

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, 1 July 2015 at 2.15 pm

The next ordinary meeting of the Committee will take place on Wednesday, 29 July 2015 at 2.15 pm in the Council Chamber, Town Hall, Tiverton

KEVIN FINAN
Chief Executive
23 June 2015

Councillors: Mrs F J Colthorpe, Mrs H Bainbridge, Mrs J B Binks, K Busch, Mrs C Collis, 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 - 16*)
To receive the minutes of the previous meeting (attached).
- 4 **CHAIRMAN'S ANNOUNCEMENTS**
To receive any announcements the Chairman may wish to make.
- 5 **START TIME OF MEETINGS**
To agree a start times for meetings for the municipal year.
- 6 **ENFORCEMENT LIST** (*Pages 17 - 22*)

To consider the items contained in the Enforcement List.

- 7 **DEFERRALS FROM THE PLANS LIST**
To report any items appearing in the Plans List which have been deferred.
- 8 **THE PLANS LIST** (*Pages 23 - 40*)
To consider the planning applications contained in the list.
- 9 **THE DELEGATED LIST** (*Pages 41 - 62*)
To be noted.
- 10 **MAJOR APPLICATIONS WITH NO DECISION** (*Pages 63 - 64*)
List attached for consideration of major applications and potential site visits.
- 11 **APPEAL DECISIONS** (*Pages 65 - 66*)
To receive for information a list of recent appeal decisions.
- 12 **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** (*Pages 67 - 86*)
To receive an implications report by the Head of Planning and Regeneration following discussions at the previous meeting where Members were minded to refuse the application.
- 13 **APPLICATION 15/00701/PATH - DIVISION OF TIVERTON FOOTPATH 22 AT LAND AT NGR 294586 113569 (FARLEIGH MEADOWS), WASHFIELD LANE, LOWER WASHFIELD** (*Pages 87 - 92*)
To receive a report of the Head of Planning and Regeneration regarding this application.
- 14 **SCHEME OF DELEGATION** (*Pages 93 - 100*)
To receive a report of the Head of Planning and Regeneration updating the Scheme of Delegation

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

Anyone wishing to film part or all of the proceedings may do so unless the press and public are excluded for that part of the meeting or there is good reason not to do so, as directed by the Chairman. Any filming must be done as unobtrusively as possible from a single fixed position without the use of any additional lighting; focusing only on those actively participating in the meeting and having regard also to the wishes of any

member of the public present who may not wish to be filmed. As a matter of courtesy, anyone wishing to film proceedings is asked to advise the Chairman or the Member Services Officer in attendance so that all those present may be made aware that is happening.

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

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

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

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

Tel: 01884 234229

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Public Wi-Fi is available in all meeting rooms.

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 3 June 2015 at 2.15 pm

Present 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, R F Radford, J D Squire,
R L Stanley and F Letch

Apologies Councillor

J Smith

Also Present Councillor

D R Coren

Present Officers:

Jenny Clifford (Head of Planning and
Regeneration), Sally Gabriel (Principal
Member Services Officer), Simon Trafford
(Area Planning Officer) and Daniel Rance

1 ELECTION OF CHAIRMAN (Chairman of the Council, Cllr W J Daw in the Chair)

RESOLVED that Cllr Mrs F J Colthorpe be elected Chairman of the Committee for the municipal year 2015/16.

2 ELECTION OF VICE CHAIRMAN

RESOLVED that Cllr D J Knowles be elected Vice Chairman of the Committee for the municipal year 2015/16

3 APOLOGIES AND SUBSTITUTE MEMBERS

Apologies were received from Cllr J L Smith.

4 PUBLIC QUESTION TIME 00-06-15

There were no questions from members of the public present.

5 MINUTES OF THE PREVIOUS MEETING (00-06-19)

The Minutes of the meeting held on 22 April 2015 were approved as a correct record and **SIGNED** by the Chairman.

6 CHAIRMAN'S ANNOUNCEMENTS (00-08-20)

The Chairman requested that the Liberal Democrats Group nominate a representative to attend the Chairman's briefing that took place prior meetings of the Committee.

7 DEFERRALS FROM THE PLANS LIST (00-09-36)

There were no deferrals from the Plans List.

8 THE PLANS LIST (00-12-00)

The Committee considered the applications in the plans list *.

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

(a) Applications dealt with without debate.

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

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

(i) No 8 on the Plans List (**15/00574/FULL – Erection of a single storey extension – Sheraton House, Kennerleigh**) be approved subject to conditions as recommended by the Head of Planning and Regeneration

(Proposed by the Chairman)

Note: Cllr Mrs J B Binks declared a Disclosable Pecuniary Interest in the application as the owner of the property and left the meeting whilst the decision took place.

(b) No 1 on the Plans List (**15/00071/FULL – Conversion of church hall (Use Class D2) into a dwellings (Use Class 3) with raised deck area and associated parking – Hall and Land at NGR 272174 101673, Bow**).

The Area Planning Officer outlined the contents of the report highlighting the site plan, the block plan which highlighted the side access, the existing and proposed elevations, the main access through the building and the proposed garden layout. Photographs were observed from various aspects of the site.

Consideration was given to the current usage of the building, the public consultation process, whether the building was a heritage asset, Policy DM25 and the possible loss of valued community facilities and services; the conservation area and the significance of the raised footway; the lack of parking facilities on the site for a community building, the fact that the building had not been maintained, the facilities available in the village, the lack of disabled facilities for a community building; Policy DM8 and whether there was a sufficient parking facility for a dwelling.

RESOLVED that the application be granted planning permission as recommended by the Head of Planning and Regeneration.

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

Notes:

- i) Cllr Mrs J B Binks declared a personal interest and she had once lived in the village and made visits to the church, she had also represented Bow as a District Councillor in the past;
- ii) Cllr J D Squire declared a personal Interest as his wife was on the PCC and as a resident had used the church;
- iii) Mr Wyllie spoke in objection to the application;
- iv) Cllr J D Squire spoke as Ward Member;
- v) Cllr Mrs J B Binks requested that her abstention from voting be recorded.

(c) No 2 on the Plans *List (15/00330/FULL – Erection of 8 affordable dwellings with associated access, parking areas, drainage and landscaping – land at NGR 277031 93171 (Adjacent to Glenthorne), Cheriton Bishop).*

The Area Planning Officer outlined the contents of the report highlighting the application site, the road network and the visual relationship with Dartmoor National Park. Members considered the landscaping plan, the detail of the type and size of the proposed dwellings, the foul water plant, the proposed elevations and the street scene. Photographs were viewed from various aspects of the site with the houses on the ridge being identified.

Consideration was given to the history of the project to bring affordable housing to Cheriton Bishop by the Community Land Trust, the concerns of the objectors with regard to the housing needs survey and the possible harm to the visual amenity of the area and other sites that were available. Discussion took place regarding the identified need for affordable housing in the village, exception sites in general and the local allocation policy.

RESOLVED that the application be granted planning permission subject to:

- a) the prior signing of a Section 106 agreement for the retention of the affordable housing in perpetuity and that the Community Land Trust retains a legal interest in the site;
- b) Delegated authority be given to the Head of Planning and Regeneration in consultation with the Chairman of the Planning Committee, the Cabinet Member for Housing and the 2 Ward Members in discussion with the applicants to consider the local allocation policy to be included in the Section 106 agreement;
- c) Conditions as recommended by the Head of Planning and Regeneration.

(Proposed by Cllr P J Heal and seconded by Cllr R F Radford)

Notes:

- i) Cllrs P J Heal and D R Coren made declarations in accordance with the Protocol of Good Practice for Councillors dealing in planning matters they had been involved in discussions regarding the development as Ward Members
- ii) Mr Gorringe spoke on behalf of the applicants;
- iii) Mr Stevens spoke on behalf of the Objectors;
- iv) Cllr Ms Westcott spoke on behalf of the Parish Council;
- v) Cllrs D R Coren and P J Heal spoke as Ward Members;
- vi) The following late information was reported: Page 35: 2 more representations had been received since the report was completed. 1 in support of the application scheme, with the other raising the following concern: The proposals do not include a footpath link into Cheriton Bishop. This matter is covered in the report.

(d) No 3 on the Plans *List (14/01474/FULL – Conversion of redundant barn to dwelling – land and buildings at NGR 304595 116820 (adjacent to Goldsmoor House, Westleigh).*

The Principal Planning Officer outlined the contents of the report highlighting the revised plans received since the previous application had been determined, the change to a pitched roof, existing and proposed elevations and Policy DM 11: the conversion of rural buildings.

The Head of Planning and Regeneration stated that this was a revised scheme and that the actual building proposed to be converted had not changed.

Consideration was given to future uses of the redundant barn if it was not developed, the suitable access and that it would be an affordable home for a young family.

It was therefore

RESOLVED that planning permission be granted and that delegated authority be given to the Head of Planning and Regeneration to produce a set of appropriate conditions. The reason for granting permission was that the scheme would make use of an existing building which due to the amended design incorporating a pitched roof would result in an improvement to the amenity of the area. In this respect the current scheme was considered acceptable in contrast to the previous application.

(Proposed by Cllr J M Downes and seconded by Cllr R J Dolley)

Notes:

- i) Cllrs Mrs H Bainbridge, Mrs F J Colthorpe, F W Letch, and R F Radford made declarations in accordance with the Protocol of Good Practice for Councillors dealing in planning matters as they had had correspondence regarding this issue;

- ii) Mr Archer (Agent) spoke;
- iii) Cllrs Mrs H Bainbridge and Mrs C Collis spoke as Ward Members

(e) No 4 on the Plans *List (15/00382/FULL – Erection of an agricultural livestock building (889 sq.m) – land at NGR 299384 112863 – Red Linhay, Crown Hill, Halberton).*

The Head of Planning and Regeneration outlined the contents of the report highlighting the location of the proposed building, the existing livestock building and the site for the anaerobic digester (AD) plant. Members viewed the block plan, the ground level plan, site sections, elevation drawings and photographs from various aspects of the site. She stated that the building would be screened and that highway issues were explained in full in the report.

Consideration was given to whether there was a need for a further building, whether land that was supposed to be used for crops to feed the AD plan was now proposed to be grazed by the cattle and whether the application would as a result increase traffic movements. It was suggested that the land providing feedstock for the cattle and the AD plant did not tally and therefore it was:

RESOLVED that the application be deferred to allow for the receipt of further information to be gathered with regard to land parcels in connection with the proposal and the approved AD plant to ascertain whether the traffic generation was acceptable.

(Proposed by Cllr R L Stanley and seconded by Cllr R F Radford)

Notes:

- i) Cllr R F Radford made a declaration in accordance with the Protocol of Good Practice for Councillors dealing in planning matters as he had had contact with the Parish Council regarding the application;
- ii) Cllr Mrs H Bainbridge declared a personal interest as a Member of the Grand Western Canal Joint Advisory Committee;
- iii) Cllr R F Radford spoke as Ward Member;
- iv) Cllr Mrs F J Colthorpe, R J Dolley and F W Letch requested that their vote against the decision be recorded;
- v) The following late information was reported: 27th May 2015 – DCC Archaeology
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 resubmitted I would be able to recommend its acceptance by the LPA

28th May 2015 -

Following the comments from DCC Historic Environment Service and condition 3 on the recommendation, the applicant has submitted a Written Scheme of Investigation which has been send to DCC for comment. They have replied as follows:

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:

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.

A timetable for deposition of the site archive needs to be included.

A timetable for publication, if required, needs to be included.

The museum accession number needs to be included.

If the WSI could be amended as above and resubmitted I would be able to recommend its acceptance by the LPA

Given that this is a condition on the recommendation, it is recommended that the condition remains in place until the DCC Historic Environment Service advise that the applicant has submitted a suitable document for discharge.

- (f) **No 5 on the Plans List (15/00533/FULL – Retention of cover over existing silage clamp – land at NGR 300503 112348 (Bycott Farm) Lower Town, Halberton).**

The Principal Planning Officer outlined the contents of the report explaining that the roofing of the approved building had not been constructed in line with the planning consent as the Yorkshire Boarding would not have provided enough protection from the weather.

Consideration was given to the concerns of the Parish Council with regard to the appearance of the structure and that Yorkshire Boarding would have been more suitable if cattle were to be housed in the building.

RESOLVED that the application be approved as recommended by the Head of Planning and Regeneration.

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

Notes:

- i) Cllrs R J Dolley and R F Radford declared personal interests as the applicant was known to them;
 - ii) Cllr R F Radford spoke as Ward Member.
- (g) No 6 on the Plans *List (15/00507/FULL – New surface car park and associated lighting – land at NGR 304319 114213 (Tiverton Parkway) Sampford Peverell)*.

The Head of Planning and Regeneration outlined the contents of the report, highlighting the history of the application site and how it was used on an emergency basis following the rail closure at Dawlish, the site location plan was identified with regard to the entrance to the station. Members viewed the block plan which identified the screening and the bund, the 185 additional parking spaces and photographs from various aspects of the site. Information was considered regarding the proposed legal agreement to secure a financial contribution towards the provision of highways works for a footway from Lower Town to the application site.

Consideration was given to need for the extension to the car park, disabled access, the proposed new pavement and its effect on the width of the road, improvements to the station and its surroundings, the concerns of the objector and the impact of the development on his property, the need for additional landscaping, headlight intrusion and the possibility of moving the entrance to the south of the site.

RESOLVED that the application be granted planning permission, subject to:

- Conditions as recommended by the Head of Planning and Regeneration'
- The provision of an informative note to be added regarding the provision of native evergreen planting within the scheme required under condition 3
- An amendment to Condition 4 to include details of lighting issues and the shielding thereof
- the deletion of Condition 5 and the re numbering of Condition 6 and 7
- An additional condition 7 stating that: The development hereby granted shall not be brought into first use until a legal agreement to secure a financial contribution towards the provision of off site highway works for a footway from Lower Town to the application site has been entered into.

Reason – To secure improved ensure access arrangements to the site in the interests of highway safety in accordance with policy DM2 of the Local Plan Part 3 (Development Management Policies).

(Proposed by Cllr Mrs H Bainbridge and seconded by Cllr R F Radford)

Notes:

- i) Mr Okey (Regional Development Manager for First Great Western) spoke;
- ii) Mr Garside spoke on behalf of the objector;
- iii) Cllrs Mrs H Bainbridge and Mrs C Collis spoke as Ward Members;

- iv) Cllr R L Stanley requested that his abstention from voting be recorded;
- v) The following late information was reported:

28th May 2015 –

REVISED RECOMMENDATION:

Subject to the prior signing of a s106 obligation to secure a financial contribution towards the provision of a pedestrian footway from the junction with Lower Town to the application site frontage, GRANT planning permission subject to conditions:

Further information from the applicant: The applicant has advised that they are willing to offer an upfront payment via s106 of £80,000 and the comments of the Highway Authority are awaited

28th May 2015 –

Following the comments of the EA, the applicant has provided an amended plan showing the proposed level to be 75.4m. The EA have confirmed that:

The car park was built without a flood risk assessment on an emergency basis on the fringes of the floodplain. Evidence to date suggests that flooding of the lowest corner is possible albeit it would be shallow. It is preventable and we advise that the low corner be raised to 75.4m as previously advised. We do however consider that the provision of compensation storage is no longer necessary given the minute loss of potential storage that would result from raising the small area concerned.

As a result, condition 5 is no longer required and should be deleted, with the remaining conditions 6 and 7 being renumbered as 5 and 6

Further response from Highway Authority by email 28th May 2015:

I have agreed that we will take £80,000 now with the remaining £20,000 of the £100,000 being paid on the second anniversary of the signing of the agreement.

In order for you to be able to issue a permission I suggest a Grampian style condition that the works on the car park cannot commence until the highway contribution agreement is signed and in place. This agreement could be a s278 agreement Highway Act 1980. I believe this route enable MDDC to issue the consent by 26th June, whereas a S106 agreement would need to include the landowner and s unlikely to be completed in time.

The formal response to the application sets out the sum of £170,000 for the delivery of the scheme (off site footway). Our view is that the increased traffic along the road increases the risk to pedestrians and therefore brings about the need for the footway. In our view it is therefore appropriate that the scheme promoter provides the majority of the funding.

REVISED RECOMMENDATION:

Grant permission subject to conditions.

CONDITION 5 DELETED (CONDITIONS 6 AND 7 BEING RENUMBERED 5 AND 6).

ADDITIONAL CONDITION:

7. The development hereby granted shall not be brought into first use until a legal agreement to secure a financial contribution towards the provision of off site highway works for a footway from Lower Town to the application site has been entered into.

Reason – To secure improved ensure access arrangements to the site in the interests of highway safety in accordance with policy DM2 of the Local Plan Part 3 (Development Management Policies).

(h) No 7 on the Plans *List (15/00537/FULL – Installation of a solar farm to generate 4.6MW of power (site area 7.65ha) and associated infrastructure, including photovoltaic panels, mounting frames, inverters, transformers, substations, communications buildings, fence and pole mounted security cameras – Land at NGR 274885 105456 (Sharland farm, Morchard Bishop).*

The Area Planning Officer outlined the contents of the report highlighting the site location plan, the railway and the A377, the new access to the site, proposed panel and storage building details, the agricultural land classification and photographs from various aspects of the site which identified the existing and proposed view

Consideration was given to the landscape and visual impact, the use of best and most versatile land, the cumulative effect of the application of the scheme with others, the views of the applicant with regard to planning policy and the lack of objections from statutory consultees

RESOLVED that members were minded to refuse the application and therefore wished to defer the decision to allow for a site visit to take place and for a report to be received setting out the implications of the proposed decision based on the following reasons:

- The landscape and visual impact together with the cumulative impact of the application
- The use of the best and most versatile agricultural land

(Proposed by Cllr Mrs J B Binks and seconded by Cllr J M Downes)

Notes:

- i) Cllrs Mrs H Bainbridge, Mrs J B Binks, Mrs C Collis, Mrs F J Colthorpe, R J Dolley J M Downes, S G Flaws, P J Heal, D J Knowles, F W Letch J D Squire and R L Stanley made declarations in accordance with the Protocol of Good Practice for Councillors dealing in planning matters as they had received correspondence from the applicant;
- ii) Mrs J B Binks declared a personal interest as she had attended a presentation by the applicant as the Ward Member;
- iii) Cllr P J Heal declared a personal interest as local residents were known to him;
- iv) Mr Ryan (Agent) spoke;

- v) A proposal to grant permission was not supported;
- vi) The following late information was reported: Page 77: 1 further representation has been received since the report was completed on the basis the proposals would result in the loss of best and versatile agricultural land and it would be an eyesore in landscape and visual terms. Your officers response to both these issues is set out in the report.

