

# 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, 26 August 2015 at 2.15 pm

*Prior to the meeting at 1.00pm (in the Council Chamber) a public presentation will take place by developers regarding 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. (Note this application will come to a future meeting of the Committee).*

The next ordinary meeting of the Committee will take place on Wednesday, 23 September 2015 at 2.15 pm in the Council Chamber, Town Hall, Tiverton

**KEVIN FINAN**  
Chief Executive  
18 August 2015

**Councillors:** Mrs F J Colthorpe (Chairman), 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

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

- 1 **APOLOGIES AND SUBSTITUTE MEMBERS**  
To receive any apologies for absence and notices of appointment of substitute.
- 2 **PUBLIC QUESTION TIME**  
To receive any questions relating to items on the Agenda from members of the public and replies thereto.

Note: A maximum of 30 minutes is allowed for this item.

- 3 **MINUTES OF THE PREVIOUS MEETING** (Pages 5 - 18)  
To receive the minutes of the previous meeting (attached).

- 4      **CHAIRMAN'S ANNOUNCEMENTS**  
To receive any announcements the Chairman may wish to make.
  
- 5      **MANOR HOUSE HOTEL, CULLOMPTON** *(Pages 19 - 30)*  
To receive a report of the Head of Planning and Regeneration updating Members on the latest situation regarding the repair works at The Manor House Hotel, 2-4 Fore Street, Cullompton and seeking authority to serve an urgent works notice in the event that current work stalls.
  
- 6      **DEFERRALS FROM THE PLANS LIST**  
To report any items appearing in the Plans List which have been deferred.
  
- 7      **THE PLANS LIST** *(Pages 31 - 52)*  
To consider the planning applications contained in the list.
  
- 8      **THE DELEGATED LIST** *(Pages 53 - 70)*  
To be noted.
  
- 9      **MAJOR APPLICATIONS WITH NO DECISION** *(Pages 71 - 72)*  
List attached for consideration of major applications and potential site visits.
  
- 10     **APPEAL DECISIONS** *(Pages 73 - 74)*  
To receive for information a list of recent appeal decisions.
  
- 11     **PLANNING PERFORMANCE QUARTER 1 2015/16** *(Pages 75 - 78)*  
To receive a report of the Head of Planning and Regeneration providing the Committee with information on the performance of Planning Services for quarter 1 within the 2015-16 financial year.

**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 29 July 2015 at 2.15 pm

### **Present**

#### **Councillors**

Mrs H Bainbridge, Mrs J B Binks, K Busch, Mrs C Collis, Mrs F J Colthorpe, J M Downes, S G Flaws, F Letch, R F Radford, J Smith, J D Squire and R L Stanley

### **Apologies**

#### **Councillors**

R Dolley, P J Heal and D J Knowles

### **Also Present**

#### **Councillors**

D R Coren and C J Eginton

### **Present**

#### **Officers**

Jenny Clifford (Head of Planning and Regeneration), Tina Maryan (Area Planning Officer), Simon Trafford (Area Planning Officer), Luke Smith (Principal Planning Officer), Aarron Beecham (Forward Planning Assistant), Jo Cavill (Enforcement Officer) and Sarah Lees (Member Services Officer)

## 28 **APOLOGIES AND SUBSTITUTE MEMBERS**

Apologies were received from Cllrs: R J Dolley, D J Knowles and P J Heal.

No substitutes were provided.

## 29 **PUBLIC QUESTION TIME (00:03:00)**

The following questions were asked in relation to Item 2 on the Plans List (Menchine Farm, Nomansland):

Mr Barry Cornes asked the Committee whether it was aware that the applicant had claimed that he had started a process to seek end of waste certification to make use of the digestate as animal bedding and biomass fuel. The Agriculture and Horticultural Development Board and Dairy Co stated on 31.3.2015 that the use of AD digestate solids or dried digestate solids as bedding was not currently permissible in the UK. Also in the opinion of the European Biogas Association drying solid digestate to process into pellets to burn as biofuel contradicts all claims for sustainability and it is best used as a soil conditioner.

Mrs Virginia Cornes went on to ask, now that the Menchine plant was up and running were Members aware that since it started the residents of Nomansland had suffered an explosion of enormous agricultural vehicles in and around the hamlet often from early morning until last thing at night. If this application was approved the addition of lorry and drag trailers with 20 ton loads could only further increase the cumulative impact of the already unacceptable noise and general disturbance caused to the residents.

Mrs Alison Webb stated that Members would be aware that an appeal decision was still awaited from the Planning Inspectorate to double the power output of the existing AD plant from 500kw to 1mw. Could Members truly accept the officer recommendation to approve this application when the Planning Inspectorate Case Officer had already voiced his opinion that he had insufficient Written Representation? He had now made the decision to hold an Informal Hearing to address his concerns including non-compliance with conditions. This application ought to be deferred until the outcome of the Appeal was known.

Mr Richard Grant stated that he was a newly elected councillor for Thelbridge Parish Council. At his first meeting the application relating to this additional building at Menchine Farm was on the agenda and was briefly discussed. However despite him noting that it is stated that Thelbridge had submitted a statement saying they had no objection, he felt compelled to advise the Committee that in fact no vote was taken to this effect.

Mrs Sally Smyth, Chairman of Cruwys Morchard Parish Council, stated that she would like to make Members aware that she had asked to speak on the Parish's behalf but had been declined as the Chair of Templeton Parish had already requested to speak. However, Miss Coffin from Templeton had offered to withdraw her request as it was Nomansland residents who were primarily concerned with this application, half of whom lived in Cruwys Morchard and not Thelbridge.

Despite this they had both been refused permission to address Members except during question time. However, she felt that a precedent had already been set at previous planning hearings when contiguous parishes were allowed to speak at the agenda item. She wanted therefore to draw the Committee's attention to two key issues, visual impact and transport, raised at the Cruwys Morchard Parish Council meeting regarding this application.

In allowing an appeal in respect of application 12/01659/MFUL Planning Inspector Mike Robins described the site as an uncharacteristically large development of poultry houses and AD plant which did cause some harm to the landscape character. Despite this, the development sprawl by stealth at Menchine farm has continued to be approved contributing to cumulative landscape harm. Are Members aware that the applicant had recently submitted a screening application for a further 5 poultry houses each 86 metres by 12 metres to accommodate 60,000 birds immediately west of this proposed building?

She went on to state that the Planning Officer could confirm that the applicant failed to produce the information required under Condition 8 of the currently approved scheme in relation to traffic movements. This application would, if approved, generate a minimum of 200 additional traffic movements. Surely, compliance with conditions relies on a mutually respectful working relationship between the Local

Planning Authority and the applicant. As he had failed to provide these figures and it had been a significant reason for non-determination, then why with the additional traffic movements would the officers see fit to recommend it? If the Committee cannot refuse this application surely it ought to be deferred until the Appeal outcome was known?

Mrs Sarah Coffin, Templeton Parish Councillor, stated that if the Committee granted this application enabling the doubling of at present between 5 – 20% solid digestate production, where will the doubled proportional 80% liquid digestate be put which is not viable to dry? The applicant had named lands of approximately 500 acres which were occupied by his 'Greener for Life' Co-Director, a company now in administration, as a receptor for the unpasteurised potentially contaminated liquid digestate fertiliser. With no other end market approved the potential of significant loss of safe land access and the reluctance of other local land owners to purchase the digestate, the applicant fails to identify a safe secure end destination that complies with all DEFRA and Environment Agency best practice as well as the 6 kilometre radius in the Local Planning Authority condition. Therefore in view of the failure to fully comply with the planning appeal conditions already mentioned as well as the two water pollution incidents at present under investigation with the Environment Agency involving the applicant and the 'Greener for Life' Co-Director, I ask the Committee to act responsibly and refuse this application.

In responding to the suggestion that Members were being misled by the officer report the Area Planning Officer dealing with this application referred the Committee to page 25 of the report and the second paragraph under policy number DM22 where it stated that '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 he suggested that officers had not been misleading.

In relation to the other questions that had been raised he stated that most of them related to the AD plant and the Committee were advised that they should not be considering this application in association with the outstanding AD issues. Regarding the comment from Mr Grant, he stated that he could not comment about the Thelbridge Parish Council meeting as he had not been present, all he could do was show him the response from the Council which said that they did not have any objections.

## 30 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 1 July 2015 were approved as a correct record and **SIGNED** by the Chairman subject to the following amendments:

- a) Minute 21 - point (ii) should read (c);
- b) Minute 25 – the last line in the first note (a) should read '.....and Councillor Mrs Colthorpe having been present at a neighbouring parish council meeting where it was discussed.'

## 31 CHAIRMAN'S ANNOUNCEMENTS

The Chairman had the following announcements to make:

- a) She introduced three new officers to the Committee:

Arron Beecham – Planning Assistant in Forward Planning  
Naomi Morgan – Planning Assistant in Development Management  
Jo Cavill – Enforcement Officer

- b) There would be an informal meeting and presentation from the Knowle Lane developers before the next meeting of the Planning Committee on 26 August 2015 which would also be open to members of the public. This would relate to the Reserved Matters second stage development of 285 dwellings. It was confirmed that the application would not be discussed at the Planning Committee on that particular date but at a later date.

### 32 DEFERRALS FROM THE PLANS LIST

There were no deferrals from the Plans List.

### 33 THE PLANS LIST (00:19:00)

The Committee considered the applications in the plans list \*.

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

**(a) No 1 on the Plans List (15/00382/FULL – *Erection of an agricultural livestock building (889 sq.m) at Land at NGR 299384 112863, Red Linhay, Crown Hill*).**

The Head of Planning and Regeneration outlined the contents of the report stating that this application had been deferred from 3 June 2015 for further information with regard to land parcels in connection with the proposal and the approved AD plant to ascertain whether the traffic generation was acceptable.

The site layout was described showing where the existing agricultural buildings were in relation to the proposed new building and the AD plant. The Committee were informed that a new planning application had recently been received relating to a revised scheme for the AD plant. Permission had previously been granted for an AD but a revised scheme was now being applied for. However, the Committee were reminded that the AD plant was not being re-determined at this meeting today and Members should focus their attention on the proposed agricultural livestock building.

During discussion consideration was given to:

- The recently received revised planning application for the AD plant seeking a re-ordering of the plant slightly further down to the south. An increase in generation and capacity was not expected.
- The AD plant being between the canal and the proposed livestock building when viewed from Crown Hill.
- The Committee would have another chance to assess the AD plant when the new application came before it.



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

(Proposed by Cllr Mrs H Bainbridge and seconded by Cllr F W Letch)

Notes:

- (i) Cllrs Mrs H Bainbridge, Mrs C Collis and R F Radford declared personal interests as they were Members of the Grand Western Canal Joint Advisory Committee.
- (ii) Cllr R F Radford made a declaration in accordance with the Protocol of Good Practice for Councillors dealing in planning matters as he had received correspondence and knew the applicant.
- (iii) Cllr R F Radford spoke as Ward Member.
- (iv) Cllrs J L Smith and R L Stanley requested that their vote against the decision be recorded.
- (v) Cllr R F Radford requested that his abstention from voting be recorded.
- (vi) The following late information was received:

Correspondence from applicant 27<sup>th</sup> July 2015 summarised as follows:

1. We are farming 900 acres, some owned, some rented.
2. The farm is farmed as a whole, there are no acres specifically farmed for the AD plant nor for the cattle. The crops are rotated each year to comply with DEFRA good agricultural practices.
3. We grow a mixture of crops: Grass, Winter Wheat, Winter Barley, Forage Maize, Hybrid Rye, Fodder Beet
4. The AD plant will require 426 acres of crops to enable it to run leaving 474 acres for cattle grazing and other crops.
5. I understand there is some concern that this extra shed for cattle will result in there being more traffic movements. But there will not be because we are still farming our 900 acres and I fail to understand how building another shed will result in there being more traffic movements?
6. The extra cattle are here on site and will remain on site and it is imperative that we can build this shed before the winter as we cannot out winter the cattle. This is due to the fact that we have a pedigree herd of cattle and they need to be housed to keep them in the best possible condition over the winter. In addition we also have 6 pedigree bull calves which were born this spring and they are due to be weaned from their mothers this autumn and will need to be housed separately as the herd and our facilities are regularly inspected for us to achieve our accreditation for beef quality.

(b) No 2 on the Plans List (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.***)(00:49:00)

The Head of Planning and Regeneration reminded the Committee that the AD plant and an associated appeal was not for consideration at today's meeting, the only

issue which needed to be determined was the proposed new building for the digestate fibre.

The Area Planning Officer outlined the contents of the report and the site location by way of presentation. He also informed those present that a site visit had taken place the previous day.

Consideration was given to:

- The size of the floor area to be occupied by the proposed building.
- Additional landscaping which would be a condition if approval was granted.
- The footpath link being an access way rather than a footpath as such.
- Regarding transport issues, the applicant had calculated that there would be approximately 100 additional transport movements as a result of taking products off site. It was noted that during the site visit on the previous day there had been large vehicles passing by with debris spilling on to the roads.
- There being two policies against which this proposal should be determined, DM20 and DM22. Policy DM5 also supported energy production.

**RESOLVED** that the application be deferred until such time when the Planning Inspectorate has reached a decision regarding the appeal on application number 14/01915/FULL/.

(Proposed by Cllr Mrs J B Binks and seconded by Cllr J D Squire)

Notes:

- (i) Cllr Mrs F J Colthorpe declared a personal interest in that she had known the applicant for some years, Cruwys Morchard was in her District Ward and Templeton Parish Council was in her County Division.
- (ii) Cllr R L Stanley declared a personal interest in that he knew many of the objectors.
- (iii) Cllr Mrs J Binks made a declaration in accordance with the Protocol of Good Practice for Councillors dealing in planning matters as she had been present at a meeting of Thelbridge Parish Council when the applicant had given a presentation. She also declared a personal interest in that she knew many of the objectors and had attended a site visit the previous day.
- (iv) Cllr R F Radford declared a Disclosable Pecuniary Interest and left the room for the duration of this item as he was a chicken farmer with the potential to supply the applicant with material.
- (v) Mr Cole (Applicant) spoke.
- (vi) Mr John Baxter (Objector) spoke.
- (vii) Cllr Mrs J B Binks spoke as Ward Member
- (viii) Cllrs Mrs H Bainbridge, F J Colthorpe and F W Letch requested that their vote against the decision be recorded.

**(c) No 3 on the Plans List (15/00681/FULL – Erection of first floor rear extension at 31 Sunnymead, Coplestone, Devon).(01:38:50)**

The Area Planning Officer outlined the contents of the report stating that the development was a revised proposal to erect a first floor extension to the rear of the property in order to provide a fourth bedroom. Members needed to consider the application in relation to Policy DM2 which required new development to be of a high quality design showing clear understanding of the characteristics of the site, its wider context and the surrounding area. In addition to this policy DM13 required development not to have a significantly adverse impact on the living conditions of occupants or neighbouring properties. The officer's recommendation was that the design and siting of the proposed extension did not meet these criteria.

A brief discussion took place regarding how unfortunate it was that a better solution to the design issues could not have been forthcoming especially given the family's intention to foster children through Devon County Council.

**RESOLVED** that this application be refused as recommended by the Head of Planning and Regeneration

(Proposed by Cllr Mrs H Bainbridge and seconded by Cllr F W Letch)

Notes:

- (i) Cllrs Mrs F J Colthorpe and R F Radford declared personal interests as they were Members of Devon County Council.
- (ii) Cllr Mrs J B Binks declared a personal interest as she felt she may have taught the applicant at school.
- (iii) Cllr D R Coren declared a personal interest as he knew the applicant.
- (iv) Cllr J D Squire declared a personal interest as he knew the agent.
- (v) Mr Archer (agent) spoke.
- (vi) A statement was read out from Cllr P J Heal, one of the Ward Members.
- (vii) The following late information was reported:

One further objection has been received and raises the following points:

- The noise from the works will have a detrimental impact on the mental health of the objector
- The applicants caused damage to the neighbours fence last year
- The applicants have tried to buy the objectors back garden and are likely to try again if this application is approved

The issues raised within the representation do not raise any further material planning considerations that the Local Planning Authority can take into account within the assessment of this application.

**(d) No. 4 on the Plans List (15/00743/FULL – Conversion of redundant chapel to dwelling at Coombe Head Chapel, Bow, Devon) (01:53:16)**

The Area Planning Officer outlined the contents of the report, by way of presentation stating that the proposal to convert the chapel complied with Policy DM11 in that by virtue of its character, design and historic significance it was considered to positively contribute to the area's rural character.

Discussion took place regarding:

- The water supply to the building.
- Drainage pipes would be away from the area of the graveyard.
- Whether living relatives would still be able to access the graves of those interred on the site.
- The need to respect the burial site and preserve the headstones.
- Would access to the graveyard still be allowed should the current owners choose to sell up?

**RESOLVED** that the application be approved as recommended by the Head of Planning and Regeneration subject to an additional condition:

11. Prior to the commencement of the development, details of the fencing to be erected around the graveyard / burial area together with details of how this area is to be managed and accessed shall be submitted and approved in writing by the Local Planning Authority. The fence shall be erected prior to the first occupation of the building as a dwelling and so retained. Management and access provision of the graveyard / burial area shall be in accordance with the approved scheme.

Reason: To safeguard the graveyard / burial area from disturbance and in order to allow access to the graves in the interests of the amenities of the area.

