

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, 21 October 2015 at 2.15 pm

The next ordinary meeting of the Committee will take place on Wednesday, 18 November 2015 at 2.15 pm in the Council Chamber, Town Hall, Tiverton

KEVIN FINAN
Chief Executive
13 October 2015

Councillors: Mrs H Bainbridge, K Busch, Mrs C Collis, Mrs F J Colthorpe, R J Dolley, J M Downes, S G Flaws, P J Heal, D J Knowles, F W Letch, R F Radford, J L 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 - 14*)
To receive the minutes of the previous meeting (attached).
- 4 **CHAIRMAN'S ANNOUNCEMENTS**
To receive any announcements the Chairman may wish to make.
- 5 **DEFERRALS FROM THE PLANS LIST**
To report any items appearing in the Plans List which have been deferred.

- 6 **THE PLANS LIST** (*Pages 15 - 56*)
To consider the planning applications contained in the list.
- 7 **THE DELEGATED LIST** (*Pages 57 - 74*)
To be noted.
- 8 **MAJOR APPLICATIONS WITH NO DECISION** (*Pages 75 - 76*)
List attached for consideration of major applications and potential site visits.
- 9 **APPEAL DECISIONS** (*Pages 77 - 78*)
To receive for information a list of recent appeal decisions.
- 10 **APPLICATION 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 AT LAND AT NGR 2301001 107388 (NORTH OF KNOWLE LANE, KNOWLE** (*Pages 79 - 100*)
To consider a report of the Head of Planning and Regeneration regarding this application.
- 11 **APPLICATION 15/01108/MFUL - INSTALLATION OF A GROUND MOUNTED PHOTOVOLTAIC SOLAR FARM TO GENERATE UP TO 6MW OF POWER (SITE AREA 11 HA) WITH ASSOCIATED INFRASTRUCTURE INCLUDING INVERTER CABINS, SUB STATION BUILDINGS, ACCESS TRACKS, FENCING AND CCTV (REVISED SCHEME) LAND AT NGR 307922 118303 (WISEBURROW FARM) BURLESCOMBE** (*Pages 101 - 120*)
To consider a report of the Head of Planning and Regeneration regarding this application.
- 12 **CONSIDERATION OF PLANNING APPLICATIONS FOR GROUND MOUNTED SOLAR PHOTOVOLTAIC SCHEMES.** (*Pages 121 - 122*)
To receive a report of the Head of Planning and Regeneration regarding whether Planning Committee wish to continue to determine all solar photovoltaic (PV) panel schemes that are ground mounted and recommended for approval, irrespective of the scale of the proposal.
- 13 **PLANNING PERFORMANCE QUARTER 2 2015/16** (*Pages 123 - 126*)
To receive a report of the Head of Planning and Regeneration providing the Committee with information on the performance of Planning Services for quarter 2 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:

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 23 September 2015 at 2.15 pm

Present

Councillors

Mrs F J Colthorpe (Chairman)
Mrs H Bainbridge, K Busch, Mrs C Collis,
R J Dolley, S G Flaws, P J Heal, F W Letch,
R F Radford, J L Smith, J D Squire and
B A Moore

Apologies

Councillor(s)

J M Downes, D J Knowles and R L Stanley

Also Present

Councillor(s)

D R Coren

Present

Officers:

Jenny Clifford (Head of Planning and Regeneration), Tina Maryan (Area Planning Officer), Simon Trafford (Area Planning Officer), Reg Willing (Enforcement Officer), Christine McCoombe (Area Planning Officer) and Sally Gabriel (Member Services Manager)

51 **APOLOGIES AND SUBSTITUTE MEMBERS**

Apologies were received from Cllrs: J M Downes, D J Knowles and R L Stanley who was substituted by Cllr B A Moore.

52 **PUBLIC QUESTION TIME**

Mr Harrod referring to Item 3 on the Plans List (Rock Park Farm) asked the following questions:

How was it that so few people received the initial letters notifying local people of the proposal?

In [reportedly] being minded to approve the application, were its changing rationalisations along with inconsistencies regarding trailers etc negotiating Woodland Head Cross not considered? If they were, how could possible approval be justified?

Does he wish to destroy the hedge, cause disruption to all the neighbours, create a dangerous roadway, when he could easily consider the alternatives? The track could be rerouted.

The Chairman stated that answers would be provided when the application was discussed.

Mrs Coffey referring to Item 5 – Enforcement – Rowey Bungalow, Withleigh stated that at the March meeting it was agreed that the use of the land would be monitored. She referred to an email from the former Head of Planning and Regeneration in which he stated that he intended to write to the landowner reminding him that the land should be used for agricultural use and advising that regular mowing of the land was unnecessary also that agriculture should be its prominent use. Monitoring of the land had been referred to in the report of March 2015, this land had only be visited once on 19 August in which the length of the grass was the only thing looked at, nothing else was considered. Why had the land not been monitored regularly and why hadn't the frequency of the mowing been monitored.

The Chairman indicated that answers would be given when the item was discussed.

53 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 26 August 2015 were approved as a correct record and signed by the Chairman.

54 CHAIRMAN'S ANNOUNCEMENTS (00-08-45)

The Chairman welcomed Mrs Christie McCombe back to the authority, this time as Area Planning Officer dealing specifically with the Tiverton Eastern Urban Extension.