REVISED SECOND RECOMMENDATION:

To allow a variation to the S106 agreement pursuant to planning permission 92/01338/FULL to release the application land from the agreement.

9 THE DELEGATED LIST (4-18-14)

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

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

10 MAJOR APPLICATIONS WITH NO DECISION (4-19-00)

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

Application 15/00799/MFUL was noted as being a Committee decision and Members agreed that a site visit was not necessary.

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

11 APPEAL DECISIONS

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

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

12 APPLICATION 99/03432/FULL - CONVERSION OF REDUNDANT FARM BUILDING TO AN AGRICULTURAL WORKERS DWELLING AT HARTNOLL FARM, HALBERTON (4-21-02)

The Committee had before it a report * of the Head of Planning and Regeneration regarding a variation to the Section 106 legal agreement attached to the above consent. She outlined the contents of the report stating that this matter had been considered at the previous meeting but Members had felt that the area of alternative land being offered neither equated in size or value to the area of land being released from the agreement. Further negotiations had taken place with the applicant and an alternative land parcel had been identified.

It was therefore:

RESOLVED that the proposed variation of the Section 106 Agreement (to remove one area of land and replace it with another) be approved and that the Legal Services Manager be instructed accordingly.

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

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

13 **START TIME OF MEETINGS**

This matter would be discussed at the next meeting of the Committee.

(The meeting ended at 6.55 pm)

CHAIRMAN

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Agenda Item 6

Enforcement List Item 1
1 July 2015

Case No. ENF/15/00041/UDUR

Grid Ref: 283393 100120

Address:

Clouds, Barnfield, Crediton, Devon

Alleged Breach:

- 1) Without planning permission, the carrying out of engineering works to raise the ground level at the north eastern boundary.
- 2) Erection of close boarded fence close to boundary, alleged to be above the 2 metre permitted development height.

Recommendations:

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.

Site Description:

Clouds, Barnfield, Crediton, Devon

Site Plan:



Site History:

04/00984/PE	Housing development	REC
05/00939/OUT	Outline for the erection of 3 no. two-storey dwellings (revised site boundary)	PERMIT
07/02064/ARM	Reserved Matters for the erection of 2 dwellings following Outline planning permission 05/0939/OUT	PERMIT
08/00353/PE	Proposed dwelling	REC
08/01372/ARM	Reserved Matters for the landscaping of 2 dwellings following Outline Approval 05/00939/OUT	PERMIT
05/00939/OUT	Outline for the erection of 3 no. two-storey dwellings (revised site boundary)	PERMIT
07/02064/ARM	Reserved Matters for the erection of 2 dwellings following Outline planning permission 05/0939/OUT	PERMIT
08/01372/ARM	Reserved Matters for the landscaping of 2 dwellings following Outline Approval 05/00939/OUT	PERMIT
03/01128/OUT	Outline for the erection of one dwelling and formation of associated access	PERMIT
05/01121/FULL	Erection of 1 no. dwelling and self contained annexe	REFUSE
05/02591/FULL	Erection of a dwelling with annex under (Revised Proposal)	PERMIT
07/00150/FULL	Erection of 1 dwelling with annex	PERMIT
07/01219/FULL	Variation of condition 4 of Planning Permission 07/00150/FULL to allow use of different brick type	PERMIT
07/02064/ARM	Reserved Matters for the erection of 2 dwellings following Outline planning permission 05/0939/OUT	PERMIT
08/01372/ARM	Reserved Matters for the landscaping of 2 dwellings following Outline Approval 05/00939/OUT	PERMIT
08/01658/OUT	Outline for the erection of 1 dwelling	PERMIT
10/01200/FULL	Erection of 1 dwelling with garage and associated parking	PERMIT

NON-MATERIAL AMENDMENT GRANTED 5TH
APRIL 2011
NON-MATERIAL AMENDMENT AMENDMENT
GRANTED 6TH MAY 2011

10/01200/FULL/ NMA	Erection of 1 dwelling with garage and associated parking	PERMIT
10/01200/FULL/ NMAA	Erection of 1 dwelling with garage and associated parking	PERMIT
07/02064/ARM/N MA	Reserved Matters for the erection of 2 dwellings following Outline planning permission 05/0939/OUT - Non-Material Amendment for the replacement of rendered balustrade with glazed balustrade to Plot A	PERMIT
07/02064/ARM/N MAA	Reserved Matters for the erection of 2 dwellings following Outline planning permission 05/0939/OUT - Non-Material Amendment to replace paved area of driveway with porous tarmac	WDN
15/00059/FULL	Change of levels and surface finish of driveway	PERMIT

Development Plan Policies:

National Planning Policy Framework

Reasons/Material Considerations:

Members who were present at the Planning Committee meeting of 22nd April 2015, will recall that it was resolved to defer any decision until such time as further enquiries were made to try to establish what, if any breach exists on the site. Concern had been shown that the inspection cover used to survey the site may have been raised, giving a false level from which to establish ground heights.

Following that decision, a site visit was carried out on 24th April. It was found that the old inspection cover had been replaced and it was not possible to lift the cover to examine the chamber regarding the height. A second visit was carried out on 8th May when it was possible to lift the new cover. Unfortunately, work had been done to the chamber, which rendered it impossible to show where the original may have been.

Irrespective of that, your officers' remain convinced that at the time they initially took level readings the original cover had not been raised. However as work has now been done to that chamber but it does now mean that we have no realistic way of establishing a breach.

The development site owners have always maintained that the ground at the boundary did drop away more steeply than the general slope of the land. The survey carried out by Enforcement and Building Control indicated that the levels at the fence were lower than shown on the 2005 survey for the outline permission.

Since the last report, Officers understand that arrangements have been made to remove some of the soil against the neighbours' fence as part of an argument between the developer and the affected house holder. This will go towards resolving some of the problem.

A second survey report from 2008 has also been produced and used to check the ground height from the neighbouring garden in Mount Pleasant. In the area of Kirton View, the southern plot, the results corroborated those of the previous check, indicating that the levels were lower than shown on the survey.

Your officers are still firmly of the view that we cannot establish a breach of planning control on the site and that, therefore, no further action should be taken in this instance.

The development on the site at the rear of Clouds has been ongoing since outline permission was granted in 2005. This was for three properties. Since then, Reserved Matters permissions have been granted and one plot was sold separately and was developed as an individual plot following planning permission in 2010.

The site is on a northern sloping piece of land with properties at Mount Pleasant, Park Street, on its north eastern boundary. The two houses are nearing completion and work on landscaping the gardens has begun. The approved plan for the layout and landscaping of the development plots shows a new hedgerow to the north eastern site boundary. It is understood that the developers intend that this be planted in accordance with the approved plans.

The developers began the construction of a wooden close-boarded fence along the north eastern boundary and at one point placed horizontal boarding along the base of the fence and backfilled behind the fence with soil to a height of some 400 - 600mm. Following a complaint, your officers attended and arranged for the backfilling to be removed and for the height of the fence to be taken from the base of the horizontal boarding. The developer also agreed to building the fence to no more than 1.8 metres in height although the approved 1:500 block plan shows a close boarded timber fence to a maximum of 2 metres along this north eastern boundary.

From the garden of the adjoining property, soil could still be seen piled against the wire fence. It is your officers' contention that the original wire fence forming the property boundary is at a lower level than the wooden fence erected on the development side of the boundary. This is because of the slope of the ground and the effect of the soil going down the slope to rest against the fence would be to raise the level at that point.

Following a further complaint, a Planning Enforcement Officer, accompanied by an Officer from Building Control, attended the site and surveyed the levels of the ground at the boundary, using figures from a survey submitted with the original outline application and using, as a datum point, an inspection cover that existed on the land at the time of the original survey and against which a height had been recorded. The results of this latest surveyed suggested that the timber fence had been built at or below the natural ground level and that it does not exceed the maximum 2 metre height limit. Whilst there appears to be some soil against the wire property boundary fence in places this varies in height between approximately 0.2 - 0.4m. This is considered de minimis and not to constitute an engineering operation for which planning permission would be required. At this point in time, your officers have no reason to believe that there is any breach of planning control and would recommend that Members resolve to take no further action.

In addition, it has been alleged that the build-up of earth is causing potential damage to trees in the neighbouring garden. It is your officers' opinion that this is a matter that should be resolved civilly between the owners of the two properties. The soil build-up has occurred incidentally to the landscaping carried out and would not be considered to be development.

Options for action or remedy:

The list of options available is as follows:

Take no action:

Take no further action - It is your officers' view that it would not be appropriate or proportionate to take action in this case, based on the reasons given under Reasons/Material Considerations.

Invite an application to grant consent to regularise the development - Following an initial complaint, the owner of the site has carried out remedial work to the extent that there is no longer, in your officers' opinion, any development that requires planning permission. Therefore, it would not be appropriate to request an application.

Issue an Enforcement Notice seeking the removal of any soil at the boundary back to the natural ground level and the reduction in height of the fence erected to a maximum height of 2 metres - It is your officers' opinion that the soil at the boundary is purely incidental to the landscaping operations undertaken and do not in themselves amount to development, against which a Notice could be served and the height of the fence as measured, is less than 2 metres in height.

PLANNING COMMITTEE AGENDA - 1st July 2015

Applications of a non-delegated nature

- | <u>Item No.</u> | Description |
|-----------------|---|
| 1. | <p>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.</p> <p>RECOMMENDATION
Grant permission subject to conditions.</p> |
| 2. | <p>15/00749/TPO - 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 at Adj 7 Jasmine Close, Tiverton, Devon.</p> <p>RECOMMENDATION
Grant consent.</p> |
| 3. | <p>15/00750/TPO - Application to carry out works to 1 Oak protected by Tree Preservation Order 83/00003/TPO at Play Area, Head Weir Road, Cullompton.</p> <p>RECOMMENDATION
Grant consent.</p> |

Application No. 15/00573/FULL

Plans List No. 1

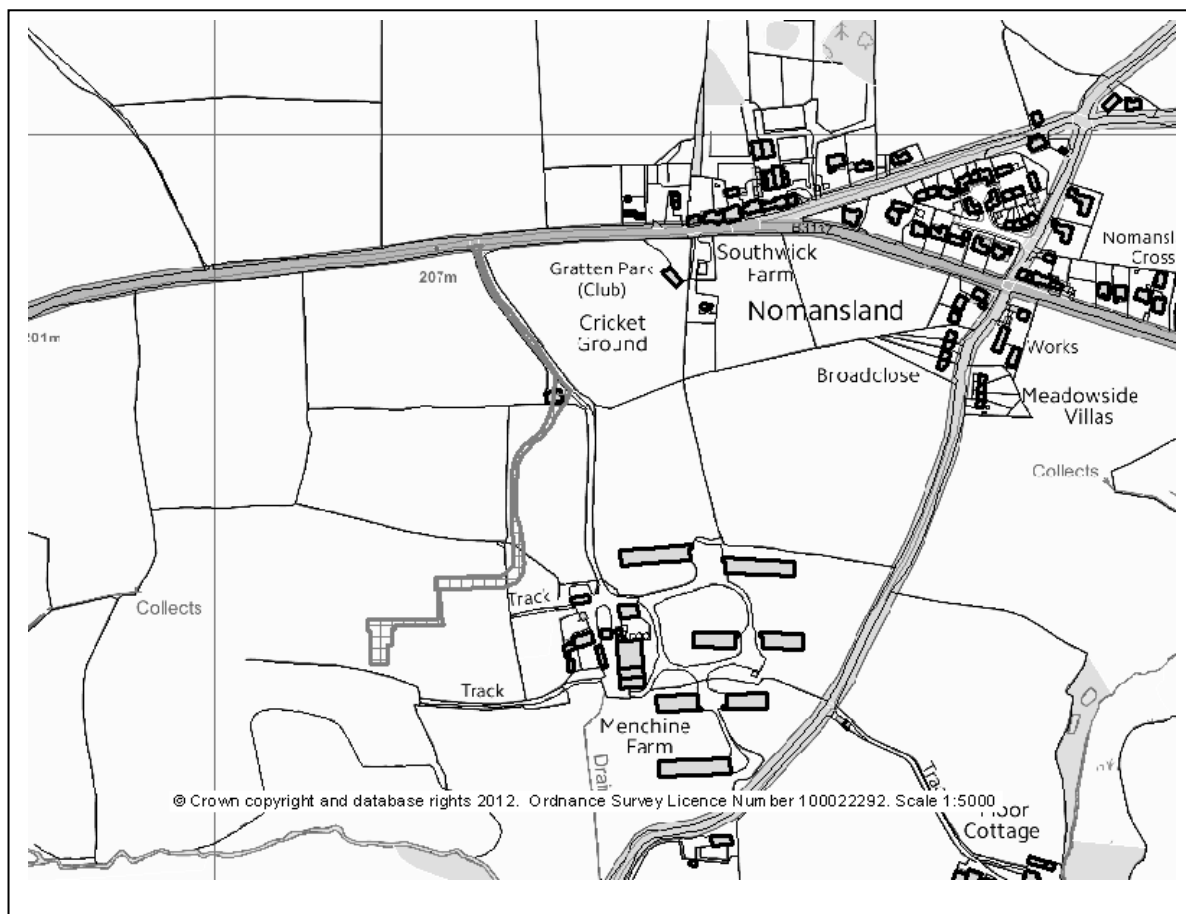
Grid Ref: 283096 : 113579

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/FUL: 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.

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

National Planning Policy Framework

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 its 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 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 proposals 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.

Grid Ref: 296659 : 113771

Applicant: Mr A Cook, MDDC

Location: Adj 7 Jasmine Close Tiverton
Devon EX16 6UB

Proposal: 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

Date Valid: 7th May 2015



Application No. 15/00749/TPO

RECOMMENDATION

Grant consent.

PROPOSED DEVELOPMENT

This application proposes works to one Oak tree protected by Tree preservation Order 4/52/88/TP4. The tree is located adjacent to 7 Jasmine Close, Tiverton, and is likely to be significantly older than the housing estate surrounding it. The proposed works include a reduction in the tree's height by 2.5m with a reshaping of the crown, a reduction in the western lower lateral by 2m and a reduction in the lower crown to northeast to achieve 2-3m clearance from the adjoining house. The Council's Tree Officer has undertaken a site visit of the site, and her consultation response informs the officers' report.

APPLICANT'S SUPPORTING INFORMATION

None

PLANNING HISTORY

96/00403/CAT Consent to carry out pruning works to Oak Tree protected under Tree Preservation Order No. 4/52/88/TP4 - PERMIT

CONSULTATIONS

TIVERTON TOWN COUNCIL - 5th June 2015 - Refer to Tree Officer for more information.

MID DEVON DISTRICT COUNCIL - TREE OFFICER - 15th June 2015 - This veteran Oak tree is situated on council land immediately adjacent to a property. The tree is significantly older than the property and has been pruned previously by MDDC following a report by Tony Lane.

It is a large veteran Oak tree growing on the bank of a small stream and overhanging the garden and building of 7 Jasmine Close, Tiverton.

The tree requires follow up pruning to ensure its safe retention in such close proximity to the property. The pruning intends to reduce the crown of the tree again and will be reassessed in another 5 years with a view to carrying out further reduction work.

The aim of the pruning is to ensure the retention of the tree but at a safer size, reducing the risk of natural limb shedding when the tree begins its process of retrenchment.

Suggested conditions

CTP1 TPO Time Limit

The works hereby permitted shall be carried out within two years of the date of this consent.

RTP1 To ensure works are appropriate

To ensure the works carried out remain appropriate to the conditions of the tree and in the interests of visual amenity.

CTP2 TPO standard work

All works shall be carried out in accordance with BS3998:2010 Tree Work Recommendations and/or European Pruning Guide (AA Guidance Note. 5) by an appropriate experienced and qualified tree surgeon.

RTP2 Best Arboricultural Practice

To ensure the works are carried out in accordance with best Arboricultural practice.

CTP3 TPO Scope of works

The works hereby permitted shall consist solely of the following:

- (a) Reduce the height of the tree by 2.5m
- (b) reduce western lower lateral by 2m
- (c) reduce the lower crown to the north east to achieve 2-3m clearance from adjoining house

RTP3 Works as appropriate

To preserve the continued contribution of the tree to the local character and amenity whilst enabling such works as are required to manage the tree in accordance with best Arboricultural practice.

REPRESENTATIONS

No letters of representation were received on the date of writing this report.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

This protected tree has been subject to previous pruning and is reassessed periodically. The currently proposed pruning seeks to reshape and crown reduce the tree. The Council's Tree Officer is supportive of the proposed works and her supported conditions are incorporated into the recommendation.

CONDITIONS

1. The works hereby permitted shall be carried out within two years of the date of this consent.
2. All works shall be carried out in accordance with BS3998:2010 Tree Work Recommendations and/or European Pruning Guide (AA guidance Note No. 5) by an appropriately experienced and qualified tree surgeon.
3. The works hereby permitted shall consist solely of the following:
 - (a) Reduce the height of the tree by 2.5m
 - (b) reduce western lower lateral by 2m
 - (c) reduce the lower crown to the north east to achieve 2-3m clearance from adjoining house

REASONS FOR CONDITIONS

1. To ensure the works carried out remain appropriate to the condition of the tree and in the interests of visual amenity and having regard to the Town and Country Planning (Tree Preservation)(England) Regulations 2012.
2. To ensure the works are carried out in accordance with best Arboricultural practice.
3. To preserve the continued contribution of the tree to the local character and amenity whilst enabling such works as are required to manage the tree and having regard to the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The works proposed are considered to be sufficiently justified and will both preserve the continued contribution of the tree to the local character and amenity whilst enabling such works as are required to manage the trees in accordance with best Arboricultural practice.