(Proposed by Cllr R L Stanley and seconded by Cllr Mrs J B Binks)

Notes:

- (i) Cllr Mrs F J Colthorpe declared a personal interest in that she had once employed Mr Badger, the Applicant's Consulting Engineer.
- (ii) Cllr Mrs J B Binks declared a personal interest in that she used to live in Bow and was a former Ward Member.
- (iii) Mrs J Knight (Applicant) spoke.
- (iv) Cllr J D Squire spoke as Ward Member.
- (v) The following late information was reported:

An additional representation has been received from the neighbour which raises further concern with regard to the proposed drainage of the site;

- The information regarding the drainage is not based on an independent assessment of the site
- There has not been an assessment of the level of the ground water table

Further correspondence has been submitted from Kingspan Klargester confirming that the percolation tests were carried out correctly and the size of the soakaway has been calculated based on the formula outlined in Building Control Regulations H2.

(e) No. 5 on the Plans List ***(15/00771/FULL – Formation of layby for parking of vehicles/access to woodland at Land at NGR 268282 111909, (North of Higher Ford House), Chawleigh.)(02:16:39)***

The Area Planning Officer outlined the contents of the report, by way of presentation stating that the proposal was for the formation of a layby for parking of vehicles and for access to woodland.

Consideration was given to:

- Highways issues and the safety implications of speeding cars travelling down a long straight piece of road
- Whether the proposed chain link fence would be adequate to stop fly tipping and Travellers pitching up for the night
- The length of the proposed layby being 14 metres long to accommodate visibility space.

**RESOLVED** that the application be refused for the following reason: The proposed layby by reason of its location, size and general appearance would have a detrimental impact upon the visual appearance and character of the area contrary to Policies COR18 Mid Devon Core Strategy and DM2 Mid Devon Local Plan Part 3: Development Management Policies.

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

Notes:

- (i) Cllr Mrs J B Binks, Mrs C A Collis, Mrs F J Colthorpe, J M Downes, S G Flaws, R F Radford, 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 regarding this application.
- (ii) Cllr C J Eginton declared a personal interest as the Objector was known to him.
- (iii) Mr Darke (Applicant) spoke.
- (iv) Mr Bulmer (Objector) spoke.
- (v) Cllr C J Eginton spoke as Ward Member

(vi) Cllr J M Downes requested that his abstention from voting be recorded.

(vii) Cllrs Mrs H Bainbridge, R F Radford and R L Stanley would assist the defence of any appeal arising.

(viii) A proposal to approve the officer's recommendation was not supported.

**(f) No. 6 on the Plans List (15/00944/FULL – Alterations to provide additional trading units and storage space at Pannier Market, Market car Park, Newport Street).(02:56:06)**

The Principal Planning Officer outlined the contents of the report demonstrating what the proposals were through a series of photographs.

Discussion took place with regard to:

- What was going to be stored in the space proposed. It was explained that this storage space would be used by the traders and miscellaneous items would be stored.
- Space still needed to be provided to allow for vehicle movements.
- The proposals would allow for more flexibility.
- High quality materials would be used to facilitate the alterations.

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

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

Notes:

(i) Cllr R L Stanley declared a personal interest as the applicant was Mid Devon District Council and he was the Cabinet Member for Housing and as such had been heavily involved with the development of the proposal.

(ii) Cllr Mrs E J Slade spoke as Ward Member.

(iii) Cllrs S G Flaws and R F Radford had left the room during debate and were therefore not able to vote on the proposal.

**(g) No. 7 on the Plans List (15/00945/LBC – Listed Building Consent for alterations to provide additional trading units and storage space at Pannier Market, Market Car Park, Newport Street).(03:11:00)**

The Principal Planning Officer outlined the contents of the report stating that the application sought Listed Building Consent for alterations to provide trading units and storage space at the Pannier Market.

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

(Proposed by Cllr J D Squire and seconded by Cllr R L Stanley)

34 **THE DELEGATED LIST (03:12:28)**

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

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

35 **MAJOR APPLICATIONS WITH NO DECISION (03:13:09)**

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

Application 15/01108/MFULL would be brought before the Committee and a site visit would take place if recommended for refusal.

Application 15/00934/MARM would be brought before the Committee and a site visit would take place.

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

36 **APPEAL DECISIONS (03:17:40)**

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

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

37 **APPLICATION 15/00779/MFUL - DEMOLITION OF EXISTING GARAGES AND ERECTION OF 26 DWELLINGS WITH ASSOCIATED WORKS AT LAND AT NGR 294775 111860 PALMERSTON PARK, TIVERTON (03:19:10)**

The Committee had before it a report \* of the Head of Planning and Regeneration regarding the demolition of existing garages and the erection of 26 dwellings with associated works at Palmerston Park, Tiverton.

The Area Planning Officer outlined the contents of the report stating that the site proposed was extremely challenging in terms of its steep location but that successful development would lead to the provision of 26 affordable dwellings. Objections had been received regarding loss of privacy to neighbouring gardens but this had been dealt with by a condition relating to close board fencing. Arrangements regarding bin access and movement had also been dealt with.

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

(Proposed by Cllr S G Flaws and seconded by Cllr J D Squire)

Notes:



(i) Cllr R L Stanley declared a personal interest and left the meeting for the duration of this item, as he was Cabinet Member for Housing and this was a Housing Revenue Account application.

(ii) \* Report previously circulated; copy attached to the signed Minutes.

**38 APPLICATION 15/00004/TPO - TREE PRESERVATION ORDER - ALEXANDRA LODGE, OLD ROAD TIVERTON (03:36:20)**

The Committee had before it a report \* of the Head of Planning and Regeneration regarding the confirmation of a Tree Preservation Order at Alexander Lodge, Tiverton. This was made in response to a proposed development on the Alexandra Lodge site. The Order specifically protected the three more significant trees on the site due to their perceived amenity value.

**RESOLVED** that the Tree Preservation Order be confirmed.

(Proposed by the Chairman)

Notes:

(i) Cllr R L Stanley declared a personal interest as his wife was a Director of the Tiverton Alms House Trust which was the owner of Alexandra Lodge.

(ii) \* Report previously circulated; copy attached to the signed Minutes.

**39 APPLICATION 15/00005/TPO - TREE PRESERVATION ORDER - RECREATION GROUND, SAMPFORD PEVERELL (03:40:52)**

The Committee had before it a report \* of the Head of Planning and Regeneration. The Tree Preservation Order had been made in response to a Conservation Area tree works notification that was made in respect of a number of trees on the site at the Recreation Ground, Lower Town, Sampford Peverell. Two letters of objection had been received in relation to the Tree Preservation Order.

**RESOLVED** that the Tree Preservation Order be confirmed.

(Proposed by the Chairman)

Notes:

(i) Cllr Mrs H Bainbridge declared a personal interest as she had attended a meeting of Sampford Peverell Parish Council the previous evening where there had been objections to the Tree Preservation Order being confirmed.

(ii) Cllrs Mrs H Bainbridge and Mrs C Collis requested that their abstention from voting be recorded.

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

**Update sheet**



(The meeting ended at 6.20 pm)

**CHAIRMAN**

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**PLANNING COMMITTEE  
26 AUGUST 2015**

**MANOR HOUSE HOTEL 2-4 FORE STREET CULLOMPTON  
ENF/14/00142**

**Cabinet Member**                      Cllr Richard Chesterton  
**Responsible Officer**                **Head of Planning and Regeneration**

**Reason for Report:** To update members on the latest situation regarding the repair works at The Manor House Hotel, 2-4 Fore Street, Cullompton and to seek authority to serve an urgent works notice in the event that current work stalls.

**RECOMMENDATIONS:**

- i) **That delegated authority be given to the Legal Services Manager in conjunction with the Head of Planning and Regeneration to take legal action to include the service of an urgent works notice or notices if satisfactory progress is not made to undertake and complete works to the building. In the event of failure to comply with the urgent works notice or notices the consideration of prosecution proceedings, the issue of injunction proceedings or direct action.**
  
- ii) **That delegated authority be given to the Legal Services Manager in conjunction with the Head of Planning and Regeneration to specify the requirements of the urgent works notice.**

**Relationship to Corporate Plan:**

Thriving economy- regeneration and improvement of market towns

**Financial Implications: As set out in Section 4.**

**Legal Implications: As set out in section 3.**

**Risk Assessment:** Without further intervention the risks are that the future of the building will remain uncertain with further deterioration to the detriment of its fabric; the building will continue to detract from the setting of the recently restored Grade I listed building of The Walronds as well as the appearance of the wider Cullompton Conservation Area; the closure of Tiverton Road will be unnecessarily extended with ongoing inconvenience to residents and local businesses.



## 1.0 BACKGROUND INFORMATION.

- 1.1 The Manor House Hotel comprises two linked buildings; the first a four gabled Grade II\* listed medieval building dating from 1603 and extended in 1718; the second a Grade II listed 19<sup>th</sup> century building which may retain some earlier fabric. The Hotel is located in the Cullompton Conservation Area in a prominent position in the town centre.
- 1.2 The Manor House Hotel is part of a row of high grade listed buildings on the west side of Fore Street, including the recently restored listed Grade I The Walronds and Grade II\* The Merchants House.
- 1.3 At the meeting of Planning Committee on 5 November 2014 the service of a Repairs Notice on the owner of The Manor House Hotel in Fore Street Cullompton was authorised. The notice was served because the condition of the building, particularly the structural stability of the oldest part of the building at the junction of Fore Street and Tiverton Road was giving rise to concern. The notice gave two months for specified works that are reasonable necessary for the proper preservation of the building to be undertaken. This

two month period expired on 2nd February 2015. Whilst some of the specified works have started, they have not so far been undertaken in their entirety. Works required under the notice were:

- i) to investigate and assess the condition of the building including identification of the underlying causes of structural movement observed;
- ii) to repair various areas of stonework and cob; to repair window lintels and timber floors. All works to address the structural issues must be in accordance with the structural engineer's recommendations.
- iii) treatment of any timbers affected by insect attack or rot, repair of damaged decorative plaster work, repairs to glass and leadwork of windows and overhauling of the rainwater goods.

1.4 A further report was considered at the meeting of Planning Committee on 4<sup>th</sup> March 2015, at which it was resolved:

- i) If within 2 weeks of the date of this meeting, the property owner's structural engineer has not completed a report of the structural investigations and compiled a schedule of works and submitted them to the Local Planning Authority, then the Council appoint a structural engineer to undertake structural investigations and compile a schedule of remedial works.
- ii) That the Council gain valuations of the property as set out in the report.
- iii) That a further report be brought before Planning Committee once the results under i) and ii) are available with updated options for further action including the consequences of compulsory purchase and any back to back sale including valuation and costs.

1.5 The owner of Manor House Hotel has appointed the specialist structural engineer who has carried out the initial assessment of the building, a detailed investigation of the causes of the structural problems and has investigated the structural concerns and specified remedial works. These investigations and remedial works were specified within Listed Building consent application Listed Building Consent 15/00544/LBC for structural repairs to masonry, involving part demolition and rebuilding of the north east corner and removal of the existing cement render to the north elevation. Listed Building Consent was granted on 1st June 2015.

1.6 English Heritage has assessed the building with a view to including the property on the register of Heritage at Risk. A building on the register of Heritage at Risk would be eligible to apply for grant aid although the amount of money that English Heritage has available is limited and there are very stringent requirements associated with any grant offered including production of a conservation management plan for the future of the building as well as detailed studies of all elements of the fabric.

1.7 The property is currently for sale and actively being marketed by the owner.

## 2.0 RECENT EVENTS.

- 2.1 Following a report of further cracking, an assessment was carried out by the authority's Building Control officers in mid January 2015. This led to the closure of Tiverton Road and part of Fore Street on safety grounds and the subsequent scaffolding of the cracked stone corbelling at the corner of Fore Street with Tiverton Road. The scaffolding system was designed by the owner's structural engineer to provide support to the corner of the building.
- 2.2 Following investigation by the applicant's structural engineer, a specification of works and mitigation measures were compiled to address the most immediate issue of the corner of the building. These were incorporated into a listed building consent application which was granted.
- 2.3 Works started on site to implement the listed building consent in late July 2015. However removing render from the Tiverton Road elevation revealed additional stonework in poor condition. The outer face of the stone was unstable. As a result a larger area of wall / stonework will need to be dismantled and rebuilt. In order to do this, the scaffolding has been reconfigured to support the weight of the front and side of the building and has also been supplemented by internal scaffolding to give additional support. It has also been designed to allow the storing and sorting of removed stone at height before rebuilding. The revised scaffolding scheme has been constructed and structural works on site resumed on 3<sup>rd</sup> August 2015. The contractor estimates that this phase of the overall works needed to the building will take in the order of six weeks. However this timescale is dependent upon no further problems being found as the works progress.
- 2.4 The repairs notice also included a requirement for treatment of any timbers affected by insect attack or rot, repair of damaged decorative plaster work, repairs to glass and leadwork of windows and overhauling of the rainwater goods. The latter is reliant upon scaffolding to implement the works to guttering and downpipes and should be scheduled to take place with the stonework repairs. These aspects of the repairs notice remain outstanding although we have received verbal confirmation that the owner has now instructed these to take place. This has not yet been received in writing.
- 2.5 A knock on effect of the structural problems with the building and scaffolding on site has been the restriction in the use of Tiverton Road. Until recently Tiverton Road was closed for use other than by the emergency services and pedestrians. The revised scaffolding erected in late July has been designed to take more of the weight of the building and accordingly projects further into Tiverton road. It allows for the sorting of removed stone at height. Access for emergency vehicles is not available at present although pedestrian access has been retained.
- 2.6 In order to reduce congestion and other traffic related impacts during the period of Tiverton Road closure, Devon County Council as Highway Authority has issued a temporary traffic regulation notice restricting waiting , loading and unloading in parts of Fore Street between 07:30 – 10:00, 14:00 – 20:00 Monday to Friday and 10:00 – 17:00 Saturday and Sunday. These restrictions are intended to remain in place for 18 months or until Tiverton Road can be reopened to traffic, whichever is sooner.

2.7 The Conservation Officer is inspecting the works weekly. In the time of writing this report works are progressing well and in accordance with the estimated timescale. Both the Conservation Officer and representative from Historic England have inspected work on site and are satisfied with progress as of 13<sup>th</sup> August.

### 3.0 **UPDATE: OPTIONS AVAILABLE FOR FURTHER ACTION OR REMEDY.**

3.1 The report considered at Planning Committee on 4<sup>th</sup> March 2015 identified a range of options available for further action and was written at a time when detailed investigation of the structural problems had not taken place and no mitigation measures had been specified. The options considered at that stage were:

- Take no action.
- Section 2015 notice (untidy land).
- Compulsory purchase.
- Sections 77 and 78 Building Act 1984.
- Section 54 urgent works notice.
- Allow the owner more time for the completion of structural investigation and for remedial works to be specified.
- That the Council appoint an independent structural engineer to investigate and specify works.

3.2 Authority was gained for the Council to appoint a structural engineer to undertake the necessary investigations and compile a schedule of remedial works if this information was not forthcoming from the owner's structural engineer. The work in question was subsequently undertaken and delivered by the owner's structural engineer.

3.3 Options available for action have been updated below to take account of the latest position.

#### 3.4 **Take no action.**

3.4.1 Scaffolding is in place to support the fabric of the building and safeguard public safety. Whilst works are in progress, they have not yet been completed and the underlying condition of the building is still cause for concern. **No action is still not considered appropriate in this case as public safety has only been addressed in the short term with the addition of the scaffolding, as structural works are not completed, the scaffolding is resulting in road closure and associated inconvenience and the appearance of the property / scaffolding is detrimentally affecting the town centre and Conservation Area of Cullompton. Whilst verbal confirmation has been received of an intention to undertake other works in the repairs notice, no written details to date have been received nor this aspect of the works completed.**

#### 3.5 **Section 215 Town and Country Planning Act 1990 (Untidy Land).**

3.5.1 A notice may be served under s215 of the Town and Country Planning Act where the local planning authority considers that the amenity of part of their

area is adversely affected by the condition of land. A notice would need to set out works to remedy the condition of the land, but can only require works that relate to the visual appearance as seen from public vantage points, or in this case, the front and side elevation to Tiverton Road. No other works can be required as they would be deemed excessive and as a result the notice could fail in the event of any subsequent appeal under the provisions of Section 217 (c). The structural condition therefore is not able to be addressed through this notice. In addition it is the scaffolding, rather than the appearance of the building itself that is adversely affecting the amenity of the area. However were works to cease having only partly been completed, the external appearance of the building could be cause for concern. **The serving of a s215 notice under the Town and Country Planning Act 1990 is not considered to be appropriate at this time.**

### 3.6 Compulsory Purchase.

- 3.6.1 Local authorities have a range of legal powers to compulsorily acquire land in their area. Section 47 of the Planning (Listed Building and Conservation Areas) Act 1990 Act gives this power where it appears that reasonable steps are not being taken for properly preserving a listed building. A compulsory purchase order must be authorised by the Secretary of State. If the owner objects, he may apply to the Magistrates' Court for an order to stay compulsory purchase proceedings. The owner has a right of appeal to the Crown Court against the decision of the Magistrates' Court over this order. Compensation is payable to the owner if compulsory purchase action is taken. If the authority considers that the building has been deliberately allowed to fall into disrepair for the purpose of justifying its demolition and the development / redevelopment of the site, it may include in the compulsory purchase order a direction of minimum compensation.
- 3.6.2 The issuing of a Repairs notice is a required first step to acquisition of the building under these compulsory purchase powers. In this instance a Repairs notice was issued giving two months for specified works that are reasonably necessary for the proper preservation of the building to be undertaken. This two month period expired on 2nd February 2015. The authority is now able to begin compulsory purchase proceedings under Section 47 as referred to above.
- 3.6.3 Further guidance on the use compulsory purchase powers lie within Circular 06/2004. Important in any consideration of compulsory purchase is the following guidance taken from the circular:
- i) An order should only be made where there is a compelling case in the public interest and should be regarded as a last resort measure in the event that attempts to acquire by agreement fail. The public benefit needs to outweigh the private loss as the human rights of the landowner will be interfered with, for which justification is required.
  - ii) The authority should first seek to resolve the planning issue by other means.
  - iii) The acquiring authority needs to show that it has a clear scheme for the use of the land, that the resources including funding are in place to achieve the scheme within a reasonable time-scale.



