL Environmental enhancement scheme for the erection of new market buildings, alterations to existing market buildings, re-roofing of youth centre, rebuilding of western boundary wall, alterations to footpath, car park and landscaping - PERMIT

03/00590/CAC Conservation Area Consent to demolish wall - PERMIT

01/00670/FULL Installation of CCTV cameras - PERMIT

99/03243/CAC Conservation Area Consent for the demolition and re-building of a 16 metre length of masonry wall. - PERMIT

95/01163/FULL Installation of CCTV Surveillance cameras (nine number) - PERMIT

90/00890/FULL Erection of shopping development - REFUSE

89/00738/FULL Erection of shopping centre comprising shop units public toilets, surface car parking, public house and refurbishment of existing Market Hall - PERMIT

89/00740/LBC Conservation Area Consent for demolition of buildings and walls (as defined on the submitted drawings) - PERMIT

87/01992/FULL DEEMED CONSENT for alterations to vehicular access and accommodation works - DEMCON

78/00435/FULL DEEMED CONSENT for the change of use from back yard to public car park, construction of access and enclosure - DEMCON

83/01918/ADVERT Consent to display non-illuminated information board (40" x 30") - PERMIT

## **DEVELOPMENT PLAN POLICIES**

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

COR2 - Local Distinctiveness  
COR4 - Meeting Employment Needs  
COR6 - Town Centres  
COR13 - Tiverton

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

DM2 - High quality design  
DM16 - Town centre development  
DM25 - Community facilities  
DM27 - Development affecting heritage assets

## **CONSULTATIONS**

**TIVERTON TOWN COUNCIL** - 8th July 2015 - Support

**HIGHWAY AUTHORITY** - 18.06.2015

Standing advice applies please see Devon County Council document <http://www.devon.gov.uk/highways-standingadvice.pdf>

## **REPRESENTATIONS**

None

## **MATERIAL CONSIDERATIONS AND OBSERVATIONS**

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

- 1. Policy**
- 2. Design and location**
- 3. Impact upon the Tiverton Conservation Area and Street Scene**
- 4. Impact upon the historic setting**
- 5. Other issues**

- 1. Policy**

The creation of an additional retail unit would receive support from Policy COR4 which promotes the development of retail floorspace up to 2016. The application is also supported by policy COR6 which seeks to promote shops and key town centre uses where they are well designed and contribute to the town's vitality and viability.

Policy COR13 of the Mid Devon Core Strategy (Local Plan Part 1) and DM16 of the Local Plan Part 3 (Development Management Policies) require the effective management of the Tiverton town centre so that economic success and heritage reinforce each other. Development within the town centre must be shown to sustain or enhance diverse town centre uses and customer choice. Your officer considers that the proposed works would be successful in promoting a wider economic use within an established town centre area whilst preserving the historic character of the Pannier Market and the wider area. This notion is set out in further detail below.

The proposed scheme would be afforded support under the National Planning Policy Framework (NPPF), and Part 2 in particular, which seeks to promote competitive town centre environments ensuring the long term vitality of town centres. The NPPF makes reference to the retention and enhancement of existing markets to ensure that markets remain attractive and competitive, and more generally supports a



presumption in favour of sustainable development. The Local Planning Authority is guided by the Framework to ensure that sustainable development should be granted permission without delay.

## **2. Design, scale, materials**

Area 1 proposed for a storage use shall replicate the design of the existing storage units with a matching vertical timber cladding with overlapping panels with the addition of timber windows with a vertical emphasis. The means of enclosure is considered to be appropriate to the setting of the wider Pannier Market, and materials are proposed to match those as existing.

Area 2 shall incorporate one retail unit in south east corner of the site (opposite Area 1). The units are to be accommodated within the existing structure which was built as part of the enhancement scheme in 2003. Again the proposal materials seek to replicate those present on the adjacent units, but with the addition of glass infill on the gable end. To some extent this will soften the visual impact of enclosing this area and the infill of this section is not considered to result in harm to the wider character of the existing units. It is considered the retail units will be in keeping with the overall design, scale and materials already present.

Neither Area 1 nor 2 are proposed to exceed the external dimensions of the existing buildings and the proposed alterations in terms of their overall design, scale, materials and siting within the Pannier Market are considered to preserve the integrity of the original layout of the Pannier market in accordance with policies COR2 of the Mid Devon Core Strategy 2007, DM2 of the Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.

It is noted on the plans and in the supporting information that the softwood vertical cladding used across Areas 1 and 2 is to be in cedar, although the Conservation Officer has clarified that larch has previously been used. The external material is subject to a condition to ensure it is appropriately matching, although this is attached to listed building consent 15/00945/LBC, as this is particularly important so as to preserve the special character and appearance of the listed buildings.

## **3. Impact upon the Tiverton Conservation Area and street scene**

The Pannier Market is a prominent and distinctive component of the wider Tiverton Conservation Area. There are pronounced views when approaching from Fore Street to the south, pedestrian walkway connecting to St Peter Street to the west, the Pannier Market car park to the north and from Market walk to the east. As such, development affecting the fabric of the buildings has the potential to significantly impact the special character of this part of the Tiverton Conservation Area. Policy DM27 of the Local Plan Part 3 (Development Management Policies) and Part 12 of the NPPF are written to assess the impact of development proposals on heritage assets including conservation areas.

The proposed alterations relate solely to the more southerly aspect of the Pannier Market area, and as such there are no prominent views of the affected buildings from Market Walk, or the car park. The main visual impact will be from Fore Street where an underpass from the main shopping area allows pedestrian access to the Pannier Market. The additional retail unit in Area 2 will be the most prominent alteration, as it is closest to main pedestrian footfall and it is currently possible to walk underneath this covered area. Subject to appropriately matching materials, the enclosure of this section of the building will be unlikely to result in detrimental harm to the character of the Conservation Area, because the overall form of the building is unaffected, and the public benefit in providing additional retail space is considered to outweigh the minimal amount of harm caused. As such this work is deemed to comply with DM2 and DM27 of the Local Plan Part 3 (Development Management Policies) and Part 12 of the NPPF.

Area 1 comprises the enclosure of Units 1 to 12. Again, this is not considered to result in substantial harm to the setting of the conservation area, given that the work shall not exceed the external dimensions of the existing structure. The proposed alterations to Area 1 are not considered to undermine the visual amenity of the street scene or conservation area in accordance with DM2 and DM27 of the Local Plan Part 3 (Development Management Policies) and Part 12 of the NPPF.

#### **4. Impact on the historic setting**

Policy DM27 of the Local Plan Part 3 (Development Management Policies) and Part 12 of the Framework consider the context of heritage assets including listed buildings. An applicant is required to consider the historic significance of a listed building, and an authority must assess the level of harm caused. The enclosure of Area 1 will result in all but the southern gable end being enclosed. This will certainly impact the historic identity of the West stalls which have historically served as a covered market area and pig pens. The harm derived from the proposed alterations is considered to be less than substantial but must be balanced against a public benefit. This is considered in more detail under parallel listed building consent application 15/00945/LBC.

#### **5. Other issues**

Devon County Council Highways department has referred to standing advice in the determination of this application, although standing advice is not relevant to development of this kind. The Case Officer has discussed the proposal with the Highways Officer who has not raised an objection, but has specified that it would be desirable to see a clear one way system for vehicle movements to be clearly set out. Whilst a one way system would generally be desirable, the Local Planning Authority is conscious that the open section adjacent to the East section of pannier market is more pedestrianized. There is already a 5 mph speed limit through the Pannier Market area and car movements are generally passing along the western side of the main building, adjacent to Area 1.

The proposed use of Area 1 is considered to be a suitable location for storage than retail due to the more frequent vehicle movements. It is thought that a storage use would be unlikely to result in a significantly higher footfall on this less pedestrian friendly side of the market, and storage units would be most likely to be accessed earlier or later in the day when the shopping area and car parks are less busy. It is considered that the proposed storage use is not likely to attract a material increase in the number of vehicle movements, and therefore the Local Planning Authority does not consider it would be appropriate to require further alterations to the site in terms of vehicle movements, nor would it be appropriate to recommend refusal on these grounds.

There are no other issues in the determination of this application and planning permission is recommended to be granted, subject to conditions.

#### **CONDITIONS**

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

#### **REASONS FOR CONDITIONS**

1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of proper planning.

#### **REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT**

The proposed alterations to the Pannier Market to provide additional storage and retail are considered to be adequately justified under national and local policy with a design that is deemed to preserve the character and appearance of the conservation area and listed buildings. Subject to conditions, the proposed development is deemed to be in accordance with Policies COR2, COR4, COR6 and COR13 of the Mid Devon Core Strategy (Local Plan Part 1), Policies DM2, DM16, DM25 and DM27 of the Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.

**Application No. 15/00945/LBC**

**Plans List No. 7**

**Grid Ref:** 295491 : 112681

**Applicant:** Mid Devon District Council

**Location:** Pannier Market  
Market Car Park  
Newport Street  
Tiverton

**Proposal:** Listed Building  
Consent for alterations  
to provide additional  
trading units and  
storage space

**Date Valid:** 12th June 2015



## **Application No. 15/00945/LBC**

### **RECOMMENDATION**

Grant Listed Building Consent subject to conditions.

### **PROPOSED DEVELOPMENT**

This application seeks Listed Building Consent for alterations to provide additional trading units and storage space at the Pannier Market, Tiverton. The application is proposing minor alterations to two parts of the existing market site to enable an additional retail unit and storage units to be provided and in the same format and design as the previous enhancement scheme. This application considers the impact of the proposed development upon the significance of the listed building. All Planning issues are considered under application 15/00944/FULL.

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

Planning, Design and Access Statement including: Heritage Statement; Justification Statement; and Schedule of Works

### **PLANNING HISTORY**

03/00589/FULL Environmental enhancement scheme for the erection of new market buildings, alterations to existing market buildings, re-roofing of youth centre, rebuilding of western boundary wall, alterations to footpath, car park and landscaping - PERMIT

03/00590/CAC Conservation Area Consent to demolish wall - PERMIT

01/00670/FULL Installation of CCTV cameras - PERMIT

99/03243/CAC Conservation Area Consent for the demolition and re-building of a 16 metre length of masonry wall. - PERMIT

95/01163/FULL Installation of CCTV Surveillance cameras (nine number) - PERMIT

90/00890/FULL Erection of shopping development - REFUSE

89/00738/FULL Erection of shopping centre comprising shop units public toilets, surface car parking, public house and refurbishment of existing Market Hall - PERMIT

89/00740/LBC Conservation Area Consent for demolition of buildings and walls (as defined on the submitted drawings) - PERMIT

87/01992/FULL DEEMED CONSENT for alterations to vehicular access and accommodation works - DEMCON

78/00435/FULL DEEMED CONSENT for the change of use from back yard to public car park, construction of access and enclosure - DEMCON

83/01918/ADVERT Consent to display non-illuminated information board (40" x 30") - PERMIT

### **DEVELOPMENT PLAN POLICIES**

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

COR2 - Local Distinctiveness

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

DM27 - Development affecting heritage assets

## CONSULTATIONS

TIVERTON TOWN COUNCIL - 8th July 2015 - Support

## REPRESENTATIONS

None

## MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

1. **Description of the listed building and setting**
2. **Impact of the proposal upon the character, appearance and historic interest of the building**
3. **Justification for conditions**

### 1. **Description of the listed building and setting**

The Pannier Market Hall building and western side stalls are Grade 2 listed and are therefore sensitive and important in historic building, wider conservation and townscape terms. The site historically has been through a number of changes but remained that of a market site. An archaeological report was prepared with the previous enhancement scheme (03/00589/FULL, 03/00591/LBC) which confirmed the market as having a long history dating back to the early 19th century.

The Pannier Market was redeveloped in around 2005 with consent granted under 03/00589/FULL and 03/00591/LBC under an enhancement scheme to provide new market buildings, internal and external alterations to the existing market buildings. The listing information confirms the Pannier Market to be a range of detached market booths dating from 1830-1831 with a contemporary with the market hall with late 19th or early 20th Century alterations. Materials consist of brick and cast-iron with natural slate roofs.

The enhancement scheme has already increased market capacity in Tiverton and allowed markets to be held more frequently. It is proposed to make better use of what are redundant stalls on the east and western side of the main building.

### 2. **Impact of the proposal upon the character, appearance and historic interest of the building**

Policy DM27 of the Local Plan Part 3 (Development Management Policies) states that development proposals affecting or having the potential to affect heritage assets and their setting such as new buildings, alterations, extensions, demolitions and change of use, must take account of the significance, character, setting and local distinctiveness of the heritage asset. A proposal must include sufficient information to assess the significance of the impact and demonstrate that the benefits outweigh the harm. Where the proposal would be likely to directly or indirectly harm the designated heritage asset or its setting, the proposal should only be approved where:

- a) The public benefits outweigh the harm; and
- b) Where a proposed development would lead to substantial harm to or total loss of significance of a designated heritage asset, the proposal meets the requirements of national policy.