Grid Ref: 302235 : 108254

Applicant: Mr A Cook

Location: Play Area Head Weir
Road Cullompton
Devon

Proposal: Application to carry out
works to 1 Oak
protected by Tree
Preservation Order
83/00003/TPO

Date Valid: 7th May 2015



Application No. 15/00750/TPO

RECOMMENDATION

Grant consent.

PROPOSED DEVELOPMENT

This application is to carry out works to 1 Oak protected by Tree Preservation Order 83/00003/TPO, The tree is located in the Play Area at Head Weir Road, Cullompton. The proposed works include pruning to the upper crown to viable growth points, and reducing the lower extended lateral growth by 2 - 2.5 metres in order to reduce the risk of limb failure and to gain better and safer clearance from play equipment.

APPLICANT'S SUPPORTING INFORMATION

None

PLANNING HISTORY

85/00959/FULL Relaxation of condition (5) of DOE planning permission SN/APP/5182/A/82/1995 restricting the number of dwellings to be completed each year over a four year period - PERMIT
03/01410/FULL Erection of 2.4 metre high replacement fencing to northern boundary - REFUSE
10/01910/TPO Application to prune tree protected by Tree Preservation Order 83/00003/TPO - PERMIT

CONSULTATIONS

MID DEVON DISTRICT COUNCIL - TREE OFFICER - 17th June 2015 - Appraisal of proposal

This application proposes work to an important veteran Oak tree. The tree is beginning to show signs of retrenchment, a natural process in Oak trees. Retrenchment pruning is a phased form of crown reduction, intended to copy the natural process of retrenchment.

A veteran tree will attempt to reduce its size to ensure survival; it does this by repeatedly shedding branches and developing a lower replacement crown. Retrenchment pruning hopes to mimic this natural process whilst reducing the risk of limb failure in areas where there is access.

This veteran Oak tree is situated within a public play area. It is vigorous and healthy but beginning to show signs of retrenchment in its upper crown. This combined with the over-extended lower crowns leads to concerns that there may be some future limb failure.

The suggested crown reduction work is to reduce the lower extended lateral branches back by 2 - 2.5m. This should encourage a lower crown to begin to develop, reduce the risk of limb failure and clear the play equipment of encroaching branches.

There is deadwood in the upper crown of the tree. Where necessary this deadwood will be pruned to a natural growth point as a part of the retrenchment pruning.

Ideally deadwood would be left within the canopy of the trees but it is necessary to reduce the risk of falling deadwood to the public. Other deadwood removal will be done by kicking out any larger pieces with any remaining can be left in the crown.

This pruning operation should be regarded as the first of a series; the tree will be assessed for more retrenchment pruning in 5 years time.

Suggested conditions

CTP1 TPO Time Limit

The works hereby permitted shall be carried out within two years of the date of this consent.

RTP1 To ensure works are appropriate

To ensure the works carried out remain appropriate to the conditions of the tree and in the interests of visual amenity.

CTP2 TPO standard work

All works shall be carried out in accordance with BS3998:2010 Tree Work Recommendations and/or European Pruning Guide (AA Guidance Note. 5) by an appropriate experienced and qualified tree surgeon.

RTP2 Best Arboricultural Practice

To ensure the works are carried out in accordance with best Arboricultural practice.

CTP3 TPO Scope of works

The works hereby permitted shall consist solely of the following:

- (a) Crown reduce extended lower laterals by 2 - 2.5m
- (b) Prune upper crown where showing signs of retrenchment, to a natural growth point
- (b) Kick out any loose deadwood

RTP3 Works as appropriate

To preserve the continued contribution of the tree to the local character and amenity whilst enabling such works as are required to manage the tree in accordance with best Arboricultural practice.

CULLOMPTON TOWN COUNCIL - 1st June 2015
Recommend grant approval

REPRESENTATIONS

None received at the time of writing this report.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

This veteran tree is regarded as important and due to its age is naturally likely to seek to reduce its size by shielding branches and developing a replacement crown. The proposed pruning works seek to minimise this natural process and pre-empt it, ensuring safety given the location of the tree in an area of public open space. The Council's Tree Officer has provided comment and supports the proposed work. Her suggested conditions are incorporated in the recommendation.

CONCLUSION

The works proposed are considered to be sufficiently justified and will both preserve the continued contribution of the tree to the local character and amenity whilst enabling such works as are required to manage the trees in accordance with best Arboriculture practice.

CONDITIONS

1. The works hereby permitted shall be carried out within two years of the date of this consent.
2. All works shall be carried out in accordance with BS3998:2010 Tree Work Recommendations and/or European Pruning Guide (AA guidance Note No. 5) by an appropriately experienced and qualified tree surgeon.
3. The works hereby permitted shall consist solely of the following:
 - (a) Crown reduce extended lower laterals by 2 - 2.5m
 - (b) Prune upper crown where showing signs of retrenchment, to a natural growth point
 - (c) Remove any loose deadwood

REASONS FOR CONDITIONS

1. To ensure the works carried out remain appropriate to the condition of the tree(s) and in the interests of visual amenity and having regard to the Town and Country Planning (Tree Preservation)(England) Regulations 2012.
2. To ensure the works are carried out in accordance with best Arboricultural practice.
3. To preserve the continued contribution of the tree[s] to the local character and amenity whilst enabling such works as are required to manage the tree[s] and having regard to the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Mrs Jenny Clifford
Head of Planning and Regeneration

PLANNING COMMITTEE - 1 July 2015

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

PURPOSE OF REPORT

To inform Members of those applications which have been determined under the officer delegation scheme since your last meeting. These decisions are made in accordance with the Authority's powers contained in the Town and Country Planning Act 1990 and have no financial implications.

RECOMMENDATION

That the report be noted.

DETAILS OF DECISIONS

DATE RECEIVED	DATE DETERMINED/ DECISION	REF NUMBER	APPLICANT PROPOSED DEVELOPMENT	PARISH/AREA
13.08.2013	10.06.2015 Grant permission	13/01164/FULL	Mr R Herniman Lower Demmitts Posbury Removal of mobile home and erection of an agricultural worker's dwelling	Crediton Hamlets 19
09.12.2014	09.06.2015 Grant permission	14/02039/FULL	Mr & Mrs Alcock Higher Saunders Cherry Meadow Erection of a dwelling following demolition of garage and shed	Cheriton Fitzpaine 12

12.12.2014	27.05.2015 Grant permission	14/02068/LBC	Magna West Somerset Housing Association Ltd 1-7 The Old School Chapel Street Listed Building Consent for installation of replacement timber framed windows and door	Tiverton 52
17.12.2014	21.05.2015 Refuse permission	14/02122/FULL	Mr A Hill Dairy Cottage Crazelowman Conversion of redundant building to dwelling (Revised scheme)	Tiverton 52
06.01.2015	11.06.2015 Grant permission	15/00017/FULL	Mrs L McRae Land at NGR 302813 119931 (Oakbrook Farm) Road from Chimney Down Cross to Staple Cross Erection of a temporary agricultural worker's dwelling	Hockworthy 28
26.01.2015	17.06.2015 Grant permission	15/00099/FULL	Mr D J Wensley Land and Buildings at NGR 295971 123112 (Higher Arthurs Hayne) Bampton Conversion of redundant farm building to dwelling, re-siting vehicular and pedestrian access and resurfacing track	Bampton 01
27.01.2015	28.05.2015 Grant permission	15/00120/OUT	Mr & Mrs V Bennett Land and Buildings at NGR 272250 98701 (Littlecombe Farm) Outline for the erection of an agricultural worker's dwelling	Bow 03
28.01.2015	03.06.2015 Grant permission	15/00127/FULL	Mr J Harris Pegasus 1 Coxs Court Replacement of existing stone	Tiverton 52

			cladding to front elevation with beige render	
30.01.2015	02.06.2015 Grant permission	15/00133/FULL	Mr & Mrs Chapple Land and Buildings at NGR 301810 118937 Redwoods Farm Erection of extension to existing agricultural building	Hockworthy 28
09.02.2015	27.05.2015 Grant permission	15/00205/FULL	Mr & Mrs T McCabe Ford Farm Holcombe Rogus Erection of single storey extension, alteration to roof over existing extension, and installation of flue	Holcombe Rogus 29
10.02.2015	27.05.2015 Grant permission	15/00206/LBC	Mr & Mrs T McCabe Ford Farm Holcombe Rogus Listed Building Consent for erection of single storey extension, alteration to roof over existing extension, and installation of flue	Holcombe Rogus 29
17.02.2015	29.05.2015 Grant permission	15/00263/FULL	Mr W Elworthy Land and Buildings at NGR 300590 106083 (Colebrook Court) Colebrooke Lane Variation of condition (2) of planning permission 13/01434/FULL to allow the substitution of previously approved plans	Cullompton 21
18.02.2015	29.05.2015 Grant permission	15/00264/MFUL	Mr B Gratwicke, Persey Properties Partnership Pencarrie Ltd Unit 14 and 15 Erection of extensions to units 14 and 15 (2,350 sqm) for existing Use classes B1/B2/B8	Willand 59

26.02.2015	17.06.2015 Grant permission	15/00293/FULL	Ms S Wasfi Coldharbour Mill Coldharbour Alterations to workshop in connection with proposed use as shop and visitor's centre, installation of wc for the disabled in grist mill, and conversion of window to door in combing shed	Uffculme 53
26.02.2015	17.06.2015 Grant permission	15/00294/LBC	Ms S Wasfi Coldharbour Mill Coldharbour Listed Building Consent for alterations to workshop in connection with proposed use as shop and visitor's centre, installation of wc for the disabled in grist mill, and conversion of window to door in combing shed	Uffculme 53
27.02.2015	27.05.2015 Grant permission	15/00324/LBC	Mr G Herbert & Mrs D Leete 46 Fore Street Silverton Listed Building Consent for internal alterations to provide a first floor bathroom, replacement fireplace and installation of patio doors; replacement of two windows and door canopy	Silverton 45
02.03.2015	15.06.2015 Grant permission	15/00333/FULL	Mr J Curtis 53 Boobery Sampford Peverell Erection of two-storey extension with porch/utility and garage	Sampford Peverell 42
02.03.2015	10.06.2015 Grant permission	15/00340/FULL	Mr J W Leyman 36 Greenway Crediton Installation of ramped access for wheelchair	Crediton Town 18

04.03.2015	08.06.2015 Grant permission	15/00356/FULL	Mr G Wood, Chawleigh Parish Council Jubilee Hall Chawleigh Re-alignment of roof to rear elevation, re-roof in natural slate to match existing and re-paint timber barge and fascia boards	Chawleigh 10
04.03.2015	08.06.2015 Grant permission	15/00357/LBC	Mr G Wood, Chawleigh Parish Council Jubilee Hall Chawleigh Listed Building Consent for re-alignment of roof to rear elevation, re-roof in natural slate to match existing and re-paint timber barge and fascia boards	Chawleigh 10
09.03.2015	27.05.2015 Grant permission	15/00378/LBC	Mr I Bray 93 Barrington Street Tiverton Listed Building Consent to replace front ground-floor window and front door	Tiverton 52
13.03.2015	03.06.2015 Refuse permission	15/00425/OUT	Mr G Vanstone Orchard Villa 4 Threshers Outline for the erection of a dwelling	Crediton Town 18
16.03.2015	10.06.2015 Grant permission	15/00451/FULL	Mr W Blake Land at NGR 274203 101516 Appledore Farm Erection of an agricultural livestock building (619sqm)	Clannaborough 13
17.03.2015	22.05.2015 Grant permission	15/00402/FULL	Mr & Mrs S Leigh Oaklea House St Aubyns Park Erection of a dwelling (Revised	Tiverton 52

			scheme)	
17.03.2015	12.06.2015 Grant permission	15/00444/LBC	Ms Nicola Davies 9 Millway Bradninch Listed Building Consent to replace 4 critical windows	Bradninch 04
17.03.2015	08.06.2015 Grant permission	15/00449/FULL	The Co-Op Group Co-Op Store 135 High Street Installation of new plant. air- conditioning, acoustic screens and doors.	Crediton Town 18
17.03.2015	03.06.2015 Refuse permission	15/00450/FULL	Mr D Taylor Yellow Hammer Brewing Limited Hanlons Brewery Installation of balcony and access ramp	Newton St Cyres 37
17.03.2015	05.06.2015 Grant permission	15/00456/FULL	Mr & Mrs P Delamuro Cholwell Posbury Erection of first floor extension	Crediton Hamlets 19
24.03.2015	03.06.2015 Approval of Prior Approval	15/00475/PNAG	Mr Simon Caudwell Land and Buildings at NGR 304861 115500 Higher Ayshford Prior notification for the erection of a grain store	Burlescombe 06
24.03.2015	16.06.2015 Grant permission	15/00498/FULL	Mrs S Stoddart 20 Langlands Road Cullompton Erection of extension to garage and installation of dormer window	Cullompton 21
25.03.2015	22.05.2015 Grant permission	15/00518/FULL	Mr W Elworthy Fairfield Cottage Colebrooke Lane	Cullompton 21

			Repairs to outbuildings including re-roofing, rebuilding of external wall, erection of entrance porch, and insertion of windows	
25.03.2015	22.05.2015 Grant permission	15/00519/LBC	Mr W Elworthy Fairfield Cottage Colebrooke Lane Listed Building Consent for repairs to outbuildings including re-roofing, rebuilding of external wall, erection of entrance porch, and insertion of windows	Cullompton 21
26.03.2015	12.06.2015 Withdrawn	15/00524/FULL	Dr H Coles Land and Building at NGR 314785 113530 (Fourways Barn) Hemyock Conversion of redundant agricultural barn to dwelling and erection of car port	Hemyock 26
27.03.2015	22.05.2015 Grant permission	15/00478/FULL	Mr M Bache Burrows Farm Clayhidon Erection of extension and replacement porches	Clayhidon 15
27.03.2015	22.05.2015 Grant permission	15/00479/LBC	Mr M Bache Burrows Farm Clayhidon Listed Building Consent for erection of extension and replacement porches, replacement of corrugated sheeted roofing with wheat reed thatch, replacement of cementitious renders and pointing with roughcast lime renders and lime mortars with limewash finishes, repairs to roof structures, replacement of concrete floors with insulated limecrete, repairs	Clayhidon 15

			to timber floors and internal lime plaster, and other internal alterations	
27.03.2015	22.05.2015 Refuse permission	15/00523/FULL	Mr N Cuthbert Abbotshood Farm Halberton Removal of condition (d) of planning permission 4/25/74/1168 relating to agricultural/forestry occupancy	Halberton 25
30.03.2015	02.06.2015 Grant permission	15/00536/FULL	Mr J Crang Land and Buildings at NGR 291498 106269 (Merryfield Hayes) Cadeleigh Erection of roof to provide covered yard	Cadbury 08
31.03.2015	02.06.2015 Refusal of Prior Approval	15/00496/PNCOU	MC & DE Pipe Partnership Land and Building at NGR 310131 116908 (Pond House) Prior notification for the change of use of agricultural building to dwelling under Class Q(a) and (b)	Culmstock 22
31.03.2015	10.06.2015 Grant permission	15/00538/FULL	Mr Bill Ware 7 Charter Close Tiverton Erection of an extension, replacement of garage roof and formation of new vehicular access	Tiverton 52
31.03.2015	15.06.2015 Grant permission	15/00542/FULL	Mr & Mrs Hopper Gogwell Farm Cove Conversion of barns to form 3 dwellings with associated parking, gardens and access	Tiverton 52
01.04.2015	27.05.2015 Grant permission	15/00547/LBC	Miss S Kazer Croyle House Kentisbeare Listed Building Consent for removal	Kentisbeare 32

			of existing fire surrounds in living/dining room, undertake remedial works to original features, install woodburners, chimney liners, chimney pots and room ventilation	
01.04.2015	16.06.2015 Grant permission	15/00550/FULL	Mr & Mrs P Huntley The Linhay Barn Knowle Conversion of outbuildings to dwelling and attached office (Revised scheme)	Copplestone 62
01.04.2015	16.06.2015 Grant permission	15/00551/LBC	Mr & Mrs P Huntley The Linhay Barn Knowle Listed Building Consent for conversion of outbuildings to dwelling and attached office (Revised scheme)	Copplestone 62
02.04.2015	29.05.2015 Grant permission	15/00511/FULL	Mr John Fanson Castlands Farm Newton St Cyres Formation of new vehicular access	Newton St Cyres 37
02.04.2015	15.06.2015 Grant permission	15/00520/TPO	Mr R Perry Little Walronds Shortlands Lane Application to reduce the height by 4 metres and tidy side growth of 1 Holly tree protected by Tree Preservation Order 07/00001/TPO	Cullompton 21
02.04.2015	16.06.2015 Grant permission	15/00641/FULL	Mr F.E. Tucker Land and Buildings at NGR 288700 110846 (Windmill Farm) Erection of general purpose agricultural building	Cruwys Morchard 20

07.04.2015	15.06.2015 Grant permission	15/00513/FULL	Mr & Mrs Thomas Rodgements Chawleigh Erection of garage and store	Chawleigh 10
07.04.2015	03.06.2015 Development Acceptance	15/00514/PNCOU	Mr P Heywood Land and Buildings at NGR 304748 119836 (Stuckleys) Hockworthy Prior notification for the change of use of an agricultural building to a dwellinghouse under Class Q	Hockworthy 28
07.04.2015	29.05.2015 Development Acceptance	15/00515/PNCOU	Mr & Mrs Murray Wheatland Stoodleigh Prior notification for the change of use of an agricultural building to a dwelling under Class Q	Stoodleigh 48
07.04.2015	12.06.2015 Grant permission	15/00552/FULL	Mr & Mrs W Elliott Hatherlands Uplowman Erection of front and rear extensions and car port	Uplowman 54
07.04.2015	28.05.2015 Grant permission	15/00555/FULL	Mr J Street Former Site of 24 Newcourt Road Variation of Condition 2 (amended plans) of planning permission 14/01153/FULL	Silverton 45
07.04.2015	05.06.2015 Grant permission	15/00557/FULL	Mr R Keeble Chapel Orchard Puddington Erection of an open-fronted garage	Puddington 41
07.04.2015	28.05.2015 Grant permission	15/00559/FULL	Mr Graham Cozens 61 High Street Halberton Erection of a conservatory	Halberton 25