55 ENFORCEMENT LIST (00-09-53)

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

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

Arising thereon:

No. 1 in the Enforcement List (***Enforcement Case ENF/14/00124/UDRU -0 unauthorised material change of use of land from agricultural use to use as a domestic garden – Rowey Bungalow, Withleigh***)

The Planning Enforcement Officer outlined the contents of the report stating that there had been a report to the March committee and that there had been recommendations. The landowner was advised regarding the regularity of mowing the grass in question; he had visited the site once, the landowner had completed a PCN stating that the land was in agricultural use and that the land was mown regularly for maintenance reasons and it was his view that he could not issue an enforcement notice on what he had viewed.

The Head of Planning and Regeneration stated in answer to questions posed in public question time that she was unaware of the email sent by the former Head of Planning or whether a letter was sent to the landowner; however the use of the land, its appearance and mowing/maintenance had been discussed with the landowner by the Enforcement Officer. The site had been revisited since the March Committee meeting and there was no evidence that a change of use had taken place. She

advised that any new concerns over an unauthorised change of use in the future would be investigated.

Consideration was given to:

- The history of potential breaches on the site
- Regular topping of agricultural land for maintenance purposes
- Whether there were any regulations regarding the number of times agricultural land could be cut.

RESOLVED that the Legal Services Manager be authorised to take no further action in respect of the alleged change of use of land in this case.

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

Note: Mrs Coffey (Neighbour) spoke.

56 DEFERRALS FROM THE PLANS LIST

There were no deferrals from the Plans List.

57 THE PLANS LIST (00-36-52)

The Committee considered the applications in the plans list *.

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

(a) Applications dealt with without debate.

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

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

- (i) No 4 on the Plans List (***15/01130/FULL – Removal of Condition 3, holiday occupancy condition of planning permission 05/01218/FULL – The Barn, Pugham Farm, Westleigh***) be refused as recommended by the Head of Planning and Regeneration

(Proposed by the Chairman)

Note: Cllrs Mrs H Bainbridge and B A Moore declared personal interests as they both had holiday accommodation

- (ii) No 5 on the Plans List ***15/01149/FULL – Installation of 16 ground mounted solar panels to generate 4KW of power – Yarde Down Farm, Silverton*** be approved subject to conditions as recommended by the Head of Planning and Regeneration.

(Proposed by the Chairman)

(b) No 1 on the Plans List ***(15/00827/FULL – erection of two storey extension to form workshop, office and garden machinery store and store – Trumps Engineering, The Forge, Parsonage Road, Bradninch)***

The Area Planning Officer outlined the contents of the report by way of presentation identifying the location of the site, a block plan identifying the proposed extension, the proposed floor plans and elevations and access to the site. Photographs were shown from various aspects of the site and it was explained that repairs that had previously taken place in the yard would take place in the proposed extension. There was no increase in the scale of the business and therefore the Highway Authority had not raised any issues.

Consideration was given to:

- The number of parking spaces for visitors on the site
- The concerns of the neighbour regarding the size of the proposed extension, retail sales (ancillary to the existing use of the site) and a request for solid gates

RESOLVED that planning permission be granted subject to conditions as recommended by the Head of Planning and Regeneration with an amendment to Condition 3:

3. The development shall not be brought into its intended use until 6 vehicle parking spaces together with a storage area for plant and equipment have been marked out and provided, surfaced and drained in accordance with details that shall have been previously submitted to and approved in writing by the Local Planning Authority. Such storage area and parking spaces shall be permanently retained and the spaces shall be retained for the parking of visitor vehicles attracted to the site only.

(Proposed by the Chairman)

Notes:

- (i) Cllr P J Heal declared a Disclosable Pecuniary Interest as the applicant was a customer of his business and left the meeting during the discussion thereon;
- (ii) Mr Parsons (Objector) spoke

(b) No 2 on the Plans List ***(15/00934/FULL – 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)***

The Area Planning Officer outlined the contents of the report explaining the history of the site, the outline application and the previous reserved matters application. The application was therefore a response addressing the issues raised previously. The

presentation highlighted the layout of the proposal, points of access, the estate road the number of units, parking, the design of the proposed dwellings, the drainage layout, the highway plan and planting scheme including the hedgerow and the acoustic fencing and photographs from various aspects of the site.

Consideration was given to:

- The revised conditions, it was explained that some of the conditions had previously been agreed when the outline application was considered.
- Waste and sewerage issues
- Access for emergency vehicles
- The education contribution outlined in the S106 agreement
- Improvements to the footpath
- The contents of the S 106 agreement
- The comments of the Cabinet Member for Housing supporting the application.

RESOLVED that planning permission be granted subject to:

a) Conditions as recommended by the Head of Planning and Regeneration with amendments to:

Condition 1: Add additional line to end 'No other materials shall be used'.

Condition 4: Replace with the following wording 'The development hereby approved shall not be carried out otherwise than in accordance with an approved phasing programme that shall have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of any development on the site.

Condition 5: Replace with the following wording: 'The occupation of any dwelling in an agreed phase of the development shall not take place until a footpath link from the application site direct to Honiton Road has been constructed and is available for use.'

Condition 7: Delete

Condition 9: Revise first line to read 'no development shall take place until a scheme to minimise dust emissions during construction has been submitted to and approved in writing by the Local Planning Authority'.

Condition 11: Delete 'to the written satisfaction of the Local Planning Authority'.