Part 12 of the National Planning Policy Framework (NPPF) requires applicants to describe the significance of any heritage asset including the contribution made by the setting. In determining planning applications, local planning authorities should take account of;

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraphs 133 and 134 state that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

The alterations are to have no effect on the principal market hall building central to the site plan. The alterations are proposed to the side market stalls, and are considered to result in minimal harm to the overall effect of these elevations. The infill elevation treatment will be to match the existing timber clad and window elements are to be replicated and full height glazed areas will reflect that of the central market infill glazing.

Whilst the proposed works constitute only minor alterations, the resultant loss of the open fronted pig pens will certainly affect the historic character of this part of the marketplace. Upon completion there will be only very small sections of the Western stalls which shall be left open, and to some extent this distorts the narrative of the previous historic use. Nevertheless, the measures taken to contain the storage and retail unit well inside of the stalls results in less than substantial harm to the historic character.

Paragraph 134 of the NPPF states that where there is less than substantial harm to the significance of a heritage asset, this harm must be measured against the public benefits in serving the optimal viable use. It is considered that there is a considerable public benefit to be had through these alterations, given that additional storage units will be provided for use within the town, and the addition of another retail unit will promote the vitality and viability of the town centre. Therefore it is argued that the less than substantial harm identified is outweighed by the social and economic benefit in using what are presently underused elements of the Pannier Market as a whole.

Overall, whilst there is some harm arisen from the proposed development, this is substantially outweighed by the economic benefit in promoting an additional retail unit and further storage space available to let. The proposed works are without harm to the intrinsic character of the listed building, and shall retain the overall form and identity of the Pannier Market, whilst serving an opportunity for members of the public to visit the site in accordance with DM27 of the Local Plan Part 3 (Development Management Policies) and Part 12 of the National Planning Policy Framework.

### **3. Justification for conditions**

The conservation officer has offered her support for the proposal; although she has clarified that the existing units have a vertical larch wood cladding, as opposed to cedar, as specified on a number of proposed drawings. In order to secure compliance with DM27, details of the proposed external materials are required by way of condition to ensure they adequately blend with the existing development. These details are required prior to their first use on the buildings.

The development must also be carried out in accordance with the schedule of works, so as to preserve the existing fabric of the listed building. This is also covered by way of condition upon the grant of consent.

There are no other issues identified and the application is recommended for the grant of listed building consent, subject to conditions.

### **CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. Prior to their use on the building, details of the proposed materials together with samples for all the external surfaces of the buildings shall be submitted to and approved in writing by the Local Planning Authority and no other materials shall be used.

4. The development shall be carried out in accordance with the approved schedule of works referred to as APPENDIX 2, Schedule of Works received 9th July 2015. The schedule must be strictly adhered to at all times.

#### **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 safeguarding the visual amenities of the area and the setting of the Listed Building in accordance with Policy DM27 of the Local Plan Part 3 (Development Management Policies).
4. To ensure works appropriate to the preservation of the listed building in accordance with Policy DM27 of the Local Plan Part 3 (Development Management Policies).

#### **REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT**

The proposed alterations to the Pannier Market are considered to be adequately justified, and the less than substantial amount of harm caused is deemed to be substantially outweighed by the public benefit. Subject to conditions, the proposed works are deemed to be in accordance with Policy COR2 of the Mid Devon Core Strategy (Local Plan Part 1), Policy DM27 of the Local Plan Part 3 (Development Management Policies) and Part 12 of the National Planning Policy Framework.

Mrs Jenny Clifford  
Head of Planning and Regeneration

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**PLANNING COMMITTEE - 29 July 2015**

**REPORT OF HEAD OF PLANNING AND REGENERATION - APPLICATIONS DETERMINED UNDER DELEGATED POWERS**

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**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**

<b>DATE RECEIVED</b>	<b>DATE DETERMINED/ DECISION</b>	<b>REF NUMBER</b>	<b>APPLICANT PROPOSED DEVELOPMENT</b>	<b>PARISH/AREA</b>
30.07.2014	26.06.2015 Grant permission	14/01303/FULL	Mrs Zoe Wangler Land at NGR 07117 120011(Greenham Reach) Holcombe Rogus Variation of Conditions 1, 4 and 5 of planning permission 11/02007/MFUL to allow revised drawings for the communal barn and on-plot agricultural building, revisions to the site access and to allow the provision of passing bays by the end of	Holcombe Rogus 29

			February 2015	
22.12.2014	25.06.2015 Grant permission	14/02139/FULL	Lord Ivar Mountbatten Bridwell Park Uffculme Change of use of pool room to function room (Use Class D2), use of Chapel for the holding of functions (D2), provision of additional parking areas and the conversion of garages into additional accommodation (Revised Scheme)	Halberton 25
22.12.2014	25.06.2015 Grant permission	14/02140/LBC	Lord Ivar Mountbatten Bridwell Park Uffculme Listed Building Consent for internal alterations to the main house and for internal and external alterations to the stable block and garages to provide additional living accommodation (Revised Scheme)	Halberton 25
05.02.2015	13.07.2015 Refuse permission	15/00187/FULL	Mr N Isaac Brick House Silver Park Erection of 2 dwellings	Kentisbeare 32
03.03.2015	22.06.2015 Grant permission	15/00343/FULL	Mr H Huxtable Land and Building at NGR 288026 103704 (Town Living) Stockleigh Pomeroy Conversion of redundant agricultural building to dwelling	Stockleigh Pomeroy 47
09.03.2015	23.06.2015 Grant permission	15/00374/FULL	Mr P Cheetham Land and Buildings at NGR 308268 107308 (Orway Crescent Farm) Kentisbeare	Kentisbeare 32

			Change of use of agricultural building to dwelling	
16.03.2015	01.07.2015 Refuse permission	15/00427/FULL	Mr & Mrs A Miller Land at NGR 281932 107343 (Rear of The Old Rectory) Kennerleigh Erection of a dwelling and formation of new access following demolition of existing garage	Kennerleigh 31
23.03.2015	09.07.2015 Grant permission	15/00488/FULL	Mr & Mrs Wood 2 Lewis Avenue Tiverton Erection of extensions	Tiverton 52
01.04.2015	09.07.2015 Grant permission	15/00546/FULL	Mr & Mrs Jones Arden House Union Road Erection of a dwelling	Crediton Town 18
07.04.2015	24.06.2015 Grant permission	15/00554/FULL	Mr S Whewell Old Frogmire Crediton Erection of a parking barn and a garden stone wall	Sandford 43
10.04.2015	24.06.2015 Grant permission	15/00580/FULL	Mr S Baker Woodrow Farm Smithincott Erection of extension to existing agricultural building	Uffculme 53
13.04.2015	23.06.2015 Withdrawn	15/00570/FULL	Mr A Walker Land at NGR 310743 113848 Blackwater Road Change of use of land from agriculture to outdoor riding arena for private use	Culmstock 22
13.04.2015	13.07.2015 Grant permission	15/00582/FULL	Mr J Silverton Turley Down Farm Ash Thomas Erection of dwelling following	Halberton 25

			demolition of bungalow	
14.04.2015	13.07.2015 Grant permission	15/00591/FULL	Mr R Gibbon The Coach House White Horse Mews Variation of condition (2) of planning permission 13/00143/FULL to allow the substitution of previously approved plans	Bampton 01
14.04.2015	24.06.2015 Grant permission	15/00597/FULL	Mr M Castleden Oaklands East Village Erection of single-storey extension following demolition of existing garage and porch, and retention of raised height of chimney on eastern gable wall	Sandford 43
14.04.2015	24.06.2015 Grant permission	15/00599/LBC	Mr M Castleden Oaklands East Village Listed Building Consent for the erection of a single-storey extension following demolition of existing garage and porch, raising of height of chimney on eastern gable wall, and internal alterations	Sandford 43
15.04.2015	06.07.2015 Grant permission	15/00601/FULL	Mr & Mrs CDH Clarke Land and Buildings at NGR 276347 99597 Manor Croft Variation of conditions (2) and (4) of planning permission 00/02072/FULL to allow the parking provision to increase to 6 HGVs	Colebrooke 17
17.04.2015	03.07.2015 Grant permission	15/00615/TPO	Mr Herniman The Lodge Howden Court	Tiverton 52

			Application to fell 1 Oak, 1 Beech, 4 Cherry and 1 Ash tree and reduce crown of 1 Cherry laurel by 2.5m and do not allow to exceed 3m in height protected by Tree Preservation Order TP06/0016/TPO	
20.04.2015	24.06.2015 Grant permission	15/00626/LBC	Mrs A Adcock Trucklegate Cottage Uplowman Listed Building Consent for the installation of 4 replacement windows and the renovation of 5 windows on the South elevation	Uplowman 54
21.04.2015	19.06.2015 Not Permitted Development	15/00611/PNCOU	Mr & Mrs C E Lepper Oakwood Farm Cadeleigh Prior notification for the change of use of an agricultural building to a dwellinghouse under Class Q(a) and (b)	Cheriton Fitzpaine 12
21.04.2015	15.07.2015 Grant permission	15/00639/FULL	Mr Micheal Hill 1 Southertons Park Westleigh Erection of extension to the rear to replace existing conservatory	Burlescombe 06
21.04.2015	24.06.2015 Grant permission	15/00648/FULL	Mr & Mrs P Clist Land at NGR 313096 112069(Rodleigh Farm) Hemyock Erection of a building to provide retail/office and storage facilities	Hemyock 26
21.04.2015	23.06.2015 Grant permission	15/00658/FULL	Mr T Ruthforth The Coach House Kentisbeare Conversion of loft and installation of velux windows	Kentisbeare 32

21.04.2015	23.06.2015 Grant permission	15/00660/LBC	Mr T Ruthforth The Coach House Kentisbeare Listed Building Consent for conversion of loft and installation of velux windows	Kentisbeare 32
22.04.2015	24.06.2015 Grant permission	15/00659/FULL	Co-Operative Estates 135 High Street Crediton Installation of ATM	Crediton Town 18
23.04.2015	19.06.2015 Grant permission	15/00663/FULL	Mr H Charteris Great Heale Yeoford Replacement of kitchen extension roof and formation of glazed link between dwelling house and stable building	Colebrooke 17
23.04.2015	02.07.2015 Grant permission	15/00664/FULL	Mr & Mrs Skinner Star Meadow Zeal Monachorum Erection of a detached garage	Zeal Monachorum 61
23.04.2015	09.07.2015 Grant permission	15/00666/LBC	Mr H Charteris Great Heale Yeoford Listed Building Consent for replacement of kitchen extension roof and formation of glazed link between dwelling house and stable building	Colebrooke 17
23.04.2015	24.06.2015 Grant permission	15/00670/FULL	Mr C Hewitt Earth Gallery Flowers Newton Square Change of use from Class A1 (Shop) to Class C3 (dwelling) to include erection of single storey extension and raising roof	Bampton 01
24.04.2015	19.06.2015 Refuse permission	15/00638/FULL	Mr M S Choudhury 9 Saxon Close Crediton	Crediton Town 18

			Erection of two storey extension to create a one-bedroom annex, playroom and garden store	
24.04.2015	25.06.2015 Grant permission	15/00673/ADVERT	Mr Brian Hampson Westcars of Tiverton 11 Blundells Road Advertisement Consent to display 3 illuminated fascia signs, 1 illuminated Totem sign, 1 illuminated entrance sign and 2 non-illuminated pole mounted directional signs	Tiverton 52
27.04.2015	25.06.2015 Grant permission	15/00644/FULL	Mr M Jefferies Land at NGR 290687 105836 (The Linhay, Pitt Farm) Change of use and conversion of agricultural storage building to holiday cottage	Cadbury 08
27.04.2015	24.06.2015 Grant permission	15/00677/FULL	Mrs M Hartwell The Hayloft Higher Haydon Retention of change of use from live/work unit (sui generis) to residential accommodation (C3) and separate workshop (B1)	Washfield 56
27.04.2015	22.06.2015 Grant permission	15/00680/FULL	Mr Keith Shorrocks Skymoor Eastern Road Conversion of garage to additional living accommodation to include alterations to roof, external alterations to south and west elevations and provision of hardstanding for the parking of vehicles (Revised Scheme)	Zeal Monachorum 61