- iv) The authority will need to demonstrate that there is a reasonable prospect of the scheme going ahead and that impediments such as consents are in place or are unlikely to be withheld.
- v) The authority should first seek to acquire the land by negotiation. Informal negotiations with the owner can be undertaken in parallel with making preparations for compulsory purchase.

3.6.4 On the 4<sup>th</sup> of March 2015 Committee resolved to gain valuations of the property and that a further report be brought before Planning Committee once the results of structural investigation and valuation were available with updated options for further action including the consequences of compulsory purchase and any back to back sale including valuation and costs.

3.6.5 The property is currently being marketed for circa £625,000 without much of the rear parking area. The Council has secured a valuation of the property from a specialist valuer experienced in public houses and hotels. Details of the valuation together with the associated assumptions that underlie it will be provided to Committee at the meeting verbally under restricted Part 2 information due to its sensitive financial nature.

3.6.6 Whilst the Council has gained a valuation for the property, the scope and therefore cost of overall works needed to the property as a whole are still not clear. The works taking place to date are limited to those that address the most immediate structural problems with the building. Further works are needed to comply with the full requirements of the repairs notice together with other non-urgent repairs and maintenance. A full specification of such works is not currently available. The owner has authorised the most urgent structural works including the removal of the render from the Tiverton Road elevation to reveal the stonework /cob beneath. We have just received verbal confirmation that the owner has instructed timber treatment and rainwater system repairs. The cost of further works is therefore also currently unknown.

3.6.7 Officers are of the view that the 'last resort' stage has still not yet been reached, particularly as certain works are currently taking place and other powers such as the serving of an urgent works notice have not yet been exhausted. Initiation of compulsory purchase at this stage would be premature. **Formal compulsory purchase action is still not appropriate at this stage, however preparatory work can continue in the background and would benefit any such formal action that may be reconsidered in the future.**

### 3.7 Sections 77 and 78 Building Act 1984

3.7.1 Where a building (or part of) is in a dangerous condition, the authority may apply to a Magistrates' Court under section 77 of the Building Act 1984 for an order. Where the danger arises from the condition of the building, the order can require the owner to undertake works to obviate the danger or if he elects, demolition of the building, or any dangerous parts of it and remove any rubbish resulting from the demolition. If the order is not complied with within the required timescale, the local authority may undertake the works and recover the expenses reasonably incurred. (Listed Building Consent would be required before the building could be demolished).

- 3.7.2 Works to be specified under such an order can only be those necessary to make the building safe. The scope of works cannot extend beyond this. Before making such an order, Councils are required under section 56 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to consider whether instead they should take action under this latter legislation by way of compulsory purchase following the issue of a Repairs Notice or the issue of an Urgent Works Notice.
- 3.7.3 Where a building or part of a building is dangerous and immediate action should be taken to remove the danger, the authority may take step in to do the works and recover the cost from the owner under section 78 of the Building Act 1984. Notice of the intention to do works should be given to the owner in advance if reasonably practical. In order to recover the expenses of the work, the authority must demonstrate to the court why proceedings could not take place under section 77. If the court determined that section 77 powers could have been used instead, the cost of works to the authority is not recoverable. Furthermore the owner may apply to the Magistrates' Court to determine whether the authority was justified in using powers under this section. If the court determined not, the owner is entitled to compensation for any damage sustained.
- 3.7.4 **Action under sections 77 or 78 is still not considered appropriate at this time, as action via an urgent works notice has not taken place. In addition works to address the dangerous condition of the building are currently taking place.**
- 3.8 **Section 54 Urgent works notice**
- 3.8.1 Section 54 of the Planning (Listed Building and Conservation Areas) Act 1990 allows for a local authority to undertake urgent works necessary for the preservation of a listed building in their area. If the building is occupied, works may only take place to those parts that are not in use. The Council has been advised that the area of the building in question is not in use.
- 3.8.2 The owner must be given no less than 7 days' notice in writing of the intention to carry out the works through the issue of a notice specifying the proposed works. The cost of the works is recoverable from the owner. The owner may apply to the Secretary of State for a determination on the cost of the works:
- i) That some or all of the works are unnecessary for the preservation of the building;
  - ii) That in the case of works for temporary support or shelter, that the temporary arrangements have continued for an unreasonable length or time;
  - iii) That the amount specified in the notice is unreasonable;
  - iv) That the recovery of that amount would cause him hardship.
- 3.8.3 Action under section 54 was previously not considered appropriate at that time as information was not available about the cause of the structural problems with the building and it was not possible to specify detailed works to address the safety concerns. This situation has now changed as structural assessment has now taken place, a specification of works and a scheme of

mitigation has been agreed. Works are currently taking place. At present they are proceeding in accordance with the timescale provided by the contractor for this stage. Having inspected the works, officers consider that satisfactory progress is being made to date. However there is an ongoing concern that works may cease or not be completed within a reasonable timescale. In order to safeguard against this, officers recommend that authority be given for the issue of an urgent works notice if required so that the Council control the timing of these works by having the ability to step in to ensure their completion. It is intended that such authority would only be implemented in the event of unsatisfactory progress with works or if they cease with no immediate prospect of resumption.

3.8.4 The scope of works within such a notice is that they are 'urgently necessary' and would be likely to cover the following:

- Measures to make the building safe from structural collapse.
- Measures to make the building weather tight.

It is also recommended that delegated authority is given for a specification of the works required within the Urgent Works Notice. It is expected that this would be drawn up with specialist conservation advice from officers and Historic England.

3.9 **Allow the owner more time for the completion of structural investigation and for remedial works to be specified.**

3.9.1 This previous option is considered out of date and no longer appropriate.

3.10 **That the Council appoint an independent structural engineer to investigate and specify works.**

3.10.1 This option is considered out of date and no longer appropriate.

#### 4.0 **FINANCIAL IMPLICATIONS.**

4.1 Historic England encourages local authorities to serve Urgent Works Notices on owners who allow historic buildings to fall into an unacceptable state of decay as soon as the need for them becomes apparent. Grants are available to local authorities to both serve such a notice and if necessary for the local authority to carry out the works required themselves. Historic England will consider applications from local authorities for grants to underwrite up to 80% of the cost of undertaking urgent works including essential professional services bought in and where necessary the cost of carrying out the urgent works.

4.2 In the event that the local authority needs to step in do works urgently necessary for the preservation of a listed building, their expense can be recovered from the building owner.

4.3 Historic England is also keen to encourage authorities to follow Repairs Notices through until the future of a building that is at risk has been secured. To this end they will also consider underwriting up to 80% of the costs of acquisition through compulsory purchase procedures with eligible costs

including professional services as well as the purchase price. Any grant offer would be dependent upon the local authority having a convincing strategy for resolving the long term future of the listed building, including where the building effectively has a negative value that “conservation deficit” can be funded.

4.4 Officers have discussed the option of applying for a grant from Historic England as set out in 4.1 above with the local office in Bristol to establish whether the case would be a priority for support. Whilst a formal grant application process would need to be gone through, early indications are encouraging.

4.5 Since the condition of The Manor House Hotel was last considered at the meeting on 4<sup>th</sup> March 2015, works to address the most immediate structural issues have commenced. These works and others required under the repairs notice are not complete, but progress is being made. There remains concern over the condition and appearance of the property although the immediate structural issues are being addressed. A valuation exercise has been undertaken based on certain assumptions about the cost of the works. However no formal costing of the works underway or for the wider required works has yet taken place. A cost benefit type analysis would be needed for compulsory purchase purposes together with an understanding of the residual value of the property after taking the cost of works fully into account. The heritage significance of the building would also be taken into account in such an analysis. This is particularly important in any application that the owner may wish to make for its demolition in the event that the cost of repairs is greater than its monetary value. The services of a structural engineer and quantity surveyor would need to be secured to inform this. Additional historic building conservation resource may also be required.

## 5.0 HUMAN RIGHTS AND EQUALITY ISSUES:

5.1 Many of the actions being considered in relation to this report could affect the land/property and the owner’s rights under the provisions of Article 8 and Article 1 of the First Protocol of the Human Rights Act 1998. However, the Local Planning Authority feels it is pursuing a legitimate aim in seeking to ensure the preservation of a high grade listed building, so as to prevent demonstrable harm to interests of acknowledged importance and to protect the environment.

5.2 The Human Rights provisions in relation to this case are qualified rights and the interference with those rights is considered to be proportionate so as to protect harm to the visual amenity identified. The steps proposed in the recommendations are considered proportionate and expedient way forward.

## 6.0 CONCLUSIONS.

6.1 The immediate concerns relating to the safety of the site have been addressed following the erection of supportive external scaffolding which has now been revised in design terms and supplemented by internal scaffolding. Works are also currently taking place to address the structural problems with the corner of the building onto Fore Street / Tiverton Road. However these

works are not yet complete. There has already been a short period of inactivity whilst revised specifications were drawn up and for the receipt of revised instructions from the owner. The works currently do not cover all elements specified within the repairs notice although it is understood that the timber treatment and rainwater system works required in the repairs notice are to be undertaken as an addition to the current works. To date neither written confirmation nor details of these works have been received. There are therefore further outstanding works that can be regarded as being urgently necessary.

- 6.2 Revised analysis of options for further action lead officers to conclude that despite recent progress on site, delegated authority should be sought for the issue of an urgent works notice. This would only be served in the event that satisfactory progress to undertake and complete works to the building does not continue. This is a high grade listed building the preservation of which needs to be secured. In addition inconvenience is being experienced in Cullompton through road closure and there is also a detrimental appearance of the site within the town centre and Conservation Area. The intention is to draft a specification of works for the notice in the event this it needs to be served.
- 6.3 Through this requested delegated authority the Council will gain a fall-back position that will secure control over the timescale for works as the Council will have the ability to step in and undertake them if not completed by the owner. Grant assistance for up to 80% of the cost of the works may be available from Historic England.

**Contact for more Information: Sue Warren 01884 234391 / Jenny Clifford 01884 234346**

**Circulation of the Report: Cllr Richard Chesterton, Members of Planning Committee**

**List of Background Papers: Planning Committee 5th November 2015 and 4<sup>th</sup> March 2015.**

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## PLANNING COMMITTEE AGENDA - 26th August 2015

### Applications of a non-delegated nature

<u>Item No.</u>	Description
1.	<p>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 at Land at NGR 295599 122818 (North of Bouchier Close), Bampton, Devon.</p> <p><b>RECOMMENDATION</b> Refuse permission.</p>
2.	<p>15/01133/TPO - Application to pollard to 3m 1 Holm Oak tree protected by Tree Preservation Order 80/00001/TPO at Land at NGR 294835 112898, (Adjacent To Shortridge Mead Flats), Patches Road.</p> <p><b>RECOMMENDATION</b> Grant consent subject to conditions</p>

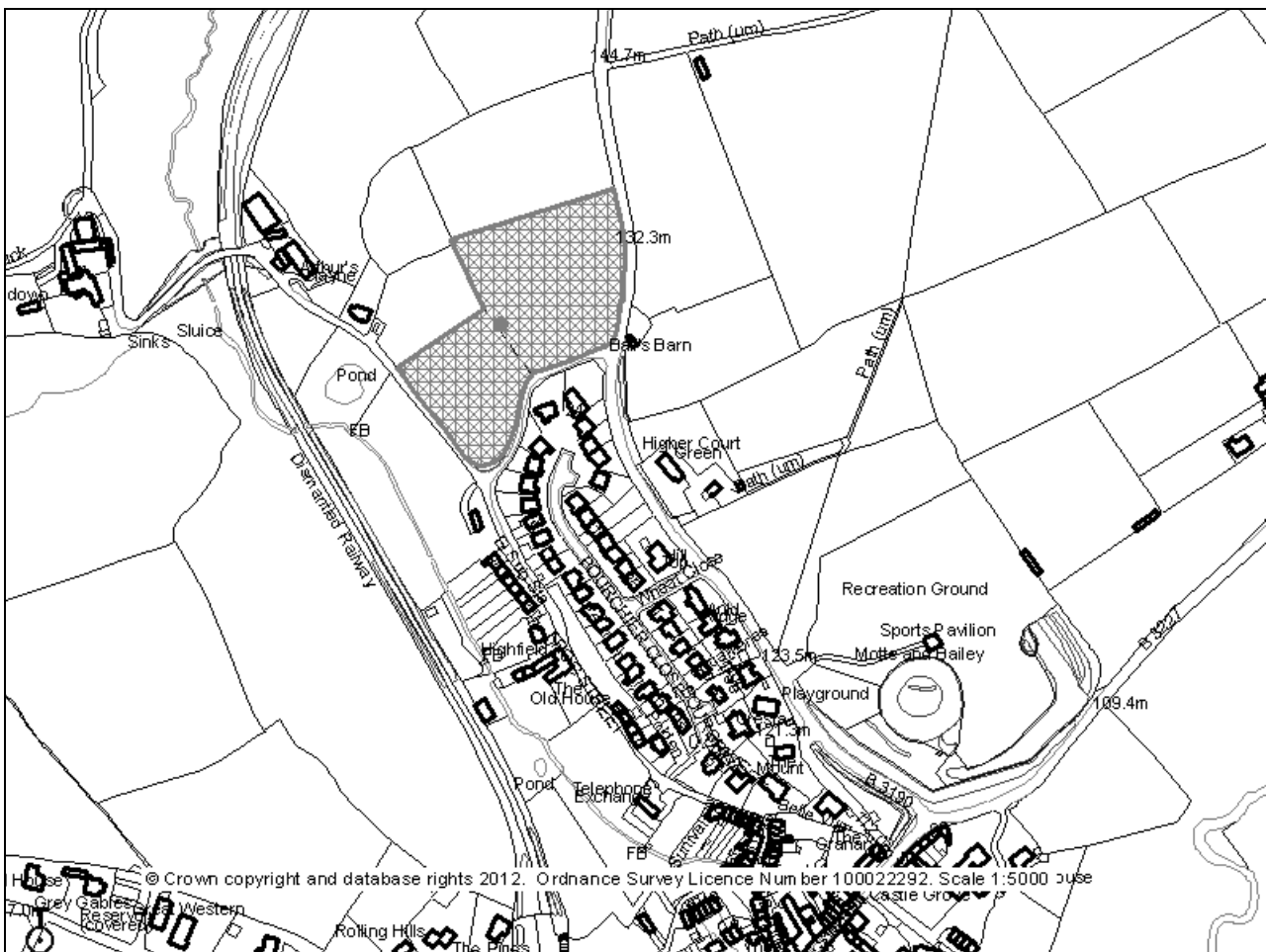
**Grid Ref:** 295599 : 122818

**Applicant:** Summerfield Developments (SW) Ltd

**Location:** Land at NGR 295599 122818 (North of Burchier Close) Bampton Devon

**Proposal:** 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

**Date Valid:** 10th March 2015





## **Application No. 15/00391/MOUT**

### **RECOMMENDATION**

Refuse permission.

### **PROPOSED DEVELOPMENT**

The proposal is an outline application for between 15 and 20 dwellings and up to 2500 square metres of B1 floor space on 1.47 hectares of agricultural land on the northern side of the village of Bampton.

All matters are reserved except access. Vehicular access is shown from the B3190 with an additional pedestrian footpath being provided linking the south east corner of the site with Frog Street.

The site comprises two sloping pasture fields and comprises the southern two fields of a larger mixed use allocation. There are strong boundary hedges although the ground rises above these hedges in places and these higher parts of the site are particularly visible from the B3190.

The larger site of 2.4 hectares is currently allocated under policy AL/BA/2 of the Allocations and Infrastructure DPD for 40 dwellings with 35% affordable housing and 4000 square metres of employment floorspace.

The emerging Local Plan Review 2013-2022 Proposed Submission ("Local Plan Review" does not propose to carry this allocation forward.

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

Design and access statement  
Phase 1 land contamination report  
Planning statement  
Landscape and visual assessment  
Flood risk assessment  
Ecological impact assessment  
Transport statement  
Tree constraints plan and report

### **PLANNING HISTORY**

80/01593/OUT Outline for residential development, 5.67 acres - REFUSE

12/01032/MOUT Outline hybrid planning application to redevelop part of the site for 45 dwelling houses (residential development) and part of the site for 4000 square metres of employment floorspace (commercial development). All details (access, appearance, landscape, layout and scale) are proposed for the residential element and all matters are reserved except access for the commercial development - REFUSE

### **DEVELOPMENT PLAN POLICIES**

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

COR1 - Sustainable Communities  
COR2 - Local Distinctiveness  
COR3 - Meeting Housing Needs  
COR4 - Meeting Employment Needs  
COR11 - Flooding  
COR16 - Bampton

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

AL/DE/3 - Affordable Housing Site Target  
AL/DE/4 - Occupation of Affordable Housing  
AL/DE/5 - Inclusive Design and Layout  
AL/IN/3 - Public Open Space  
AL/IN/5 - Education Provision  
AL/IN/6 - Carbon Footprint Reduction  
AL/BA/2 - Bourchier Close

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

DM1 - Presumption in favour of sustainable development  
DM2 - High quality design  
DM3 - Sustainable design  
DM7 - Pollution  
DM8 - Parking  
DM28 - Green infrastructure in major development

## **CONSULTATIONS**

BAMPTON TOWN COUNCIL - 7th May 2015 - Bampton Town Council strongly object to this planning application for the following reasons:-

- This site is to be deleted from the proposed Local Plan, as Bampton has been classified as a village and is now only required to take developments commensurate with its own needs.
- This site has poor access from both the B3227 and the B3190. Roads are narrow and steep, there are no pavements and no room to put pavements in, the area is poorly lit at night.
- The current sewage system is already over-loaded.
- The site is steep and the proposed arrangements to deal with drainage and run-off water are inadequate and likely to cause flooding lower down in the town itself.
- Bampton school and the surrounding schools are over-subscribed already.
- There is no need for more employment land as there is plenty currently available in Bampton at the present time.
- There is considerable local feeling against this proposal, as there was at the previous application in 2012.
- There should be a condition imposed on this site whereby a developer is required to indemnify Bampton residents for flood damage attributable to any future activity on this site.