FURTHER RESOLVED that

- Provide 30 affordable housing on site on the basis of 18 (60%) to be provided on an affordable rented basis and 12 (40%) to be provided on a shared ownership basis.
- Provide a contribution towards improving and/or providing new open space off site at a rate of £1205 per unit of market housing (x70) = **£84,350.00**
- Provide a contribution towards primary school education facilities to serve the occupiers of the development at a rate of £2840.80 per unit of market housing (x70) = **£ 198,856.00**

- iv) Provide a contribution towards air quality enhancement initiatives in Cullompton at a rate of £3,126.78 per unit of market housing (x70) = **£218,874.60**
- v) Provide a contribution towards kerb side recycling facilities at a rate of £50.00 per unit (x100) = **£5,000.00**
- vi) Provide a contribution towards improving the existing footpath network off site of **£2,000**

The total off site contribution delivery package is **£509,080.60**

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

Notes:

- (i) Cllr Mrs F J Colthorpe declared a personal interest as the applicant was known to her;
- (ii) Cllrs Mrs H Bainbridge, K I Busch, Mrs C A Collis, Mrs F J Colthorpe, R J Dolley, S G Flaws, P J Heal, F Letch, B A Moore, R F Radford, J L Smith and J D Squire made declarations in accordance with the Protocol of Good Practice for Councillors dealing in planning matters as they had received correspondence regarding this application;
- (iii) Cllr P J Heal also made an additional declaration in accordance with the Protocol of Good Practice for Councillors dealing in planning matters as Chairman of the Decent and Affordable Homes Policy Development Group;
- (iv) Cllr K Busch spoke as Ward Member;
- (v) Mr Russell (Applicant) spoke;
- (vi) The following late information was received: information regarding the amended conditions as listed above.

(c) No 3 on the Plans List (***15/00980/FULL – Construction of new vehicular access to holiday cottage – land and buildings at NGR 278019 96892 (Rock Park Farm), Woodland Head, Yeoford***)

The Area Planning Officer outlined the contents of the report by way of presentation highlighting the site location plan, the highway network, the revised access, the landscape, environmental and amenity aspects of the proposal, the view of the dwelling to be served by the new access, the distance from a specific oak tree and visibility splays.

He answered the questions posed during public question time: with regard to the alternative route, each application had to deal with on its merits; notification issues: information had been sent to 11 address points, a site notice had been erected and discussions had taken place with the Parish Council; inconsistencies within the application: the route had been assessed to provide access to the dwelling, traffic at the present time was going to the manege, any traffic entering the site would

therefore be split using the proposed new access, the proposal would not facilitate any increase in the use of the road network.

Consideration was given to:

- The future of the manege
- The steep driveway
- Merging large vehicles on to the narrow road and practical manoeuvring issues
- The concerns of local residents regarding the gradient of the track and the removal of the bank and verge
- A possible site visit by the Planning Committee

RESOLVED that planning permission be granted subject to conditions as recommended by the Head of Planning and Regeneration subject to the following amendments:

Condition 5: Delete 'to the written satisfaction of the Local Planning Authority'.

Reason for conditions 4 and 5: To prevent surface water run off onto the highway.

Reason for condition 5 as printed – relabel as reason 6.

(Proposed by Cllr F W Letch and seconded by Cllr R J Dolley)

Notes:

- (i) Cllrs D R Coren and P J Heal declared personal interests as the applicant and objectors were known to them;
- (ii) Cllrs Mrs H Bainbridge, K I Busch, Mrs C A Collis, Mrs F J Colthorpe, R J Dolley, S G Flaws, P J Heal, F Letch, B A Moore, R F Radford, J L Smith and J D Squire made declarations in accordance with the Protocol of Good Practice for Councillors dealing in planning matters as they had received correspondence regarding this application;
- (iii) Cllrs D R Coren and P J Heal spoke as Ward Members;
- (iv) A proposal for a site visit to take place was not supported;
- (v) The following late information was reported: Page 41: Additional Information received from the applicant (summarised as follows):
 1. Photograph to show existing access track to holiday cottage: received 16.9.15
 2. Further letter from West Country Holidays restating concerns that the existing trackway to holiday cottage will cause damage to holiday-maker vehicles; also would not be possible to get an emergency vehicle to the cottage should the need arise. A new road would be used by 1 single car on a couple of occasions per day: received 16.9.15
 3. Letter of support received from a Sally Carter/Clive Carter (former residents) stating that there was always a gateway into the field mid-way down the back road that runs behind the cottages at Woodland Head: received 16.9.15

Page 42: Further comments received from Parish Council on 11.9.15 (summarised as follows):

- The Parish Council wish to restate their views that they are unable to support this application as it is considered that the 2 existing entrances are adequate to serve the site.
- The Parish Council has taken into the views/comments it received from neighbouring residents : the application has been considered to contain confusing statements /information relating to future use of the holiday cottage, and in particular if equestrian use was intended , which would be the principal purpose of the new entrance.
- Concerns continue to be raised on the width of the road and the encroachment onto others' property: specifically, if turning "right" (west out of the entrance within 100m is a blind bend cross roads. If turning "left" (east) vehicles, to join the Yeoford to Cheriton Bishop road, have to make a steep turn around another difficult junction. Such dangers are increased if vehicles are towing trailers.
- Currently, the property enjoys an entrance at the second junction, as if a cross-roads. The visibility is reasonable and no awkward manoeuvring is necessary to get onto the adjacent lane and on the main road itself.

Amendments to conditions and reasons page 45 as follows:

Condition 5: Delete 'to the written satisfaction of the Local Planning Authority'.

Reason for conditions 4 and 5: To prevent surface water run off onto the highway.