07.04.2015	29.05.2015 Grant permission	15/00561/FULL	Mr & Mrs Olsson Higher Elston Copplestone Conversion of outbuilding to provide ancillary living accommdation	Copplestone 62
07.04.2015	12.06.2015 Grant permission	15/00563/FULL	Mr & Mrs K Sharland Briar Cottage Hockworthy Erection of extensions	Hockworthy 28
09.04.2015	04.06.2015 Grant permission	15/00534/CLP	Court House Care Services (Devon) Ltd Court House Residential Home Station Road Certificate of lawfulness for the proposed conversion of existing residential building (Class C3) into 5 independent living care units	Cullompton 21
09.04.2015	08.06.2015 Development Acceptance	15/00535/PNCOU	Mr & Mrs N Worsnop Land and Buildings at NGR 275322 107819 (Cottage Gardens) Prior notification for the change of use of agricultural buildings to 2 dwellings under Class Q	Morchard Bishop 35
09.04.2015	03.06.2015 Grant permission	15/00575/FULL	Mr & Mrs C Rowe 12 Sideling Fields Tiverton Erection of raised decking; conversion of garage to additional living accommodation, replacement of garage roof with pitch roof and erection of porch	Tiverton 52
09.04.2015	03.06.2015 Grant permission	15/00576/FULL	Mr & Mrs D Frost 33 Ashleigh Park Bampton Erection of a detached garage	Bampton 01

10.04.2015	28.05.2015 Grant permission	15/00579/FULL	Mr Paul Daley 42 Station Road Hemyock Erection of an extension, porch, installation of 2 dormer windows, and increasing the size of the existing vehicle splay	Hemyock 26
13.04.2015	05.06.2015 Refusal of Prior Approval	15/00543/PNCOU	Mr T Davies Land and Building at NGR 280296 100118 (Middle Hollacombe Farm) Hollacombe Prior notification for the change of use of an agricultural building to a dwellinghouse under Class Q(a)	Crediton Hamlets 19
13.04.2015	01.06.2015 Grant permission	15/00544/LBC	Mr R Sivlal Manor House Hotel Fore Street Listed Building Consent for structural repairs to masonry, involving part demolition and rebuilding north east corner and removal of existing cement render to north elevation	Cullompton 21
13.04.2015	01.06.2015 Grant permission	15/00586/FULL	Mr Stuart Webber Land and Buildings at NGR 282014 112296 (New House) Witheridge Erection of an agricultural storage building	Thelbridge 50
14.04.2015	05.06.2015 Withdrawn	15/00565/PNCOU	Mr S Hill Land and Buildings at NGR 291942 115004 (Fulford Farm) Lurley Prior notification for the change of use of an agricultural building to a dwellinghouse under Class Q(a)	Tiverton 52

14.04.2015	09.06.2015 Grant permission	15/00588/FULL	Mr M Collins The Shippen 9 Eggesford Country Estate Erection of one and half storey extension (incorporating roof space)	Chawleigh 10
15.04.2015	01.06.2015 Refusal of Prior Approval	15/00572/PNHH	Mr & Mrs Mitchell 6 Higher Mill Lane Cullompton Prior notification for the erection of an extension extending 4.5m to rear, maximum height of 3.8m and eaves height of 2.4m	Cullompton 21
15.04.2015	10.06.2015 Approval of Prior Approval	15/00581/PNCOU	Mr & Mrs SRG Dennis Middle Burston Burston Lane Prior notification for the change of use of an agricultural building to a dwellinghouse under Class Q(a)	Zeal Monachorum 61
15.04.2015	03.06.2015 Refuse permission	15/00602/CLU	Ms Fiona Green Land at NGR 305292 106711 (Land Adjoining Stable Cottage) Certificate of lawfulness for the existing use of agricultural land for dog training and exercising with associated parking in excess of 10 years	Kentisbeare 32
15.04.2015	27.05.2015 Grant permission	15/00603/FULL	Mr N Armstrong Restharrow Kennerleigh Erection of double garage	Kennerleigh 31
15.04.2015	15.06.2015 Grant permission	15/00604/FULL	Mr G Davidson 2 Cockpit Hill Cullompton Alterations to include formation of annexe to rear	Cullompton 21

16.04.2015	17.06.2015 Grant permission	15/00583/FULL	Miss P O'Sullivan Land and Buildings at NGR 281570 105569 Burr ridge Farm Removal of condition (3) of planning permission 14/02006/FULL which restricts the use of the building to a day space/teaching area and for occasional overnight accommodation stays at the property (Original planning permission for the erection of the building for business use (Class C2) was granted under LPA ref: 14/00912/Full)	Sandford 43
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16.04.2015	04.06.2015 Withdrawn	15/00584/FULL	Mrs M Fisher Land at NGR 310145 114498 Fairlawn Erection of an agricultural storage barn and formation of new access	Culmstock 22
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16.04.2015	16.06.2015 Grant permission	15/00589/FULL	Mr S Kilworth Land at NGR 295059 105675 (Leigh Pool) Silverton ``Conversion of agricultural building to dwelling and erection of garage/store (Revised Scheme)	Silverton 45
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16.04.2015	27.05.2015 Grant permission	15/00605/LBC	Mr J-M Wheatley 45 Gold Street Tiverton Listed Building Consent for internal and external alterations to include re-instatement of chimney stack and replacement of shop front with 2 windows to match existing (Revised scheme)	Tiverton 52
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16.04.2015	10.06.2015 Grant permission	15/00608/FULL	Mr S Smith Treefield Farm Bow Erection of a livestock building and covered fodder bunkers	Bow 03
17.04.2015	12.06.2015 Grant permission	15/00595/FULL	Mr & Mrs T Tree Higher Beers Farm Brithem Bottom Formation of new vehicular access and driveway	Halberton 25
17.04.2015	12.06.2015 Grant permission	15/00600/FULL	Mr J Northam Land at NGR 303351 119936 (South Stable Farm) Erection of a temporary workers caravan and erection of an agricultural livestock building	Hockworthy 28
17.04.2015	16.06.2015 Refuse permission	15/00610/FULL	Mr N Millman 14 Peter Street Bradninch Construction of vehicle access and hardstanding and part removal of garden wall	Bradninch 04
17.04.2015	11.06.2015 Refuse permission	15/00617/FULL	Mr David Riley Land and Buildings at NGR 295769 122231(R/O 14 Brook Street) Brook Street Erection of a dwelling	Bampton 01
20.04.2015	16.06.2015 Refuse permission	15/00612/OUT	London & Devonshire Trust Land at NGR 303818 111567 Muxbeare Lane Outline for the erection of up to 5 dwellings	Halberton 25

20.04.2015	18.06.2015 Grant permission	15/00618/FULL	Mr AJ Reed Land at NGR 308730 108789 France Farm Erection of two extensions to existing agricultural buildings and erection of lean-to and bulk feed hopper	Kentisbeare 32
20.04.2015	12.06.2015 Grant permission	15/00627/FULL	Mr P Coleman Land and Buildings at NGR 284701 101897 (Merrifield Farm) Erection of an agricultural building for the housing of free-range chickens	Upton Hellions 55
20.04.2015	15.06.2015 Grant permission	15/00649/FULL	Mr G Friend Wootton Top Farm Bow Erection of a livestock and general purpose agricultural building	Zeal Monachorum 61
21.04.2015	03.06.2015 No Objection	15/00614/CAT	Mr Peter Davies Cockhaynes Exeter Road Notification of intention to carry out works to 1 Yew trees within a Conservation Area	Silverton 45
21.04.2015	16.06.2015 Development Acceptance	15/00622/PNCOU	Mr J Daw Land and Building at NGR 269701 108702 (Park Mill) Prior notification for the change of use of an agricultural building to a dwellinghouse under Class Q(a) and (b)	Coldridge 16
21.04.2015	28.05.2015 Not Permitted Development	15/00630/PNAG	Mr C Bucknell Cranklands Farm Cullompton Prior notification for the erection of an agricultural storage building (2)	Cullompton 21

21.04.2015	15.06.2015 Grant permission	15/00657/FULL	Mr & Mrs R Head 16 Court Drive Cullompton Erection of a side extension to include enlargement of garage	Cullompton 21
22.04.2015	15.06.2015 Grant permission	15/00634/FULL	Mr & Mrs R Johnson 3 Countess Mead Chettiscombe Erection of two-storey extension to rear and single-storey extension to front following demolition of existing porch	Tiverton 52
22.04.2015	17.06.2015 Development Acceptance	15/00636/PNCOU	Mr A Marek High View Farm Ashill Prior notification for the change of use of an agricultural building to a dwellinghouse under Class Q(a) and Q(b)	Uffculme 53
23.04.2015	17.06.2015 Grant permission	15/00632/TPO	Mr Daniel Weeks Southfield Southfield Drive Application to crown reduce 1 Hornbeam by 1.5m on garden side, fell 1 Red Cedar tree and 1 Plum Cherry tree protected by Tree Preservation Order No. 99/00007/TPO	Crediton Town 18
23.04.2015	17.06.2015 Grant permission	15/00665/FULL	Mrs Jayne Thomas Greenfield Chawleigh Erection of a conservatory	Chawleigh 10
23.04.2015	02.06.2015 Grant permission	15/00667/FULL	Mr & Mrs R Butler 3 Fairway Tiverton Erection of 2 single storey side extensions after demolition of garage and 3 stores	Tiverton 52

27.04.2015	18.06.2015 Approval of Prior Approval	15/00647/PNCOU	Mrs J Pitts Stables at NGR 294341 117401 (Fairby) Prior notification for the change of use of an agricultural building to a dwellinghouse under Class Q	Tiverton 52
27.04.2015	17.06.2015 Grant permission	15/00676/FULL	Mrs D Wright 1 Blagdon Rise Crediton Erection of two-storey extension	Crediton Town 18
27.04.2015	18.06.2015 Grant permission	15/00684/FULL	Mr I Duncan 5 The Square Uffculme Formation of roof terrace to include the erection of access building, parapet wall and railings	Uffculme 53
27.04.2015	18.06.2015 Grant permission	15/00685/LBC	Mr I Duncan 5 The Square Uffculme Listed Building Consent for alterations to roof to form roof terrace to include the erection of access building, parapet wall and railings	Uffculme 53
27.04.2015	18.06.2015 Grant permission	15/00689/FULL	Mr Brian Leveridge 8 Orchard Way Willand Erection of a first floor extension and replacement of existing conservatory roof, windows and frame on existing masonry plinth	Willand 59
28.04.2015	18.06.2015 Grant permission	15/00696/FULL	Mr Stephen Bowden 1 Manning Avenue Cullompton Erection of a fence	Cullompton 21

28.04.2015	17.06.2015 Grant permission	15/00697/FULL	Mr & Mrs Andrew Haigh Blandings Bickleigh Erection of two storey and single storey extensions	Bickleigh 02
28.04.2015	17.06.2015 Grant permission	15/00702/FULL	Mrs L Woodward Beech Hayes Huntsham Erection of a conservatory and external cladding of existing garage	Huntsham 30
29.04.2015	16.06.2015 Grant permission	15/00714/FULL	Ixthon Ltd Pertelote Bradleigh Down Change of use of holiday let to dwelling	Tiverton 52
30.04.2015	21.05.2015 Development Acceptance	15/00695/PNAG	Mr Richard Kallaway Land at NGR 317117 111546 (Harts Farm) Prior notification of agricultural development for a proposed road	Clayhidon 15
30.04.2015	16.06.2015 Approval of Prior Approval	15/00700/PNCOU	Mrs A Rickard Land and Buildings at NGR 288485 115831 (Middle North Coombe) Templeton Prior notification for the change of use of an agricultural building to dwelling under Class Q (a) and (b)	Templeton 49
01.05.2015	16.06.2015 Grant permission	15/00726/FULL	Mr S Russell Land and Buildings at NGR 295243 122092 (Plot 4) School Close Erection of a dwelling with single storey garden room to rear and link to garage (Revised scheme)	Bampton 01

06.05.2015	21.05.2015 Development Acceptance	15/00716/PNAG	Mr P Britton Land and Buildings at NGR 299105 111403 (Rowridge Farm) Ash Thomas Prior notification for the erection of an agricultural storage building	Halberton 25
06.05.2015	08.06.2015 Grant permission	15/00722/FULL	Mrs T Hart Land at NGR 316260 115875 (Hidonfields) Clayhidon Construction of outdoor school and change of use of land from agriculture to a mixed use of agriculture and equine (Revised scheme)	Clayhidon 15
07.05.2015	03.06.2015 Development Acceptance	15/00720/PNAG	Mr Richard Parr Land at NGR 292670 101097 (Formerly Part of Yellowford Farm) Prior notification for the erection of an agricultural building	Thorverton 51
11.05.2015	17.06.2015 No Objection	15/00754/CAT	Mrs Helen Cowan Bywater Higher Cross Meadow Notification of intention to fell 1 no. Silver Birch tree within a Conservation Area	Sampford Peverell 42
18.05.2015	17.06.2015 No Objection	15/00803/CAT	Ms Sarah Samuels 12 Grantlands Commercial Road Notification of intention to fell 1 Leylandi within a Conservation Area	Uffculme 53
20.05.2015	04.06.2015 Withdrawn	15/00808/DCC	Devon County Council Land and Buildings at NGR 304760 108683 (Kingsford Manor Farm) Kentisbeare County Matter Application for construction of a three bay Storage	Cullompton 21

			Clamp (75m long x 25m wide x 4m high on the site of existing clamps), a Digestate Lagoon (50m wide x 70m long) (at the junction of Dean Lane and Honiton Road), a Leachate Tank (10m long x 3m wide x 3.5m high) and a Weighbridge (14m long x 4m wide). The clamps would have an area of hardstanding at their entrance. Associated with the anaerobic digestion plant at Willand, reference: 15/00064/DCC	
21.05.2015	18.06.2015 Approval of Prior Approval	15/00812/PNAG	Mr L & Mrs A Delve Land at NGR 287045 99835 (Wyke Hill Gardens) Prior notification for the erection of an agricultural storage shed	Shobrooke 44
22.05.2015	18.06.2015 Development Acceptance	15/00833/PNHH	Mr & Mrs Colin Dommett 42 Pinnex Moor Road Tiverton Prior notification for the erection of an extension extending 5.25m to the rear, maximum height of 3.86m, eaves height of 2.88 metres	Tiverton 52

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	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
2	2	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
3	2	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	
4	2	02/09/2015	15/00920/MFUL	Erection of extensions to poultry house (2965sqm)	Land and Buildings at NGR 294189 114677(Cotleigh Cleave) Washfield Devon	Mr Kristian Evely	DEL	
5	4	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	11	30/06/2015	15/00537/MFUL	Installation of a solar farm to generate 3.18MW of power (site area 5.1 Hectares) and associated infrastructure, including photovoltaic panels, mounting frames, inverters, transformers, substations, communications building, fence and pole mounted security cameras (Revised scheme).	Land at NGR 274885 105456 (Sharland Farm) Morchard Bishop Devon	Mr Simon Trafford	COMM	COMM
7	14	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 Bouchier Close) Bampton Devon	Ms Tina Maryan	COMM	COMM

<i>Item</i> <i>No.</i>	<i>Weeks</i>	<i>TARGET DATE</i>	<i>REFVAL</i>	<i>PROPOSAL</i>	<i>LOCATION</i>	<i>NAME</i>	<i>Expected Decision Level</i>	
							<i>Delegated</i>	<i>Committee</i>
8	42	27/11/2014	14/01452/MFUL	Installation of solar energy farm on 13.34 ha of land to generate 5.5 megawatts of energy (Revised scheme)	Land at NGR 299298 125070 (East of Bowdens Lane) Shillingford Devon	Ms Tina Maryan	COMM	COMM
9	45	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
10	54	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
11	55	27/08/2014	14/00830/MOUT	Outline for the erection of up to 185 dwellings and 1935m2 of employment uses (B1 and B8) together with structural landscaping, sustainable drainage and ancillary open and play space	Land at NGR 284242 99827 (Wellparks) Exeter Road Crediton Devon	Mr Simon Trafford	COMM	COMM
12	59	28/07/2014	14/00604/MFUL	Erection of care home and 12 apartments with associated access, parking and landscaping, following demolition of existing hospital buildings (Revised Scheme)	Post Hill Nursing Home 36 Post Hill Tiverton Devon EX16 4ND	Miss Lucy Hodgson	COMM	COMM
13	79	28/03/2014	13/01616/MOUT	Outline for the development of up to 330 dwellings together with public open space, associated infrastructure and other works including vehicular access, pedestrian/cycle links and highway improvements.	Land at NGR 298671 113603 Uplowman Road Tiverton Devon	Miss Lucy Hodgson	COMM	COMM
14	113	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 22/05/2015 to 18/06/2015

Application No	Description	Location	Officer Recommendation	Committee or Delegated	Decision	Appeal Type	Inspector Decision
14/01057/PNCOU	Prior notification for the change of use of agricultural building to dwelling house under Class MB(a) and (b) to Class C3 (APPEAL DISMISSED)	Land and Buildings at NGR 266078 109598(Great Close) Wembworthy Devon	Refusal of Change of Use	Delegated Decision	Refuse permission	Written Representations	Appeal Dismissed

Summary of Inspectors Comments

The council refused the notification on two grounds that insufficient information has been provided to demonstrate that the building was in agricultural use as part of an established agricultural unit on 20th March 2013 and that the building operations required to convert the building went beyond those allowable by part i of Class MB, Part 3 of the Town and Country Planning (General Permitted Development)Order 1995 as amended, which has now been replaced by Class Q of the Town and Country Planning (General Permitted Development) Order 2015. The council argued that the building had been used as part of a builders storage yard, based on observations made during previous site meetings. However, the inspector found that there was no substantive evidence to conclude that the building had changed use since the agricultural operations were scaled down when the applicant's father passed away. In respect of the building operations that were required the inspector concluded that the provision of a concrete floor slab to support and internal timber frame structure that would in turn act to support the existing structure, would fail to comply with Class Q 1(i). The appeal was dismissed.