HIGHWAY AUTHORITY - 9th July 2015 - I am in receipt of drawings 1405-84-SK01 rev C which I am happy with the layout and content and should consent be granted should be conditional of any consent. I am also in receipt of 0540-1002 which does not reflect the internal road network shown on 1405-84-SK01 rev C insofar as the footways shown on the TPA drawing are not included on the Illustrative master plan, and should be for it to be acceptable. Therefore I cannot accept plan 0540-1002. However as the internal development is a reserved matter provided plan 1405-84-Sk01 rev c is conditioned I would raise no more objections to the highway layout. It is for the Flood management Authority to consider the drainage.

22nd June 2015 - The footpath to frog street shows that we have a 1:12 set of enlarged steps and I am ok with this the road itself can be covered by the standard estate road condition so I am ok.

15th April 2015 - The Local Planning Authority will be aware of previous comments made by the Highway Authority in respect of this allocated site in the local plan. The Application before us is for residential use and B1 commercial use applied for in outline with all matters reserved except access. As such the details of the access proposals would be acceptable for the uses applied for.

However the proposal indicates access to the remaining allocation and this is allocated for potential B2 and B8 use classes; such uses would necessitate an arrangement which would require greater radii in the access junction and the indicative layout would need to serve the site with a minimum of 5.5m carriageway, segregated footways either side, and a demonstration of the swept path of an articulated vehicle at all

junctions. It is for the Local Planning Authority to consider the emerging Local plan and changes to the existing allocations as to whether or not the reduced size of the allocation is acceptable without the need to provide for the wider site allocation.

The applicant should also consider the internal layout of the uses. The Highway Authority has concerns for highway safety in locating the B1 use in a part of the site which would necessitate all the commercial traffic conflicting with the residential use and would advise that the B1 use should be located off the initial access to serve this site and the wider allocation, and the majority of the residential use served from lesser residential roads. The Highway Authority would also seek greater details over the infiltration basin in particular a full set of ground water testing results (nominally 12 months of survey data) which should be submitted with any reserve matter application to show that the soak away element of the drainage proposals are acceptable.

Therefore should the application be acceptable without the need to serve the wider allocation then the access from the public highway will be acceptable and the Highway Authority would welcome the opportunity to provide conditions for the delivery of the internal road network. If the further allocation is still to be served as indicated by the illustrative proposals then further information is required in terms of design layout and swept paths analysis and the illustrative layout should be amended to cater for the articulated vehicles. The Highway Authority would seek an amended layout to overcome the concerns of conflict for the current proposals or a suitable condition.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, IS LIKELY TO RECOMMEND REFUSAL OF PLANNING PERMISSION, IN THE ABSENCE OF FURTHER INFORMATION

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

A) access,

B) road layout,

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

ENVIRONMENT AGENCY - 7th July 2015 - The proposed strategy for managing surface water, as designed by Gary Gabriel Associates Consulting Structural and Civil Engineers, is to attenuate runoff in an attenuation area, and provide some permeable pavement. If the developer doesn't have the ability to construct the outfall to the Shuttern Brook then an alternative scheme for the management of surface water will have to be put in place which may require the site layout to be altered from that proposed.

The permeable pavements construction proposed is quite shallow in nature, approx 500mm deep being quoted within the applicants flood risk assessment. Problems with seasonal variations in ground water levels are likely to be less of a risk, compared with deeper soakaways for example.

Please note that the Environment Agency is not a formal Suds approval body and our role is to ensure that Suds principles are delivered, as endorsed within the National Planning Policy Framework, rather than formally endorsing whatever measures are ultimately proposed. We can however advise that the current design aligns in broadest terms with current best practice, including 'The SUDS manual 2007 CIRIA c697'. However, as stated earlier, if the proposer doesn't have the ability to construct the outfall to the Shuttern Brook then an alternative scheme for the management of surface water will have to be put in place which may require the site layout to be altered from that proposed.

2nd April 2015 - No objections to the proposal providing development proceeds in accordance with the submitted Flood Risk Assessment.

The drainage strategy, as shown on Drawing 32616 C.01 Rev - by Gary Gabriel Associates, contains much good practice and aligns with sustainable drainage techniques. We advise that you obtain written assurances that the suds features, including the elements of permeable paving, will be adequately maintained for the lifetime of the development prior to determination of the application.

ENVIRONMENTAL HEALTH - 9th July 2015 - The developer should take note of the recommendations regarding Radon protection and possible further investigation, however, other than that I have no further objections to this proposal.

2nd April 2015

Contaminated Land - Phase 1 CL survey will be required

Air Quality - no objections to this proposal

Waste & Sustainability

Drainage - no objections to this proposal

Noise & other nuisances - no objections to this proposal

Housing Standards - no objections to this proposal

Licensing - Not applicable

Food Hygiene - Not applicable

Private Water Supplies - Not applicable

Health and Safety - no objections to this proposal

DEVON COUNTY EDUCATION - 25th March 2015 - A contribution towards education infrastructure via a Section 106 Agreement would be sought.

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

The primary school within 1.5 mile radius of this development currently has sufficient capacity for the pupils expected from this development. Therefore no contribution is required at this time, we will however take a fresh look at this situation at the school when planning approval is sought.

The secondary school within the development area is Tiverton High School which currently has very limited capacity for the secondary aged pupils expected to be created by this development, therefore a contribution would likely be sought to the sum of £2736.15 per dwelling which will be used towards providing for Secondary School facilities required as a result of this development.

As this development is outside the recognised safe walking distance to school we will seek the School Transport Costs for the Secondary aged pupils likely to be created by this development to the sum of £8.63 per day

A breakdown of these costs are as follows

#### SECONDARY SCHOOL TRANSPORT

£8.63 per pupil per day x 190 days in academic year x 5 years in secondary school x 3 pupil generated by this development = £24,595.50

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

DEVON & CORNWALL POLICE AUTHORITY - 23rd March 2015 - Although it is acknowledged as an outline application, it may be indicative of the actual proposal. The Police have two concerns:

There are 33 parking spaces serving the B1 aspect, which in its self is obviously acceptable, but to have such a space within a housing development will statistically lead to community conflict in the evenings. This can be "boy racers" finding a new space to meet, show off with the driving skills (doughnuts) loud music and over use of their horns. This car space would have to be gated with a sustainable gating system out of working hours, consideration of strategically placed planters to deter anti social driving.

There is a parking court with 13 spaces (NE aspect) with limited surveillance. 10 spaces if really necessary is the recommended maximum.

HOUSING ENABLING & BUSINESS SUPPORT MANAGER - 16th June 2015 - In terms of Housing Need I have the following information from our Devon Home Choice Waiting List.

1 bed need = 14 in bands A-D (additional 16 in E band)  
2 bed need = 3 in bands A-D (additional 14 in E band)  
3 bed need = 3 in bands A-D (additional 6 in E band)

Therefore I would want to see 35% affordable with a mix that reflected the need above.

NATURAL ENGLAND - 30th March 2015

Statutory nature conservation sites - no objection

Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes. Protected species We have not assessed this application and associated documents for impacts on protected species.

Natural England has published Standing Advice on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy.

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation. The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence is needed (which is the developer's responsibility) or may be granted.

Local sites

If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application. Biodiversity enhancements. This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) of the same Act also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'.

LEAD LOCAL FLOOD AUTHORITY - 28th May 2015 - No comments

## REPRESENTATIONS

45 objections summarised as follows:

1. There is no justification for this development. The site was allocated when Bampton was classified as a "market town" and required to take a share of the District's development. The Local Plan under review has reclassified Bampton as a "village" which is only required to take development to meet its own needs.
2. Increase in likelihood of flooding further downstream; Bampton historically at risk of flood. Provision of SUDS may be sufficient with normal rainfall with Devonshire Homes previous application highlighted difficulties with terrain and these systems; not certain that groundwater will not be

- diverted by groundworks
3. Discharging surface water into the Shuttern Brook will increase flooding downstream which is already a problem.
  4. The Highway Authority has said that the information submitted is inadequate and access, road layouts and surface water drainage plans are unacceptable.
  5. Sewage system would need upgrading which will shortly be at capacity; old sewage pipes back-flow when surface water is high
  6. Lack of infrastructure for increased traffic during and after construction; frequent congestion in Castle Street exacerbated by large service and agricultural vehicles
  7. Any increase in traffic movements will impact on traffic circulation through the town and increase danger to pedestrians
  8. There is no footway between the site and Bampton along the B3190 which is an easier walking route than along Frog Street.
  9. Parking in Bampton is already stretched
  10. No proposal to install a new footway between Frog St and Bouchier Close making access to the recreation ground and children's play area at the castle very dangerous
  11. Frog Street will become a rat run.
  12. Access to the site is steep and people living at the site will of necessity have to have a vehicle; Frog St is narrow, winding and dangerous for pedestrians having no footway
  13. The proposed access is close to a dangerous bend and the blind brow of a hill making it hazardous
  14. There is doubt that the Tiverton-Bampton bus service could cope with the increase in demand; the bus service is hourly and stops early evening.
  15. The Police have said that the layout will attract boy racers.
  16. The development of this site is not sustainable
  17. The development would alter the precious landscape within which Bampton sits which is greatly admired by visitors and forms part of a scenic route through to Haddon Hill, Wimbleball Lake and beyond; historic Bampton castle with motte and bailey nearby; tourism and the employment it brings are integral to Bampton's business viability
  18. The site is in an extremely prominent location visible from miles around and its development would seriously harm views of Bampton from the Morebath Road.
  19. The site is visually detached from the rest of Bampton.
  20. Any development of Bampton should be organic and complement its existing character not be in collision with it.
  21. The development will destroy a lovely greenfield and wildlife corridor visible from the Exe Valley walking route.
  22. The development would result in the removal of trees and habitats for wildlife.
  23. Local Councillors, Bampton Town Council and the residents of Bampton did not support this site as an allocation
  24. The site is outside the natural boundary of Frog Lane - development here will materially alter the town's character and intrude into unspoilt countryside
  25. The site is agricultural land which the Environmental Secretary has said must be protected
  26. The principles of COR16 will not be met.
  27. There is no need for more employment units as there are unused units in the village at Scotts, Station Road and West Street. When employment units are not taken, up the applicant will come in for more housing.
  28. The Secretary of State makes it clear that applications should be refused where the applicant seeks to pre-empt the production of a neighbourhood plan
  29. Applications already passed should provide sufficient housing for the near future; no new housing needed
  30. The school and doctor's surgery are over-subscribed.
  31. There are no jobs in Bampton
  32. Application should be called to planning committee if recommended for approval

## **MATERIAL CONSIDERATIONS AND OBSERVATIONS**

The key issues in determination of this application are:

1. **Policy, planning history and principle of development**
2. **Five year land supply**
3. **Access and highways issues**
4. **Design**
5. **Drainage and flooding**
6. **Trees and ecology**
7. **Delivery of employment land and phasing**
8. **Other Section 106 agreement obligations**
9. **Other representations**
10. **Planning balance and recommendation**

### **1. Policy, planning history and principle of development**

A site of 2.4 hectares was allocated for mixed-use development under policy AL/BA/2 of the Allocations and Infrastructure DPD adopted in January 2011, subject to the following:

- a 40 dwellings with 35% affordable housing;
- b 4000 square metres employment floorspace;
- c Measure to discourage additional vehicular use of Frog Street and providing improvements to cycling and pedestrian safety to the town centre along Frog Street;
- d Provision of a Sustainable Urban Drainage Scheme to deal with all surface water from the development and arrangements for future maintenance;
- e The occupation of no more than 20 dwellings before all of the employment land is available and serviced;
- f Contributions to improvements in public transport links.

The current application is on part of the allocated site only and proposes 15-20 dwellings and up to 2,500 square metres of B1 employment floorspace. The northern-most field has not been included in the application.

A hybrid application for a mixed use development on the whole site was submitted under reference 12/01032/MOUT (full application in respect of the residential element, outline in respect of the commercial element). This application was refused for a number of reasons, including insufficient certainty that the scheme would be development for mixed uses, lack of provision for financial contributions in respect of public open space and education, lack of affordable housing provision, poor layout and design of the residential element, inadequate access and gradients for the vehicle and pedestrian accesses and inadequate information on potential traffic generation and localised flood risk.

At the time of the allocation, Bampton was classified as a market town and scheduled to take a share of the District's growth, along with the larger towns of Tiverton, Cullompton and Crediton, in order to meet the residential and employment allocation target figures in policies COR3, COR4 and COR16 of the Mid Devon Core Strategy (LP1), adopted in 2007.

In his report on the examination of the Allocations and Infrastructure DPD, the Inspector pointed out a number of disadvantages of allocating the site, such as the visual impact into the countryside outside the existing settlement, an increase in traffic movements, particularly along the already congested Castle Street and problems of steep gradients on and around the site. The Inspector also noted that the development would affect amenity and transport sustainability, along with potential conflict between employment and residential uses and their effect on such interests as local wildlife and flood risk.

He set this against the fact that the site was the only opportunity in Bampton for the kind of co-location and cross-subsidy sought in the Core Strategy. The Inspector accepted that the site was difficult to develop and there was no immediate need for it but placed weight on the longer term employment provision required by the Core Strategy in allocating the site.

The emerging Local Plan Review (currently at the stage of pre-submission draft) re-classifies Bampton as a village so that its development status matches that of other villages in the District. The re-classification follows analysis undertaken to inform the Local Plan Review which identified that Bampton has similar characteristics to other settlements identified as villages, for example in parish population size, whereas Crediton, the smallest of Mid Devon's three market towns, is significantly larger. Bampton does not play a similar strategic role to the three market towns which all provide services, facilities and employment and are well connected to the strategic road network. Bampton is constrained in terms of levels of traffic that can be supported, as well as topographical and flood risk constraints.

Consultation through the Local Plan Review also supported the re-classification of Bampton and the emerging S13 Villages policy in general:

No of responses: 22  
Relevant responses: 5      In support: 4      Objecting: 1

Reponses also supported the deletion of the Bourchier Close allocation:

No of responses 9      In support: 8      Objecting: 1

The extent of unresolved objections has a bearing on the weight that can be attributed to an emerging policy: the less significant the unresolved objections, the greater the weight that may be given.

In general terms there was widespread support for the re-classification of Bampton as a village and the de-allocation of Bourchier Close. However, the one relevant objection to each policy/proposal is from the applicant of this proposal seeking to develop the site. The grounds for objection to the proposals are as follows:

- S13 - objects to reclassification of Bampton, Council provides little justification for reclassification. Accepts role is different from Tiverton and Cullompton
- S13 - considers size and level of services within Bampton to be significantly greater than majority of other settlements
- S13 - as such Bampton should have own specific housing allocation commensurate with level of facilities, particularly given Council proposes artificially low housing requirement
- S13 - development strategy for identifying villages is inconsistent (cites Yeoford example which does not have one of the three essential services)
- Bourchier Close - Council's justification for deletion is that site has not come forward, but this is not born out in light of previous (refused) application on site and current application
- Bourchier Close - overall Local Plan Review housing target too low, Council should address this or plan could be found unsound - should be best met at sustainable locations, including Bampton, and that the Bourchier Close allocation therefore be carried forward into Local Plan Review

The Council does not agree with the assertions made in the objections. The level of services and facilities within Bampton meets the essential criteria in Policy S13, and is not distinctly dissimilar to that at other villages listed within the policy. Furthermore the population of the settlement is similar to other villages, and is considerably smaller than even the smallest town in the district of Crediton. Bampton does not have the same strategic role as the towns in terms of being a focus for services, employment and retail provision, nor is it well connected to the Strategic Road Network. Flood risk and topographical constraints restrict the level of development which can be accommodated within the settlement.

In proposing allocations within Bampton, the Local Plan Review proposes three, two of which have permission but are yet to begin construction. This is the highest number of allocations per village in S13 and commensurate with a settlement of the size of Bampton. Furthermore, the Sustainability Appraisal which accompanied the Local Plan Review weighed up the loss of grade 3 agricultural land at Bourchier Close which contributed to the preference for alternative allocations within the settlement.



Whilst the Council believes there is a strong case to be made to justify the proposals in the Local Plan Review, the objections from the applicant have relevance to the overall soundness of the plan's strategy. The final decision will ultimately have to be taken by the Inspector overseeing the Examination, but until that time these must be considered 'unresolved objections'.

In making their recommendation, your officers have considered the weight which can be attributed to both the existing and emerging Local Plans. This weighing up exercise is undertaken below under "Planning balance and recommendation".

## **2. Five year land supply**

Paragraph 47 of the NPPF sets out the requirement for Local Planning Authorities to maintain a five year supply of land for housing, and stipulates the inclusion of a 5% or 20% buffer dependent on past delivery rates.