Reason for condition 5 as printed – relabel as reason 6.

58 THE DELEGATED LIST (2-27-39)

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

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

59 MAJOR APPLICATIONS WITH NO DECISION (2-28-00)

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

It was **AGREED** that:

- Application 15/01332/MOUT be dealt with under delegated authority
- Application 15/01334/MFUL remain as being dealt with under delegated authority
- Application 15/01194/MFUL be determined by the committee and a site visit take place if recommended for approval
- Application 15/01116/MOUT be determined by the committee if recommended for approval

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

60 **APPEAL DECISIONS (2-42-03)**

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.

(The meeting ended at 5.10 pm)

CHAIRMAN

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PLANNING COMMITTEE AGENDA - 21st October 2015

Applications of a non-delegated nature

- | <u>Item No.</u> | Description |
|-----------------|--|
| 1. | 15/00968/FULL - Erection of single storey extension at 4 Portway Gardens, Willand Old Village, Willand.
RECOMMENDATION
Grant permission subject to conditions. |
| 2. | 15/01086/FULL - Erection of petrol filling station including sales (200sqm shop), dispensing forecourt and canopy, underground tanks and associated pipework, air/water machine, parking, floodlights, service yard area and new surface finished, removal of existing pumps and relocation of car sales at Willand Service Centre, Willand, Cullompton.
RECOMMENDATION
Grant permission subject to conditions. |
| 3. | 15/01234/FULL - Erection of dwelling at Exe Valley Practice, 3 Coach Road, Silverton.
RECOMMENDATION
Grant permission subject to conditions. |
| 4. | 15/01438/FULL - Installation of 150KW ground mounted solar panels at Land at NGR 280054 113389(Woodford Farm), Witheridge, Devon.
RECOMMENDATION
Grant permission subject to conditions. |

Application No. 15/00968/FULL

Plans List No. 1

Grid Ref: 303419 : 110232

Applicant: Mr C Leembruggen

Location: 4 Portway Gardens
Willand Old Village
Willand Cullompton

Proposal: Erection of single
storey extension

Date Valid: 27th July 2015



Application No. 15/00968/FULL

RECOMMENDATION

Grant permission subject to conditions.

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

1. To consider the impact the proposal will have on the TPO'd trees.
2. To consider the impact the proposed extension will have on the street scene and the property.

PROPOSED DEVELOPMENT

Erection of a single storey extension with hipped roof similar to that of the existing building, the new extension will measure 6.6m x 4.65m and be sited to the south west, side elevation of the property. Materials are to match those of the original dwelling, namely smooth painted render external walls with composite stone plinths and quoins, white uPVC doors and windows and a natural slate roof with clay ridge and hip tiles. Within the roof a total of three timber rooflights are proposed, one on each roof slope.

The application initially included a detached garage located to the front of the site. This detached garage was to be located within the Root Protection Area (RPA) of the large protected Oak tree on the boundary of the site. This element has been withdrawn from the application following concerns regarding its impact on the RPA and the street scene.

APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement

PLANNING HISTORY

Relevant:

09/00727/OUT - Outline for the erection of 3 dwellings - Withdrawn July 2009.

09/01448/OUT - Outline for the erection of 3 dwellings (Revised Scheme) - Refused December 2009.

10/01217/FULL - Erection of 4 dwellings and associated works following demolition of existing bungalow (Appeal Dismissed 7th June 2011) - Refused January 2011

11/02002/FULL - Erection of 4 dwellings and associated works following demolition of existing bungalow (Revised Scheme) - Permitted September 2012.

13/01675/FULL - Variation of condition (2) of planning permission 11/02002/FULL to allow the substitution of previously approved plans - Withdrawn January 2014.

14/00468/FULL Variation of condition (2) of planning permission 11/02002/FULL to allow the substitution of previously approved plans - Permitted October 2014

15/00756/TPO Application to fell 1 Cedar tree protected by Tree Preservation Order 08/00003/TPO - Refused July 2015 - presently at appeal, tree is in the garden of number 3 Portway Gardens

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR2 - Local Distinctiveness

COR17 - Villages

Mid Devon Local Plan Part 3 (Development Management Policies)

DM1 - Presumption in favour of sustainable development

DM2 - High quality design

DM13 - Residential extensions and ancillary development

CONSULTATIONS

MID DEVON DISTRICT COUNCIL - TREE OFFICER - 21st September 2015

The proposed extension at Portway Gardens is unlikely to have a major impact on the walnut tree, providing adequate consideration is given to the design of the foundation type. It would be necessary to construct the foundation using a pile and beam method to minimise ground disturbance.

The plans show that the extension would encroach slightly into the original RPA of the Walnut tree, (RPA shown on 11/02002/FULL). The pile and beam foundation will reduce disturbance to the ground but attention must also be given to reduce compaction and ground disturbances at the time of the construction work. It may be beneficial to mark out the RPA of the walnut tree throughout the construction and if necessary erect protective fencing to ensure that work is not carried out within the RPA of the walnut tree, due to the close proximity.

It is also important to note that materials etc should not be stored beneath the large Oak tree at the front of the property. This area does present an obvious storage location for the works.

At the time the original house was constructed the foundations for a garage were built, which was contrary to the original permission and thus filled in. The construction of these foundations may have severed roots of the walnut tree already but the footprint for the new extension is larger so care is still required to protect the roots and ground in this area.

Pile and beam foundations would allow this extension to be built with less damage to the ground and preserve the walnut tree. Consideration to access, material storage and working methods will reduce the impact to both the trees on the property.