28.04.2015	22.06.2015 Grant permission	15/00699/FULL	Mr & Mrs C Kenny 1 St Margarets Close Hemyock Erection of a two storey side extension and single storey extension to the rear with associated decking area	Hemyock 26
28.04.2015	15.07.2015 Grant permission	15/00704/LBC	Mr P M Rice 1 Chapel Street Morchard Bishop Listed Building Consent for the retention of refurbishment of outbuilding including replacement of part roof, door and window, and provision of rooflight	Morchard Bishop 35
28.04.2015	23.06.2015 Refuse permission	15/00723/FULL	Mr C Black Restharrow Chawleigh Erection of a conservatory	Chawleigh 10
29.04.2015	08.07.2015 Grant permission	15/00678/FULL	Miss S Browning 17 Fore Street Silverton Change of use of existing storage/workshop building to one-bedroom annexe	Silverton 45
29.04.2015	24.06.2015 Grant permission	15/00679/FULL	Mr & Mrs R Tancock 35 Greenway Crediton Erection of two storey extension to the rear	Crediton Town 18
30.04.2015	24.06.2015 Grant permission	15/00717/FULL	Mr & Mrs Haggett Ashley Court Cottage Ashley Erection of garage building following demolition of existing	Tiverton 52
01.05.2015	03.07.2015 Grant permission	15/00719/FULL	Mr K Metcalfe 5 Court Barton Cottages Venny	Crediton Hamlets 19



			Tedburn Erection of a two-storey extension	
01.05.2015	09.07.2015 Grant permission	15/00721/FULL	Mr A Baker Land at NGR 294496 104339 (Adj. to Gilberts Barn, Chitterley) Silverton Erection of an agricultural livestock building (528 sq.m.)	Bickleigh 02
05.05.2015	24.06.2015 Approval of Prior Approval	15/00707/PNCOU	Mr & Mrs Lewis Land at NGR 288029 108621(West Upham) Cheriton Fitzpaine Prior notification for the change of use of an agricultural building to dwelling under Class Q(a) and (b)	Cheriton Fitzpaine 12
05.05.2015	18.06.2015 Grant permission	15/00727/TPO	Mr Richard Lewis 15 Pomeroy Road Tiverton Application to fell one Fir tree protected by Tree Preservation Order No. 4/52/04/TP1	Tiverton 52
05.05.2015	02.07.2015 Grant permission	15/00734/FULL	Mr R Drew Callers Farm Clayhidon Erection of roofing over existing silage clamp	Clayhidon 15
05.05.2015	15.07.2015 Grant permission	15/00739/LBC	Mrs L Kuzara Middleways Upton Hellions Listed Building Consent for internal alterations to install shower room and installation of external waste pipe and extractor fan outlet	Upton Hellions 55
05.05.2015	13.07.2015 Grant permission	15/00742/TPO	Mr A Pledger 2 Chapel Close Halberton Removal/dismantle 2 stems one from	Halberton 25

			each of the 2 Ash trees (1 leaning towards the Conifers the other covered in Ivy) protected by Tree Preservation Order 15/00003/TPO	
06.05.2015	01.07.2015 Approval of Prior Approval	15/00711/PNCOU	Mrs M Reed Hayne Farm Cheriton Fitzpaine Prior notification for the change of use of an agricultural building to a dwelling under Class Q(a) and (b)	Cheriton Fitzpaine 12
06.05.2015	09.07.2015 Not Permitted Development	15/00713/PNCOU	Mr W Weston Land and Buildings at NGR 296192 122436 (Kersdown Barton) Prior notification for the change of use of an agricultural building to a dwelling under Class Q	Bampton 01
07.05.2015	30.06.2015 Grant permission	15/00745/FULL	Mr P Hilton 5 The Glebe Poughill Erection of two-storey extension	Poughill 40
07.05.2015	07.07.2015 Grant permission	15/00751/TPO	Mr I Blanchford Southfield Southfield Drive Application to fell 1 Hornbeam and carry out works to 5 Hornbeams protected by Tree Preservation Order 99/00007/TPO	Crediton Town 18
07.05.2015	08.07.2015 Grant permission	15/00755/FULL	Mr Steve Elston Village Hall Station Road Erection of 2 dwellings (Revised Scheme)	Crediton Hamlets 19
07.05.2015	13.07.2015 Refuse permission	15/00756/TPO	Mr C Dodge Land at Portway Willand Old Village Application to fell 1 Cedar tree	Willand 59

			protected by Tree Preservation Order 08/00003/TPO	
07.05.2015	06.07.2015 Grant permission	15/00757/FULL	Mr David Chambers Thornton House 22 Blundells Avenue Erection of extension at first floor level	Tiverton 52
08.05.2015	07.07.2015 Grant permission	15/00732/FULL	Mrs Jan Shadbolt Waterside Halberton Erection of an extension	Halberton 25
08.05.2015	24.06.2015 Grant permission	15/00758/FULL	Mr S Hayes Land and Buildings at NGR 311013 109790 Backwater Farm Erection of an agricultural storage building	Uffculme 53
11.05.2015	25.06.2015 Grant permission	15/00738/FULL	Mrs M Edwards 35 Trafalgar Court Clay Lane Installation of 2 replacement windows	Uffculme 53
11.05.2015	07.07.2015 Approval of Prior Approval	15/00753/PNCOU	Mr R Elston Land and Buildings at NGR 282233 99952 Elston Meadow Prior notification for the change of use of an agricultural building to a dwellinghouse and change of use of part of remaining agricultural building to ancillary domestic use under Class Q	Crediton Hamlets 19
11.05.2015	22.06.2015 No Objection	15/00759/CAT	Mr Rice Tyse Corner Morchard Bishop Notification of intention to fell 1 Monterey Cypress tree within the Conservation Area	Morchard Bishop 35

11.05.2015	24.06.2015 Grant permission	15/00760/FULL	Mr & Mrs T Ware 2 Valley View Morebath Erection of two-storey extension	Morebath 36
11.05.2015	07.07.2015 Grant permission	15/00762/FULL	Mr P Selley Fair Park Bow Erection of dwelling	Bow 03
11.05.2015	25.06.2015 Grant permission	15/00763/FULL	Mrs R Hurst Smith 4 Okefield Road Crediton Erection of single storey extension and replacement terrace	Crediton Town 18
11.05.2015	09.07.2015 Refuse permission	15/00770/FULL	Mrs S Pugsley Hillside Sandford Demolition of garden wall to form parking area	Sandford 43
12.05.2015	07.07.2015 Withdrawn	15/00767/PNCOU	Mr Matthew Palmer Land at NGR 288740 114822 (Rogford Farm) Prior notification for the change of use of an agricultural building to 3 dwellings under Class Q	Templeton 49
13.05.2015	13.07.2015 Grant permission	15/00765/CLU	Mr D Reed Sunnyborough House Knowle Certificate of lawfulness for the existing use of a dwelling in breach of agricultural occupancy condition (7) of planning permission 4/21/93/0300 for a period in excess of 10 years	Cullompton 21
13.05.2015	08.07.2015 Grant permission	15/00772/FULL	Mrs G De Santis Doddridge House East Village Erection of extension, installation of new windows, and alterations to	Sandford 43

			existing barn	
13.05.2015	08.07.2015 Grant permission	15/00773/LBC	Mrs G De Santis Doddridge House East Village Listed Building Consent for erection of extension, installation of new windows, internal alterations, and alterations to existing barn	Sandford 43
13.05.2015	08.07.2015 Grant permission	15/00775/CLU	Mr S Snell & Mrs S Higgins Elm Tree Bungalow Morchard Bishop Certificate of Lawfulness for the existing occupation of a dwelling in breach of agricultural occupancy condition (e) of planning permission 4/35/79/710 for a period in excess of 10 years	Morchard Bishop 35
13.05.2015	30.06.2015 Grant permission	15/00784/FULL	Mr Graham Strong Land at NGR 297524 124069 (Four Winds) Erection of an agricultural building for rearing calves (Building 1)	Morebath 36
13.05.2015	30.06.2015 Grant permission	15/00785/FULL	Mr Graham Strong Land at NGR 297590 124016 (Four Winds) Erection of a agricultural building for storage of machinery and fodder (Building 2)	Morebath 36
13.05.2015	09.07.2015 Grant permission	15/00796/FULL	Mr & Mrs Carder 26 Bouchier Close Bampton Erection of single storey extension to rear	Bampton 01

14.05.2015	25.06.2015 Grant permission	15/00799/LBC	Mr Lock 3 Cross Cottages West End Road Listed Building Consent to replace 4 windows	Bradninch 04
14.05.2015	13.07.2015 Grant permission	15/00804/FULL	Mr P Brimacombe Land at NGR 278643 98994 (Hill Barton Farm) Erection of an extension to existing cubical livestock shed	Crediton Hamlets 19
15.05.2015	24.06.2015 Development Acceptance	15/00781/PNCOU	Emily Branfield BSc (Hons) Land and Buildings at NGR 298101 106916 Netherstonhaies Prior Notification for the change of use of an agricultural building to an office	Bradninch 04
15.05.2015	25.06.2015 Refusal of Prior Approval	15/00791/PNHH	Mrs Jacqueline Williams 11 Ellerhayes Hele Prior notification for the erection of an extension, extending 3.9 metres to the rear, maximum height of 4.1 metres, eaves height of 2.2 metres	Silverton 45
15.05.2015	13.07.2015 Refuse permission	15/00806/FULL	Mrs S Sandford Land and Buildings at NGR 301923 104516 (North Of Lower Westcott Cottages) Erection of a field shelter for storage of agricultural machinery	Cullompton 21
18.05.2015	13.07.2015 Grant permission	15/00816/FULL	Mrs R Stidworthy 1 Dairy Cottages Mutterton Erection of an annex following demolition of existing garden sheds	Cullompton 21

18.05.2015	15.07.2015 Grant permission	15/00823/FULL	Mr Francis Welland Village Hall Ashill Change of use of land from agricultural to mixed use including children's play area, storage shed, barbecue area and seating for use by the community	Uffculme 53
19.05.2015	03.07.2015 Grant permission	15/00822/FULL	Mr & Mrs Andy & Anna Alcroft Bray Cottage Hockworthy Erection of a single storey extension to side and two storey extension to rear (Revised scheme)	Hockworthy 28
19.05.2015	10.07.2015 Grant permission	15/00824/FULL	Hugh Dalzell 1 Town Hill Culmstock Erection of single storey extension to rear	Culmstock 22
20.05.2015	10.07.2015 Grant permission	15/00801/TPO	Mr D Wilkinson Hideaway 12 Back Street Application to fell 1 Ash tree protected by Tree Preservation Order No. 4.04.93.TP8	Bradninch 04
26.05.2015	24.06.2015 Development Acceptance	15/00830/PNAG	Mr G Forrest-Jones Land at NGR 287976 106487 (Land to The East of White Cross) Cheriton Fitzpaine Prior notification for the erection of a general purpose agricultural building	Cheriton Fitzpaine 12
26.05.2015	15.07.2015 Grant permission	15/00842/FULL	Mr & Mrs M Walton Land at NGR 305892 117030 (Ascot House) Westleigh Retention of New access	Burlescombe 06

27.05.2015	13.07.2015 Grant permission	15/00877/LBC	Mr Roger Gibbon The Coach House White Horse Mews Listed Building Consent for the conversion of a redundant function room/skittle alley to a flat	Bampton 01
27.05.2015	14.07.2015 Grant permission	15/00901/FULL	Mr Alan Marlor Ashcleeve Clayhidon Installation of dormer window to rear	Clayhidon 15
29.05.2015	10.07.2015 Development Acceptance	15/00868/PNHH	Mr A Stokes 9 Middlemead Road Tiverton Prior notification for the erection of an extension extending 3.08m to the rear, maximum height of 3.65m and eaves height of 2.50m	Tiverton 52
29.05.2015	09.07.2015 Grant permission	15/00881/TPO	Sir Ian Amory, Bt Land at NGR 296399 114483 (Knightshayes Park) Application to reduce crown by 3 metres and remove dead wood from 1 Oak tree protected by Tree Preservation Order No.15/00002/TPO	Tiverton 52
01.06.2015	13.07.2015 No Objection	15/00890/CAT	Mr R Urwin Youngs Farm Colebrooke Notification of intention to fell 1 Monterey Pine tree within the Conservation Area	Colebrooke 17
01.06.2015	16.07.2015 Grant permission	15/00914/FULL	Mr E Taylor Park Lane Cottage Fore Street Erection of a first floor extension	Morchard Bishop 35
02.06.2015	10.07.2015 Grant permission	15/00917/CLP	Mrs Annie Elliott Crosslands House Ash Thomas	Halberton 25