The Council's previously published five year land supply calculations were set out in the Housing Land Availability 2014, which is available on the Council's website. The document compares housing supply, based on allocations, planning permissions, sites under construction and completions against delivery targets. The document concludes that the five year land supply stands at 107%, or 5.35 years supply. Local plans cannot be considered to be up to date if the Local Planning Authority cannot demonstrate a five year land supply. Where local plans are out date, planning permission should be granted unless the impacts of doing so would significantly and demonstrably outweigh the benefits.

The applicant has contested the Council's figures and argues that the buffer should be set at 20% and not 5% due to a persistent record of under-delivery and this should be a material consideration in determination of the application. Your officers do not agree with the applicant's assessment and consider that the Council has maintained a five year land supply and should be applying a 5% buffer.

However, since this time the Council has been able to provide an updated calculation based on more recent monitoring data. On 10 August 2015, the Council published its Housing Land Availability summary 2015, which updated the five year land supply calculation with data from the 2014/15 monitoring year. The latest figures show the Council is now able to demonstrate a supply of 129%, or 6.45 years.

The improvement on the previous year's figures reflects a number of positive actions on behalf of the Local Planning Authority to increase the supply of available and deliverable housing land. The number of planning permissions has risen considerably this year, with a number of large allocated sites having gained consent. Subsequently the total number of sites with planning permission or under construction has risen from 1,369 to 1,739. Though not included in this year's planning permission figures, there are now over 1,000 dwellings on the Tiverton Eastern Urban Extension allocation with a resolution to grant planning permission subject to s106. This bodes well for the supply over forthcoming years, particularly now that masterplanning on that site and North West Cullompton are well advanced. Furthermore, the Council has seen over 100 successful prior notification applications for barn conversions following the recent liberalisation of permitted development rights. Being a highly rural district where agriculture was traditionally the principal industry, this form of dwelling creation is likely to provide an ongoing boost to supply.

The Council has also taken the opportunity to bring forward the release of a number of sites proposed as full allocations within the Local Plan Review (in accordance with the NPPF which states that Councils should bring forward supply from later in the plan period in order to provide a buffer). The NPPF states that weight should be given to relevant policies in emerging plans taking account of the significance of unresolved objections. Six sites proposed as allocations in the Local Plan Review received no objections. Given the absence of objections, the allocations can now be given full weight. Planning applications have been invited upon these sites.

In addition, in order to ensure the Council can demonstrate a sufficient supply of housing land, the Allocations and Infrastructure DPD contains a number of contingency sites which can be released to bolster supply. One site, Pedlerspool in Crediton, was proposed to be made a full allocation within the Local Plan Review. In light of the challenge to the Council's five year land supply position, this contingency site has been released early and can now be included within the supply figures. The decision to release the site was

formally made at a meeting of the Council's Cabinet on 7 August 2015. The same meeting confirmed the release of the six sites mentioned above. An application is forthcoming on the Pedlerspool site, and is anticipated to be submitted in the autumn 2015, adding weight to the site's availability and deliverability.

The applicant had also criticised one element of the Council's five year supply calculation methodology which made an assumption about the number of completions within the year immediately following the monitoring period. So for example, with monitoring data available up to 31st March 2015, the start of the five year supply period would previously have been 1st April 2016. The Council agrees with the applicant that this approach, which was based on previous Government guidance, introduced an unnecessary element of uncertainty into the calculation. Accordingly, this approach is no longer to be used, bringing the methodology used in line with that used by the other Council's within the Exeter Housing Market Area. The period of the five year supply used in the Housing Land Availability summary is from 1st April 2015 - 31st March 2020.

The applicant has also contested the windfall allowance used by the Council, arguing there is not a defined trajectory or compelling evidence that such sites have consistently become available. The windfall allowance has been based on historic housing completions since 2002/3 which provide evidence that windfall sites have clearly and consistently formed a significant element of housing completions within the District, account for around 62% of the total delivery since 2002/3. In assessing the windfalls likely to come forward, the Council has assumed the lowest figure in the historic range of windfall sites, which it considers to be a conservative estimate.

Your officers consider that the Council's position in relation to five year land supply is strong. Housing land supply is a material consideration in determination of this application, but it is not considered that it forms a basis for granting this application as the appropriate 5 year housing land supply can be demonstrated.

### **3. Access and highways issues**

Access details are to be determined under this outline application. It is proposed to create a new vehicular access onto the B3190 Morebath Road with a secondary pedestrian access exiting the site at the south western corner of the site to allow pedestrian access onto Frog Street and into Bampton.

The submitted Transport Statement identifies that the development proposals would generate 58 two-way vehicle movements during AM peak hours and 52 during PM peak hours. Overall, there would be an additional 391 two-way vehicle movements per day as a result of the development.

The Highway Authority has considered revised details submitted following their initial consultation response and considers the details shown on drawing number 1405-84-SK01 Rev C in respect of the vehicular and pedestrian accesses onto the public highway to be acceptable and require this drawing to be conditioned should the application be approved. The Highway Authority points out that the access drawing does not accord with the details on the indicative masterplan but recognises that the final layout has been reserved to be determined at reserved matters stage.

The vehicular access would be located approximately half way along the boundary hedge onto the B3190 and would include the provision of a 48.43 metre visibility splay to the north and a 44.3 metre visibility splay to the south of the entrance. This visibility splay was calculated on the assumption that the speed limit would be 30 mph with the 30 mph speed limit boundary being moved to the north of the proposed development. A 2 metre footway would be provided along the frontage with the hedge translocated behind the proposed footway and visibility splays.

Allocation AL/BA/2 requires measures to discourage additional vehicular use of Frog Street and provide improvements to cycling and pedestrian safety to the town centre along Frog Street. No such measures have been included within the application but the Highway Authority has confirmed that, in its opinion, the narrow nature and winding route of Frog Street would be deterrent enough for vehicles. The Highway Authority consider that signing, lining and increased street lighting in Frog Street would be inappropriate as this would detract from its rural feel. The proposed footpath would include steps down from the site to Frog Street which would make it unsuitable for cycling. Cyclists would need to exit the site via the vehicular access onto the B3190 and then turn down into Frog Street or continue along the B3190 to the junction with

Castle Street and turn down into Bampton from there.

Concern has been raised with regard to the lack of footpath provision between the site and Bampton along the B3190 which is considered to be an easier walking route than along Frog Street. The allocation policy specifically refers to a walking route along Frog Street and the application indicates a footpath exiting the site at the Frog Street end to link through into the village. Although the allocation policy specifically refers to improvements to Frog Street, the Highway Authority does not consider these to be appropriate and is happy with the approach proposed. Based on the current plans, there is, however, no cycle route proposed.

Concern has also been raised with regard to the potential hazardous nature of the proposed access. The Highway Authority has negotiated the access details with the applicant and considers the proposal acceptable in highway safety terms. There have been no recorded accidents along this stretch of road within the past five years, as set out in the applicant's Transport Statement.

Concern has been raised with regard to increased traffic on Morebath Road and in particular in Castle Street. The Inspector recognised during the examination of the AIDPD that development of the site would be likely to exacerbate existing congestion, but weighed the advantage of being able to deliver a higher level of employment and residential development on this site to meet Core Strategy targets against the disadvantages, such as increased traffic and congestion, and concluded that the benefits of the potential residential and employment delivery outweighed these concerns.

The Highway Authority is satisfied that the development is acceptable in highway safety terms and the proposal is considered to be in accordance with policy DM2 of the LP3 DMP and the NPPF in this respect.

Policy DM8 of the LP3 DMP requires 1.7 parking spaces to be provided per dwelling and sets a guideline of 1 parking space per 30 square metres of floorspace for B1 uses. The Indicative Masterplan demonstrates this level is achievable but this is not a layout that would be acceptable to the Local Planning Authority. The final design would be for a reserved matters application to consider.

#### **4. Design**

Design is a reserved matter. However, an indicative masterplan has been submitted, along with a design and access statement which the applicant states "sets out the key principles and provides a framework to guide future development proposals for the site at detailed design stage as part of an application for the approved of reserved matters".

Policy DM2 of the LP3 DMP requires that designs of new development must be of high quality, based upon and demonstrating a clear understanding of the characteristics of the site, its wider context and surrounding area, and demonstrating that the development would make a positive contribution to local character, visually integrated with surrounding buildings, streets and landscapes. In the case of the current site, your officers consider that the application needs to demonstrate a clear understanding of the site as a gateway to Bampton and its role in the rural to village transition.

The submitted Landscape and Visual Impact Assessment has identified that views of the site are limited to the immediate area with occasional long distance views. It also identifies this as a "gateway site" to the area and states that the proposal will extend the developed character of the village. Your officers would agree with this analysis but would further stress that a careful and sensitive approach to developing this site is required to ensure that the character of the rural to village transition at this important gateway into the village is not severely compromised. The submitted Landscape and Visual Impact Assessment bases its conclusions on the indicative masterplan layout which is only indicative as layout, design and appearance are reserved matters.

Whilst the current application is outline, nevertheless the application still needs to demonstrate that the development proposed can be accommodated on the site in an appropriate way. Not only does the application need to demonstrate that the application site can be development in an appropriate way, but as part only of the site has been included within the application, it also needs to demonstrate that the site can be developed in a way that would have an acceptable relationship with the rest of the allocation that has not been included within the current proposals.

Your officers do not consider that the applicant has demonstrated a clear understanding of the site in its submitted design and access statement or indicative plans. An appropriate design response to the constraints of a prominent site on approach to the village has not been demonstrated, nor has the relationship with the adjacent existing Bouchier Close development been considered. The development would form a new edge to the village and form a new gateway into the developed area.

The adjacent Bouchier Close development is mostly single storey and sits down within the landscape with only the tops of the roofs visible on approach to Bampton. The relationship with the edge of village setting is softer: houses are set back from the road, at lower levels, with a back garden to road relationship, all bounded by high hedges. The existing Bouchier Close development has a semi-rural character and creates a soft edge approach to the village. The existing development does not announce arrival at Bampton, which is only really evident as Castle Street is approached.

In contrast, the indicative details show two-storey residential development on elevated ground which would sit well above existing hedges and when viewed from the B3190 would appear dominant and visually separated from the rest of Bampton. In addition, the indicative plans show the commercial land located on the steeper land at the Frog Street end of the development and ground levels being built up further with a high retaining wall. Visually, the scheme shown on the indicative plan would be unacceptable as the residential and employment buildings would be elevated significantly above the road causing harm to the character of the gateway approach and rural to village transition and to the visual amenities of the area, contrary to policies COR2 of the Mid Devon Core Strategy (LP1) and DM2 of the LP3 DMP.

In addition, policy COR16 of the Mid Devon Core Strategy (LP1) requires development to retain the green setting provided by the steep open hillsides and the undeveloped Bathern valley. Your officers do not consider that the applicant has demonstrated that the proposed development could be achieved in a manner that would comply with COR16, in particular as the illustrative masterplan shows all two storey development, ground levels having to be built up and the inclusion of a retaining wall to provide additional level ground for the development.

In addition, the indicative plan shows the commercial elements having to be accessed through the residential element (associated commercial traffic having to move through a residential area) and an awkward relationship between the commercial and residential elements and the provision of parking courts that the Police have identified could be a security issue. In addition to this, the indicative layout plan shows the access also having the potential to serve the remainder of the allocation not presently included. Bearing in mind the level of development proposed in the current application, the implication is that the remainder of the allocation will also need to provide mixed residential and commercial uses in order to meet the policy requirements of AL/BA/2. The proposed access would be required to serve both residential and commercial elements in the remainder of the site and as yet it is not clear what type of development the commercial element would be and whether use of the proposed access would have an unacceptable impact on the future residents of the proposed development through the use of that access for large commercial vehicles to serve the remainder of the allocation, and these large vehicles having to move through the proposed residential area, contrary to policy DM2 of the LP3 DMP which requires the provision of safe and accessible places.

The applicant has pointed out that layout and design are reserved matters. That is understood but your officers could equally argue due to the nature of the site there are significant layout implications that potentially would affect the ability to achieve the proposed level of development in a way that addresses the significant constraints of the site and makes the development acceptable. Your officers consider that the outline application needs to demonstrate that the quantum of development proposed can be provided in an appropriate manner and it is not considered that this has been demonstrated in the current application. Should a reserved matters application be submitted along the lines of the indicative scheme and design and access statement, it would be recommended for refusal.

The transport statement confirms that parking standards will be in line with Mid Devon's car parking standards in policy DM8 of the LP3 DMP in that 1.7 parking spaces will be allocated to each dwelling and 1 parking space will be provided for each 30 square metres of B1 commercial floorspace. However, as mentioned, the final layout and development design is a reserved matter.

Similarly, impacts on the privacy and amenity of neighbouring residents would be considered once the final layout and design of the scheme is known. However, the site has scope to be developed without having an unacceptable impact on the privacy of occupiers of neighbouring dwellings, in accordance with policy DM2 of the LP3 DMP.

Policy AL/IN/6 of the AIDPD (LP2) requires major applications for dwellings and non-residential floorspace to make provision for at least 15% of the energy to be used in the development to come from decentralised on-site renewable or low carbon sources. Policy DM3 requires applicants to demonstrate how sustainable design and construction methods will be incorporated to achieve resilience to climate change. The Design and Access Statement considers prioritising energy efficiency measures over renewable energy generation but no Carbon Reduction Strategy has been provided to address the provisions of policy AL/IN/6 of the AIDPD (LP2).

## **5. Drainage and flooding**

Policy COR11 of the Mid Devon Core Strategy (LP1) seeks to direct development to areas with the least possibility of flooding. The site lies outside of the flood zones but Bampton has a general problem with flooding, surface water run-off and a fluctuating water table. Flood risk has been considered in the submitted Flood Risk Assessment and Drainage Strategy.

The allocation policy AL/BA/2 requires the provision of a Sustainable Urban Drainage Scheme on site. A drainage strategy has been submitted based on the indicative masterplan layout. This comprises a mix of infiltration and attenuation with an outfall into the Shuttern Brook which would cross land outside of the control of the applicant. Only limited studies have been undertaken with respect to the water table, which is known to fluctuate considerably in the area, and has caused problems elsewhere where SUDS schemes have been provided.

Devon County Council as Lead Local Flood Authority now consider surface water drainage strategies, however, this application was received before they took over this role, so the submitted drainage strategy has been considered by the Environment Agency.

The Environment Agency's response states that whilst the principle of the drainage strategy is acceptable and the current design aligns in broadest terms with current best practice, if the developer does not have the ability to construct the outfall to the Shuttern Brook then an alternative scheme for the management of surface water will have to be put in place which may require the site layout to be altered from that proposed.

The Environment Agency considers that the shallow permeable pavements construction proposed is less likely to be affected by seasonal variations in ground water levels compared with deeper soakaways, for example.

The applicant has been asked to provide the Local Planning Authority with some comfort that the drainage strategy as proposed, in particular the outfall into the Shuttern Brook, can be achieved, for example through the provision of an agreement with the adjoining landowner. However, the applicant has not provided the necessary assurances.

The applicant has stated that the drainage strategy can be conditioned and, if it is not possible to negotiate the outfall with the neighbouring landowner, the fall-back position would be to requisition a surface water sewer from South West Water. However, the fall-back position is not what policy AL/BA/2 of the AIDPD requires. The policy requires a SUDS scheme to be implemented on the site. It is assumed that the fall-back position would be that the surface water discharges into the combined sewer. As mentioned above, there is already a problem with surface water, fluvial and ground water flooding in the Bampton area and additional water into the combined sewer may exacerbate the existing problem.

In addition, as the current SUDS proposal is based on the layout shown on the indicative plan - which your officers do not consider would not be acceptable should it be submitted at reserved matter stage - it is not considered that the ability to provide a workable SUDS scheme has been demonstrated. The proposal is therefore contrary to policy AL/BA/2 of the AIDPD (LP2). Details of how these provisions would be achieved

could be conditioned via the requirement for a carbon reduction strategy.

## **6. Ecology and trees**

Concern has been raised with regard to the impact of the development on trees and wildlife and to agricultural land being used for development.

The submitted tree report and tree constraints plan has identified that there are several good quality (A and B category) trees on the site boundaries which it is intended to retain. The retention of these trees and compliance with a tree protection plan could be conditioned should the application be recommended for approval. The constraints posed by the trees should inform the proposed layout at reserved matters stage.

The Phase 1 habitat survey identified that the site was potential habitat for protected species on/around the site. Additional surveys were carried out for reptiles, great crested newts, dormice and bats. Mitigation measures are recommended in the report as follows: trees and hedges on the boundaries of the site to be retained and protected, hedgebank realignment and infill planting carried out where necessary, pre-construction hand searches carried out for amphibians and hedgehogs, the site would be cleared and maintained to avoid harm to reptiles and new reptile habitat provided on site, measures would be undertaken (including timing of works) to prevent harm to nesting birds and badgers. Long term mitigation would provide new biodiversity plants, bird and bat boxes and control light-spill onto boundary vegetation to protect bat foraging areas, again to be designed in at reserved matters stage.

Provided the development proceeds in accordance with the tree and ecology recommendations in the submitted report, the development is considered to be in accordance with policies DM2 of the LP3 DMP and the NPPF in respect of trees and protected species.

Policy DM28 of the LP3 DMP requires major developments to incorporate green infrastructure. The proposal is to include retention of existing trees and hedges and new infill planting to provide linkages to the wider countryside.

## **7. Delivery of employment land and phasing**

The site was allocated only on the understanding that the employment land would be provided in step with the housing to reflect the requirements of policy COR1 of the Mid Devon Core Strategy (LP1) which requires growth to be managed so that development meets sustainability objections and results in sustainable communities.