WILLAND PARISH COUNCIL - 15th September 2015

1. Recommendation

Willand Parish Council strongly and unanimously recommend refusal of this application.

2. The Application Revised

2.1 The alleged revision as shown on the MDDC Website consists of nine documents which are made up of a Design and Access Statement and eight drawings/plans. One of those plans is for the garage and there is nothing that can be seen on the drawing and in the accompanying paperwork which shows that it has been withdrawn.

The Design and Access Statement lists it by number with a note - 'omitted'. There is no new revised Application Form and therefore it can only be assumed that the original form dated the 12th of June 2015 is applicable and current. There is also an amended Application Form of the same date amending land ownership.

2.2 The Application Form on file raises the following points of concern:

- a) Q 3 The description of the proposed works are "Ground Floor kitchen extension and a detached garage for one car."
- b) Q 7 It states that there are no trees within falling distance of the proposed development. There are at least three trees all the subject of Tree Protection Orders that are within falling distance of the property.
- c) Q 8 It will affect existing parking arrangements as over a third of the current hard standing used for parking on is not approved under the current permission and been the subject of complaint to the MDDC Planning Department but no known action to resolve the issue has been taken.
- d) Q 11 The comments in relation to the proposed boundary finish is unclear and could mean that there is potential for more fencing to be raised which would affect the current street scene.

e) Q 11 With regard to hard landscaping it states: "The proposals will increase the brick block parking area at the front of the house in question, to allow a more generous drop off area and better access to the new garage. This hard standing area has been enlarged to suit. This increased area will therefore be modest, particularly with regard to the grand old oak tree and its RPA, which will be a little smaller. The remaining RPA will respect the tree by leaving 85-90% remaining, as is required and recommended by leading arboriculturists (sic). Please see c) above with regard to unapproved extended parking area. The comments in relation to the Root Protection Area of the Oak Tree are not factual as there are not considered to be any roots under the road at the front and in any case the tree is on a raised level. [See original report by Pegasus Environmental.]

2.3 The revised Design and Access Statement on file raises the following issues:

- i) Para 2.2 The statement is inaccurate. There are not any 'many larger housing developments which are significantly being developed outside the settlement boundary...'
- ii) Para 3.1 This should not be relevant as this is a brand new house which the applicant has recently bought.
- iii) Para 3.3 The modest external area for BBQ's etc is currently an unapproved paved area used for parking vehicles.
- iv) Para 3.4 We are unsure as to what is meant by the second paragraph the building will have a larger massing but not any change to the scale". The frontage of the house to the 'street scene' will be increased by about 50%.
- v) Para 3.5 the second paragraph is misleading - "currently there is no intention to provide any additional hard or soft landscaping as part of this application. It should be noted that existing hard landscaping as shown in Appendix 6 Figures 1 and 2 are unapproved and should not be there if Planning Enforcement had properly responded to information before the current applicant purchased the property. This unapproved area is currently used for parking of a vehicle. It is also unclear from the current site plan P102 Rev A as to what is the existing hard landscaped area as it appears to show the existing area and the extended area referred to on the original/current application form. There is a dotted line and a solid line. What is being applied for?

3. Planning History of the Site.

3.1 This whole development site has a very chequered history of planning applications and Plot 4 has been at the centre of much of the concerns. After refusals and a dismissed appeal a development of four houses with only two garages and a number of hard standing parking areas was approved. Since that time there has been amendment and revisions which have resulted in 'planning creep' with the site becoming more densely built on with extra garages and hard standing approved. There has also been the removal of a 'protected' tree. All go against the observations of a Planning Inspector.

3.2 During this period there have been a number of breaches of the conditions and approvals and most have been ignored or excused by officers. There have been alleged agreements which are not documented and cannot be evidentially supported. There have been contradictions in information and responses to complaints. Web site www.willandmatters.org.uk

3.3 The site used to contain one bungalow with good space between adjoining properties and numerous trees and shrubs which gave a very open and green street scene. That has been slowly eroded and will be even further compromised if the current application whatever it is for is approved.

3.4 It would appear that the planning officer has been negotiating with the agent and is indicating that he has made up his mind on some aspects in that he has repeated in two emails to an elected Ward Member that the extension on its own does not have a detrimental impact on the street scene. This is before the Parish Council has been consulted on the revisions and original objectors have not been advised of or asked to comment on the proposed changes. An elected Ward Member suggested a meeting with the Parish Council to which the officer responded "I am not convinced that a meeting is required with Willand Parish Council the amended application is clear in its proposal, for a single storey side extension set on piled foundations. It would appear that discussions with agents are in order which they are but the elected representatives of the local community do not warrant the courtesy! The officer's opinion on the effect on the Street Scene will be challenged later. The application detail is not clear.

3.5 All decisions in relation to the whole site have been made by elected members of the Planning Committee to date. It has been stated that our reference to the history of decision making for the development is not relevant as this is an application by a new owner in relation to one property. That being the case why is it acceptable for the agent to be able to refer to history in relation to tree surveys? This will be referred to later.

4. The Street Scene

4.1 The Street Scene at this point used to be open with one low profile bungalow surrounded by trees and other greenery with good margins between adjoining properties. This has been considerably eroded by the 'planning creep' of the current development with four two storied houses now virtually presenting a total building 'wall'. We are left with the one large remaining Oak Tree at the front and sight of protected trees on the left towards the rear of the site.