			Certificate of lawfulness for the proposed erection of an extension	
02.06.2015	14.07.2015 Grant permission	15/00920/MFUL	Mr Michael Frankpitt Land and Buildings at NGR 294189 114677 (Cotleigh Cleave) Washfield Erection of extensions to poultry house (2965sqm)	Washfield 56
03.06.2015	13.07.2015 Grant permission	15/00878/FULL	Mr R Chanin Stone Bungalow Thorverton Erection of an extension	Thorverton 51
03.06.2015	23.06.2015 Development Acceptance	15/00903/PNAG	Mr P Stevens Land and Building at NGR 281927 104559 (Doggetsbeer) Sandford Prior notification for the erection of an open-sided barn adjoining existing timber barn	Sandford 43
03.06.2015	14.07.2015 Grant permission	15/00919/FULL	Mr David Mitchell 6 Higher Mill Lane Cullompton Erection of a conservatory	Cullompton 21
04.06.2015	29.06.2015 Development Acceptance	15/00902/PNAG	Mr Howard Jones Land and Buildings at NGR 290063 103587 (Kitlake Farm) Stockleigh Pomeroy Prior Notification for the erection of an extension to an agricultural storage building	Thorverton 51
05.06.2015	30.06.2015 No Objection	15/00899/CAT	Mr Cheung 23 Higher Street Cullompton Notification of intention to dismantle 1 Thuja Plicata and carry out works to 2 Thuja Plicata trees within the	Cullompton 21

			Conservation Area	
08.06.2015	29.06.2015 Development Acceptance	15/00905/PNAG	Mr S Blake Land and Buildings at NGR 301282 115361 (Uplowman Court Farm) Uplowman Prior Notification for the erection of an extension to an existing agricultural building to form fodder store	Uplowman 54
08.06.2015	30.06.2015 No Objection	15/00906/CAT	Ashill Inn Ashill Inn Ashill Notification of intention to fell 1 Ash tree within a Conservation Area	Uffculme 53
11.06.2015	06.07.2015 Development Acceptance	15/00935/PNAG	Mr Mark Luxton Land at NGR 291026 112548 (Markara) Prior notification for the erection of an agricultural building	Tiverton 52
19.06.2015	08.07.2015 Development Acceptance	15/00986/PNAG	Mr I Jordan Land at NGR 297474 103249 (North Of Ford On Yard Down Lane) Prior Notification for the erection of an agricultural storage building	Silverton 45
19.06.2015	13.07.2015 Development Acceptance	15/00995/PNAG	Mr M Ware Burn Farm Silverton Prior notification for the erection of a lean-to on an existing livestock shed	Bickleigh 02

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	15/10/2015	15/01108/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 (Revised scheme)	Land at NGR 307922 118303 (Wiseburrow Farm) Burlescombe Devon	Miss Thea Billeter	DEL	
2	4	14/09/2015	15/00934/MARM	Reserved Matters for the erection of 100 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 (Revised scheme)	Land and Buildings at NGR 302994 107178 (Former Cummings Nursery) Culm Lea Cullompton Devon	Mr Simon Trafford	COMM	COMM
3	6	31/08/2015	15/00650/MARM	Reserved Matters for the erection of 285 dwellings including community centre, green infrastructure, public open space, vehicle access points, internal roads, pedestrian/cycle links and associated works	Land at NGR 301001 107388 (North Of Knowle Lane) Knowle Cullompton Devon	Miss Thea Billeter	COMM	COMM
4	6	31/08/2015	15/00814/MFUL	Erection of 24 dwellings with access road and landscaping	Land at NGR 301874 106223 Exeter Road Cullompton Devon	Mr Daniel Rance	DEL	
5	9	14/08/2015	15/00779/MFUL	Demolition of existing garages and erection of 26 dwellings with associated works	Land at NGR 294775 111860 Palmerston Park Tiverton Devon	Ms Tina Maryan	COMM	COMM
6	18	09/06/2015	15/00391/MOUT	Outline for the erection of between 15 and 20 dwellings and up to 2500 sq. m. of B1 floor space including landscaping, parking and provision of vehicular access from the B3190	Land at NGR 295599 122818 (North of Bourchier Close) Bampton Devon	Ms Tina Maryan	COMM	COMM
7	49	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

<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>
8	58	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	Mr Simon Trafford	COMM	COMM
9	59	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
10	63	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
11	84	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
12	117	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

## LIST OF APPEAL DECISIONS FROM 19<sup>th</sup> June 2015 to 17<sup>th</sup> July 2015

Application No	Description	Location	Officer Recommendation	Committee or Delegated	Decision	Appeal Type	Inspector Decision
14/01551/PNCOU	Prior notification for the change of use of agricultural building to dwelling under class MB(a) and (b) (APPEAL ALLOWED 24.06.15)	Land at NGR 305811 116156 (Track Opp. Ebear Farm) Westleigh Devon	Refusal of Prior Approval	Delegated Decision	Refusal of Prior Approval	Written Representations	Appeal Allowed

### Summary of Inspectors Comments

The appeal related to the sole issue of compliance with paragraph Q.1(a) of the Class Q, Part 3 of the GPDO (2015), and whether the site was solely used for the purposes of agriculture on 20th March 2013. This was the sole reason for the refusal of the notification by the LPA. The Inspector considered that at the time of his site visit there was no clear evidence of anything else present on the site that would suggest any keeping of horses other than for grazing which would constitute an equestrian use. The Inspector went on to state that the photographs taken by the Planning Officer on 10th March 2014 showing horse related paraphernalia did not amount to sufficient evidence to indicate that on 20 March 2013 the mixed use had been abandoned, and such that the equestrian use was considered to no longer exist and the site was being, and has continued to be used since, solely for agricultural purposes as part of an established agricultural unit. Therefore, the proposed development was found to comply with the permitted development criteria set out in Class Q.1 of the GPDO 2015 and would not require prior approval under Class Q.2. The Inspector concluded that the proposal would be permitted development under Class Q of the GPDO 2015.

14/00518/FULL	Erection of a single storey dwelling and workshop following demolition of existing nissen hut and barn (Revised scheme) (APPEAL ALLOWED 1.7.15)	Sunshine Corner Oakford Tiverton Devon EX16 9HD	Refuse permission	Delegated Decision	Refuse permission	Public Inquiry	Allow with Conditions
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Application No	Description	Location	Officer Recommendation	Committee or Delegated	Decision	Appeal Type	Inspector Decision
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**Summary of Inspectors Comments**

The application was for the erection of a dwelling and workshop in an isolated countryside location. The main issue was whether there are special circumstances to justify making an exception to the national and local policies. The Inspector considered that although the dwelling is not innovative or truly outstanding some weight could be given to its eco-credentials. The Inspector also gave weight to the likelihood that the applicant's client base would be local and the intention to car share with neighbours and restrict car journeys. He also considered the benefits of removing the existing buildings and remediating potentially contaminated land. The Inspector gave considerable weight to the personal circumstances of the applicant and in particular his disability and the advantages that a quiet stable location where he could live and work in the same place would provide. The Inspector considered the Public Sector Equality Duty and The Human Rights Act and decided that the circumstances of the case added up to special circumstances to allow a dwelling in the countryside, despite each of the factors not being sufficient in themselves to justify this. He imposed conditions, including a personal consent for the applicant and his dependents only.

14/01452/MFUL	Installation of solar energy farm on 13.34 ha of land to generate 5.5 megawatts of energy (Revised scheme) (APPEAL ALLOWED WITH CONDITIONS 24.06.15)	Land at NGR 299298 125070 (East of Bowdens Lane) Shillingford Devon	Grant permission subject to conditions.	Committee Decision	Allowed on appeal	Written Representations	Allow with Conditions
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**Summary of Inspectors Comments**

The appeal was on non-determination of the application. Should they have been the determining authority, the Council would have refused the application on (1) visual impact and (2) inappropriate use of Grade 3 agricultural land. The Inspector found that the development would harm the landscape character of the area and the visual amenities of the site, however, when balancing this harm against the benefits of providing renewable energy as required by the NPPF and policy DM5 of the LP3 DMP, he considered that the benefits outweighed the harm. The Inspector did not consider that use of Grade 3b and 4 agricultural land for a solar development was contrary to national policy and policy DM5, as it did not constitute best and most versatile land (Grades 1, 2 and 3a). He concluded that although there were concerns with regard to highways impact, these would be temporary and could be controlled by a management plan. He concluded that surface water run-off could be dealt with adequately by the provision of swales. The Inspector imposed a number of conditions to make the development acceptable and noted that the development was for a 25 year period with the land being reinstated at the end of the 25 years.



**Application No. 15/00779/MFUL**

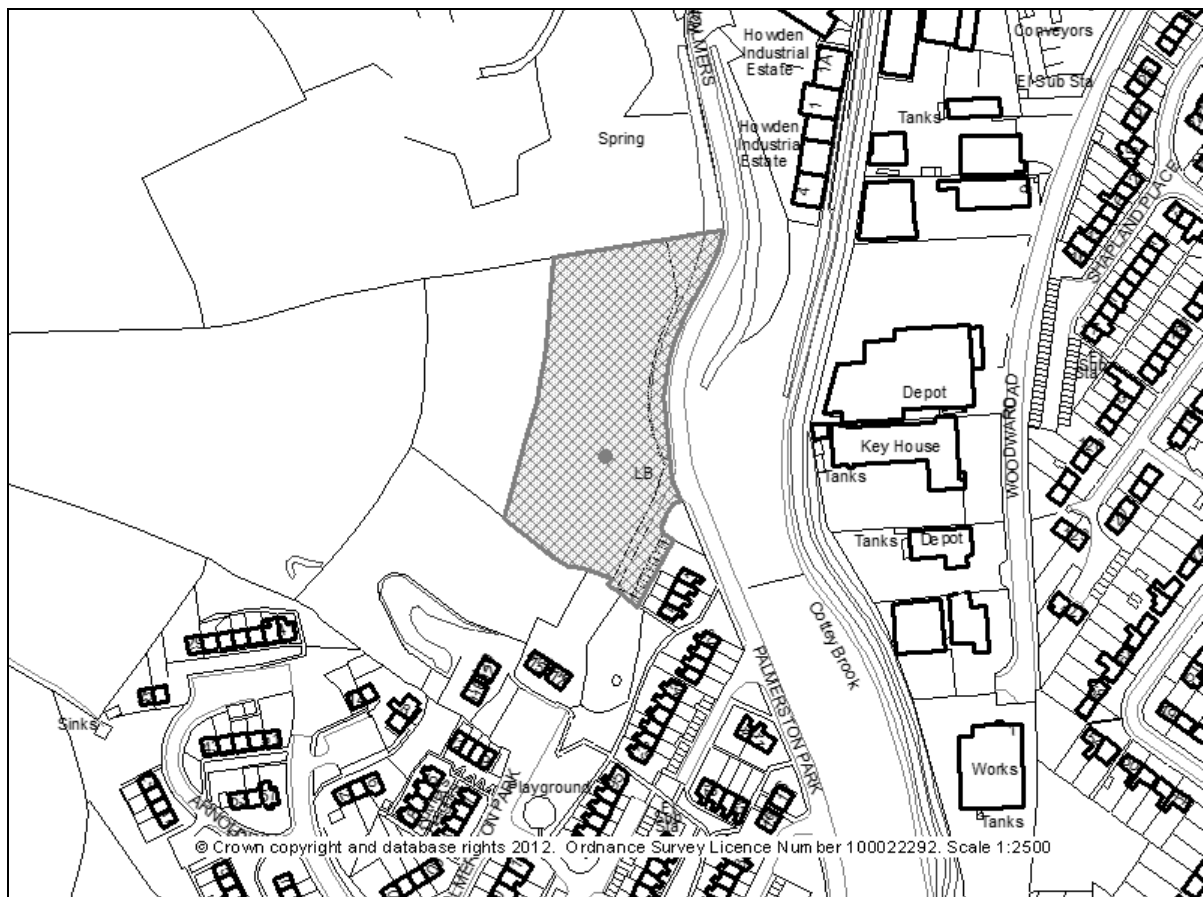
**Grid Ref:** 111860 : 294775

**Applicant:** Mid Devon District Council

**Location:** Land at NGR 294775  
111860 Palmerston  
Park Tiverton Devon

**Proposal:** Demolition of existing  
garages and erection  
of 26 dwellings with  
associated works

**Date Valid:** 15th May 2015



**REPORT OF THE HEAD OF PLANNING AND REGENERATION**

**15/00779/MFUL - DEMOLITION OF EXISTING GARAGES AND  
ERECTION OF 26 DWELLINGS WITH ASSOCIATED WORKS - LAND  
AT NGR 294775 111860 PALMERSTON PARK TIVERTON DEVON**

**Reason for Report:**

To determine the application.