14/01144/PNCOU	Prior notification for the change of use of barn to dwelling under class MB(a) (APPEAL ALLOWED 12.6.15)	Land and Buildings at NGR 282238 99968 Elston Meadow Westwood Devon	Refusal of Prior Approval	Delegated Decision	Refusal of Prior Approval	Written Representations	Allow with Conditions
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Summary of Inspectors Comments

the main issue is whether sufficient information has been provided to demonstrate that the proposal is permitted development under class Q. The council contended the building was in mixed use of builders yard and agricultural, the inspector considered this along with evidence submitted and concluded that the planning permission was not proof that the appeal property was not solely in agriculture. The appellant established that agricultural unit existed and was continuing. the size of the curtilage was raised by the authority however the inspector concluded that the maximum cumulative floor space of 450sqm is permitted development. No specific detail was submitted by the inspector relating to curtilage. It was considered by the inspector that sufficient detail of the building operations was included. That the building is capable of functioning as a dwelling. the inspector concluded that the proposed change of use is permitted and conditioned that the unit be started in 3 years contrary to the class Q requirement of completion within 3 years.

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REPORT OF THE HEAD OF PLANNING AND REGENERATION

15/ 00537/MFUL – INSTALLATION OF A SOLAR FARM TO GENERATE 3.18MW OF POWER (SITE AREA 5.1 HECTARES) AND ASSOCIATED INFRASTRUCTURE, INCLUDING PHOTOVOLTAIC PANELS, MOUNTING FRAMES, INVERTERS, TRANSFORMERS, SUBSTATIONS, COMMUNICATIONS BUILDING, FENCE AND POLE MOUNTED SECURITY CAMERAS (REVISED SCHEME).

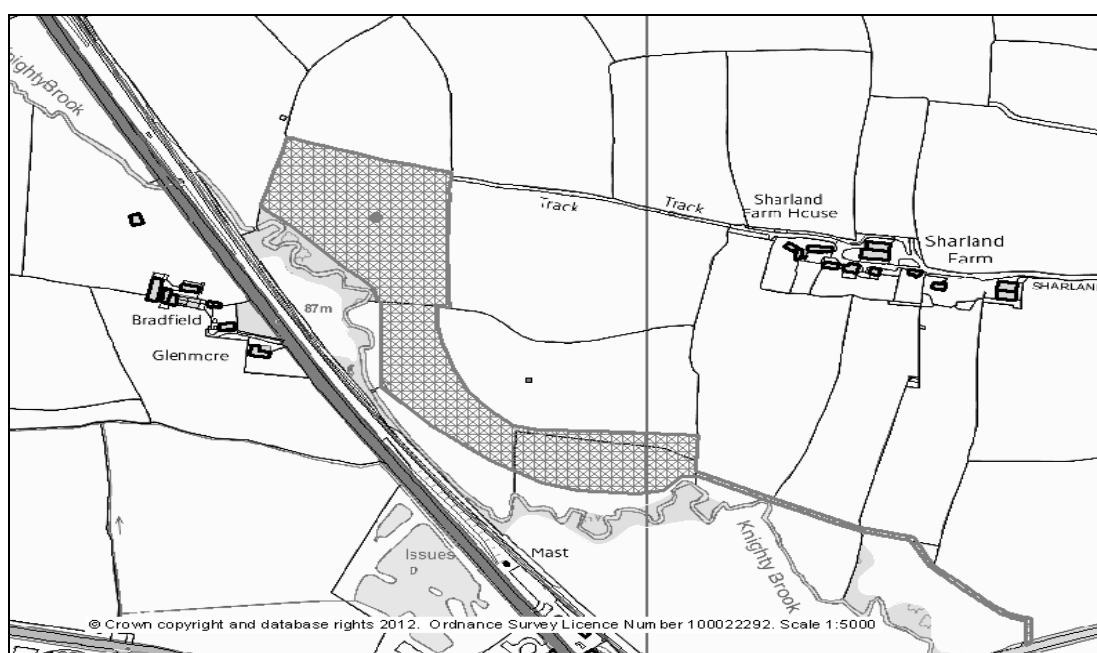
LAND AT NGR 274885 105456 (SHARLAND FARM), MORCHARD BISHOP, DEVON.

Description of Development:

The application is for the erection of solar farm as described above on part of the Sharland Farm holding on part on the valley slopes between Morchard Road and Morchard Bishop and incorporating a new access from the highway.

REVISED SCHEME: In terms of the size of the development area, the application scheme has been amended following consideration by the Planning Committee at their meeting on 3 June as described above, removing a land parcel (3.1 hectares of Grade 3a agricultural land). In addition other changes to the scheme relate to the relocation of the essential infrastructure buildings to the south eastern corner of the site which benefits considerably from woodland screening and a reduction in maximum height of the panels from 2.38metres to 2.06 metres.

The original description of development as initially proposed is set out as follows: 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. The plan as outlined below sets out the scope of the Site Plan area as it has now been revised.



Reason for Report:

At the meeting on 3rd June 2015, Members resolved that they were minded to refuse the application and therefore wished to defer the decision to allow for a site visit to take place and for a report to be received setting out the implications of the proposed decision based on the following reasons:

- The landscape and visual impact together with the cumulative impact of the application
- The use of the best and most versatile agricultural land

Relationship to Corporate Plan:

None.

Financial Implications:

The applicant may make an application for costs on any appeal against the Council and such costs claims are made by demonstrating that there has been unreasonable behaviour. The Council must be in a position to defend and substantiate each its reason for refusal.

If the Council refuse the application for reasons which are not supportable by development plan policy, the risk of costs being awarded against the Council is higher than for reasons that are supportable in policy terms.

Legal Implications:

None.

Risk Assessment:

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

This would apply to the reason relating to loss of best and most versatile agricultural land taking into account the revisions to the scheme as set out.

REASONS FOR REFUSAL AND IMPLICATIONS:

As stated above during the meeting, Members gave consideration to:

- The landscape and visual impact together with the cumulative impact of the application
- The use of the best and most versatile agricultural land

Since the meeting revisions to the scheme have been made by the applicant and the reasons will need to be constructed and based on the scheme as it has been revised. Relevant points to consider as set out below:

Best and most versatile agricultural land

Policy DM5 specifically refers to agricultural land grades 1, 2 and 3a as being best and most versatile in terms of seeking to protect agricultural land which is the best quality and offers for higher levels of productivity.

Changes have been made to the application scheme specifically omitting the field which is classified as grade 3a. This leaves 5.1ha of land remaining within the application site comprising

2.4ha Grade 3b and 2.7ha Grade 4 land. Neither area can be regarded as best and most versatile. The National Planning Policy Framework, Planning Practice Guidance and Policy DM5 seek to direct solar installations towards lower grade agricultural land. With the change to the application omitting the grade 3a land, Members are recommended to reconsider their initial concerns over agricultural land value.

Landscape and visual impact, including cumulative impact

For a reason on this basis to be defensible and have the backing of policy it will be necessary to identify the harm on the character of the landscape and the visual amenities of the area which are protected in policy terms by Policies DM2, DM5 and COR2.

At the Committee meeting members referred to the cumulative impact of the application on the landscape character and visual amenities of the area, and referred to existing large scale solar development at sites both at Morchard Bishop and Morchard Road (both implemented), as well as a domestic scale array within the residential garden immediately adjacent to the application site.

There is no visual connection to the solar development at Morchard Bishop and therefore it is difficult to construct a reason which identifies cumulative harm to the landscape in conjunction with this existing development.

In terms of the other two developments that are referred to there is a visual connection in terms of view corridors from the south of the site (public footpath from Morchard Road to Down St Mary). These are identified as views 7 and 8 by the applicant in the view point analysis they have submitted to support their application scheme. Amended visualisations reflecting the scheme amendments that have been submitted.

Although the impact on the visual amenities of the area and the landscape character are reduced as a result of the changes to the application scheme, there still would be an individual and cumulative impact arising if the application scheme was permitted and built out. Members will be able to visualise the scope of the impact on the site visit and consider the additional evidence the applicant has submitted. This information seeks to demonstrate how the scheme's impact will be reduced compared to the scheme as originally submitted and considered at the meeting on the 3rd June.

Following this process if Members conclude that the cumulative harm which would be caused to the landscape character and visual amenities of the area is sufficient to outweigh the wider benefits of delivering a source of renewable energy, a reason for refusal is set out below:-

- 1.. In the opinion of the Local Planning Authority the proposal solar farm development by reason of its siting, scale and overtly industrial appearance is considered, both individually as a standalone development and cumulatively with existing solar development at Morchard Road as approved under LPA ref: 12/01306/MFUL and at Sharland Cottages as approved under LPA ref: 13/00330/FULL to have an unacceptable and detrimental landscape and visual impact.

The proposed solar panels are located on the valley sides of an area of lower rolling farmland and settled valley slopes which presents as a gently rolling and undulating landscape characterised by a tightly rolling, medium to small scale field pattern forming an harmonious panoramic landscape when viewed from distant vantage points to the south and east of the site, with only isolated farm buildings breaking the field patterns in conjunction with two existing solar developments which are in close visual proximity to the application site. It is the view of the Local Planning Authority that the individual and cumulative harm that would be caused to the landscape character and to the visual

amenities of the area outweigh the benefits, and therefore it is considered that the application scheme is contrary to Policies COR2 and COR5 of the Mid Devon Core Strategy (Local Plan Part 1), Policies DM1, DM2 and DM5 of the Local Plan Part 3 (Development Management Policies) and Government policy as set out in the National Planning Policy Framework.

Should Members conclude that there is no significant cumulative impact, but that the scheme on its own still has an unacceptable impact upon landscape and visual amenities that outweigh the scheme's benefits, then the above reason for refusal could be modified as follows:

1. In the opinion of the Local Planning Authority the proposal solar farm development by reason of its siting, scale and overtly industrial appearance is considered, to have an unacceptable and detrimental landscape and visual impact.

The proposed solar panels are located on the valley sides of an area of lower rolling farmland and settled valley slopes which presents as a gently rolling and undulating landscape characterised by a tightly rolling, medium to small scale field pattern forming an harmonious panoramic landscape when viewed from distant vantage points to the south and east of the site, with only isolated farm buildings breaking the field patterns. It is the view of the Local Planning Authority that the harm that would be caused to the landscape character and to the visual amenities of the area outweigh the benefits, and therefore it is considered that the application scheme is contrary to Policies COR2 and COR5 of the Mid Devon Core Strategy (Local Plan Part 1), Policies DM1, DM2 and DM5 of the Local Plan Part 3 (Development Management Policies) and Government policy as set out in the National Planning Policy Framework.

Contact for any more information

Area Planning Officer
Simon Trafford 01884 234369

Background Papers

Planning Committee Report 3rd June 2015

File Reference

15/ 00537/MFUL

Circulation of the Report

Cllrs Richard Chesterton
Members of Planning Committee

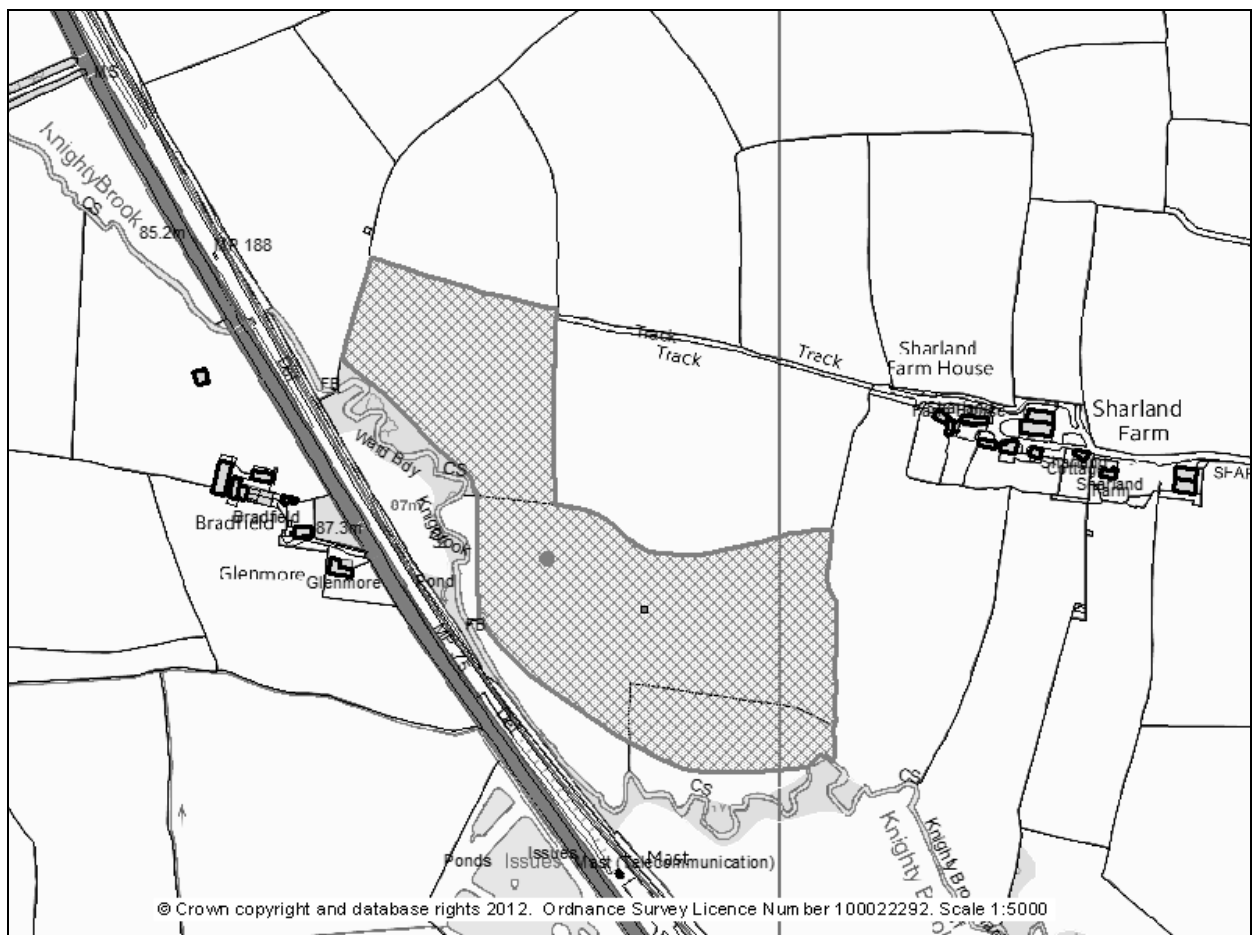
Grid Ref: 274885 : 105457

Applicant: Lightsource Renewable Energy Ltd

Location: Land at NGR 274885 105456 (Sharland Farm) Morchard Bishop Devon

Proposal: 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

Date Valid: 31st March 2015



Application No. 15/00537/MFUL

RECOMMENDATION

1. Grant permission subject to conditions for the scheme of development proposed
2. To allow a proposed variation to the S106 pursuant to planning permission 92/01338/FULL

PROPOSED DEVELOPMENT

The application scheme proposed the installation of a solar farm to generate 4.6MW of power and associated infrastructure, including photovoltaic panels, mounting frames, inverters, transformers, substations, communications building, fence and pole mounted security cameras on land at Sharland Farm.

The application site forms part of Sharland Farm and comprises 3 fields within the holding. The site is located just beyond the railway line and water course that run parallel to A377 on the bottom section of the valley leading up towards Morchard Bishop. On the western boundary there is an existing mature hedgerow that effectively screens the site at ground level views from the south west.

The site layout:

A new access is proposed utilising an existing field gate just beyond Knightly bridge off the adopted highway, approximately 400metres from the junction with the A377. The layout plan indicates this access would be used as a construction access and is approximately 360metres in length from the junction with the highway to the field array. The 3 field areas that form the development area are approximately 8.2 hectares in size, with the rows of panels and other infrastructure proposed covering 37% of the site according to the applicant. Sharland Lane is proposed as a maintenance access.

The panels would be attached to mounting frames (constructed from steel or aluminium with a matt finish) at an angle of between 15-30 degrees, and are pile driven into the ground - a foundation is not required. The panels are fixed with no moving parts. The approximate standing height of the panels above ground on the high side is 2.4 metres, and 0.8 metres for the low side.

All the plant associated with the new use of the land (storage shed, communications building/ substations central transformer and composting wc) are located in north east corner of the first field accessible. Field transformers and inverter stations are proposed with the field areas. The floor areas of each of these structures/buildings are relatively compact with the height dimensions as follows:

Site transformers - 2.6 metres high.
Field transformers - 2.8 metres high finish in moss green
Storage building - 2.5 metre high
Inverters units - 2.9 metres high
Toilet Cabinet - 3.0 metres high
Security poles - 2.4 metres high with CCTV units mounted on top
Client side substation - 2.9 metres high
DNO substation - 4.4 metres high with a sloping roof
Communication building - 2.5 metres high

A 2.0 metre high deer type fence will run around the perimeter of the development area, including gate facilities for small animals (badgers, foxes etc.)

A path network is proposed internally within the development area with the formation of swale detail across the site (further details) required in assist with ground drainage to the Knightly Brook.

Landscaping - no additional hedge planting is proposed. Inside the compound area new seeding and wild flower mix is proposed.

The applicants have indicated that they are in discussions with the landowner (sheep farmer) in terms of continuing to graze the land within the compound area, and they have submitted an example of a grazing licence that would be used to formalise the arrangement as they have done on other sites.

The site comprises: 3.1 ha grade 3a agricultural land; 2.4ha grade 3b land and 2.7ha grade 4 land.