4.2 The house to the North East of the site is tight to that boundary. Plot four does have a reasonable margin between its South West elevation (left) and the boundary giving a natural break between it and the adjoining properties. That gap will be closed if this application is approved and the extension will virtually hide the protected trees from the street. That will have the potential to reduce their amenity value to the street scene and encourage argument for their removal - an experience already exercised in relation to one of the trees but fortunately refused.

4.3 The extension, albeit single story with a 'pyramid' roof', will have the effect of increasing the frontage of the property by 4.65 meters which is just over a further 50% of the current frontage of the property. This will result in natural material fencing and background greenery being replaced by building so this must have a detrimental impact on the street scene. It is appreciated the planning officer is expressing his opinion but equally the elected Parish Council are expressing an opinion supported by the observations and views of those who are part of the local community. Which should carry the most weight and value?

5. Trees

5.1 This separate original or revised application does not contain a professional arboriculturalist report to assess the impact of the proposed development on the protected trees. There is therefore no current and up to date professional opinion or advice as to the potential impact of the proposed development on the protected trees likely to be affected. There is no specialist reference to potential effects on root protection areas of the final build or any measures to be taken to provide root protection measures during construction. If one looks at the site with the current building, the proposed extension and the already hard landscaped areas [both approved and unapproved], there is little or no room for manoeuvre to provide protection measure during construction - a point made by a Planning Inspector when refusing an appeal for work on this site some time ago. Where and how are construction vehicles, workers vehicles to be operated or parked? Where will materials be stored? All of these issues can cause potential impaction of root protection areas thereby likely to affect the future wellbeing of the trees.

5.2 What information we do have in relation to this issue is a brief comment made by the agent to an original arboriculturalist report by Pegasus Environmental. That report was in relation to the original application and has twice since been 'tampered' with by the eventual developer of the site by appointment of another arboriculturalist together with alleged agreements between him and MDDC Tree Officer which were not made the subject or any form of record and therefore cannot be referred to. We have now seen that the planning officer has had a conversation with the tree officer stating I have also spoken to Cathy Lynch (Tree Officer) with regard to the impact the proposed extension will have on the TPO tree to the rear of the property. She has confirmed that provided we receive details with regard to pile foundations rather than strip foundations she would not have any objections with regard to the proposed side extension. Again we are faced with second hand reported opinion attributed to an officer with no recorded report on the file or in the public domain.

5.3 Whilst it is appreciated that the extension may have little effect on the root protection area of the walnut tree it is known that strip foundations for the original intended garage were dug and laid. The original applied for hard standing and turning area [NOT APPROVED and conflicting with the RPA of the Oak Tree] was built and this breach of approval has not been actioned to date by way of enforcement and is being conveniently ignored by the planning officer to date in relation to this application. If one looks at the Walnut tree it will be seen that at least one of the lower branches will be in conflict with the roof of the proposed extension very soon if not immediately.

5.4 We do have written reports and emails on file from the MDDC Tree Officer on previous applications/revisions/amendments as follows:

a) On 14 January 2014 the Tree Officer sent a memo to the Planning Officer and the relevant section states: With regards to the proposal to create a drive at the front of plot 2 (sic) [should be 4], with turning area that encroaches into the RPA of the large Oak tree at the front of the site, I object to this proposal. Although the encroachment could be considered acceptable by BS5837:2012 Trees in relation to design, demolition and construction Recommendations, a no dig construction design proposed I feel that the continued health of this Oak tree is essential. It is an important and significant tree in Willand. At present the roots of the tree

have been relatively undisturbed as the RPA reaches as far as the original property. I would prefer to see the RPA undisturbed throughout the development and not risk potential damage to the tree.

b) On 8 May 2014 the Tree Officer wrote to the Planning Officer

stating: The removal of the garage and driveway from plot 4 to me seems preferential. Whilst there is still some encroachment into the RPA it is reduced. I would still like to see no dig construction methods for these parking areas and wonder whether it is possible to put some kind of physical barrier between the parking and the grass, just to reduce the likelihood of parking on the grass area which could cause compaction in the trees RPA in the future.

5.5 It is felt that the comments in relation to the need for properly documented and accountable comment in relation to the continued protection of the trees, potential adverse effect of construction process and future wellbeing of the trees warrant proper consideration. The Parish Council's original response in their letter of 17 August 2015 [attached Appendix A] is still relevant in every respect with the exception of the provision of the garage but see comments in relation to the application form at paragraph 2.1 above.

6. Conclusion

6.1 It is considered that as all other decisions in relation to this whole development have been made by the Planning Committee they should have the opportunity to adjudicate on this application when it is known in clear and unequivocal terms what the detail of the application entails. This would be more democratic than the decision being made under delegated powers where the planning officer already appears to have made his decision on a flawed and incomplete application process and before full consultation has taken place.

6.2 Although the extension will be built to match the house the increasing of the mass at the location does not necessarily show a clear understanding of the characteristics of the site, its wider context and the surrounding area. It is further questioned as to whether or not it makes a positive contribution to the local character? It is further questioned as to whether or not it be well integrated with the surrounding buildings, streets and landscapes? There is a further concern that this will result in the overdevelopment of the curtilage of the property when one takes into consideration the constraints which should be placed upon it by the protection of the relevant protected trees.

6.3 This proposed extension development and the questioned and unapproved hard landscaping have the potential to adversely affect the future wellbeing of the relevant trees and in the light of contrary NEW and unambiguous information it should not be allowed.