**RECOMMENDATION**

**Grant permission subject to conditions**

**Relationship to Corporate Plan:**

Provision of affordable housing.

**Financial Implications:**

None

**Legal Implications:**

None

**Risk Assessment:**

None

**Consultation carried out with:**

1. Devon County Education
2. Wales and West Utilities Gas Network
3. MDDC Waste Service
4. Historic Environment Service
5. Devon and Cornwall Police Authority
6. Housing Enabling and Business Support Manager
7. Natural England

8. Environmental Health
9. Lead Local Flood Authority
10. Tiverton Town Council
11. Highway Authority

## **1.0 PROPOSED DEVELOPMENT**

The application is for the provision of 26 affordable dwellings on a site of 0.5 hectares allocated for 15 dwellings under policy AL/TIV/14 of the Allocations and Infrastructure Development Plan Document (Local Plan Part 2). The site is located on high ground on the south-western side of Tiverton between the Howden Industrial Estate and the existing Palmerston Park development. The site slopes steeply up from the road to the east to the western boundary and also from the north and south boundaries to a high point in the centre of the site. The site was previously an allotment site which has been redundant for some time and until recently covered in self-seeded woodland and scrub. The site has now been cleared.

There is an existing access serving a row of 10 garages which are to be removed. The existing access is to be extended to provide a new private estate road with turning head. Considerable levelling is required to provide a road with suitable gradients and it is intended to cut the dwellings into the sloping ground on the western side of the proposed new road, with one block to be located on the eastern side of the road and 3 dwellings on the northern side of the site forming a stop to the estate road.

A sloping retaining structure will be required around the southern and western sides of the site at a height of up to 13 metres at its highest point. A retaining wall approximately 2 metres high will also be required between the estate road/parking bays and the eastern boundary of the site. Two parking spaces per dwelling would be provided through a mix of off-street parking to the front of the dwellings, parking bays off the estate road and two parking courts, one at either end of the proposed development.

The proposed housing mix is to be 4 x 1 bedroom flats, 2 x 1 bedroom houses, 12 x 2 bedroom houses, 6 x 3 bedroom houses and 2 x 4 bedroom houses. Materials are to be a mix of brick and render with some weatherboarding, slate or tile roofs and UPVC windows and doors.

Existing tree screening along the boundaries is to be retained and new hedges planted along the western and southern boundaries.

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

Design and access statement  
Flood risk assessment  
Arboricultural report  
Drainage maps  
Geotechnical investigation and land contamination assessment  
Geophysical survey  
Ecology report  
Ecological impact assessment

Transport statement  
Energy statement  
Photographic assessment

### **3.0 PLANNING HISTORY**

10/01287/PE Proposed affordable housing development - CLOSED  
04/02557/OUT Outline application for the erection of 25 no. dwellings, formation of access and associated works - WD

### **4.0 DEVELOPMENT PLAN POLICIES**

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

COR1 – Sustainable Communities  
COR2 – Local Distinctiveness  
COR3 – Meeting Housing Needs  
COR13 – Tiverton

#### **Mid Devon Allocations and Infrastructure Development Plan Document (Local Plan Part 2)**

AL/DE/2 – Overall Affordable Housing Provision  
AL/DE/3 – Affordable Housing Site Target  
AL/DE/4 – Occupation of Affordable Housing  
AL/DE/5 – Inclusive Design and Layout  
AL/IN/3 – Public Open Space  
AL/IN/5 – Education Provision  
AL/IN/6 – Carbon Footprint Reduction  
AL/TIV/14 – Palmerston Park

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

DM1 – Presumption in favour of sustainable development  
DM2 – High Quality design  
DM3 – Sustainable design  
DM7 – Pollution  
DM8 – Parking  
DM14 – Design of housing  
DM15 – Dwelling sizes  
DM28 – Green infrastructure in major development

### **5.0 CONSULTATIONS**

**DEVON COUNTY EDUCATION** – 21<sup>st</sup> May 2015 - A contribution towards education infrastructure via a Section 106 Agreement is sought. All developments once approved will be deemed built and therefore affect the forecast pupil numbers at the schools within the area.

The primary schools within 1.5 mile radius of this development do not have sufficient capacity for the 6.5 pupils expected from this development. Therefore a contribution is required to the sum of £73,856.25 which will be used to provide additional education provision at Bolham Primary School.

The secondary school within the development area is Tiverton High School which currently has sufficient capacity for the expected number of pupils this development is expected to create.

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

Should you require any further information regarding either of the above please do not hesitate to contact me.

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

**WALES & WEST UTILITIES** - 28th May 2015 - No objections

**MDDC WASTE SERVICE** – 10<sup>th</sup> July 2015 – That the bend in the road and the hammerheads need parking restrictions to ensure vehicle access and turning with a HGV vehicle can be maintained. As this will be a Council owed road this will need to be part of the PCO so enforcement can be undertaken.

I would also recommend that units 7-12 have bin stores at the front of the properties as they have no way of bringing bin/boxes to front of property to edge of highway for collection. Waste collection points are not recommended as they often result in dumping and an inability to identify waste source for recycling enforcement.

**HISTORIC ENVIRONMENT SERVICES** - 29th May 2015

Assessment of the Historic Environment Record (HER) and the details submitted by the applicant do not suggest that the scale and situation of this development will have an impact upon any known heritage assets. The Historic Environment Team has no comments to make on this planning application.

**DEVON AND CORNWALL POLICE AUTHORITY** - 29th June 2015 - I can confirm that the Police withdraw their objections to this application

5th June 2015

In relation to the layout the Police would request that the two paths allowing rear access between dwellings 16-17 and 12-13 be gated to deter casual access. The Police do have major concerns about the parking court with 18 parking spaces which have no culpable or natural surveillance. The maximum acceptable vehicles in a parking court would be 12 providing good surveillance by the owners. Parking areas such as proposed have been identified by a number of organisations as unsuitable and have the potential to become a crime hot spot. I have read the paragraph (3.4) on security in the DAS which seems to have overlooked this parking court. On the parking court alone the Police object to this application citing crime and disorder as a material consideration.

**HOUSING ENABLING AND BUSINESS SUPPORT MANAGER** - 4th June 2015 - Tiverton continues to have a high demand for affordable housing. The proposed scheme would provide 26 much needed affordable housing and the mix of housing is representative of the type of housing needed.

## **NATURAL ENGLAND - 22nd May 2015**

The Wildlife and Countryside Act 1981 (as amended)

The Conservation of Habitats and Species Regulations 2010 (as amended)

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

### Statutory nature conservation sites - no objection

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

### Protected species

We have not assessed this application and associated documents for impacts on protected species. Natural England has published Standing Advice on protected species. You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation. The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence is needed (which is the developer's responsibility) or may be granted. If you have any specific questions on aspects that are not covered by our Standing Advice for European Protected Species or have difficulty in applying it to this application please contact us with details at [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

Priority Habitat as identified on Section 41 list of the Natural Environment and Rural Communities (NERC) Act 2006. The consultation documents indicate that this development includes an area of priority habitat, as listed on Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006. The National Planning Policy Framework states that 'when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

### 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.

#### Sites of Special Scientific Interest Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015, which came into force on 15 April 2015, has removed the requirement to consult Natural England on notified consultation zones within 2 km of a Site of Special Scientific Interest (Schedule 5, v (ii) of the 2010 DMPO). The requirement to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" remains in place (Schedule 4, w). Natural England's SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the gov.uk website

#### **ENVIRONMENTAL HEALTH - 1st June 2015**

The following conditions will be required:

##### 1. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any 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,
- groundwaters and surface waters,
- ecological systems,
- archeological 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, CLR 11'.

##### 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 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 of 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.

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 - N/a

Health and safety - Health and Safety Executive enforced activity owing to MDDC involvement - I have no objections

### **LEAD LOCAL FLOOD AUTHORITY - 9th June 2015**

Sufficient information has not been provided in relation to the disposal of surface water from the site to enable us to make observations on the proposal. The applicant should provide a drainage strategy which demonstrates how surface water from the development will be disposed of in a manner that does not increase flood risk up or downstream of the development in accordance with Sustainable Drainage principles. In order for us to make an assessment of the suitability of any drainage strategy the information attached to this letter should be provided.

### **TIVERTON TOWN COUNCIL – 5<sup>th</sup> June 2015**

Support.

### **HIGHWAY AUTHORITY**

8th June 2015

The Highway Authority has visited the site as part of the local plan review process and the strategic housing land allocation assessment as well as part of this application. The Highway Authority has



previously raised concerns over the topography of this land and this is currently born out in the current design.

The Highway Authority also has the following observations to make on the submission.

The Applicant has indicated that there will be 52 spaces available to the properties based upon the redundant nature of the existing garage block. This is acceptable provided there is a safe alternative and the validity of the redundancy of their use. The Local planning Authority is advised to contact the Flood Management Authority for their statutory comment with regards to the drainage proposals, however, there does not appear to be a drainage design submitted with the application, and the required 12 months of stand pipe surveys to determine the ground water levels do not appear to be present. The existing carriageway will need to provide core survey data if the road is to be included in its current construction or the road will need to be reconstructed to the current standards for adoption.

With reference to drawing 6987-300 rev C the following observations are offered:

- Parking spaces should be a minimum size of 2.4 m by 4.8 m, but where obstructions exist to the side of the space the width should increase to a minimum of 3.0 m and where there is an obstruction to the front or rear of the space the length should increase to a minimum of 5.5m. Internal garage dimensions should be 3.0 m by 6.0 m but in this instance no garaging is being provided.
- Parking space 2 should be splayed at 45 degrees and the drop kerb facility adjacent moved to the North East. The tactile paving on this drop kerb should be removed as there is no corresponding set of tactiles. Spaces 3-9 should be minimum of 5.5 m given the obstructions to the south east and the 1st space 3 should be 3.0 m wide.
- The 1st space 10 and last space 12 should be minimum of 3.0 m wide and all spaces 10 to 12 should be 5.5m in length.
- Landscaping adjacent to spaces 15,16 and 17 should be low level at maturity as should space 20.
- Parking space 19 should be minimum width of 3.0m from the back edge of the service margin and splayed at 45 degrees from the back of the space at either end.
- The retaining structure will require approval from Devon County structures department and will require adoption where they support the highway or footways. A full AIP (acceptance in principle) should be submitted along with detail design drawings and calculations.
- Space 26 will need to be minimum of 3.0m in width and a total length of 10.0 m.
- Vegetation (e.g. at plot 20) should not be allowed to encroach onto the service margin or verges.
- Parking spaces at unit 20 should not be allowed to encroach onto the service margins, recommend one space is removed and relocated to sit alongside space 19. Alternatively the plots be moved back to accommodate this.
- The Highway Authority would need to see cross sections of the footways and carriageways at 3.0 m intervals to determine whether or not there is an acceptable fall.

- Current gradients taken from drawing 4841-RP-001 rev A are unacceptable. The minimum gradients set out in the Devon design guide adopted by the District Council are 1:10 longitudinally for vehicles and 1:12 for pedestrians, also where there are raised footways and a wall adjacent to the carriageway, the carriageway width should be widened by a minimum of 0.5 m and at bends the road should be widened to accommodate two vehicles passing. The current alignment will require additional widening adjacent to the walls and swept path analysis for a pantechnicon at the bend and a car and refuse vehicle passing.

- The current vertical alignment shows 1:7 and 1:8 at the centre line of the road. This will be considerably greater at the inside of the kerb and unacceptable. In addition level shown on the plans indicate that immediately after the bend there is a rise of 5.0m in a 6.0m length this may be erroneous but if not represents 1:1.25.

Therefore on the current design the Highway Authority would recommend refusal of the application for the following reasons.

1. The gradient of the access would be likely to result in additional danger to all users of the road contrary to paragraph 32 of the National Planning Policy Framework.

2. The Local Planning Authority and the Local Highway Authority, in adopting the Devon County Council publication "Highways in Residential and Commercial Estates; Design Guide", dated January 1996 and as subsequently amended, have agreed standards for the layout of new streets. The proposed roads do not conform to these agreed standards, and are therefore not adequate to serve the proposed development.

3. Adequate information has not been submitted to satisfy the Local Planning Authority that the proposal is acceptable in terms of

A) access,

B) off-street parking,

C) road layout,

D) road construction,

E) road gradients,

F) and surface water drainage, contrary to paragraph 32 of the National Planning Policy Framework contrary to paragraph 32 of the National Planning Policy Framework.