APPLICANT'S SUPPORTING INFORMATION

Site location plan and site layout plan
Topographical survey of the site
Construction details for ancillary buildings as described above
Security system details
Fencing details.
Technical detail of proposed panels
Planning, Design and Access statement prepared by Lightsource: dated March 2015
Flood Risk Assessment - prepared by PFA consulting, March 2015 - including plan showing position of swale
Landscape & Visual Impact Assessment - Pegasus Environmental dated 7th August, including the planting plan
Statement of Community involvement - prepared by Lightsource: dated March 2015.
Archaeology & Cultural Heritage Assessment - prepared by CgMs dated January 2015.
(Including Archaeological Geophysical Survey - prepared by Bartlett Clarke dated 2015).
Historic Environment Setting Impact Assessment - prepared by CgMs dated January 2015.
Ecological Appraisal - by Avian Ecology dated 27 March 2015.
Construction, Decommissioning & Traffic Management Statement - prepared by Lightsource: dated March 2015
A sequential Analysis Study prepared by Pegasus Group dated May 2015.

PLANNING HISTORY (off site)

92/01338/FULL: Erection of an agricultural bungalow at Sharland Farm
Of relevance to this current application are the terms of the legal agreement pursuant to 92/01338/FULL which require that the land forming the holding in 1992 shall be treated as one, and does not allow for areas within the holding to be sold off separately.

13/00330/FULL: Installation of ground mounted photovoltaic 16 panel solar array to generate up to 4kW of power at Sharland Cottage in the rear garden the scheme comprised a single row of 32 panels and the site is two field boundaries away from the current application scheme. The development has not been implemented but the planning permission is still valid.

This application was approved on 17.04.2013

12/01306/MFUL: Installation and operation of solar farm to generate 1.43 megawatts, associated infrastructure, including PV panels, mounting, frames, inverters, transformers and fence at Ellicombe Farm, Morchard Road. This development is a single field development of 5.81 hectares, and has been implemented. This development is less than 1 Kilometre of the current application site.

This application was approved on 13.12.2012

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

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

Mid Devon Local Plan Part 3 (Development Management Policies)

DM1 - Presumption in favour of sustainable development
DM2 - High quality design
DM5 - Renewable and low carbon energy
DM7 - Pollution
DM27 - Development affecting heritage assets
DM28 - Green infrastructure in major development

CONSULTATIONS

MORCHARD BISHOP PARISH COUNCIL - 12th May 2015

Not supported by a majority of 4 to 2, with 2 abstentions. The main objection that it was on agricultural land and not a brown field site.

HIGHWAY AUTHORITY - 29th April 2015

Observations:

The Highway Authority has no objections in principle to the above development and the applicant has indicated that they would provide a banks man to direct HGV traffic into and out of the access, however the HGV traffic will not require one, if, the hedges are maintained to the current height, but private motor vehicles and smaller commercial vehicles will need to either be escorted in and out with a banks man or the visibility splays should be improved to the north to provide for a safe entry and egress. The highway Authority would prefer the later as this would also provide a safe access to current standards for the ongoing maintenance of the site and for agricultural access too. Therefore I would advise the following condition is imposed.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, MAY WISH TO RECOMMEND CONDITIONS ON ANY GRANT OF PLANNING PERMISSION

1. Visibility splays shall be provided, laid out and maintained for that purpose at the site access where the visibility splays provide inter visibility between any points on the X and Y axes at a height of 0.60 metres above the adjacent carriageway level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be 2.40 metres and the visibility distances along the nearer edge of the carriageway of the public highway (identified as Y) shall be 90.00 metres in both directions.

REASON: To provide adequate visibility from and of emerging vehicles.

2. The site access road shall be hardened, surfaced, drained and maintained thereafter to the satisfaction of the Local Planning Authority for a distance of not less than 6.00 metres back from its junction with the public highway.

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

ENVIRONMENT AGENCY - 28th April 2015

We have no objections to the proposal, subject to there being no PV units placed within Flood Zone 3 which, with reference to Drawing L338/06 Appendix 3 of the applicants Flood Risk Assessment, does appear to be the case.

We disagree with the assertions made in Section 3 of the Flood Risk Assessment that the proposal is 'Essential Infrastructure' because PV units not need to be located in a flood risk area for operational reasons. In strictest terms there should be no PV units permitted within Flood Zone 2 and thus your

authority could deem that the application as submitted fails the Sequential Test given the availability of areas of Flood Zone 1.

Despite this policy clash we do feel that the provision of PV units in Flood Zone 2 in this particular instance is not of concern given that there is no built development in the vicinity that is at risk of flooding from the Knightly Brook that would dis-benefit from any minor increase in localised flood levels that may arise.

The Environment Agency no longer provides comment upon the management of surface water runoff from developments that fall outside Critical Drainage Areas. The Lead Local Drainage Authority, Devon County Council in the instance, should be consulted regarding the proposed use of swales.

DEVON & CORNWALL POLICE AUTHORITY - 16th April 2015

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

Risk

The South West of England has been identified as having the necessary solar power to make commercial Solar Farms a viable option. Farming energy from the sun using photovoltaic panels on a commercial scale is a new venture and will bring with it new risks and challenges to protect the location and panels from criminals. Because this is a new project there is no UK crime data to base crime prevention advice on. Policing experience elsewhere indicates that placing large quantities of expensive photovoltaic panels in isolated locations without adequate protection will attract criminals and they will be stolen. The main risk will come from organised gangs who will use heavy duty tools and vehicles to remove large quantities of the panels. Once stolen the panels may be moved from the crime scene before re emerging for sale.

Site

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

Access to the Site

The solar company/site owner will require vehicular access to the site. The physical security guarding this access must be robust to sustain a high level of attack as these sites will probably be remote and lacking any natural surveillance. Consideration should be given to protecting the access road at two separate locations (1) At the actual entrance to the site and (2) set away from the specific entrance to keep authorised vehicles a substantial distance from the site. The security of solar farms must be properly assessed by all those involved in the planning process. To be considered a truly sustainable resource within the National Grid, solar farms will need to be as secure as possible.

All planning applications should therefore include full details of the security proposals within the Design and Access Statement (as required by Department for Communities and Local Government Circular 1/2006 paragraph 87). The security measures to be incorporated at each location will have to be considered on a site specific basis. They will obviously be determined to some degree by, for example, the existing landscape and local planning constraints etc., The basic principle of all crime prevention is to provide layers of defence to whatever is in need of protection.

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

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

Perimeter Security and Access Control

If perimeter fencing is to be used then it should be a proven security fence. The recommendation would be to install fencing which has been tested and approved to current UK Government standards. Fencing which meets the SEAP (Security Equipment Approval Panel) class 1-3 may be the most

appropriate. Fencing which is not of a specialist security type is likely to offer at best only token resistance to intruders. However if supplemented with movement detectors attached to the fence together with motion detectors/beams internally this could potentially be acceptable.

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

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

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

There should be a minimum number of vehicular access points onto site, ideally only one. Clearly such access points will present the most obvious means for the criminal also and therefore will require a robust and adequate defence. Some thought should also be given to the wider issues of access around any site. If for instance the land surrounding the site is under the same ownership can this be made more secure by improving gates etc. Again this provides layers of difficulty for the criminal to overcome.

Electronic Security

There is a vast range of electronic security available. For most sites it is very likely that this will play an important role. In selecting which type of technology to employ a proper assessment on a site specific basis should be undertaken to ensure any system will be fit for purpose. For CCTV this assessment is commonly called an Operational Requirement (OR). An obvious example would be to establish how effective will the CCTV be at night at these locations, bearing in mind distance involved, quality of lens/equipment. There will be little point in deploying CCTV or other defence unless it is monitored in some way or can provide an instant alert in some form and also who would then respond to this? There does need to be an operational requirement (OR) that the installer must adhere to in order to comply with data Protection legislation. The OR will identify who responds to an intruder and what actions are intended. The OR also identifies the expectations of each individual camera as well as response requirements. There is requirement for a code of practice which covers storage of data and who is authorised to view it, and identifies a person responsible. There is also a requirement for a code of practice which covers storage of data and who is authorised to view it, and identifies a person responsible.

Appropriate signage is also required.

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

Other Options

The presence of site security personnel in some capacity should be considered including perhaps in terms of some types of response to site alarm activations. If the individual solar panels can be marked overtly this would reduce the ease with which they could be re sold/re used and thus help act as an additional deterrent. Covert marking should also be considered.

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

HISTORIC ENVIRONMENT SERVICE - 27th April 2015

I refer to the above application and your recent consultation. 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. A geophysical survey undertaken of this area does not indicate the presence of any archaeological features within the application area.

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

NATURAL ENGLAND - 20th April 2015

Natural England has no comments to make regarding this application. Please see the information below for further advice on when Natural England should be consulted and links to guidance on the gov.uk website.

Impact Risk Zones

You can search the 'Magic' mapping website to see if the development is in or near a protected site, including SSSIs, SPAs and SACs and if you need to consult Natural England.

1. Within the mapping tool, select 'sites of special scientific interest' and 'impact risk zones for SSSIs'.
2. Use the 'identify' button to select a location and see the types of development Natural England need to be consulted about.

You can also download the risk zone data for your own mapping software. If the proposal affects a European site (SPA or SAC), check if the proposal will pass the 3 tests in this guidance:

Assess planning proposals for protected sites: alternative solutions, imperative reasons of overriding public interest and compensatory measures Unless there are additional local consultation arrangements in place, Natural England should be consulted for all developments where:

- The Proposal affects a protected species not covered by the Standing Advice (further details available here)
- The proposal requires an environmental impact assessment
- The proposal is likely to damage features of a Site of Special Scientific Interest (SSSI)
- The proposal is likely to have a significant effect upon Special Area of Conservation (SAC), Special Protection Area (SPA) or Wetland of International Importance under the Ramsar Convention (Ramsar Sites)
- The proposal could lead to the loss of more than 20 ha of the best and most versatile agricultural land - Any minerals and waste development where the land will be restored for agriculture.

ENVIRONMENTAL HEALTH - 29th April 2015

Drainage - No objections

Noise & other nuisances - No objections

Health and Safety - No objections

EXETER INTERNATIONAL AIRPORT - 15th April 2015

This proposal has been examined from an Aerodrome Safeguarding aspect and does not appear to conflict with safeguarding criteria.

Accordingly, Exeter International Airport has no safeguarding objections to this development provided there are no changes made to the current application.

Kindly note that this reply does not automatically allow further developments in this area without prior consultation with Exeter International Airport.

REPRESENTATIONS

At the time of writing 7 representations have been made, 6 of which have confirmed their support for the application scheme.

In terms of the single representation raising an objection the scope of concern focuses on the loss of on agricultural land which is considered by the objector to be perfectly good for sheep. It is also considered that the proposed solar farm development would be an eyesore/blot on the landscape.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The application site comprises 3 fields (approx 8.5 hectares) of rolling farmland that sits on the settled valley slopes that form the valley between Morchard Bishop and Down St Mary. The area is classified as Landscape Character assessment Type 3B. Distant views of rolling farmland with little or no development on top are considered a special quality of this landscape character type. The site

includes land that falls within flood zone 1, 2, 3a. The main considerations in the determination of this application are:

1. **The benefits of renewable energy and planning policy**
2. **Land use**
3. **Landscape and visual impact, including cumulative impact**
4. **Highways**
5. **Flooding**
6. **Ecology and other matters**
7. **The planning balance**

1. Policy

1. **The benefits of renewable energy and planning policy**

The scheme would be capable of generating up to 4.6 megawatts of electricity annually, which the applicant states is the equivalent of the average annual electricity needs of approximately 1,440 homes.

The Government's target for the amount of electricity to come from renewable sources by 2020 is currently 15%. According to RegenSW's Renewable Energy Progress Report 2014, to date, the amount of electricity generated from renewable sources in the South West stands at 8.3% of demand (1,185 megawatts). Solar PVs in Devon contribute 208.44 megawatts (installed capacity) as at March 2014. The level of energy generation provided by the proposed development would make a contribution towards renewable energy targets in the UK.

Policy COR5 of the Mid Devon Core Strategy (Local Plan Part 1) states that measures will be sought to contribute towards national (and regional) targets for the reduction of greenhouse gas emissions, including the development of renewable energy in locations with an acceptable local impact, including visual, on nearby residents and wildlife. Policy DM5 of Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework (NPPF) require the benefits of renewable energy to be weighed against its impact. DM5 states that proposals for renewable energy will be permitted where they do not have significant adverse impacts on the character, amenity and visual quality of the area. Where significant impacts are identified through Environmental Impact Assessment, the Council will balance the impact against the wider benefits of delivering low carbon energy.

Development must consider landscape character and heritage assets, environmental amenity of nearby properties, quality and productivity of the best and most versatile agricultural land (grades 1, 2 and 3a) and biodiversity (avoiding habitat fragmentation) in accordance with policy DM5 and policy DM7 (pollution). In this instance the application has been screened under the Environmental Impact Assessment Regulations and an Environmental Impact Assessment has not been deemed necessary.

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

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

Planning Policy Guidance states that Local Planning Authorities should focus large scale solar farms on previously developed and non-agricultural land, provided that it is not of high environmental value.

Where a proposal involves Greenfield land, the proposed use of any agricultural land needs to be

shown to be necessary and poorer quality land has been used in preference to higher quality land and the proposal allows for the continued agricultural use where applicable and/or encourages biodiversity improvements around arrays. The Guidance also requires that the proposal's visual impact, the effect of glint and glare and the effect on neighbouring uses, aircraft safety and the need for and impact of security measures are all considered. Great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance.

2. Principal of The PV Array on agricultural land

The application is supported by an assessment of the Agricultural Land Classification (ALC) of the site. It is reported that the site comprises 3.1ha of grade 3a land in the first field below Sharland Farmhouse along with 2.4 ha of grade 3b (immediately below running down to the brook) and 2.7 ha of grade 4 (sweeping round to the north west).

Agricultural Land Classes 1, 2 and 3a are identified in the NPPF as being the 'Best and Most Versatile' (BMV) agricultural land and the NPPF, the Planning Practice Guidance and policy DM5 of LP3 seek to direct solar installations to lower quality agricultural land. In this instance 65% of the application falls within the lower grade of agricultural land.

The government have been clear in recent months that they are concerned about the provision of commercial scale solar installations on good quality agricultural land.

This has also been reflected in a number of appeal decisions which have been dismissed whereby an installation would take up a significant proportion of BMV land. In Mid Devon, an Inspector for an appeal allowed in February 2014 (Nether Mill Farm, ref. 12/01518/MFUL) concluded that the use of 2.2ha of grade 3a land on an overall site area of 9.4ha would not "represent such a significant loss of an agricultural asset as to override the need in national policy for renewable energy development" and that although there could be some loss in the quality and quantity of available grass, the land would have some agricultural value for grazing.

In comparison this application includes a slightly higher amount of grade 3a land proposed to be used both in terms of land take and as a percentage of the overall site area, i.e. 35% compared to 23% in the above appeal. However it is relevant to note that even with development on site, the Inspector concluded that the site would retain some value as agricultural grazing land.

In addition to the ALC assessment, the application is supported by a Sequential Analysis Study (SAS) which looks at alternative available sites within the district and also those within a 10km radius of the site within North Devon and Torridge administrative boundaries.

Large scale solar installations require an adequate connection to the electricity grid, utilising either a 33kV or 66kV which restricts the availability of deliverable sites within the search area, as distances beyond 1km radius of any such lines would be prohibitive in terms of the cost and environmental impact of connections. The assessment identifies 4 brownfield and 6 roof space sites, it is however noted that the option for development on roofspace is not practical at this time as approximately 2.5ha of space is required to generate 1MW of electricity (minimum size considered as 'large scale' solar) and such sizes of roof space are not available. It is agreed that there are no alternative brown field and /or roof based comparable alternative.

Within the search area 85% of the agricultural land is reported to be a mix of grade 3 and grade 4, and therefore of comparable quality to the application site. The assessment identifies 60 greenfield locations within 1.5km corridor around the grid lines which, and of the identified sites there are a number of sites that do not include any land which would be considered best and most versatile (i.e do not include any 3a land).

The report examines each site in terms of deliverability, and concludes overall that there are no potential alternative sites of a poorer agricultural quality and a lower level of constraint than the application site for various reasons as set out in the report. The reasons given include: being at risk of flood, close proximity to listed buildings, significant removal of vegetation, take up multiple fields or would have difficult access.

In summary without further detailed examination of the alternative sites included in SAS, it is not considered possible to conclude beyond reasonable doubt that there would not be a site that is poorer quality than the application site, as claimed by the consultant who prepared the Sequential Analysis Study on behalf of the applicant. Further consideration of this matter is given in section 7 of the report.

3. Landscape and visual impact, including cumulative impact and impact on Heritage Assets

An appraisal of the Landscape and Visual effects has been submitted as part of the application submission.

The site is within the 'Credon Rolling Farmland' of the Devon Landscape Character Assessment Character Area (14), and on a more local level the site is within the Mid Devon Landscape Character Type 3B 'Lower rolling farmed and settled valley slopes'. There are a number of characteristics across this landscape type, and those which best fit to the application site and the surrounding area:

- This is a gently rolling and undulating landscape with low-lying land adjacent to the rivers in a series of irregular rolling hills, characterised by a tightly rolling, medium to small scale landform.
- Tightly clipped wide hedgerows unify the landscape creating distinct and harmonious patterns when viewed from distant vantage points.
- There are medium to large scale commercial and intensive farms with modern buildings and isolated farmsteads

The landscape Sensitivity Assessment and Guidance (Published September 2013) indicates that, the site being within LCT 3B has as a moderate sensitivity to medium sized solar PV developments of between 5 to 10 hectares.

The site itself is visually contained, with only short stretches of the immediately adjacent roads having views into the site. This type of view into the site is evident along a short section of the country road between Morchard Rd and Morchard Bishop which lies to the east, although given the high speeds at which vehicles are travelling along this road, any views are going to be glimpsed, other than at the proposed point of the new access into the site. From further afield, the site is visible from the east, and south from viewing point on the otherside of the valley slopes towards Down St Mary along the footpath between the B3220 and Down St Mary Parish Church.