6.4 There is insufficient clear and precise information for an informed decision to be made at present.

6.5 Refusal is recommended and our Ward Councillors are asked to ensure that the matter be brought before committee if the planning officer is minded to approve.

APPENDIX A

1. Introduction

1.1 Willand Parish Council unanimously strongly recommend refusal of this application.

1.2 This property is the main property at the front of a very recently completed 'garden grabbing' development. The planning history of the whole development and the management of the current build in compliance with planning approval conditions are most politely described as 'questionable'. Formal complaint procedure was lodged.

1.3 The South West elevation finish is not in compliance with the approved plan for the property. This is no doubt due to the fact that footings were laid for an unapproved garage to adjoin the house at this point. We now have the application for an extension to living accommodation which will have a larger footprint than the attempted garage build.

1.4 The driveway/parking area at the front of the house and the single rail fence to stop encroachment onto the root protection area of the Oak (T13) tree are not built in accord with the current approval. They cover a much larger area than approved. Repeated attempts to have Planning Officers deal with this have been fruitless until very recently and those actions are now suspended until this application is decided.

1.5 Although on a plan the curtilage of this property looks to be large the actual effect on the ground is to witness a much smaller area. The front area of the property is predominantly the root protection area of a magnificent Oak (T13) tree which is a very dominant and relevant feature to the street scene of the area. There are other trees close to the applicant property and on the general development which are the subject of tree protection orders.

1.6 If officers are inclined to give approval to this application under delegated powers one of the Ward Councillors has already agreed to 'call in' the application for determination by the Full Planning Committee.

2. The Application Papers

2.1 The Application Form

Q7 - states that there are no trees with falling distance - incorrect.

Q8 it will affect the current parking arrangements as they are in breach of planning approval.

Q11 boundary treatment needs to be clarified as it would not be acceptable to have a close board fence along the top of the roadside boundary.

2.2 The Design and Access Statement.

1.1 It is disputed that the garage will provide an improved setting to the front of the house aspect. It will be forward of the main building line fronting the street and will hide most of the proposed extension. It is contended that it will be completely out of keeping with the development as a whole and the street scene.

2.2 The statement in the second paragraph is inaccurate. There are not 'many larger housing developments which are significantly being developed outside the settlement boundary...'

3.1 This should not be relevant as this is a brand new house which the applicant has recently bought.

3.5 It is argued that this is misleading particularly when quite a proportion of the current hard landscaping is not approved.

2.3 The submitted proposed site plan shows a different layout for the current and approved entrance road layout. See plan at Paragraph 4.12

3. Objection

3.1 The reasons for objection to the application and recommendation for refusal are:

(a) With the exception of the extended living conditions all other aspects of the development will likely affect the future health and wellbeing of the excellent protected

Oak (T13) tree by digging into or compacting the root protection area. As the tree is on a raised level it is considered unlikely that there are many roots to the road side of the boundary bank.

(b) The proposed sitting/dining room is wider and deeper than the original intended garage and so will occupy more of the curtilage and be closer to the adjoining property boundary. It will also require digging into the RPA of TPO tree T1 a Walnut tree,

(c) The proposed garage is an additional build onto the curtilage of the property and will mean digging foundations into the RPA of T13. It will also be forward of the building line for this development.

(d) The widening of the paved area will further encroach onto the RPA of T13 thereby having the potential to adversely affect the future wellbeing and life expectancy of T13. Nothing is said about this being constructed by a 'no dig' construction method as required in the original approval.

(e) The drawings give the impression of a large curtilage for the property BUT when one considers the RPA for T13 at the front there is very little at the rear when looked at in reality on the ground.

(f) There are anomalies and inaccuracies in the application as set out in paragraph 2 above.

4. Comments and History of Protection of Trees.

4.1 Although RPA for tree T1 will be affected by the digging for the proposed sitting/dining room the major concern is the affect that the proposed garage and the extension of the width of the proposed driveway will have on the RPA of the Oak tree T13. This tree is on the bank at the front of the property at its boundary with the road. The location of the bank and road indicate that the root area for this tree is between the road and the front of the house. The Oak tree is an excellent specimen and is very much part of the street scene for this area - hence the reason to rigorously protect it.

4.2 In June 2011 Mr Neil Pope, a Government appointed Inspector dismissed an appeal against refusal of a planning application for the site. In that report he stated: Para 6 - Five of the trees growing within the site are the subject of a Tree Preservation Order. This includes a mature oak within the roadside bank. The size, form and appearance of this tree comprise a delightful specimen, which greatly assists in 'greening' and enhancing this residential area. It is a prominent feature of the street scene and makes a very important contribution to the character and appearance of the area. I concur with the appellant's agent that these protected trees and the roadside bank make the greatest contribution to the character and amenity of this section of the street. Para 7 The appellant's Arboriculturalist, using the classification in BS 5837:2005 has identified the oak as a 'Category A' tree. By definition, this is a tree of high quality and value. Any loss or damage to this important tree, or the foreshortening of its life expectancy, would seriously harm the character and appearance of the area. In the report he makes other references to the importance of the trees and the roadside bank to the area and the need to protect them.

4.3 In October 2011 Pegasus Environmental, on behalf of an applicant stated in its report: Para 4.6 - The following are category B trees which can make a contribution of between 20 and 40 years and in accordance with BS5837:2005 should where possible be retained within any development proposals: T13. [Note that within a few months it had been downgraded to a category B by the developer's appointee!]. Para 4.10 - It should be noted that the RPA of oak T13 has been adjusted in accordance with BS5837:2005 as it is likely

that the root protection area is concentrated in the Devon bank and the area between the existing bungalow and the hard surfaced road to the east.