23rd June 2015

Further to my initial letter dated 5<sup>th</sup> June 2015 I am in receipt of the amended plans detailing the levels on the road and while the gradient is still below standard the section of 1:8 is on the straight and without vehicle access onto it therefore would be acceptable given other developments with similar topography, however the other issues raised in my letter have not been addressed and do not comply with the current adoptable standards which have been adopted by both the Highway Authority and the District Council. If these are not addressed, then the reason for refusal 3 remains. The applicant has indicated that they do not wish to have the development adopted and given that the road would not meet suitable adoption standards are likely to be exempt from any APC.

It is for the Local Planning Authority to consider the standards being promoted and those adopted and weigh the housing needs and benefits of the scheme in determining whether or not a relaxation of the standards is appropriate in this instance. Therefore my refusal reason 2 and 3 still remain but reason 1 can be removed.

## 6.0 REPRESENTATIONS

4 objections summarised as follows

1. Palmerston Park does not have enough amenities (e.g. facilities for older children, shops) for this large development
2. Palmerston Park and surrounding woods were made a protected area some time ago
3. There is nowhere for construction vehicles to park and the site is at the entrance to a busy estate
4. Removal of the garages will result in a loss of privacy for existing houses – a solid wall or fence would be better
5. The access through the garages for removing wheelie bins will be removed
6. There will be increased pressure on local schools

## 7.0 MATERIAL CONSIDERATIONS AND OBSERVATIONS

The key issues in determination of this application are:

1. **Principle of development**
  2. **Layout, design and visual impact**
  3. **Access and parking**
  4. **Land contamination, sustainability and drainage**
  5. **Impacts on existing residents**
  6. **Landscape and ecology**
  7. **Planning balance**
- 
1. **Principle of development**

A site of 0.5 hectares is currently allocated for 15 affordable dwellings under policy AL/TIV/14 of the Allocations and Infrastructure Development Plan Document (Local Plan Part 2). The emerging Local Plan allocates a larger site of 0.9 hectares for 25 dwellings under policy TIV11. Although the emerging Local Plan has not yet been adopted, it is considered to carry some weight in decision-taking, particularly as it has been through the public consultation process and there have been no objections to the allocation policy.

The allocation policies (both existing and emerging) require a 100% affordable dwelling scheme. Policy AL/TIV/14 requires the provision of a sustainable urban drainage system (SUDS). Policy TIV11 requires habitat and protected species reports including a programme of appropriate mitigation and compensation for loss of a protected habitat (if appropriate) and investigation of ground stability and implementation of appropriate remediation works. These considerations are addressed below.

Policy COR1 of the Mid Devon Core Strategy (LP1) seeks to manage growth in a sustainable way to support the diverse needs of communities, including the provision of affordable housing and making the most efficient use of land. Policy COR3 seeks to meet the diverse housing needs of the community, including a target provision of approximately 100 affordable dwellings per year across the District. Policy COR13 of the Mid Devon Core Strategy (LP1) provides for the town to develop in a balanced way as a medium sized market town, including the provision of market and affordable dwellings.

Concern has been raised that the Palmerston Park development does not have the facilities to support additional housing and there will be pressure on local schools. However, the site is allocated for housing and the sustainability of the site would have been considered at the time the site was allocated. The site is within the Tiverton settlement boundary where new residential development is acceptable in principle.

Policies AL/DE/2, AL/DE/3, AL/DE/4 and AL/DE/5 of the Allocations and Infrastructure DPD set out criteria for the provision of affordable housing. These policies relate in the most part to market schemes with a proportion of affordable housing but are also partly relevant to a 100% affordable housing scheme.

The Housing Enabling Manager has confirmed that Tiverton continues to have a high demand for affordable housing and proposed scheme would deliver a mix of housing that is representative of the type of housing needed. Your officers consider that the provision of 26 affordable dwellings would make a significant contribution to affordable housing targets and carry significant weight in determining this application.

Policy AL/IN/3 of the AIDPD (LP2) requires new housing development to provide either on-site public open space or an off-site financial contribution. The constraints of the site do not allow for on-site provision and there is no requirement for a financial contribution to be made for a 100% affordable housing development. There is a playground within the existing Palmerston Park development.

Devon County Education has requested a financial contribution towards the provision of education facilities under policy AL/IN/5 of the AIDPD (LP2). However, there is also no requirement for a financial contribution to be made for a 100% affordable housing development.

The proposed dwellings would be eligible for counting toward the New Homes Bonus. If New Homes Bonus is distributed across the Council Tax bands in the same way as in 2014, the award for each affordable house is estimated to be £1,378 per year including an annual premium of £350 for affordable homes, paid for a period of 6 years. The amount of New Homes Bonus that would be generated from this proposal over a period of 6 years is therefore estimated to be £261,768.

## **2. Layout, design and visual impact**

Policy DM14 of the Local Plan Part 3 (Development Management Policies) sets out criteria for the design of new housing. It requires that new housing should provide high quality places taking into account local character and maximise the benefits of the site. New dwellings should have suitably sized rooms and overall floorspace which allows adequate storage and movement within the building, provide external space for recycling, refuse and cycle storage, and make provision for adequate levels of daylight, sunlight and privacy to private amenity spaces and principal windows. Amenity space should be provided which reflects the size, location and orientation of the dwellings.

The nature of the site (steeply sloping) requires that significant earthworks will be required to provide the housing and an estate road. The provision of reasonably level areas for the access, parking, dwellings and gardens requires cutting into the existing slope from a minimum of 4 metres in the north western corner to a maximum of 13 metres in the south western corner of the site, and the provision of a retaining structure to be either ground nailing or a criblock wall. It is recommended that details of the retaining structure are submitted for approval prior to its installation as part of a landscaping plan for the site. The retaining wall would be located at the end of the rear gardens of the dwellings and whilst there will be a detrimental impact of the height /proximity of the retaining structure upon the

amenities of the proposed occupiers this is in part mitigated by usable amenity space. Units 8, 9 and 10 are relatively close to the retaining wall and have smaller gardens but despite this living conditions are, on balance, considered to be acceptable. Units 5 and 6 are closest to the retaining wall but have gardens to the side instead of to the rear. The relationship between the dwellings and retaining structure towards the western end of the site is close and awkward. The scheme would be improved by a reduction in housing numbers. However, on balance, it is considered acceptable.

The dwellings are all to be two storeys, fronting onto the estate road. Parking is to be provided to the front and sides of the dwellings where the gradients allow, in parking bays adjacent to the estate road or in a parking court at the entrance to the site. The dwellings comprise a mix of detached, semi-detached and terraced houses. There is one block of four flats, being a split level building with two flats on each floor. Materials are to be a mix of face brick and render, some with partial weatherboarding and with a mix of slate and tile roofs. Windows and doors are to be white UPVC. The designs and materials of the dwellings are considered to be in keeping with general development types in the area.

Where possible, access from bin storage areas in the rear gardens is via a pathway to the side of the dwellings. However, there are four dwellings in the centre of a terrace of six where bins have to be taken along a rear pathway and around the side of the end of terrace house. Adding bin stores at the front of these dwelling was considered but due to the gradients of the site, access to the front of the dwellings would have to be stepped and it would not be feasible to move wheelie bins up and down these steps. The applicant has confirmed that parking restrictions on the steeper part of the site and on the turning head will be provided to ensure unobstructed access for refuse and recycling vehicles.

Overall and on balance, the development is considered to comply with the requirements of policy DM14. The sizes of the dwellings are also in accordance with the minimum dwelling sizes required by policy DM15 of the Local Plan Part 3 (Development Management Policies).

Policy COR2 of the Mid Devon Core Strategy (Local Plan Part 1) requires high quality design which reinforces the character and legibility of Mid Devon's built environment and creates attractive places. Policy DM2 of the Local Plan Part 3 (Development Management Policies) sets out guiding principles for new development. It requires a clear understanding of the characteristics of the site and its wider context, efficient and effective use of the site, a positive contribution to local character, creation of safe and accessible places that also encourage walking and cycling, and visually attractive places that are well integrated with surrounding buildings, streets and landscapes.

A photographic assessment has been provided which demonstrates that the site is in an elevated position and visible from a number of vantage points across Tiverton. As the dwellings would be cut into the sloping ground, they would appear below the skyline and additional planting would further minimise any visual impact. Although the new development would be visible, there are other developments also visible within the landscape and it is not considered that the proposed development would have an unacceptable visual impact. From close to the site, in particular from the existing road into Palmerston Park, the site would experience a considerable visual change but the tree screen to the road boundary would help to filter these views.

It is considered that the applicant has demonstrated a clear understanding of the site and has designed a scheme that deals with the challenging topography and minimises the visual impact of the scheme. Although there are elements of the proposed scheme that would not be considered acceptable on a less challenging site, the design and layout of the development is considered to be broadly acceptable, bearing in mind the difficult gradients of the site which act as a significant

constraint to development. Cutting the development into the existing sloping ground so that it sits below the top of the site, retaining a tree screen to the eastern (road) boundary of the site and additional landscape planting is considered to minimise any potentially negative visual impacts, allowing the development to sit in the landscape in the same way as other development on the hillsides around Tiverton.

Taking the constraints of the site into account, the development is considered to be in accordance with policies COR2 of the Mid Devon Core Strategy (Local Plan Part 1) and DM2 of the Local Plan Part 3 (Development Management Policies).

### **3. Access and parking**

It is proposed to access the site from the existing road into the Palmerston Park development, the new access road being located at an existing access serving a number of garages (to be removed). The road and parking scheme has been developed through consultation with Devon County Highways and Devon & Cornwall Police.

The Highway Authority initially recommended refusal of the application for three reasons: the gradient of the access, non-conformity of the road with Devon County Design Guide and insufficient information provided in respect of access, off-street parking, road layout, road construction, road gradients and surface water drainage details.

The Highway Authority is now satisfied with the gradient of the access onto the public highway and revisions have been made to the parking areas in terms of configuration and sizes of space etc. The Highway Authority has withdrawn its objection with regard to the gradient of the estate road as there is no intention for the Highway Authority to adopt the road (which will remain in the control of Mid Devon). It is therefore for the Local Planning Authority to determine whether the proposed facilities, including a new private road, are adequate for the development.

It is proposed for Units 12-26 where the gradient is shallower, to have 2 parking spaces for each dwelling either to the front or side of these dwellings. Units 1-11 are on the steeper part of the access road and parking is to be provided in two parking courts, one for 8 vehicles within the development itself, and one for 14 vehicles at the entrance to the development. It will be necessary for residents in Units 1-7 to walk up a steep hill from the parking court to their dwellings. A continuous footway will be provided between the parking court and the dwellings. A wall is to be provided between the footway and the road to prevent parking on the footway where the gradient is particularly steep.

The parking arrangements have been reconfigured following consultation with Devon & Cornwall Police who were concerned about anti-social behaviour in a large parking court with no direct surveillance. To address the concerns raised, the parking court has been reduced in size and different surface materials proposed, and the footpath from the back of the garages into the neighbouring development is shown as being stopped up.

Policy DM2 of the Local Plan Part 3 (Development Management Policies) requires the creation of safe and accessible places based on high quality design (which includes the layout of the development). Your officers do not consider the development to be fully compliant with policy DM2 in respect of layout and parking, however, the concerns raised by the Police have been addressed.

Policy DM8 requires a minimum of 1.7 parking spaces per dwelling and this standard has been achieved. However, Mid Devon's parking SPD sets out principles to be considered in the design of

parking. It requires car parking to be accommodated into a high quality public realm so that parking does not dominate the street scene and states that it is always preferable to locate the parking in close proximity to the property it services. For houses, car parking should ideally be provided adjacent to the property, either within the residential curtilage or in well-designed on street parking. Where unavoidable, the size of parking courts should be minimised and parking courts should be overlooked. Badly designed parking is likely to result in residents parking in unsuitable locations such as on pavements. However, the constraints of the site, in particular the steep topography, are recognised as a material constraint on the layout design.

The development is considered to comply with the levels of parking required by policy DM8 of the Local Plan Part 3 (Development Management Policies). However, your officers do not consider the development to be fully compliant with policy DM2 of the Local Plan Part 3 (Development Management Policies) with regard to accessibility or with the principles set out in the Parking SPD.

#### **4. Land contamination, sustainability and drainage**

The applicant has submitted assessments in respect of geotechnical investigation and land contamination and a geophysical survey was carried out to assess whether there were any underground workings.

The geotechnical investigation identified that ground conditions on the site were highly variable. The slope appeared to be stable but substantial earthworks may have the result of some localised destabilisation on the site itself. Building Control has considered the geotechnical report and confirmed that details of the type of retaining structure will need to be finalised once excavation works start.

The land contamination assessment concluded that due to the absence of a contamination source, the levels of contamination recorded are not potentially harmful to human health or to the water environment. No further action or specific remediation measures are required. However, Environmental Health has recommended specific conditions in relation to further risk assessment and, if necessary, remediation and it is recommended that these conditions are imposed on the grant of planning permission, in accordance with policy DM7 of the Local Plan Part 3 (Development Management Policies) which requires appropriate assessment and, if necessary, mitigation of pollution impacts.