The submitted appraisal assesses the impact of the development and concludes as follows:

With the proposal in place the landscape character of the site would change. However, the proposal would remain in scale with the existing landscape pattern and none of the existing key landscape elements which contribute to the landscape character of the area would be affected, in terms of;

- The proposal would not disturb the field pattern.
- The proposal will not disturb the hedgerow structure except to create the proposed means of access, not significant in extent

Change in character would be restricted to the site itself and spacing between the rows of panels will maintain a sense of a grassland environment.

The viewpoint assessment demonstrates that with the proposal in place the visual amenity of the wider landscape as perceived from public vantage points such as public highways and public rights of way would range from negligible to minor, with the most prominent impact being from slopes on the otherside of the valley (Down St Mary side)

For the first section of the footpath referred the view back directly towards the site would incorporate

views of the proposed scheme and the existing PV array at Ellicombe Farm on Morchard Rd. However it is considered that the respective installations would not dominate these views. In addition views towards the proposed development area would also incorporate the row of panels approved behind Sharland Cottage

In summary the magnitude of effect on this section of Lower Rolling Farmed and Settled Valley Slopes LCT 3B is considered to be low and the scope of visual impact, either individually and/or cumulatively with the other PV developments referred to is considered to negligible to moderate.

The applicant's LIVA states that the development would only have a slight affect on landscape and character of the site, and having considered the submissions and from observations undertaken in the field, it is considered that the impact on the landscape character as a result of the proposals would be negligible to moderate.

The Authority's Conservation Officer raises no objections to the proposal in terms of how the application scheme will affect the setting of listed buildings within the local area, and/or the assessment of the impact of the development as concluded in the historic environment settings assessment as submitted by the applicant. Following an assessment in the field, the Parish Churches of both Morchard Bishop and Down St Mary are evident on the skyline of the view to the east and south respectively which would include a view of the development site. However the visual connection and/or impact is considered weak or negligible.

In summary given the limited visibility of the site from viewpoints both in the short and longer distance, it is considered that individually the proposed solar array will not cause demonstrable harm to the character of the landscape or the visual amenity of the area.

Furthermore although there will be a cumulative impact with the existing solar array at Morchard Road the impact of the two sites in landscape quality and visual impact is not considered to dominate. On this basis it is considered on balance that the application scheme meets the requirements of Policies COR2 of Mid Devon Core Strategy (Local Plan Part 1) and DM2, DM5 (criterion A), DM27 of Local Plan Part 3 (Development Management Policies

4. Highways

As previously mentioned, the site would be accessed directly off the Morchard Rd to Morchard Bishop Lane and via the A377 to that point, and is therefore considered largely acceptable to accommodate the development traffic during the construction period which could be up to 95 HGV deliveries over a 3 week period (6-7 per day).

The Highway Authority has commented as set out above and largely supportive subject to agreeing the traffic management arrangements during the constructions phases and the conditions as set out. The details for the construction of the new field access are subject to further agreement. The application scheme proposes that once operational access for maintenance vehicles was to be via Sharland Lane, however the applicant has accepted that the new field access shall also be the access route during the operational phases, in order to protect the amenities of the residents along Sharland Lane. This will be controlled by condition.

Subject to conditions as set out, including to secure a construction management plan, the development is not considered to result in any danger to users of the surrounding road network and accords with the requirements of policies DM2 (d) and COR9.

5. Flooding

The site is not within an area identified as being liable to river or surface water flooding but the perimeter of the site falls within flood zone 3A. Therefore the applicant has submitted a Flood Risk Assessment to in order to seek to outline how compliant the application scheme is with best practise guidance (to the NPPF). The comments from the Environment Agency are noted, however the following points are considered to be relevant in terms of completing the assessment of the

application.

All control equipment is located in flood zone 1 and 2. It is argued by the applicant's consultant that this demonstrates a sequential approach to site masterplanning and that the exception test is therefore passed.

Rainfall falling onto the PV's will then fall on to the ground beneath the panels and then infiltrate into the ground at the same rate as it does in its current state.

A swale network is proposed to assist with water run-off rates, the delivery of which will be controlled by condition

On this basis the application scheme is considered to be partially in accordance with policy in that there are in so far as the development does not increase the risk of flooding.

6. Ecology and other matters

An ecological appraisal has been carried out on behalf of the applicant to understand the ecological value on the application site (desk based and field study). Whilst the site is not a protected site, as an area of improved grassland with hedgerows it provides a natural habitat.

The proposals do not result in the loss of significant sections of hedgerow and the development area is set back from the hedgerows that form the boundary to the site.

In addition to proposed meadowland planting across the site (to facilitate the ongoing grazing of the land), the proposals include measures for wildlife enhancement, by creating suitable environments across the site for bird, bats and invertebrates. The precise details are set out in a biodiversity management plan, the delivery details of which will be secured by conditions.

Devon County Council Historic Environment Service has considered all the relevant information submitted by the applicant and raises no objections to the proposal.

There have been no submitted objection from the residents who live along Sharland Lane, and a condition is recommended that Sharland Lane is not used to provide access to the development area either during the construction or operational phases, in order to minimise the impact on the general amenities of the area.

There have not been significant levels of objection to the application with Morchard Bishop Parish Council raising an objection on ground of loss of best and versatile agricultural land only.

7. The Planning Balance

In planning terms, it is concluded that an acceptable access to the site can be provided to serve the proposed development and adequate measures are proposed to cater for surface water run-off so that the levels should not exceed the current level as a greenfield site.

The site is well contained visually, and the although the development will be visible within mainly short distance views and longer distance from the east and south, the impact is not considered to adversely affect the visual amenities and/or landscape character either individually and/or cumulatively with the solar developments in the location.

However, approximately 35% of the application site is classified as comprising the Best and Most Versatile agricultural land (grade 3a).

To support their case on this matter the application has confirmed that the site will still be used as

agricultural grazing land by the current landowner and they have submitted a sequential analysis of site selection. The submission document provides an overview of reasonably alternative sites considered, and sets out the reasoning why no alternative sites of a poorer agricultural value are considered to be deliverable. To summarise on this matter, paragraph 3.43 of the report states:

'It is therefore concluded that there are no potential alternative sites of any poorer agricultural quality land than the application site, and subject to any fewer constraints that the application site'.

In conclusion best practise guidance states that there is a preference to siting solar arrays on lower quality agricultural, or preferably brownfield land, however as with government guidance there is always a balance and trade off to be made. Policy DM5 crystallises this position at the local level, and the assessment of the application as set out above has demonstrated that:

- The site is well chosen with regard to how it will affect the character of the landscape, visual amenities of the area and in terms of the impact of the development of heritage assets.
- The site is sufficiently divorced from the nearest residential dwelling for there be no detriment to general amenities of the area.
- A Biodiversity Management Plan is proposed.
- The applicant advises that the site would continue to be used for the grazing of livestock during the operational life of the development.

Having regard to all of these material considerations, the benefits of the scheme in terms of clean energy production are considered on balance to outweigh any harm caused through the temporary loss of 3.1 hectares of grade 3a agricultural land for solely agricultural purposes.

On this basis it is considered on balance that the application accords with Policies COR2, COR5, COR9 and COR18 of Mid Devon Core Strategy (Local Plan Part 1), DM2, DM5, DM7, DM27 and DM28 of Local Plan Part 3 (Development Management Policies), the National Planning Policy Framework and Planning Practice Guidance and conditional approval of planning permission is recommended.

8. Related Matter: Variation of S106

The application site equates to 21% of the land that forms the Sharland Farm Holding, which is 98 acres in total. The rental income that would be generated by this development will contribute to the ongoing viability of the farm providing an income stream to facilitate the delivery of new stock, building and land improvements. Therefore it is not considered that the application scheme will adversely affect the viability of the holding as a working farm.

Following on, if approval is recommended then it is not considered that there are any land-use planning reasons not to allow the variation of the legal agreement as referred to above, pursuant to LPA approval ref: 92/01338/FULL, which as currently executed would not allow for any part of holding to be sold off/leased/used for a different use, as would be the case with the application scheme - refer to recommendation 2 as outlined above.

If the recommendation on the planning application as set out in this report is approved by members then members authority is also sought to vary the terms of the Section 106 agreement pursuant to LPA ref: 92/01338/FULL.

CONDITIONS

1. The development hereby permitted shall begin no later than three years from the date of this decision.
2.
 - i) The solar PV facility shall cease to generate electricity on or before a date 25 years after the date of first export of electricity from the site.
 - ii) Confirmation of the first export date shall be provided by the undertaker to the Local Planning

Authority within one month of its occurrence.

3. The development hereby permitted shall be carried out in accordance with the plans listed in the schedule on the decision notice.
4. No other part of the development hereby approved shall begin until the site access arrangement as indicated on drawing SHF_02 has been provided. Such site access arrangements shall be so retained. This point of access shall be used at all times, and at no time shall Sharland Lane be used to access the site.
5. Prior to the commencement of the proposed new access as set out in condition 4 of this planning permission, a scheme for surface treatment of the new route shall be submitted to and agreed in writing by the Local Planning Authority. Once approved, the land shall be restored in accordance with the approved restoration scheme.
6. Not less than 12 months before the expiry of the planning permission as set out in condition 2 or within 3 months of any prior cessation of electricity generation from the site, a scheme for the decommissioning and restoration of the site shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include the following information:
 - a) details of the removal of the solar PV panels, frames, inverter modules, substation, fencing and cabling and restoration of the land
 - b) parking of vehicles for site personnel operatives and visitors
 - c) loading and unloading of plant and materials
 - d) storage of plant and materials
 - e) programme of works including measures for traffic management
 - f) provision of boundary hoarding behind any visibility zones
 - g) vehicle wheel wash facilities
 - h) highway condition surveys
 - i) extended Phase 1 Habitat survey which covers the whole of the site and predates the date of cessation of electricity generation by no more than 12 months.

The approved decommissioning and restoration scheme shall be fully implemented within 6 months of its approval or the cessation of electricity generation, whichever is the later date.

7. The development hereby approved shall be carried out in conformity with a Construction Management Plan which shall first have been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include the following:
 - a) The timetable of the works;
 - b) Daily hours of construction;
 - c) Any road closure;
 - d) The number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
 - e) The compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the construction phase;
 - f) Areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste;
 - g) The means of enclosure of the site during construction works;
 - h) Details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site;
 - i) Details of wheel washing facilities and obligations;
 - j) The proposed route of all construction traffic exceeding 7.5 tonnes;
 - k) Details of the amount and location of construction worker parking.

Only the approved details shall be implemented.

8. No external artificial lighting shall be installed at the site without planning permission first having been obtained.

9. All cables shall be placed underground, except at the point of connection to the electricity grid system.
10. The swales shown on PFA Consulting drawing number L338/06 (Proposed Drainage Arrangements) shall be provided at 2m wide and 0.3m deep and shall be completed prior to the first export of electricity from the solar PV array. Following their provision the swales shall be managed and maintained in an operational condition until the site has been decommissioned in accordance with condition 6.
11. The ecological mitigation and enhancement measures as contained in the Biodiversity Management Plan by Avian Ecology (issue date 29 March 2015) shall be implemented in full prior to the first export of electricity from the solar PV array.
12. The ecological monitoring measures, habitat management measures and management schedule as contained in the Biodiversity Management Plan by Avian Ecology (issue date 29 March 2015) shall be adhered to from the date that development on the site begins until the date the site has been decommissioned in accordance with condition 11.
13. Visibility splays shall be provided, laid out and maintained for that purpose at the site access where the visibility splays provide inter visibility between any points on the X and Y axes at a height of 0.60 metres above the adjacent carriageway level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be 2.40 metres and the visibility distances along the nearer edge of the carriageway of the public highway (identified as Y) shall be 90.00 metres in both directions.
14. The site access road shall be hardened, surfaced, drained and maintained thereafter for a distance of not less than 6.00 metres back from its junction with the public highway.

REASONS FOR CONDITIONS

1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To reflect the temporary nature of the proposal in the interests of visual amenity in accordance with Mid Devon Core Strategy (Local Plan Part 1) Policy COR2, Policies DM2 and DM5 of Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.
3. For the avoidance of doubt and in the interests of proper planning.
4. In the interests of highway safety to minimise the impact of the development on the highway network through the provision of an appropriate construction access in accordance with policies DM2 and DM5 of Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.
5. To achieve restoration of the temporary access land in the interests of visual amenity in accordance with Mid Devon Core Strategy (Local Plan Part 1) Policy COR2, Policies DM2 and DM5 of Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.
6. To achieve restoration of the site in the interests of visual amenity in accordance with Mid Devon Core Strategy (Local Plan Part 1) Policy COR2, Policies DM2 and DM5 of Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.
7. To ensure that adequate facilities are provided during the construction phase of the development, in the interests of highway safety in accordance with policies DM2 and DM5 of Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.

8. To minimise the potential for light pollution and disturbance to local amenity in accordance with policies DM2 and DM5 of Local Plan Part 3 (Development Management Policies), COR2 of Mid Devon Core Strategy (Local Plan Part 1) and the National Planning Policy Framework.
9. To safeguard the visual amenities of the area in accordance with policies DM2 and DM5 of Local Plan Part 3 (Development Management Policies), COR2 of Mid Devon Core Strategy (Local Plan Part 1) and the National Planning Policy Framework.
10. To prevent an increase in flooding and to provide adequate means of surface water disposal, in accordance with Mid Devon Core Strategy (Local Plan Part 1) Policy COR11 and DM2 of Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.
11. In the interests of safeguarding protected species and their habitat in the carrying out of this proposed development in accordance with policy COR2 of Mid Devon Core Strategy (Local Plan Part 1) and policies DM2, DM5 and DM28 of Local Plan Part 3 (Development Management Policies).
12. In order to secure a net gain in biodiversity in accordance with policy DM28 of Local Plan Part 3 (Development Management Policies).
13. To provide adequate visibility from and of emerging vehicles in accordance with policy COR9 of Mid Devon Core Strategy (Local Plan Part 1).
14. To prevent mud and other debris being carried onto the public highway in accordance with policy COR9 of Mid Devon Core Strategy (Local Plan Part 1).

INFORMATIVE NOTE

1. With regard to safeguarding of protected species; the developer is advised that the granting of this planning permission does not absolve the developer from complying with the relevant law, including obtaining and complying with the terms and conditions of any licences required as described in Part IVB of the Circular 06/2005.

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The proposed development is on balance considered acceptable with regard to its design and siting and its impact on the visual and landscape character of the area. Furthermore it is considered that the development scheme is satisfactory in terms of: ecology and wildlife, highway safety, flooding and drainage, residential amenity of nearby properties and its impact on the historic environment in close proximity to the site. On the basis that the application scheme achieves compliance with the material considerations as set out above, the contribution of the scheme to renewable energy targets and generation of clean energy is considered on balance to outweigh the fact that development will result in the loss of 3.1 hectares of best and versatile agricultural land from continuing to be used for solely agricultural purposes.

On this basis it is considered on balance that the application accords with Policies COR2, COR5, COR9 and COR18 of Mid Devon Core Strategy (Local Plan Part 1), DM2, DM5 (in part), DM7, DM27 and DM28 of Local Plan Part 3 (Development Management Policies), the National Planning Policy Framework and Planning Practice Guidance, sufficiently enough to justify a conditional approval of planning permission.

Application No. 15/00701/PATH

Agenda Item 13

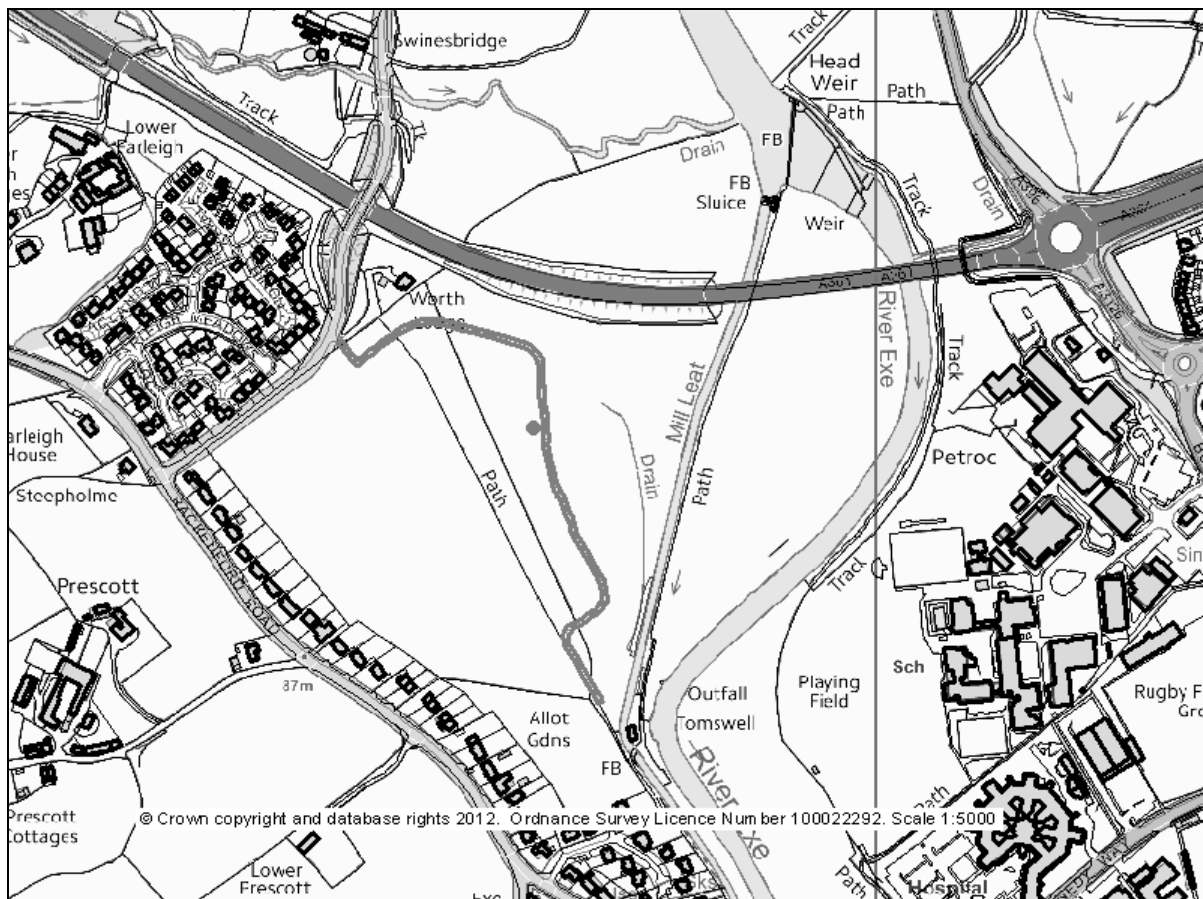
Grid Ref: 113569 : 294586

Applicant: Mr Chris Lennan,
Taylor Wimpey

Location: Land at NGR 294586
113569 (Farleigh
Meadows) Washfield
Lane Lower
Washfield Devon

Proposal: Diversion of Tiverton
Footpath 22

Date Valid: 20th May 2015



REPORT OF THE HEAD OF PLANNING AND REGENERATION

15/00701/PATH - DIVERSION OF TIVERTON FOOTPATH 22 - LAND AT NGR 294586 113569 (FARLEIGH MEADOWS) WASHFIELD LANE LOWER WASHFIELD DEVON

Reason for Report:

To consider the application by Taylor Wimpey to divert part of footpath 22 in association with the residential development scheme at land the rear of Rackenford Road (Farleigh Meadows).