The description of the proposal refers to "up to 2,500 square metres of B1 floorspace" being provided. Your officers have requested an alteration to the description so that it refers to a range of provision, e.g. between 2,000 square metres and 2,500 square metres of B1 floorspace" in the same way that the description refers to between 15 and 20 dwellings. This change to the description has not been agreed by the applicant. This effectively means that the applicant could deliver zero square metres of employment land as the description refers to "up to" 2,500 square metres only. This is not demonstrating compliance with the requirements of policy AL/BA/2 for the provision of employment land.

The phasing strategy set out in the Design and Access Statement sets out that the residential development would be carried out within a single phase with the commercial development being made available within the first year of commencement of development. Your officers have argued that to comply with the allocation policy, no more than 50% of the dwellings to be provided on the site (50% of between 15 and 20 depending on reserved matters) should be occupied until at least 2,000 square metres of employment floorspace (plus associated parking, landscaping, etc) has been serviced and is available. This would be proportionate to the requirement in policy AL/BA/2 for 4,000 square metres of employment floorspace to be serviced and made available before the occupation of no more than 20 dwellings. The applicant has now agreed to this phasing condition, although, again, the applicant would be able to provide, say, 10 dwellings on the site without any requirement to provide serviced and available employment land.

The draft Section 106 agreement includes a clause that the employment land will be marketed in accordance with a marketing strategy to be agreed with the Local Planning Authority. Your officers have

suggested that the marketing period should commence once the employment land has been serviced and is available whereas the applicant has put forward a period of 3 years running from the date of commencement of the development. In practice, the development could commence with the laying out of a road or digging of a trench for a foundation and then lie dormant for whole period of marketing of the employment land, or the period could run whilst the first, say, 10 dwellings are developed and then the rest of the site could lie dormant for the whole of the rest of the marketing period. Your officers consider that this offers little over the standard policy requirement to market an employment site for 18 months, before considering alternative uses. The applicant has not agreed to this suggestion that the marketing period runs from the date the employment land is serviced and available. Without the employment land provision, the proposal would be contrary to the requirements of policy AL/BA/2. As at the date of writing this report, the final terms of the Section 106 Agreement have not been agreed.

## **8. Other Section 106 agreement obligations**

Policies AL/DE/3 and AL/BA/2 of the AIDPD (LP2) require 35% affordable housing to be provided on site. Policy AL/DE/4 seeks to control the occupation of the affordable dwellings in accordance with officially published criteria. AL/DE/5 seeks an inclusive design and layout which would need to be addressed at reserved matters stage.

Policy AL/IN/3 of the AIDPD (LP2) seeks on-site provision of public open space, or, where this is not suitable, an off-site contribution. Policy AL/IN/5 of the AIDPD (LP2) seeks a financial contribution towards additional education facilities to meet the needs of the development.

The applicant has agreed to provide 35% affordable housing on site and agreed financial contributions in respect of off-site public open space (£1,205 per dwelling), education improvements (£2,736.15 per dwelling) and school transport (£24,595.50) and waste and recycling (£50 per dwelling).

The proposed dwellings would be eligible for counting toward the New Homes Bonus. If New Homes Bonus is distributed across the Council Tax bands in the same way as in 2013, the award for each affordable house is estimated to be £1,378 per year including an annual premium of £350 for affordable homes, paid for a period of 6 years. The total would depend on the number of dwellings provided.

## **9. Other representations**

Concern has been raised that the sewage system needs upgrading. No comments have been received from South West Water on this application. However, it should be noted that South West Water has made representations on other applications in Bampton that the sewage system has insufficient capacity for further development. However, it is a requirement under the provisions of the Water Act that South West Water provides any additional capacity required in conjunction with developers when the need arises. The South West Water business plan submission is made on a 5 year basis and identifies investment requirements. However, to date South West Water have been unable to provide Mid Devon with details of the upgrading works required to the sewage treatment plant which would be the basis on which a contribution to costs of the upgrading works could be requested from the developer. If the development goes ahead, South West Water would be obliged to meet the development's sewerage needs.

Concern has also been raised that the school and doctor's surgery are over-subscribed and the bus service does not have sufficient capacity. It would be for the bus, education and medical providers to expand capacity to meet the need. A financial contribution has been agreed towards school improvements and school transport.

## **10. Planning balance and recommendation**

Policy DM1 of the LP3 DMP and the National Planning Policy Framework set out a presumption in favour of sustainable development and require planning applications that accord with the policies in the Local Plan to be approved unless material considerations indicate otherwise.

Your officers consider that from the day of publication of the Local Plan Review 2013-2033 Proposed Submission, the Local Planning Authority can give some weight to relevant policies in the emerging plan - to

reclassify Bampton as a village and remove the Bouchier Close site as an allocation. There is support from Bampton Town Council and local residents in favour this approach.

As mentioned above, there is one unresolved objection from the applicant to the removal of the site from the Local Plan and the reclassification of Bampton as a village under policy S13. This needs to be taken into account when considering the weight to be attributed to the emerging Local Plan Review 2013-2033 Proposed Submission.

As a general rule, a policy in an adopted Local Plan would normally carry more weight than a policy in an emerging plan, although the weight that can be attributed to the emerging plan increases according to the stage towards adoption that has been reached and whether there are unresolved objections. The current allocation policy AL/BA/2 is considered to carry significant weight in determining this application as it is part of the adopted development plan. However, in assessing the weight that can be attributable to the emerging Local Plan Review 2013-2033 Proposed Submission, your officers have considered the following:

1. The emerging Local Plan Review is at the pre-submission stage. There has been only one objection to the re-classification of Bampton as a village and one objection to the removal of the allocation from the Local Plan. Both these objections were submitted by the applicant of the current planning application being considered.
2. The emerging Local Plan Review takes a fundamentally different approach to the status and role of Bampton as it has already been established that Bampton's role is not one of a strategic market town in the same way as Tiverton, Cullompton and Crediton, but is more closely aligned with other villages in the District where only limited development to meet local need is proposed.
3. The reason for allocating this site in the Allocations and Infrastructure DPD was that this site was the only opportunity in Bampton for the kind of co-location and cross-subsidy sought in the Core Strategy. The Inspector accepted that the site was difficult to develop and there was no immediate need for it but placed weight on the longer term employment provision required by the Core Strategy in allocating the site. Through the Local Plan Review process, it is clear that there is no longer this longer term need and the Core Strategy targets are now considered to be out of date.

Taking all this into account, your officers consider that although the current allocation would normally carry more weight, there are strong reasons to attribute sufficient weight to the emerging policy, so that, on balance, refusal is recommended on policy grounds.

In addition to this, as set out above, despite this being an outline application with all matters except access reserved, your officers have very real concerns about the proposed development as put forward in this application.

As detailed above, your officers do not consider that it has been demonstrated that the quantum of development this application proposes can be delivered in an acceptable way to meet the requirements of policies COR2 and COR16 of the Mid Devon Core Strategy (LP1) and DM2 of the LP3 DMP. In particular, your officers have concerns over the potential impact of the development on the character of Bampton at this gateway site at the edge of the village and do not consider that the application demonstrates a clear understanding of the site, its wider context and the surrounding area. In addition, your officers do not consider that the layout as proposed is adequate or that the relationship with the remainder of the allocation has been considered. Nor has it been demonstrated that a satisfactory relationship between the two parts of the site could be achieved, taking into account the potential visual impacts of the development and the potentially awkward relationships between the access and the residential and commercial developments.

There is also doubt over the delivery of the employment element of the development - the main reason why this site was allocated in the first instance. The application description refers to "up to 2,500 square metres of B1 employment floorspace" rather than providing a range of floorspace as suggested by your officers that includes a minimum employment floorspace, and there is little additional comfort in the proposed wording in the Section 106 Agreement that refers to marketing the site for 3 years from commencement of development, rather than from the provision of serviced and available land.



Your officers also do not consider that it has been demonstrated that a satisfactory SUDS scheme can be achieved on site, which is requirement of the allocation policy BA/AL/2 and a consideration under policy DM2 of the LP3 DMP. Your officers are concerned that the proposed SUDS scheme has been based on a layout that would not be acceptable should it be submitted at reserved matters stage and it has also not been demonstrated that the proposed outfall to the Shuttern Brook, a key component of the SUDS scheme, can be delivered. Without this, there is the potential to increase flood risk elsewhere in Bampton, contrary to policies COR11 and COR16 of the Mid Devon Core Strategy (LP1).

Your officers are therefore recommending refusal for three reasons: firstly on policy grounds, secondly that it has not been demonstrated that an acceptable scheme can be delivered for the quantum of development proposed, and thirdly that the proposal does not provide sufficient certainty that the employment floorspace will be delivered.

## REASONS FOR REFUSAL

1. The emerging Local Plan Review 2013-2033 Proposed Submission proposes re-classification of Bampton's status a market town and key focus of development, to a village with a limited role and development to meet local needs only and to remove the allocation of which this site forms part. Although the site is currently still allocated under policy AL/BA/2 of the Mid Devon Allocations and Infrastructure DPD, the Local Planning Authority considers on balance that significant weight can be attributed to the emerging Local Plan Review 2013-2033 Proposed Submission to justify a refusal due to three factors:
  - a) there is general support for the re-classification of Bampton as a village and removal of the allocation, with only one unresolved objection (from the applicant) received on each of these proposals during consultation on the Proposed Submission document;
  - b) the emerging Local Plan Review 2013-2033 Proposed Submission takes a fundamentally different strategic approach in relation to Bampton's role within the District which no longer requires the level of residential and employment development required by the Mid Devon Core Strategy (Local Plan 1);
  - c) the site was only allocated under policy AL/BA/2 of the Allocations and Infrastructure DPD as this site was the only opportunity in Bampton for the kind of co-location and cross-subsidy required to meet the (now out of date) targets in the Mid Devon Core Strategy (LP1) in the longer term, despite there being no immediate need and the acknowledged difficulty in developing the site.

The Local Planning Authority considers that, on balance, the policy justification for refusing the application therefore outweighs the policy justification for approving it.

2. In the opinion of the Local Planning Authority, it has not been demonstrated that the quantum of development proposed can be provided in an acceptable form. In particular, the proposal does not demonstrate a clear understanding of the site, its wider context and the surrounding area, taking into account the potential for the development to harm the character of Bampton at this gateway site on the edge of the village, nor does it demonstrate that an acceptable relationship can be achieved between the residential and commercial elements on the site and the remainder of the allocation, nor that a satisfactory Sustainable Urban Drainage Scheme to prevent the risk of flooding elsewhere can be achieved on the site, contrary to policies COR2, COR11 and COR16 of the Mid Devon Core Strategy (Local Plan 1), AL/BA/2 of the Allocations and Infrastructure DPD (Local Plan 2) and DM2 of the Local Plan 3 (Development Management Policies).
3. In the opinion of the Local Planning Authority, the proposal does not present sufficient certainty that the site will be developed as a mixed use scheme or that the economic and sustainability benefits of delivering employment floorspace on the site will be achieved, contrary to policies COR1 and COR16 of the Mid Devon Core Strategy (Local Plan 1) and AL/BA/2 of the Allocations and Infrastructure DPD (Local Plan 2).

Application No. 15/01133/TPO

Plans List No. 2

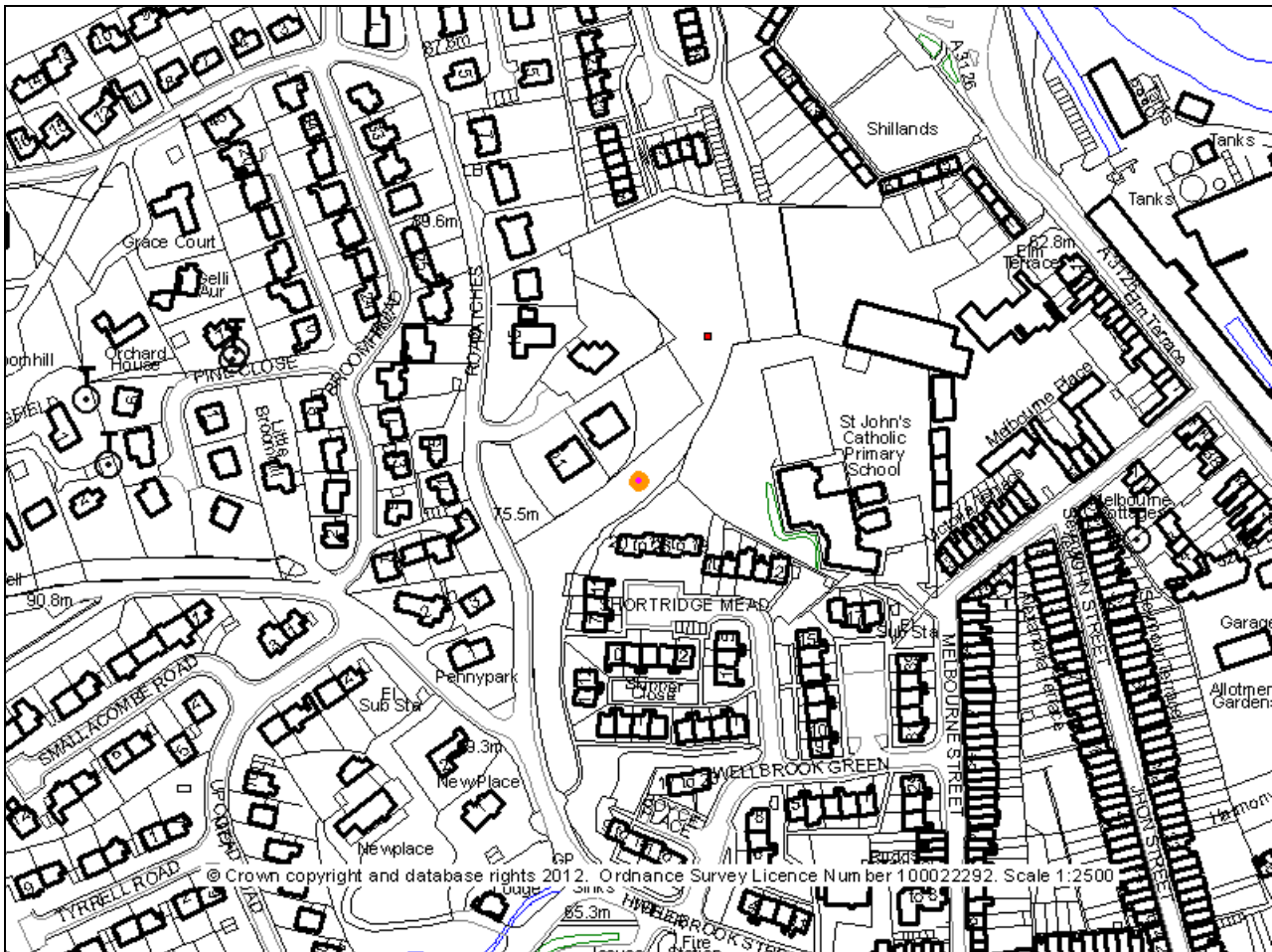
**Grid Ref:** 294835 : 112898

**Applicant:** Lisa Harber

**Location:** Land at NGR 294835 112898 (Adjacent To Shortridge Mead Flats) Patches Road Tiverton

**Proposal:** Application to pollard to 3m 1 Holm Oak tree protected by Tree Preservation Order 80/00001/TPO

**Date Valid:** 15th July 2015



Application No. 15/01133/TPO

## **RECOMMENDATION**

Grant consent.

## **PROPOSED DEVELOPMENT**

This application seeks consent for the pollarding of 1 Holm Oak Tree, on land adjacent to Shortridge Mead Flats, Patches Road, Tiverton. The tree is protected by Tree Preservation Order 80/00001/TPO which is a large group Preservation Order. The tree is sited in the woodland between 20-26 Shortridge Meadow and 19 Patches Road. The works consist of a pollarding of up to 3 metres to remove heavily weighted limbs.

## **APPLICANT'S SUPPORTING INFORMATION**

Supporting Appraisal  
Plan

## **PLANNING HISTORY**

89/01825/TPO Topping and thinning of trees subject to TPO 4.52.80.TP1 - PERMIT  
06/01770/TPO Application to fell trees protected by Tree Preservation Order 1/1980 - REFUSE  
10/01315/TPO Application to fell 1 Sycamore and carry out works to 2 Holm Oak trees protected by Tree Preservation Order 80/00001/TPO - PERMIT

## **CONSULTATIONS**

MID DEVON DISTRICT COUNCIL - TREE OFFICER - 7th August 2015 - Mid Devon Tree Officer has no objection to the proposed tree work.

Suggested conditions

CTP1 TPO Time Limit

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

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.

TIVERTON TOWN COUNCIL - 5th August 2015 - Support but wish to make comment that it would appear that this tree has had some history of neglect.

## **REPRESENTATIONS**

None received at the time of writing this report

## **MATERIAL CONSIDERATIONS AND OBSERVATIONS**

The Tree is situated within a woodland order and whilst the tree is visible to residents in the immediate locality, its wider amenity value is relatively low, due to obstruction by buildings or other trees on all sides. The rooting zone of the tree appears to be undisturbed and there are no concerns regarding the stability of the root system.

There has been a history of significant limb failure in this tree over the years and recently another fracture in a lower limb has been recorded. The heavily weighted pendulous limbs were pruned in 2010 (10/01315/TPO) but this pruning work is unlikely to have a longer term effect on reducing limb failure. There are several weak fork unions within the canopy of the crown.