The allocation policy AL/TIV/14 of the Allocations and Infrastructure Development Plan Document (Local Plan Part 2) requires a SUDS scheme to be provided. However, initial infiltration testing has identified that the site is not suitable for a soakaway system. It is therefore proposed to connect into an existing surface water main drainage system and this connection has been agreed with South West Water.

It is proposed that the development meets Level 3 Code for Sustainable Homes. Solar PV panels will be used on the roofs to achieve a 15% carbon reduction in accordance with policy AL/IN/6 of the Allocations and Infrastructure Development Plan Document (Local Plan Part 2) and DM3 of the Local Plan Part 3 (Development Management Policies).

#### **5. Impacts on existing residents**

The proposed development is on the northern edge of the existing Palmerston Park development and will have little effect of any existing residents in terms of loss of privacy or amenity. The proposed

development will not be visible from the majority of the dwellings on the existing development. However, concern has been raised in respect of a number of matters.

Removal of the garages would open up to view the rear gardens of 1-4 Palmerston Park. To address, this it has been agreed to erect a close boarded fence along the boundary behind the proposed new parking spaces. In addition, it has been pointed out that residents use the existing footpath to take their wheelie bins out behind the existing garages instead of taking them along the footpath to the front of the dwellings. Whilst the applicant was willing to reinstate this footpath, the Police advised that it should be closed up to make the parking area and the existing dwellings more secure. The proposal is considered to be in accordance with policy DM2 of the LP3 DMP which seeks a safe and accessible development and one that does not lead to an unacceptable impact on the privacy and amenity of neighbouring residents.

Concern has also been raised about disturbance during the construction period, particularly in respect of parking of construction traffic. The impacts of the construction period can be controlled by a Construction Management Plan and a condition requiring approval of a Plan is recommended.

## **6. Landscaping and ecology**

The site was previously an allotment site which has been redundant for some years. The site has recently been cleared. Concern has been raised that the site is protected. Palmerston Wood Local Nature Reserve lies approximately 15 metres to the east of the site. However, the site itself does not have any national or local wildlife or habitat designation and is not covered by a tree preservation order.

The submitted ecology report notes that the site is used by up to 7 species of bats for foraging. Mitigation in the form of retaining/improving boundary hedges and ensuring these remain dark by avoiding light spill from street lighting or security lighting is recommended. Bat tubes are to be provided to provide roosting opportunities for bats.

The ecology report recommends that the existing boundary trees and hedges are retained and the site be landscaped with a mix of native and non-native flowering nectar rich species to encourage invertebrates and new species rich hedgerows formed along the boundaries of the site.

Conditions requiring a lighting plan and a planting/landscaping plan are recommended.

The site now lacks large areas of favourable reptile habitat and only a low number of reptiles were recorded during the reptile survey. The ecology report does not recommend relocation as the translocation of such a small number of reptiles is unlikely to be successful. The ecologist recommends a walkover of the site is undertaken by an ecological clerk of works to check the ground for any potential reptile refugia/hibernacula and remove any found.

New and retained boundary hedges may also provide new habitat for dormice. New nesting opportunities for birds are recommended to be provided.

Policy DM28 requires major development to incorporate green infrastructure. Although no specific green infrastructure provision has been made, the ecology report includes recommendations to include nectar rich planting within the landscaping scheme and new linkages will be provided in the form of boundary hedgerows.



## 7. Planning balance

Policy DM1 of the Local Plan Part 3 (Development Management Policies) seeks a positive approach in favour of sustainable development. The site is allocated for residential development and is considered to be in a sustainable location and to incorporate sustainable construction methods and renewable energy. Due to topography, the site has proved difficult to develop. It has been allocated for housing for some time, but has not come forward before now due to this constraint and its impact upon build cost. Due to the topographical constraints of the site, the development requires the use of high retaining structures to the western side of the site and the gradients of the road are steep in places. The use and location of parking courts does not reflect the policy aspirations of a high quality layout to provide a safe and accessible development. However, the dwellings are considered to be in keeping with development styles locally and the positioning of the dwellings below the skyline and the retention of planting along the eastern boundary minimises any visual impact within the landscape.

Your officers consider that the provision of 26 affordable dwellings to help meet the identified need for affordable housing in the Tiverton carries significant weight in determination of this application. The topography of the site is a significant constraint which has resulted in design difficulties, in particular through the use of high retaining structures, steep gradients and a parking court separated from the rest of the development. Effort has been made by the applicant to address these issues as far as possible and the plans have been amended to take account of consultation responses as far as practicable. The site has remained undeveloped for some time. On balance, your officers consider that the provision of 26 affordable dwellings outweighs the concerns over the design and layout of the development and approval is recommended.

## CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. No development shall begin until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include:
  - (a) the timetable for the works
  - (b) daily hours of construction and deliveries
  - (c) details of any road closures
  - (d) details of the hours during which construction and delivery traffic will travel to and from the site
  - (e) identification of areas for parking, loading and unloading and storage during development
  - (f) details of wheel washing facilities, road sweeping and other measures to ensure no mud or debris is deposited on any public highway
  - (f) dust, odour, noise and vibration managementand include details of site registration with a considerate constructors scheme or equivalent. The development shall be carried out strictly in accordance with the approved details.

4. Prior to construction of any of the dwellings on the site an investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any 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,
    - groundwaters 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, CLR 11'.

5. Subject to the findings of the investigation and risk assessment required by condition 4, a detailed contamination 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.
6. The approved contamination 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 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.
7. 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 4, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 5, which is subject to the approval in writing of 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 6.

8. Before their use on the dwellings hereby permitted samples of the materials to be used for all external surfaces of the dwellings shall be submitted to and approved in writing by the Local Planning Authority. Such approved materials shall be so used and retained.
9. Before their use on the dwellings hereby permitted working details of the new external doors/door frames/windows/rooflights, including sections, mouldings and profiles, finishes and glazing, including details of the window recesses, have been submitted to, and approved in writing by, the Local Planning Authority. Installation of the doors/doorframes/windows/rooflights shall be in accordance with these approved details, and be so retained.
10. Before their provision on the site, details of the retaining walls, including height, slope, materials and planting, and details of all boundary treatments, shall be submitted to and approved in writing by the Local Planning Authority. The retaining walls and boundary treatments shall be provided in accordance with the approved details only and shall be permanently so retained.
11. The proposed estate road, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be submitted to and approved in writing by the Local Planning Authority before their construction begins. For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.
12. Prior to the occupation of any dwelling hereby permitted, the following works shall have been carried:
  - (a) The road and vehicle turning head shall have been laid out, kerbed, drained and constructed up to and including base course level, the ironwork set to base course level and the sewers, manholes and service crossings completed.
  - (b) The road and footways which provide that dwelling with direct pedestrian routes to an existing highway maintainable at public expense have been constructed up to and including base course level.
  - (c) Visibility splays have been laid out to their final level.
  - (d) Street lighting has been erected and is operational.
  - (e) The car parking and any other vehicular access facility required for the dwelling have been completed.
  - (f) The street nameplates have been provided and erected.
13. Within twelve months of the first occupation of the first dwelling all roads, footways, footpaths, drainage, statutory undertakers' mains and apparatus, junction, access, retaining walls and visibility splay works shall be completed.
14. No hard landscaping works in the areas shown on the approved plans shall begin until details of the surfacing materials to be used in those areas have been submitted to, and approved in writing by, the Local Planning Authority. Such approved works shall then be carried out before the first occupation of any of the dwellings hereby permitted and shall be so retained.

15. No soft landscaping works shall begin until a landscaping scheme, including details of any changes proposed in existing ground levels, has been submitted to and approved in writing by the Local Planning Authority. 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 (or phase thereof) and any trees or plants which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species. The landscaping scheme shall be so retained.
16. The development shall be carried out in accordance with the recommendations, mitigation and specifications contained in the following submitted documents:
  - a) The arboricultural survey report by Tom Hurley dated 14 May 2015; and
  - b) The ecological impact assessment report by Richard Green Ecology dated June 2015.In addition, no external lighting shall be provided on the site unless in accordance with a lighting plan to prevent light-spill onto boundary trees and hedges, which shall have been the subject of the prior approval of the Local Planning Authority before its installation.
17. Before any of the dwellings hereby permitted are first occupied, provision shall be made so that at least 15% of the energy to be used in the development is provided from on-site renewable or low carbon energies (or such other provision as shall have been agreed in writing by the Local Planning Authority).
18. All dwellings within the development shall be occupied as affordable housing that shall meet the definition within the National Planning Policy Framework and shall be so retained unless arrangements are first submitted to and approved in writing by the Local Planning Authority to recycle the subsidy within alternative affordable housing provision. Any such alternative affordable housing provision shall take place in accordance with the approved details.

#### **REASONS FOR CONDITIONS**

1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of proper planning.
3. To ensure the development is carried out in a manner which minimises nuisance to existing residents and to prevent mud and other debris being deposited on the public highway in accordance with Policies DM2 and DM7 of the Local Plan Part 3 (Development Management Policies)
4. 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 DM7 of the Local Plan Part 3: (Development Management Policies).
5. 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 DM7 of the Local Plan Part 3: (Development Management Policies).

6. 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 DM7 of the Local Plan Part 3: (Development Management Policies).
7. 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 DM7 of the Local Plan Part 3: (Development Management Policies).
8. To ensure use of materials appropriate to the development in order to safeguard the character and appearance of the area, in accordance with Policies DM2 and DM14 of the Local Plan Part 3 Development Management Policies).
9. To ensure use of materials appropriate to the development in order to safeguard the character and appearance of the area, in accordance with Policies DM2 and DM14 of the Local Plan Part 3 (Development Management Policies).
10. To ensure the development makes a positive contribution to the character and appearance of the area in accordance with Policies COR2 of the Mid Devon Core Strategy (Local Plan Part 1) and DM2 of the Local Plan Part 3 (Development Management Policies).
11. To ensure that adequate information is available for the proper consideration of the detailed proposals in accordance with Policy DM2 of the Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.
12. To ensure that adequate access and associated facilities are available for the traffic attracted to the site in accordance with Policy DM2 of the Local Plan Part 3 (Development Management Policies).
13. To ensure that adequate access and associated facilities are available for the traffic attracted to the site in accordance with Policy DM2 of the Local Plan Part 3 (Development Management Policies).
14. To ensure the development makes a positive contribution to the character and appearance of the area in accordance with Policies COR2 of the Mid Devon Core Strategy (Local Plan Part 1) and DM2 of the Local Plan Part 3 (Development Management Policies).
15. To ensure that the development makes a positive contribution to the character and amenity of the area in accordance with Policy DM2 of Local Plan Part 3 (Development Management Policies).
16. To ensure the habitats of protected species are not adversely affected by the development and the development makes a positive contribution to the area in accordance with Policy DM2 of the Local Plan Part 3 (Development Management Policies).

17. In order to reduce the carbon footprint of the development in accordance with the provisions of Policy AL/IN/6 of the Allocations and Infrastructure Development Plan Document (Local Plan Part 2).
18. To ensure that affordable housing is provided as part of the development to meet the housing needs within the area in accordance with Policies AL/DE/3 and AL/DE/4 of the Allocations and Infrastructure Development Plan Document (Local Plan Part 2).

## **REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT**

The proposal is acceptable in that the provision of 26 affordable dwellings in a sustainable location to meet an identified local need is considered to outweigh issues identified in terms of design and layout resulting from the steep topography of the site, in particular through the use of high retaining structures, steep gradients and a non-integrated parking court. The proposed dwellings are considered to be in keeping with development styles locally and the positioning of the dwellings below the skyline and the retention of planting along the eastern boundary minimises any visual impact within the landscape. Subject to conditions relating to landscaping, ecology and contaminated land risk assessment, the development is considered to comply with environmental policies. The proposal is considered to comply with the relevant Policies: COR1, COR2, COR3 and COR13 of the Mid Devon Core Strategy (Local Plan Part 1), AL/DE/2, AL/DE/3, AL/DE/4, AL/DE/5, AL/IN/3, AL/IN/5, AL/IN/6 and AL/TIV/14 of the Allocations and Infrastructure Development Plan Document (Local Plan Part 2), DM1, DM2, DM3, DM7, DM8, DM14, DM15 and DM28 of the Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.