RECOMMENDATION(S)

To note the objection as submitted but authorise officers to proceed to making the order

Relationship to Corporate Plan:

None

Financial Implications:

None as per recommendation

Legal Implications:

None

Risk Assessment:

None

Consultation carried out with:

1. Tiverton Town Council (no response at the time of writing this report)
2. Highway Authority (no response at the time of writing this report)
3. DCC – Public Right of Way (No response at the time of writing this report)
4. Environment Agency – We have no objections to the proposal, a small part of the proposed footpath may touch the edge of Flood Zone 2. If you need a more informed idea of the risk, you could request the applicant undertakes a level survey to form part of a Flood Risk Assessment.

1.0 **BACKGROUND, THE PROCESS, THE PROPOSALS AND RELEVANT CONSIDERATIONS**

1.1 **Background:**

Footpath 22, and the section which is proposed to be diverted forms part of the Exe Valley Way, on the link between Bampton and Tiverton. From the Kennedy Way roundabout the route passes along Rackenford Rd to Higher Loughborough along the pathway adjacent to the Leat, **across the development site**, and out onto Washfield Lane and then northwards to Bampton.

The Process:

Although this application has been submitted pursuant to the provisions within the Town & Country Planning Act, it is not a planning application, and the decision making process that the Local Planning Authority have to complete is different to that in making a decision on a planning application. Prior to making an application to divert and/or extinguish a footpath or bridleway can be diverted, planning permission for a scheme of development that necessitates the diversion must be in place.

On receipt of the application the Council will examine the proposal and undertake informal consultations with the relevant consultee and other local stakeholders. Any suggested amendments to the proposal or objections, will be evaluated, and discussed with the parties concerned and the applicant where this is considered relevant

When agreement has been reached the footpath diversion Order is sealed under delegated authority given to the Head of Planning & Regeneration under the Scheme of Delegation Council's Constitution or if agreement cannot be reached the matters is referred to the Planning Committee to seek authority for the Order to be made.

Following confirmation by the Local Planning Authority (either decided by Committee or by officers under delegated powers) to confirm the order, the process then requires a notice is displayed in the local newspaper and at each end of the footpath to advise the public where to inspect the Order and that objections should be made within **28 days**.

After the 28 days consultation period there are then two routes depending on whether the order is un-opposed or opposed.

2.0 **AN UNOPPOSED ORDER**

2.1 If at the end of the 28 day objection period no objections have been received the Council will write and advise the applicant to complete the works in respect of the proposed footpath as detailed in the Order (**the course of the existing footpath should not be obstructed**). Once the proposed footpath works are complete the applicant should notify the Council to enable inspection to ensure the footpath has been constructed to a satisfactory standard and that the diversion is in place. Once the development is completed the Order is confirmed.

At this stage if any person believes that the legal requirements have not been complied with they may apply to the High Court within 6 weeks to seek to quash the Order. If no application has been made to the High Court by the end of this 6 week period, the Order is unchangeable.

After the 6 week period we will advise the applicant that the Order has been certified and has come into operation, and at this point the legal change to the route of the

path is complete.

3.0 **AN OPPOSED ORDER**

- 3.1 If objections are received within the specified time limit **(28 days)** and are not withdrawn within the 2 month negotiation period, the Order is referred to the Secretary of State who will decide the matter by holding a Public Inquiry or by appointing a person to hear the representations of the objector(s).

The Secretary of State then decides whether to confirm the Order with or without modifications.

If objections are not withdrawn, or are considered by the Secretary of State to be irrelevant, charges against the objector can be sought at the Inquiry and decided by the Secretary of State. This is important for the Local Authority, other statutory consultee and/or any member of the public who maintain an objection to the order.

4.0 **THE PROPOSALS:**

- 4.1 The application submission includes the application form, a copy of the decision notice of the planning permission that necessitates the diversion, and a plan showing the existing footpath and a plan showing the route of the diversion.

The section of the route to be diverted starts at the existing gate opening set on the site boundary within Worthy Lodge off Washfield Lane, and follows a path across the field for 200 metres, where it runs parallel to the Leat adjacent to the existing allotments before joining Rackenford Road at the top of Higher Loughborough. As it stands there is no defined hard surface indicating the path of the route, as shown on Plan PL01.

This existing gateway is to be closed up with a new gated access from Washfield Lane between two of the houses, and then running along a new section pavement in an easterly direction as part of the new housing estate for approximately 40 metres and then running due south adjacent to the new area of meadowland/open space for a distance of approximately 160 metres and re-joining adjacent to the allotments. The route of this section of the footpath is along a defined footway/cycleway which is 3.0 metres in width.

5.0 **RELEVANT CONSIDERATIONS:**

- 5.1 The scheme of development that requires the footpath to be diverted arises from planning permissions issued under LPA ref: 12/00277/MOUT with the reserved matters details approved under LPA ref: 14/01407/MARM. Therefore this application to divert the footpath as described above is considered properly submitted.

The decisions to grant planning permission was in accordance with the relevant policies of the Local Planning Authority's development plan which allocates the site for residential development under policy AL/TIV/8. This policy recognizes that the development will affect a section of the Exe Valley Way, and promotes improvements to the route for pedestrians and cyclists.

In addition to the consultations carried out as set out above the Local Planning Authority sent out notification to 23 local residents who made representations regards 14/01407/MARM. A single objection has been received which considers that it is a

retrograde step to divert the route through the new housing estate which will not be traffic free. The objector considered that the route should be suitable for use by cyclists (including at the entrance from Washfield Lane) with segregated sections of pathway for each type of user.

The section of the route which is to be diverted would be a difficult route for cyclists to use as there is not a defined track or hard surface. Therefore at present cyclists would travel along Washfield Lane and out onto Rackenford Road to travel onto Tiverton – rejoining the defined route at the top of Higher Loughborough. Therefore the proposed route of the diversion will provide cyclists with an alternative route to the top of Higher Loughborough as it will be hard surfaced.

The diversions route is described above, and shown on the plan on the front page of this report. Whilst the context for the route will change it is considered that pedestrians will be able continue to travel along this part of the Exe Valley Way along a defined hard surface, and cyclists will now have the option to also use this part of the route.

The comments submitted by the Environment Agency are noted, and have been taken into account in shaping the development which has the benefit of planning permission, reflecting on the Flood Risk Assessment that was submitted and considered when the decision on the planning application was taken.

In conclusion the proposed diversion is required to enable the new housing development that has the benefit of planning permission to be built out. The approved scheme for the new housing estate included the section of footpath 22 which is now proposed to be formerly diverted. The new route will improve both facilities for pedestrians and cyclists as required by development policy. Whilst there been a single objection to the proposed order for the reasons as set out above it is not considered that any valid points are raised that would justify objecting to the Order.

Reflecting on the issues as set out in this report, and as stated above, it requested that the Committee authorise officers to proceed to confirm the order.

The next stage of the process of the process requires that a notice is displayed in the local newspaper and at each end of the footpath to advise the public where to inspect the Order and with a further opportunity (28 days) to raise any objections.

Contact for any more information

Simon Trafford 01884 4369
Area Planning Officer

Background Papers

Officer's report to Planning Committee in respect of applications referenced below.

File Reference

12/00277/MOUT and 14/01407/MARM

Circulation of the Report

Cllrs Richard Chesterton

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REPORT OF THE HEAD OF PLANNING AND REGENERATION

SCHEME OF DELEGATION TO THE HEAD OF PLANNING AND REGENERATION

Cabinet Holder Cllr Richard Chesterton
Responsible Officer Head of Planning and Regeneration

Reason for Report: To update the current scheme of delegation to the Head of Planning and Regeneration in order to provide clarity over the appropriate decision making route for Conservation Area policy related work.

RECOMMENDATION:

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:

- 1. It requires the issue of repair and urgent work notices.**
- 2. It involves the submission of funding bids or schemes that have budgetary implications.**

Relationship to Corporate Plan: Planning decision making is relevant to key objectives within the Corporate Plan.

Financial Implications: None.

Legal Implications: Updating and clarification of authority in the manner suggested will reduce the risk of legal challenge based on the decision making process. The proposed change is in line with a report on this matter due to be considered at Cabinet on 2nd July 2015.

Risk Assessment: Clarification of delegated authority through the changes recommended will reduce risk of challenge and align the decision making route for conservation policy relating to Conservation Areas with that for other planning policy work.

Consultation carried out with: None.

1.0 INTRODUCTION.

- 1.1** The current scheme of delegation to the Head of Planning and Regeneration was agreed by Planning Committee at the meeting of 2nd April 2003, was amended at later meetings and most recently in March 2015. It sets out the powers of the Local Planning Authority that are delegated to the Head of Planning and Regeneration. These powers can be exercised by the

postholder and are authorised by the Planning Committee. A copy of the current scheme of delegation is attached at **Appendix 1** to this report.

1.2 At the meeting of Council on 11 January 2012 it was agreed that planning policy would no longer be determined by Planning Committee, but instead by Cabinet. The Planning Policy Advisory Group (PPAG) was set up as a working group to discuss planning policy and make recommendations to Cabinet. At the 22 March 2012 Cabinet meeting consideration was given to which policy documents would be appropriate to be considered at which forum. It was resolved that the decision making arrangements set out in **Appendix 2** be adopted.

1.3 Since the consideration of which planning policy related work would be taken through a Cabinet decision making route via PPAG, an anomaly has come to light relating to conservation policy and in particular the designation of new Conservation Areas and amendments to the boundary of existing Conservation Areas. These aspects of conservation policy are specifically referred to in the scheme of delegation from this Committee to the Head of Planning and Regeneration and at present require consideration by Planning Committee. This is at odds with other planning policy work.

2.0 CONSERVATION AREA POLICY WORK.

2.1 At the time that Cabinet considered the decision making route for planning policy issues, there had not been any changes to conservation areas for some time. As a result it was omitted from report taken to the March 2012 Cabinet meeting. Following the recent work on Conservation Area appraisals it has come to our attention that the scheme of delegation should be amended to incorporate Conservation Area decision making within the Cabinet decision route. Currently the approval process is the responsibility of Planning Committee.

2.2 It is recommended that, in order to be consistent with the decision making process for other policy documents, the determining body for Conservation Area policy work should be Cabinet with PPAG making recommendations. This proposed change was considered at the meeting of the PPAG on 17th June 2015 and agreed. The proposals are set out in the following table and are due to be considered at the meeting of Cabinet on 2nd July 2015.

Type of Policy	Advisory Group	Cabinet	Council for approval of submission document or adoption	Requires separate meeting of Cabinet in each of the main three towns
Conservation Area Appraisals (Changes to Conservation Area Boundaries Proposed)	Yes	Yes	Yes	No
Conservation Area Appraisals (Technical assessments with no boundary changes proposed)	Yes	Delegated approval by the Head of Planning, Ward Member(s) & Cabinet Member (P&R).		No

3.0 THE PROPOSED CHANGE TO THE SCHEME OF DELEGATION.

3.1 The recommendation within this report deals only with the approved scheme of delegation from Planning Committee to the Head of Planning and Regeneration. This includes the following provision which currently requires these matters to come before this Committee :

In the case of Conservation:

- 1. It involves the designation of new, or amendment of existing Conservation Area boundaries.**
- 2. It requires the issue of repair and urgent work notices.**
- 3. It involves the submission of funding bids or schemes that have budgetary implications.**

The following amendment is proposed which deletes the first item and renumbers the two remaining:

In the case of Conservation:

- 1. It requires the issue of repair and urgent work notices.**
- 2. It involves the submission of funding bids or schemes that have budgetary implications.**

3.2 This change will provide clarity and consistency by aligning the decision route for conservation area policy work with other planning policy.

Contact for any more information	Head of Planning and Regeneration Mrs Jenny Clifford 01884 234346
Background Papers	Scheme of delegation to the Head of Planning and Regeneration Cabinet reports of 22 nd March 2012 and 2 nd July 2015 Council report 11 th January 2012
File Reference	None.
Circulation of the Report	Cllr Richard Chesterton. Members of Planning Committee

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PLANNING SERVICES

Scheme of Delegation to the Head of Planning and Regeneration

To exercise all powers of the Council as Local Planning Authority (including the conduct of appeals and enquiries) under the Planning Acts, the Localism Act and the Growth and Infrastructure Act (unless expressly delegated to another officer) except where:-

In the case of all Applications;

1. In the opinion of the Head of Planning or the Area Planning Officer, the application is of a significant controversial or sensitive nature;
2. The application has been submitted by or on behalf of the Council;
3. The application is from an Elected Member or Officer
4. The application is accompanied by an Environment Impact Assessment (EIA);
5. The application is a significant or major departure and is recommended for approval;
6. The Ward Member; Chairman or Vice-Chairman of Planning Committee requires that the Committee consider an application having given clear planning reasons;
7. Applications will be delegated to the Head of Planning to refuse if Section 106 Agreements are not signed and completed within 8 or 13 week time-scale.

In the case of re-negotiations on a planning obligation (S106 Agreements and Undertakings);

1. Is submitted under Section 106 BA of the Town and Country Planning Act 1990, if Committee consideration would be outside the date of determination delegated authority is given to the Head of Planning and Regeneration to agree amendments in consultation with the Head of Housing, the Cabinet Member of Housing and the Chair of Planning Committee.
2. In the case of renegotiations on another planning obligation issue the Ward Member, Chair and Vice Chair of Planning requires that the Committee consider the proposed changes having given clear planning reasons, otherwise they be delegated to the Head of Planning and Regeneration

In the case of Enforcement:

1. Formal enforcement action is proposed other than a Breach of Condition Notice or in the case where urgent action is required to commence enforcement proceedings, consisting of the service of a Temporary Stop Notice, Enforcement Notice, Stop Notice or commence Injunction proceedings. These proceedings to only be instigated in consultation with one or more of the following: Planning Chairman, Vice Chairman, Ward Member.
2. Other than in consultation with the Legal Services Manager prosecution proceedings regarding any unauthorised advertising/fly posting.

(Note: Formal action does not include the service of a Planning Contravention Notice or Section 330 requisition for information)

In the case of the Community Infrastructure Levy Regulations (CIL) and associated enforcement

1. Formal CIL enforcement action comprising CIL Stop Notice or in the case where urgent action is required to commence enforcement proceedings consisting of the service of a CIL Stop Notice or commence CIL Injunction proceedings. These proceedings only to be instigated in consultation with one or more of the following: Planning Chairman, Vice Chairman, Ward Member.

In the case of Conservation:

1. It involves the designation of new, or amendment of existing Conservation Area boundaries
2. It requires the issue of repair and urgent work notices
3. It involves the submission of funding bids or schemes that have budgetary implications

In the case of the Local Plan:

Local Plan proposal's and policies with reasoned justification for publication and consultation or adoption at the following stages (other than where minor modifications and other minor changes are made).

- Local Plan options consultation
- Publication and consultation of the 'submission' Local Plan
- Local Plan adoption

(or the equivalent stages of processes of successors to Local Plans).

In the case of Planning Policy:

- Representations to strategic plans and policies at a larger than district scale are to be made.
- Supplementary Planning Documents dealing with Mid Devon wide guidance and sites/areas for publication prior to consultation and for adoption (other than where minor modifications and other changes are made).

(Not including updating contributions sought through S106 Agreements to reflect changes in the cost of provision of facilities).

BUILDING CONTROL AND SAFETY:

To exercise all the Council's powers under the Building Act 1984 or regulations made there under except where:-

In the case of charges

- The annual review of charge results in increases greater than the rate of inflation.

OTHER PROVISIONS

1. To authorise caravan rallies in accordance with the requirements of CS and C of DA 1960.
2. To make representations where appropriate and with the agreement of the Chairman and/or Vice Chairman of the Committee and Ward Member's (as appropriate) in respect of new Applications for Goods Vehicles Operators' Licenses, or when a significant variation of an existing licence is proposed.
3. To caution offender where there was evidence of a criminal offence and the offender admitted the commission of the offence but the public interest did not require a prosecution.

Scheme of Delegation by the Head of Planning & Regeneration
Approved by the Planning Committee 4 March 2015

APPENDIX 2

Type of Policy Document	Advisory Group	Cabinet	Council for approval of submission document or adoption	Requires separate meeting of Cabinet in each of the main four towns
Local Development Scheme	No	No	No	No
Statement of Community Involvement (SCI)	Yes	Yes	Yes	No
Core Strategy (DPD)	Yes	Yes	Yes	No (unless it includes reference to strategic site allocations)
Allocations and Infrastructure DPD	Yes	Yes	Yes	Yes
Development Management DPD	Yes	Yes	Yes	No
CIL Charging Schedule	Yes	Yes	Yes	No
Any Supplementary Planning Document (SPD) such as Meeting Housing Needs, Green Infrastructure etc.	Yes	Yes	Yes	No
Area of Special Control for Advertisements	Yes	Yes	Yes	No
Annual Monitoring Report	No	Yes	No	No

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