More recently, there has been increased use of the adjoining land by residents as a garden and vegetable plot, and therefore the risk from falling branches in this tree has increased with unacceptable risk of harm to health and safety. Whilst pruning may temporarily address this issue, the tree's maturity, heavily end weighted limbs, and limited amenity value signify that a preferred option would be to pollard the tree at 2-3 metres.

The tree will still be an interesting feature in the immediate location and will return with good vigour after which it can more easily be maintained. The Tree Officer has not objected to the works, and it is not deemed to be necessary to provide any additional tree planting, given that this is a well-stocked area of woodland, where the loss of the tree in its current form would not result in harm to the character and amenity of the wider area. Permission is recommended subject to conditions.

### **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.

### **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.

Mrs Jenny Clifford  
Head of Planning and Regeneration

**PLANNING COMMITTEE - 26 August 2015**

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

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**PURPOSE OF REPORT**

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

**RECOMMENDATION**

That the report be noted.

**DETAILS OF DECISIONS**

<b>DATE RECEIVED</b>	<b>DATE DETERMINED/ DECISION</b>	<b>REF NUMBER</b>	<b>APPLICANT PROPOSED DEVELOPMENT</b>	<b>PARISH/AREA</b>
04.11.2014	22.07.2015 Grant permission	14/01829/FULL	Mr J Wood Bamson Puddington Conversion of shippen to holiday let/ancillary accommodation	Puddington 41
05.02.2015	07.08.2015 Refuse permission	15/00178/FULL	Mr H Edeleanu Verbeer Manor Willand Change of use of ground floor areas of former nightclub to 6 dwellings, and associated works	Willand 59

06.02.2015	07.08.2015 Refuse permission	15/00179/LBC	Mr H Edeleanu Verbeer Manor Willand Listed Building Consent for change of use of ground floor areas of former nightclub to 6 dwellings	Willand 59
23.03.2015	12.08.2015 Grant permission	15/00500/LBC	Mr J Wooff Coombe Farm Knowle Listed Building Consent to strengthen and tie back chimney	Cullompton 21
01.04.2015	03.08.2015 Grant permission	15/00503/CLU	Mrs J A Leem-Bruggen Glenmore Morchard Road Certificate of Lawfulness for the existing use of a dwelling in non-compliance with agricultural occupancy condition (f) of planning permission 4/23/78/1649, and adjoining land as domestic garden for a period in excess of 10 years	Down St Mary 23
07.04.2015	22.07.2015 Grant permission	15/00556/LBC	Mr P Farthing The Old Toll House Rackenford Road Listed Building Consent for replacement of ground and first floor windows.	Tiverton 52
07.04.2015	04.08.2015 Grant permission	15/00558/FULL	Mr & Mrs Milverton Land and Buildings at NGR 273422 95535(Barton Farm) Hittisleigh Erection of an agricultural building, new access and associated works	Hittisleigh 27
08.04.2015	13.08.2015 Grant permission	15/00567/LBC	Rev & Mrs D Gill 24 Fore Street Bradninch Listed Building Consent to replace 4 windows	Bradninch 04

27.04.2015	27.07.2015 Not Permitted Development	15/00643/PNCOU	Mr D Laphorne Land at NGR 303637 120282 (Staple Cross) Hockworthy Prior notification for the change of use of an agricultural building to a dwellinghouse under Class Q	Hockworthy 28
28.04.2015	31.07.2015 Grant permission	15/00693/LBC	Mr J Lethbridge 2 Hildens Cottages Bow Listed Building Consent for the installation of replacement windows	Bow 03
29.04.2015	24.07.2015 Grant permission	15/00688/LBC	Mr G Herbert & Mrs D Leete 46 Fore Street Silverton Listed Building Consent for erection of extension following demolition of existing, and other internal alterations	Silverton 45
29.04.2015	21.07.2015 Refusal of Prior Approval	15/00703/PNCOU	Mr J & Mrs P Wheeler Eastmere Farm Lapford Prior notification for change of use of an agricultural building to a dwelling under Class Q	Lapford 33
30.04.2015	06.08.2015 Grant permission	15/00730/FULL	The Trustees of The Downes Estate Settlement Land at NGR 284533 99710 (Downes Home Farm) Crediton Formation of new vehicular access	Crediton Town 18
07.05.2015	20.07.2015 Grant permission	15/00746/FULL	Mrs E Evans 3 Chestnut Court Chawleigh Formation of 1 door and 2 new window openings on rear elevation	Chawleigh 10

11.05.2015	11.08.2015 Grant permission	15/00737/FULL	Mr R Morgan Land at NGR 273034 96621 (Bowacre) Change of use of agricultural land to allow the siting of 1 yurt and formation of camping area	Hittisleigh 27
13.05.2015	12.08.2015 Refuse permission	15/00795/FULL	Mr & Mrs NJ Thomas Land and Buildings at NGR 308324 111674 (Southwoods Farm) Ashill Conversion of redundant milking parlour to dwelling	Uffculme 53
14.05.2015	06.08.2015 Approval of Prior Approval	15/00783/PNAG	Mr R Aldworth Land at NGR 314947 110727 (Abbotsford Farm) Prior notification for erection of a general purpose agricultural building	Hemyock 26
14.05.2015	27.07.2015 Grant permission	15/00798/FULL	Mr R Drew, RH Drew & Son Land at NGR 315975 114554 Callers Farm Erection of an agricultural building to house dairy cattle	Clayhidon 15
15.05.2015	24.07.2015 Grant permission	15/00780/FULL	Mr R Hodgson Land at NGR 301733 115083 (Playing Field) Uplowman Construction of a tennis court with 3 metre high fencing	Uplowman 54
15.05.2015	30.07.2015 Grant permission	15/00782/CLU	Mrs R E Gingell Lyons Leigh Blackborough Certificate of lawfulness for the existing use of land/dwelling in breach of agricultural occupancy condition 6 of Outline Planning Permission T.R.	Uffculme 53



			4532 for a period in excess of 10 years	
15.05.2015	23.07.2015 Grant permission	15/00805/FULL	Mr K Bevan Clyne Shobrooke Erection of 3 extensions	Shobrooke 44
18.05.2015	30.07.2015 Grant permission	15/00811/CLP	Mrs L Noon 9 Murley Close Crediton Certificate of Lawfulness for the proposed installation of a dormer window to allow the formation of first floor accommodation	Crediton Town 18
21.05.2015	17.07.2015 Grant permission	15/00817/FULL	Ms S Gray 19 Colebrooke Lane Cullompton Erection of first floor extension over existing garage, conversion of existing garage	Cullompton 21
21.05.2015	05.08.2015 Refuse permission	15/00834/FULL	Mr J Harris 98-100 West-Exe South Tiverton Conversion of part of building to a dwelling	Tiverton 52
21.05.2015	10.08.2015 Grant permission	15/00837/FULL	Mr C Payne Broadmead Ash Stoodleigh Conversion/Change of use of barn to a dwelling	Stoodleigh 48
21.05.2015	21.07.2015 Grant permission	15/00838/ADVERT	Mr K Sproat Millstone Ltd Bickleigh Craft Centre Advertisement consent to display 1 externally illuminated and 1 non-illuminated freestanding sign and 3 non-illuminated fascia signs	Bickleigh 02

22.05.2015	20.07.2015 Refuse permission	15/00840/FULL	Mr P Bage Autumn Cottage 46A Brook Street Retention of single storey store/workshop	Bampton 01
26.05.2015	22.07.2015 Development Acceptance	15/00839/PNCOU	Mr & Mrs M Elphick Land and Buildings at NGR 274031 93416 (Moor View Farm) Prior notification for the change of use of agricultural building to 2 dwellinghouses under Class Q	Cheriton Bishop 11
26.05.2015	04.08.2015 Grant permission	15/00859/FULL	Mr M & Mrs J Wooff Building at NGR 306886 111632 (Gaddon Farm) Uffculme Change of use of land from agricultural to domestic garden and erection of detached carport, store and plantroom	Uffculme 53
26.05.2015	20.07.2015 Grant permission	15/00860/FULL	Mr N Cordwent Land and Buildings at NGR 271946 99924(Station Farm) Bow Erection of an agricultural livestock building	Bow 03
27.05.2015	23.07.2015 Grant permission	15/00843/FULL	Mr and Mrs S Chivers Fordors Down Crediton Conversion of existing garage into self contained annexe with extensions to rear and side	Crediton Town 18
27.05.2015	27.07.2015 Grant permission	15/00861/FULL	Mr G Mason 8 Turnpike Sampford Peverell Conversion of outbuilding for use as annex to existing dwelling	Sampford Peverell 42

27.05.2015	31.07.2015 Grant permission	15/00879/FULL	Mr A Miller Chapple Farm Pennymoor Erection of 2 extensions with linking veranda following removal of existing conservatory and erection of extension to north elevation	Cruwys Morchard 20
28.05.2015	21.07.2015 Grant permission	15/00855/FULL	Mr Chris Dibble Beech Ridge Farm Hockworthy Erection of 2 poultry houses	Hockworthy 28
28.05.2015	21.07.2015 Grant permission	15/00871/FULL	Mr Stephen Murphy Enniskerry Sand Down Lane Erection of front/rear extensions following demolition of existing garage/utility annexe(Revised Scheme)	Newton St Cyres 37
29.05.2015	31.07.2015 Grant permission	15/00882/FULL	Mr & Mrs S & L Richards Farthings Park Cheriton Fitzpaine Erection of a replacement dwelling and garage	Cheriton Fitzpaine 12
29.05.2015	29.07.2015 Grant permission	15/00907/FULL	Mr Bierderman, C/O Mr N Maud Land at NGR 295567 121515 Wind Whistle Lane Erection of an agricultural building	Bampton 01
01.06.2015	12.08.2015 Grant permission	15/00908/FULL	Mr M Cook Unit 17 Mountbatten Road Change of use from B1 (light industrial) to B2 (Motorcycle servicing, repairs and MOT testing with ancillary storage and sales)	Tiverton 52
01.06.2015	07.08.2015 Grant permission	15/00909/FULL	Mr S Rajakumar Post Office Culmbridge Road	Hemyock 26

			Erection of first floor extension over sorting office	
01.06.2015	07.08.2015 Grant permission	15/00911/LBC	Mr A Goodchild Dingley Dell Wembworthy Listed Building Consent for installation of replacement windows and patio doors, and enlargement of 1 window	Coldridge 16
02.06.2015	28.07.2015 Development Acceptance	15/00870/PNCOU	Mr Ray Toms Land and Building at NGR 299472 116469 (East Mere Farm) Prior notification for the change of use of agricultural building to 2 dwellinghouse under Class Q	Tiverton 52
02.06.2015	31.07.2015 Grant permission	15/00913/FULL	Mr S Archibald 6 River View Exebridge Erection of a two-storey extension	Morebath 36
02.06.2015	03.08.2015 Grant permission	15/00915/FULL	Ms Belinda Burgess The Old Dairy Hayne Barton Erection of an extension	Cullompton 21
02.06.2015	27.07.2015 Grant permission	15/00916/FULL	Mr William Wheeler Westfield View Silver Park Erection of an extension	Kentisbeare 32
03.06.2015	04.08.2015 Development Acceptance	15/00876/PNCOU	Mr & Mrs Lee Oakdale Farm Culmstock Prior notification for the change of use of an agricultural building to a dwellinghouse under Class Q	Culmstock 22
03.06.2015	06.08.2015 Grant permission	15/00921/LBC	Mr B Howe Higher Withleigh Farm Withleigh Listed Building Consent for	Tiverton 52

			reconstruction of collapsed retaining wall of outbuilding and reinstatement of roof and first floor structures	
03.06.2015	31.07.2015 Grant permission	15/00922/FULL	Mr K Thomas Foxlands Farm Hockworthy Erection of an agricultural building	Hockworthy 28
03.06.2015	03.08.2015 Grant permission	15/00928/FULL	Mr R Cornish Land and Buildings at NGR 303967 117391 Butteridge Farm Erection of an agricultural livestock and storage building	Sampford Peverell 42
04.06.2015	07.08.2015 Grant permission	15/00880/CLP	Mr Keith Thomas Upper Levels 31 Meadowside Road Certificate of Lawfulness for the proposed conversion of integral garage to living accommodation	Sandford 43
04.06.2015	06.08.2015 Grant permission	15/00884/CLU	Mrs J Broom Pallet Wood House Burlescombe Certificate of Lawfulness for the existing use of building as dwelling for a period in excess of 4 years	Culmstock 22
05.06.2015	06.08.2015 Refuse permission	15/00898/TPO	Mr Hallam Beeches Dukes Orchard Application to fell 1 Monterey Pine tree protected by Tree Preservation Order 08/00001/TPO	Bradninch 04
05.06.2015	04.08.2015 Grant permission	15/00931/FULL	Ms R Prichard 3 Plum Way Willand Erection of single storey side extension annex for elderly relative	Willand 59

06.06.2015	04.08.2015 Grant permission	15/00930/FULL	Mr & Mrs S Manley Longrun Wembworthy Change of use of existing parts/storage building into additional living accommodation for existing dwelling	Wembworthy 58
08.06.2015	31.07.2015 Grant permission	15/00933/LBC	Mr Malcolm Goodridge Knowle Farm Clayhidon Listed Building Consent for the replacement of thatched roof to slate roof	Clayhidon 15
08.06.2015	10.08.2015 Grant permission	15/00938/FULL	Mr R Ottery Land at NGR 290544 107699 (Farleigh Back Road) Cadeleigh Conversion of agricultural storage building to dwelling and erection of an extension	Cadeleigh 09
09.06.2015	07.08.2015 Grant permission	15/00941/FULL	Mr & Mrs S Waddington Stearth Farm House Stoodleigh Erection of extension to existing timber decking	Stoodleigh 48
09.06.2015	07.08.2015 Refuse permission	15/00942/LBC	Mr & Mrs S Waddington Stearth Farm House Stoodleigh Listed Building Consent for extension of existing timber decking and installation of replacement windows	Stoodleigh 48
10.06.2015	06.08.2015 Grant permission	15/00924/FULL	Mr A Parker Land at NGR 312776 115033 Highwood Farm Erection of an agricultural building to store fodder	Hemyock 26

10.06.2015	04.08.2015 Grant permission	15/00954/FULL	Mr & Mrs P Churchill 1 Middle Pitt Cottages Whitnage Change of use of land and building from agricultural to equestrian, and formation of outdoor school	Sampford Peverell 42
10.06.2015	05.08.2015 Grant permission	15/00955/OUT	Mr Michael Ray Land at NGR 3035334 110531(Townlands) Willand Outline for the erection of a dwelling	Willand 59
10.06.2015	03.08.2015 Grant permission	15/00957/FULL	C A Ridgewell 5 Salmon Hutch Uton Erection of rear and side extensions (Revised Scheme)	Crediton Town 18
10.06.2015	11.08.2015 Grant permission	15/00959/FULL	Mr & Mrs Gary Adamson Moor Cottage Ashill Erection of two storey extension	Uffculme 53
11.06.2015	13.08.2015 Grant permission	15/00960/FULL	Mr Paul Durman Byes Farm Hemyock Conversion of existing barn to garaging with offices above (Revised Scheme)	Hemyock 26
11.06.2015	21.07.2015 Grant permission	15/00963/FULL	Mr Phil Conabear Stan Robinson Ltd Willand Erection of extension to storage building	Willand 59
11.06.2015	06.08.2015 Grant permission	15/00967/FULL	Mr V Bennett Land at NGR 272104 98680 (Littlecombe Farm) .Formation of farm entrance with access track	Bow 03

12.06.2015	30.07.2015 Grant permission	15/00937/FULL	Mr RJ and Mrs MA Reynolds Glen View Bickleigh Creation of loft conversion and replacement roof coverings within a Conservation Area	Bickleigh 02
12.06.2015	31.07.2015 Grant permission	15/00962/TPO	Mrs Joan Ashbee 18 Lockyer Crescent Tiverton Application to crown lift one Birch tree protected by Tree Preservation Order 10/00002/TPO	Tiverton 52
15.06.2015	06.08.2015 Development Acceptance	15/00949/PNCOU	Mr G Yeandle Land and Buildings at NGR 286505 104927 (Dovers Linhay) Cheriton Fitzpaine Prior notification for the change of use of an agricultural building to a dwellinghouse under Class Q	Cheriton Fitzpaine 12
15.06.2015	23.07.2015 Grant permission	15/00950/FULL	Mr & Mrs Martin 2 Mount Pleasant Copplestone Erection of an extension	Copplestone 62
15.06.2015	07.08.2015 Grant permission	15/00976/FULL	Mr J Hudson Land and Buildings at NGR 295103 119434 (Springdale) Cove Erection of an open-sided shelter	Tiverton 52
15.06.2015	10.08.2015 Grant permission	15/00977/FULL	Mrs B Newbery 14 Silverdale Silverton Erection of single storey side extension in place of existing garage and erection of conservatory to rear	Silverton 45



15.06.2015	03.08.2015 Grant permission	15/00978/FULL	Mr & Mrs R Dunham Rivendell Lapford Erection of a covered raised decking area	Lapford 33
15.06.2015	23.07.2015 Grant permission	15/00981/FULL	Mr & Mrs Daly Higher Linscombe New Buildings Erection of single storey extension to rear	Sandford 43
16.06.2015	03.08.2015 Grant permission	15/00958/CLP	Mr & Mrs R Howard Laburnum Morchard Road Certificate of lawfulness for the proposed replacement of existing corrugated roof with natural slate roof	Down St Mary 23
17.06.2015	03.08.2015 Grant permission	15/00974/CLP	Mr N Casey 5 Church Close Lapford Certificate of Lawfulness for the proposed single storey rear extension	Lapford 33
17.06.2015	14.08.2015 Grant permission	15/00984/TPO	Mr S Duerden 3 Cottey Brook Tiverton Application to carry out works to 1 Cedar tree protected by Tree Preservation Order 03/00007/TPO	Tiverton 52
17.06.2015	03.08.2015 Grant permission	15/00985/CLP	Mr & Mrs Courage 12 Cleaves Close Thorverton Certificate of Lawfulness for the proposed erection of an extension and porch	Thorverton 51
17.06.2015	03.08.2015 Grant permission	15/00987/FULL	Mr & Mrs C Pike Exe Vale Lower Washfield Erection of a two-storey extension	Washfield 56