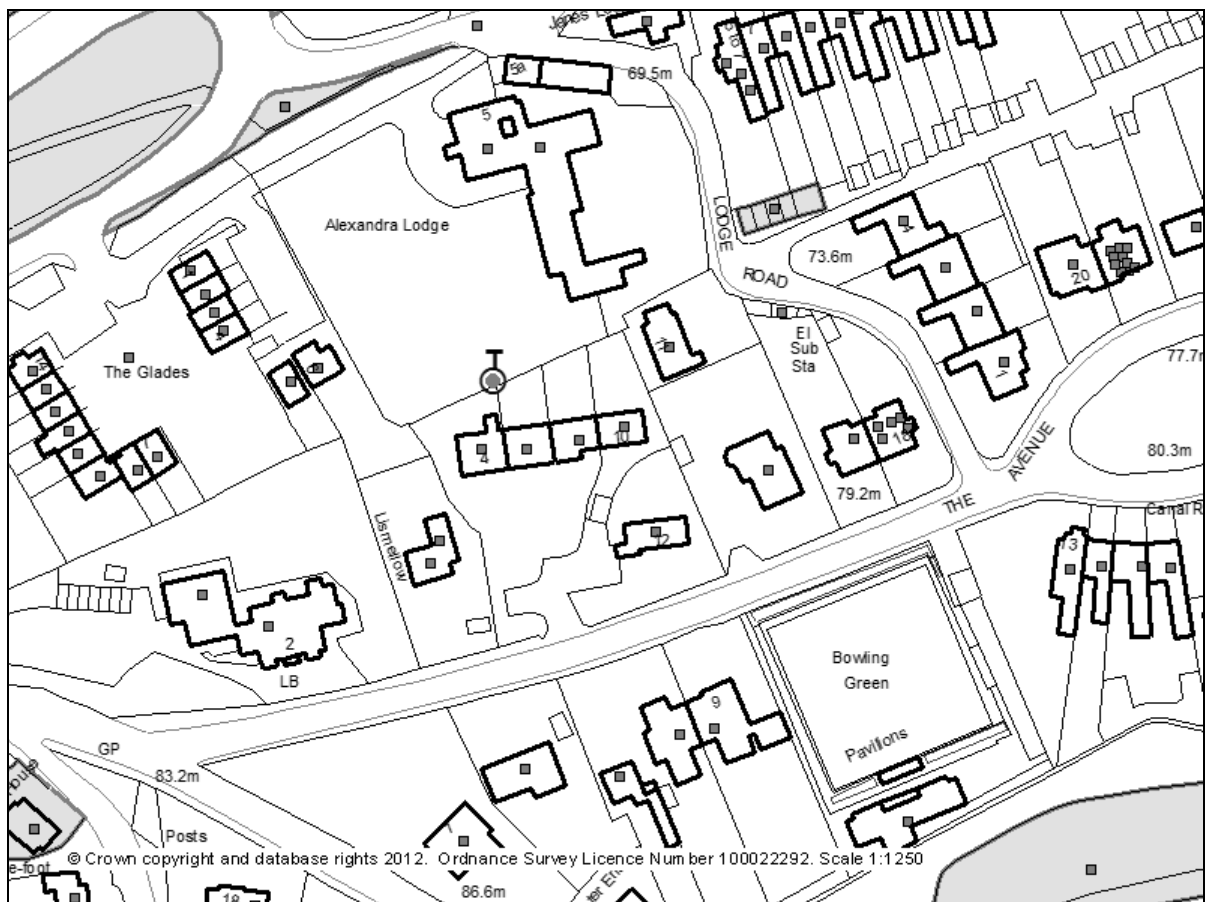
<b>Contact for any more information</b>	Miss Tina Maryan (Area Planning Officer) 01884 234336
<b>Background Papers</b>	None
<b>File Reference</b>	15/00779/MFUL
<b>Circulation of the Report</b>	Cllrs Richard Chesterton Members of the Planning Committee

Application No. 15/00004/TPO

Agenda Item

Grid Ref: 296189:112569

Location: Alexandra Lodge,  
5 Old Road,  
Tiverton



**REPORT OF THE HEAD OF PLANNING AND REGENERATION**

**CONFIRMATION OF TREE PRESERVATION ORDER 15/00004/TPO**

**Reason for Report:**

To consider whether a Tree Preservation Order should be confirmed in light of the objection that have been received.

**RECOMMENDATION(S)**

That the Tree Preservation Order is confirmed

**Relationship to Corporate Plan:**

The proposal impacts upon the Corporate Plan Priority 'Caring for our Environment'.

**Financial Implications:**

None

**Legal Implications:**

None

**Risk Assessment:**

None

**Consultation carried out with:**

1. Consultation with the Mid Devon District Council Tree Officer informs the following report.

**1.0 DESCRIPTION/SITE HISTORY**

1.1 This Tree Preservation Order was made in response to a proposed development on the site (Alexandra Lodge Tiverton). The tree preservation order specifically protects the three more significant trees on the site due to their perceived amenity value. The three trees included within the Tree Preservation Order, and are detailed below;

- T1 - Maidenhair Tree
- T2 - Beech Tree
- T3 - Tulip Tree



1.2 One letter of objection was received dated 23 June 2015. This letter of representation specifically objects to T3, detailed within the Order.

1.3 Mid Devon District Councils tree officer was consulted as part of this process, and her response informs the following report.

## 2.0 AMENITY EVALUATION

2.1 The trees add a significant amenity/landscape value to the surrounding area, which will be enhanced following the development of the site. Following an amenity evaluation of the trees, it was deemed necessary to place further protection on them, in the form of a Tree Preservation Order.

## 3.0 REPRESENTATION

3.1 One objection to the TPO has been made on the following grounds:

- The tree has grown to a considerable height
- Very little maintenance with dead branches
- Overhangs power cables and telephone lines
- Requires pruning over drive and around cables

## 4.0 MATERIAL CONSIDERATIONS AND RESPONSE TO THE OBJECTIONS

4.1 This Tree Preservation Order was made on the more significant trees in response to proposed development on the site.

4.2 The 3 trees subject to TPO 15/00004/TPO are found along the northern boundary of the site. The TPO on T3 has been objected to. T3 is a Tulip Tree with a reasonable amenity value and is visible from outside the site. The Tree Preservation Order was felt to be justified as the amenity value would increase should the site be developed. They will also serve to assist with screening between the existing neighbouring properties. T3 is a Tulip tree and is in good health. It is felt that this tree has the potential to become a good feature tree and should be retained throughout the development.

4.3 The Tree Preservation Order does not serve to prevent good tree management and deadwood can be removed without the need for any kind of application, although the council do ask for 5 days' notice where possible. Where branches are overhanging the drive and need to be lifted an application would be required, there is no fee for this application and it is likely be considered acceptable to prune over the driveway.

4.4 Western Power Distribution, as statutory undertakers, are responsible for keeping trees clear of power lines. If there is concern regarding the power lines Western Power should be informed and specialist line clearance tree work will be carried out, at no cost to the owners of the tree or the neighbours. BT show very little concern for the majority of cases where trees are growing next to telephone cables but pruning around the lines would be considered either de minimus work or exempt (as BT are regarded as statutory undertakers).

## 5.0 CONCLUSION

5.1 The Tulip tree included in this Tree Preservation Order is worthy of this protection. The tree is in good condition, and likely to add significant amenity value to the site should it be developed. It is recommended that the Tree Preservation Order be Confirmed.

<b>Contact for any more information</b>	Mr Kristian Evely, Tel. 01884 234267
<b>Background Papers</b>	15/00334/MFUL
<b>File Reference</b>	15/00004/TPO
<b>Circulation of the Report</b>	Cllrs Richard Chesterton Members of the Planning Committee

# Agenda Item 12

Application No. 15/00005/TPO

Agenda Item

Grid Ref: 303218:114350

Location: Recreation Ground,  
Lower Town,  
Sampford Peverell



**AGENDA ITEM**

**PLANNING COMMITTEE**  
**29<sup>th</sup> July 2015**

**REPORT OF THE HEAD OF PLANNING AND REGENERATION**

**CONFIRMATION OF TREE PRESERVATION ORDER 15/00005/TPO**

**Reason for Report:**

To consider whether a Tree Preservation Order should be confirmed in light of the objections that have been received.

**RECOMMENDATION(S)**

That the Tree Preservation Order is confirmed

**Relationship to Corporate Plan:**

The proposal impacts upon the Corporate Plan Priority 'Caring for our Environment'.

**Financial Implications:**

None

**Legal Implications:**

None

**Risk Assessment:**

None

**Consultation carried out with:**

1. Consultation with the Mid Devon District Council Tree Officer informs the following report.

## **1.0 DESCRIPTION/SITE HISTORY**

1.1 The Tree Preservation Order was made in response to a Conservation Area tree works notification that was made in respect of a number of trees on the site at the Recreation Ground, Lower Town, Sampford Peverell. The Tree Preservation Order specifically protects the group of three Birch Trees situated at the roadside frontage of the recreation ground due to their perceived amenity value and the lack of arboricultural justification for the proposed works.

1.2 Two letters of objection have been received in relation to the Tree Preservation Order; these letters were received on the 25<sup>th</sup> of June 2015 and the 17<sup>th</sup> of June 2015.

1.3 Mid Devon District Council's tree officer was consulted as part of this process, and her response informs the following report.

## **2.0 AMENITY EVALUATION**

2.1 The trees add significant amenity/landscape value to the surrounding area due to their central village location and prominence on the roadside frontage of the recreation ground. Following an amenity assessment of the trees and an evaluation of the proposed works, it was deemed necessary to place further protection on them, in the form of a Tree Preservation Order.

## **3.0 REPRESENTATIONS**

3.1 Two objections to the TPO have been made on the following grounds:

- Concern for the safety of those occupying nearby land, and those using the nearby highway, pavements and the recreation ground itself, including children
- Concern over the impact of the trees on overhead wires owned by utility companies
- The trees are encroaching on private property resulting in damage due to falling branches and subsequently causing a nuisance
- The proposed pruning is sympathetic and a qualified tree surgeon advised the works to the trees were necessary and would not cause harm to them
- The trees are top heavy

## **4.0 MATERIAL CONSIDERATIONS AND RESPONSE TO THE OBJECTIONS**

4.1 This Tree Preservation Order was made on the most significant trees in the recreation ground in response to a section 211 notice, the Conservation Area Tree application proposed pruning works to the Birch Trees and the removal of one limb from one of the trees.

4.2 The 3 trees subject to TPO 15/00005/TPO are found along the southern boundary of the site. The TPO on all three Birch Trees has been objected to.

4.3 This Tree Preservation Order was made to protect the visual amenity of the Birch trees in this central village location. Mid Devon District Council Tree Officer felt that there was little arboricultural justification for the proposed pruning works. Tree works were suggested for the majority of the trees within the play area at Sampford Peverell but it was the mature Birch trees at the front of the area that provide the most amenity value, it was only these trees that were made subject to the Tree Preservation Order.

4.4 One Birch tree has a large secondary limb which could almost be regarded as a secondary leader. It was proposed that this limb was removed back to the stem of the tree. This pruning could potentially cause significant damage to the Birch tree. Birch trees are known to decay very rapidly following excessive pruning. To create a pruning wound this large on a tree of this age is likely to reduce its safe life expectancy considerably. The branch union appeared strong, with some signs of compression, with a small ridge beneath the branch bark ridge. The MDDC Tree Officer does not consider this tree to be dangerous and the tree is not enough of a hazard to justify the removal of the entire limb. Ideally Birch trees would be pruned very lightly if it was necessary at all. It is regarded as bad practice to reduce the height of Birch trees. Decay following such pruning can be very rapid and make the tree susceptible to decay organisms such as Piptoporus betulinus.

4.5 The crown spread of the tree is not vast and a 2m crown reduction would be a significant portion of the crown on trees which do not respond well to pruning. MDDC Tree Officer felt that the proposed pruning work was not justified and could potentially lead to the trees looking unsightly, being at increased risk of disease and ultimately requiring removal.

4.6 The trees are fully mature and a significant feature of the street scene. The Tree Preservation Order does not serve to hinder good tree management, and as discussed with the Parish Council pruning around the telephone wires would be considered de minimus work. The pruning specified for the Birch trees was enough to alter the appearance and reduce the amenity value of the trees.

## 5.0 CONCLUSION

5.1 The Birch trees subject to this Tree Preservation Order are worthy of protection. The trees are of significant amenity value and the proposed works were not sufficiently arboriculturally justified and would likely cause significant damage and decay to the trees. It is recommended that the Tree Preservation Order be confirmed.

<b>Contact for any more information</b>	Miss Hannah Cameron, Tel. 01884 234218
<b>Background Papers</b>	15/00521/CAT
<b>File Reference</b>	15/00005/TPO
<b>Circulation of the Report</b>	Cllrs Richard Chesterton Members of the Planning Committee