17.06.2015	23.07.2015 Grant permission	15/00990/FULL	Mr & Mrs T Harris Castle Acre Bow Erection of extension (Revised Scheme)	Bow 03
17.06.2015	03.08.2015 Development Acceptance	15/00999/PNHH	Mr & Mrs Skilton 2 Lockshallis Cottages Sampford Peverell Prior notification for the erection of a single storey conservatory extension extending 4.5m to the rear, maximum height of 4m, eaves height of 3.5m	Halberton 25
17.06.2015	07.08.2015 Grant permission	15/01000/LBC	Mr S Probert Whelmstone Cottage Coleford Listed Building Consent for the conversion of redundant hayloft to hobby room and associated internal works	Colebrooke 17
18.06.2015	12.08.2015 Permitted Development	15/00982/PNDEM	Mr S Elston Village Hall Station Road Prior notification for the demolition of former village hall	Crediton Hamlets 19
18.06.2015	04.08.2015 Grant permission	15/01001/FULL	Mr & Mrs M Thomas 3 Camfield Drive Tiverton Erection of two storey extension (Revised scheme)	Tiverton 52
19.06.2015	06.08.2015 Grant permission	15/01002/FULL	Mrs A Beauchamp Lower Hayne Barton Ashill Erection of double car port and garden store	Uffculme 53
22.06.2015	14.08.2015 Grant permission	15/00996/FULL	Stevens Homes Ltd Land at NGR 296100 114106 Hayne	Tiverton 52

			Court Erection of 4 dwellings with new vehicular and pedestrian access and infrastructure works (Revised scheme)	
22.06.2015	31.07.2015 No Objection	15/01004/CAT	Mr S Hedges Mar Lodge Dinneford Street Notification of intention to carry out works to 1 Lawson's Cypress tree and 1 Lime tree within the Conservation Area	Thorverton 51
23.06.2015	04.08.2015 Grant permission	15/01014/LBC	Mr D Griffiths 4 Twyford Place Tiverton Listed Building Consent for internal and external alterations	Tiverton 52
23.06.2015	10.08.2015 Grant permission	15/01021/FULL	Mr P Radford 39 Prowses Hemyock Conversion of loft, and erection of extension and replacement garage	Hemyock 26
24.06.2015	07.08.2015 Grant permission	15/01029/LBC	Mr R Cattell Fairpark Exeter Road Listed Building Consent for works to existing ancillary curtilage outbuilding	Crediton Town 18
29.06.2015	07.08.2015 No Objection	15/01040/CAT	Mrs M James Selwood House 15 Gravel Walk Notification of intention to fell 1 Conifer within the Conservation Area	Cullompton 21
29.06.2015	03.08.2015 Development Acceptance	15/01045/PNHH	Mr D Stephenson 33 Elizabeth Penton Way Bampton Prior notification for the erection of a single storey extension extending 3.40	Bampton 01

			m to the rear, maximum height of 2.75 m, eaves height of 2.50 m	
30.06.2015	07.08.2015 Grant permission	15/01049/FULL	Ms C Hannaford Lane End Morchard Bishop Erection of an extension	Morchard Bishop 35
01.07.2015	13.08.2015 Grant permission	15/01055/FULL	Mr & Mrs Tancock 45 Chestnut Drive Willand Erection of an extension	Willand 59
03.07.2015	12.08.2015 Grant permission	15/01064/FULL	National Trust Knightshayes Park Bolham Installation of 3 Pay and Display machines and related instruction signage	Tiverton 52
03.07.2015	12.08.2015 Grant permission	15/01065/ADVERT	National Trust Knightshayes Park Bolham Advertisement Consent to display 3 instruction signs associated with adjacent Pay and Display machines	Tiverton 52
03.07.2015	12.08.2015 Grant permission	15/01066/FULL	National Trust Heathcoat Cricket Club Knightshayes Park Installation of a Pay and Display machine and related instruction signage	Tiverton 52
03.07.2015	12.08.2015 Grant permission	15/01067/ADVERT	National Trust Heathcoat Cricket Club Knightshayes Park Advertisement Consent to display an instruction sign associated with adjacent Pay and Display machine	Tiverton 52

03.07.2015	05.08.2015 Grant permission	15/01073/FULL	Mr C Black Restharrow Chawleigh Erection of a conservatory (Revised scheme)	Chawleigh 10
06.07.2015	11.08.2015 No Objection	15/01072/CAT	Mr Paul Siely Monkswood Priest Hill Notification of intention to fell 1 Elm tree and to reduce the height of 1 Laurel by 33% and 2 Cherry trees by 50% in a Conservation Area	Kentisbeare 32
06.07.2015	13.08.2015 Grant permission	15/01079/FULL	Mr S Tizzard Willow Brook Kennerleigh Erection of double garage attached to north elevation (to replace single garage) and recladding of bungalow in rendered concrete particle board	Kennerleigh 31
10.07.2015	12.08.2015 No Objection	15/01097/CAT	Mr Alan Grigg All Saints Church Huntsham Notification of intention to carry out works to 2 Yew and 1 Sycamore trees within a Conservation Area	Huntsham 30
13.07.2015	27.07.2015 Withdrawn	15/01119/DCC	Devon County Council 2 Sisters Food Group Ltd (Willand) Lloyd Maunder Road County Matter Application Variation of Condition 2 and 6 of DCC/3725/2014 (construction of 2MW Anaerobic Digestion Plant with new access road and weighbridge on land adjacent to existing Abattoir at Lloyd Maunder Road, Willand and construction of two bay silage clamp with hardstanding	Willand 59

			and turning area at Burn Rew Farm, Willand) to amend the permitted elevations and to increase the amount of feedstock delivered by road	
14.07.2015	07.08.2015 Withdrawn	15/01117/FULL	Mr G Brooke Mobile Home(The Shack) Jewells Farm Erection of a dwelling following removal of mobile home	Clayhidon 15
14.07.2015	12.08.2015 No Objection	15/01118/CAT	Mr Howard Collins Delders Mary Lane Application to reduce 1 Cupressus Leylandii tree by 50% (A) and remove 1 Cupressus Leylandii tree (B) within a Conservation Area	Bampton 01
28.07.2015	13.08.2015 Grant permission	15/01220/CLP	Mr & Mrs Brdigman 2 Collatons Walk Bow Certificate of Lawfulness for the proposed conversion of garage to utility room, with demolition of existing conservatory and erection of rear extension to form dining room	Bow 03

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Background Papers: Contained in application files referred to.

## Major Applications with no Decision

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

<i>Item</i>								<i>Expected Decision Level</i>	
<i>No.</i>	<i>Weeks</i>	<i>TARGET DATE</i>	<i>REFVAL</i>	<i>PROPOSAL</i>	<i>LOCATION</i>	<i>NAME</i>	<i>Delegated</i>	<i>Committee</i>	
1	1	30/10/2015	15/01116/MOUT	Outline application for up to 105 dwellings and up to 1500 sq m of Class B1 floorspace (Revised scheme)	Land at NGR 303843 111382 South View Road Willand Devon	Miss Thea Billeter	DEL		
2	3	15/10/2015	15/01108/MFUL	Installation of a ground-mounted photovoltaic solar farm to generate up to 6MW of power (site area 11ha) with associated infrastructure including inverter cabins, sub station buildings, access tracks, fencing and CCTV (Revised scheme)	Land at NGR 307922 118303 (Wiseburrow Farm) Burlescombe Devon	Miss Thea Billeter	COMM	COMM	
	3	16/10/2015	15/01034/MFUL	Erection of a 500kW anaerobic digester and associated works with 4 silage clamps. Revised Scheme to include the change of orientation of the layout and installation of 2 driers	Land at NGR 299621 112764 (Red Linhay) Crown Hill Halberton Devon	Mr Daniel Rance	COMM	COMM	
	8	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	
	10	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	
	10	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		
	22	09/06/2015	15/00391/MOUT	Outline for the erection of between 15 and 20 dwellings and up to 2500 sq. m. of B1 floor space including landscaping, parking and provision of vehicular access from the B3190	Land at NGR 295599 122818 (North of Bourchier Close) Bampton Devon	Ms Tina Maryan	COMM	COMM	

<i>Item</i>							<i>Expected Decision Level</i>	
<i>No.</i>	<i>Weeks</i>	<i>TARGET DATE</i>	<i>REFVAL</i>	<i>PROPOSAL</i>	<i>LOCATION</i>	<i>NAME</i>	<i>Delegated</i>	<i>Committee</i>
8	53	04/11/2014	14/01332/MOUT	Outline for a mixed use development comprising of a primary school and pre-school with ancillary facilities including sports pitch and parking and turning area; erection of up to 25 dwellings with parking and open space	Land at NGR 288080 098230 East of Station Road Newton St Cyres Devon	Mr Simon Trafford	COMM	COMM
9	61	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
10	62	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
11	67	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
12	87	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
13	121	16/07/2013	13/00525/MFUL	Application to replace extant planning permission 09/01870/MFUL (to extend time limit). A mixed development of 13 open market eco-houses and 6 affordable eco-houses; new access and estate road; additional car parking facilities for the Village Hall; closure of the existing Parish Hall Car Park entrance; provision of a children's play area for the Parish Hall; highway improvements to Fanny's Lane; footpath link to Snows and Meadowside Road (Revised Scheme)	Land at NGR 282973 102485 (East of Oxford Terrace) Fanny's Lane Sandford Devon	Mr Simon Trafford	COMM	COMM



# LIST OF APPEAL DECISIONS FROM 18<sup>th</sup> July 2015 to 11<sup>th</sup> August 2015

Application No	Description	Location	Officer Recommendation	Committee or Delegated	Decision	Appeal Type	Inspector Decision
14/01645/TPO	Application to remove 1 Lime tree protected by Tree Preservation Order 14/00002/TPO	11 Hayne Court Tiverton Devon EX16 6UY	Refuse consent	Delegated Decision	Refuse permission	Informal Hearing	Allow with Conditions

## Summary of Inspectors Comments

The Inspector measured the health and visual amenity of the Lime Tree against the impact upon the living condition of occupants at No 11 Hayne Court. The Inspector considered that the tree is a mature and healthy specimen, of good size and vitality, and therefore it has significant intrinsic public amenity value. However the tree was found to completely dominate the rear garden of No 11 and the rear facing habitable rooms to the extent that the living conditions of occupiers, in terms of loss of natural light and outlook are seriously adversely affected. The Inspector argued that this impact could be alleviated to an extent by crown thinning and reduction works, but the level of reduction necessary to provide a satisfactory remedy would leave the tree with little or no public value. It was concluded therefore that the impact of the tree in terms of loss of light and outlook are severe enough to justify the removal of the tree, although in the interests of the character and appearance of the area, a condition should be attached to the grant of consent, requiring a replacement tree to be provided and maintained thereafter.

14/01645/TPO

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## AGENDA ITEM

PLANNING COMMITTEE  
26<sup>th</sup> August 2015

### REPORT OF THE HEAD OF PLANNING AND REGENERATION

#### PLANNING PERFORMANCE QUARTER 1 2015/16

##### RECOMMENDATION:

For information and discussion.

##### REASON FOR REPORT:

To provide the Committee with information on the performance of Planning Services for quarter 1 within the 2015-16 financial year.

##### MATTERS FOR CONSIDERATION:

Performance against targets and Planning Service staffing in the immediate future.

##### RELATIONSHIP TO CORPORATE PLAN:

Well Managed Council

**FINANCIAL IMPLICATIONS:** Planning performance has the potential for significant financial implications in the event that applications are not determined within 26 weeks or an extension of time negotiated. In that instance the planning fee is returned.

**LEGAL IMPLICATIONS:** The Government monitors planning performance in terms of speed and quality of decision making. In the event minimum standards are not met, an authority may be designated as being in special measures allowing applicants to apply for permission direct from the Planning Inspectorate and bypassing local decision making. The speed measure is the number of major applications determined within 13 weeks as measured over a 2 years period. The target of more than 40% has been met (51%). The quality measure is the percentage of major applications determined over a two year period that have been overturned at appeal. The less than 20% target has been met (6%).

**RISK ASSESSMENT:** Financial risk as a result of fee return and the designation of planning authorities in special measures for underperformance is referred to above. These aspects are actively monitored, to allow priorities to be adjusted as required to reduce the risk.

#### 1.0 PLANNING PERFORMANCE

Set out below are the Planning Service performance figures for quarter one 1st April – 30<sup>th</sup> June 2015.

Performance data is published quarterly on the Council's website at <http://www.middevon.gov.uk/index.aspx?articleid=4026>

The performance for this first quarter is set out below and expressed as a percentage unless marked otherwise and reports against a mix of Government and local performance targets.

Planning Service Performance	Target	Qu 1 2015/16
Major applications determined within 13 weeks	60%	57
Minor applications determined within 8 weeks	65%	68
Other applications determined within 8 weeks	80%	91
Householder applications determined in 8 weeks	85%	92
Listed Building Consents	80%	70

Enforcement site visits undertaken within 15 days of complaint receipt	87%	100%
Delegated decisions	90%	94%
Applications over 13 weeks old without a decision	Less than 45 applications	25
Major applications determined within 13 weeks (over last 2 years)	More than 40%	51
Determine all applications within 26 weeks or with an extension of time (per annum –Government planning guarantee)	100%	97%
Building Regulations Applications examined within 3 weeks	95%	70%
Building Regulation Full Plan applications determined in 2 months	95%	99%

In addition during this quarter activity within the enforcement part of the Planning Service included:

Number of new enforcement cases registered	14
Number of enforcement cases closed	47
Number of committee authorisations sought	3
Number of planning contravention notices served	Data available from Qu 2
Number of breach of condition notices served	0
Number of enforcement notices served	0

This period corresponded with the time that resources in planning enforcement were limited to a single officer whilst recruitment took place to fill vacant posts. The enforcement part of the service is now fully staffed.

The performance for quarter 1 of 2015/16 shows that in the majority of instances targets are being met or exceeded. However the major application target of 60% determined within 13 weeks was narrowly missed (57%) and Listed Building Consent application performance against the target of 80% determined in 8 weeks was 70%. It continues to be a challenging period for the Planning Service in terms of staffing due to maternity leave and the departure of members of staff. Recruitment has been undertaken to replace the majority of vacancies. New members of staff have recently arrived or are expected shortly. Work areas within conservation have been reviewed and redistributed within the team.

In the publication ‘Fixing the foundations: creating a more prosperous nation’ as part of the summer budget 2015, the Government has indicated its intention to tighten planning performance requirements so that local authorities making 50% or fewer decisions on time or those processing minor applications too slowly at risk of designation. The Government’s planning guarantee requires that authorities determine all planning applications within 26 weeks unless an extension of time is agreed with the applicant. If not, the planning fee is returned. Within this publication the Government has also indicated its intention to significantly tighten the planning guarantee for minor applications. Planning performance continues to be closely monitored. The performance of the planning service against targets will therefore become increasingly important and presents a financial risk to the authority in the event that the planning guarantee is not met.

The Building Control team has seen significant changes over 2014/15 with the redundancy of the Building Control Manager at the end of quarter 3. The Manger previously acted as an Inspector over part of the District and managed a caseload of applications. With the reduction in the size of the team the time taken for certain activities has increased. A review of the Building Control service including workloads and level of staffing has been undertaken in conjunction with North Devon Council’s Building Control Manager. Recommendations have been made to improve future service delivery including the development of a shared service and management between Mid and North Devon Building Control.

Current policy production targets are as follows:

<b>Document</b>	<b>Anticipated presentation</b>
Local Plan Review	Pre-submission stage. Review of consultation responses.
CIL Draft charging schedule	Pre-submission stage. Review of consultation responses.
Annual Monitoring Report	Presented to Cabinet February 2015
Heritage Assets Register	Published on website
Cullompton Article 4 Review	Consultation completed December 2014, target to Cabinet September 2015
Conservation Area Appraisals and Management Plans: Thorverton Morchard Bishop Newton St Cyres Cheriton Fitzpaine Silverton	Presented to Cabinet July 2015
Solar & Wind Landscape Sensitivity SPD	In preparation - further analysis in progress
Self Build guidance / SPD	In preparation
Open Space SPD	In preparation

The priority for the Forward Planning Team continues to be the Local Plan Review and associated tasks. Vacant posts within the Forward Planning section have now been filled including an interim Team Leader. Further resources via consultancy have also been secured to ensure sufficient staff are in place to complete the Local Plan Review process through examination and to adoption.

Every effort continues to be made to maintain our charter standards of customer service and our performance levels within the eight and thirteen week government target periods. Whilst the staffing situation has improved during this first quarter, the development management team is not yet at full complement and staffing change within this team will continue throughout the financial year as a result of maternity leave and associated cover arrangements.

**Contact for Information:** Jenny Clifford, Head of Planning and Regeneration  
01884 234346

**List of Background Papers:** PS1 and PS2 returns  
'Fixing the foundations – creating a more prosperous nation' HM Treasury July 2015

**Circulation of the Report:** Cllr Richard Chesterton  
Members of Planning Committee

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