4.4 On 26 January 2012 MDDC Tree Officer, submitted an appraisal of the application and the relevant part of his report states: The scheme appears to be designed so as to retain and not damage the best trees on the site. The most significant tree is the oak at the front. It appears that sufficient space has been allowed between this tree and plot 4 to avoid serious damage to roots or encroachment onto its RPA. The fact that the new drive and building plot 4 are similar to existing should minimise the impact on the oak.

4.5 Condition 7 of the approval decision notice issued on 7 September 2012 made specific reference to the Arboricultural Method Statement and Tree Protection Plan being adhered to and the given reason included the protection of the trees.

4.6 Sometime toward the end of October - beginning of December 2013 an alleged agreement was made between a new Arboriculturalist [Advanced Arboriculture] and Ms C Lynch, MDDC Tree Officer, to move the T13 RPA back from the plot 4 frontage by a meter or so but this does not appear to have been documented and there are no notes of the meeting. What is recorded is agreement to allow one of the TPO trees to be removed to put a garage beside plot 2.

4.7 On 14 January 2014 the Tree Officer sent a memo to the Planning Officer and the relevant section states: With regards to the proposal to create a drive at the front of plot 2 (sic) [should be 4], with turning area that encroaches into the RPA of the large Oak tree at the front of the site, I object to this proposal. Although the encroachment could be considered acceptable by BS5837:2012 Trees in relation to design, demolition and construction Recommendations, a no dig construction design proposed I feel that the continued health of this Oak tree is essential. It is an important and significant tree in Willand. At present the roots of the tree have been relatively undisturbed as the RPA reaches as far as the original property. I would prefer to see the RPA undisturbed throughout the development and not risk potential damage to the tree.

4.8 On 21 January 2014 Advanced Arboriculture wrote to the architect advising of the agreement to move the protective fencing for the RPA but did not alter the extent of the RPA. He argues that the amount of RPA affected by the amended proposals would be minimal in accord with recommendations. He did conclude by stating I consider the house and garage, both of which will require substantial traditional foundations, to be sufficiently far away as not to cause any unsustainable damage to the tree's rooting system. I consider the site layout as shown in your drawing 6889-109 to be sustainable in arboricultural terms subject to the adoption of a suitable no-dig driveway specification.

4.9 That application was subsequently withdrawn and a revised application made. Advanced Arboriculture sent another letter to the architect on dated 12 March 2014 reference to the new application where they still did not alter the RPA for T13. It speaks of the realigned protective fencing and the required no-dig method of laying the drive at the front of the house.

4.10 On 8 May 2014 the Tree Officer wrote to the Planning Officer stating: The removal of the garage and driveway from plot 4 to me seems preferential. Whilst there is still some encroachment into the RPA it is reduced. I would still like to see no dig construction methods for these parking areas and wonder whether it is possible to put some kind of physical barrier between the parking and the grass, just to reduce the likelihood of parking on the grass area which could cause compaction in the trees RPA in the future. The application is to extend the paved driveway, some of which is unapproved, which will result in further compaction on the RPA and in addition they wish to build a garage on it which will mean cutting through roots to put in footings.

4.11 The decision notice issued on 10 October 2014 sets out relevant conditions.

Condition 7 - Before and during the construction of each phase of the development hereby approved, the provisions set out in the Arboricultural Method Statement submitted with application reference 11/02002/FULL as amended by the letters from Advanced Arboriculture dated 12th March 2014 and 4th December 2014(sic), received by the Local Planning Authority on 26th March 2014 and the Tree Protection Plan drawing number 6889-109 rev. B, shall be adhered to at all relevant times.

The Reason - To ensure the development makes a positive contribution to the character and appearance of the area by protecting the existing trees during development in accordance with Policy DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).

Condition 8 - The driveway proposed to serve plot 4 shall be constructed using a no-dig method in accordance with the details contained in the letter and supporting documentation from Advanced

Arboriculture dated 12th March 2014 and 4th December 2014(sic), received by the Local Planning Authority on 26th March 2014.

The Reason - To safeguard the health and safety of the Oak tree on the site which is subject to a Tree Preservation Order, in accordance with Policy DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).

Condition 10 - Before the first occupation of any dwelling on the site, measures to provide a physical barrier between the parking area for plot 4 and the adjacent grassed area shall have been provided in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority. Once provided, the barrier measures shall thereafter be retained as such.

The Reason - To safeguard the health and safety of the Oak tree on the site which is subject to a Tree Preservation Order, in accordance with Policy DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).

4.12 The approved plan is shown below. ___

5. Conclusion

5.1 Paragraph 4 shows the care which has been taken to try to protect the Oak (T13) tree and its future wellbeing for years to come as an asset and feature within the village. To allow the proposed further incursions into the protected area is unacceptable and the applicant should have been aware of the importance of this tree when the property was purchased.

___ For plan see associated documents on DMS.

HIGHWAY AUTHORITY - 30th July 2015

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

WILLAND PARISH COUNCIL - 17th August 2015

1. Introduction

1.1 Willand Parish Council unanimously strongly recommend refusal of this application.

1.2 This property is the main property at the front of a very recently completed 'garden grabbing' development. The planning history of the whole development and the management of the current build in compliance with planning approval conditions are most politely described as 'questionable'. Formal complaint procedure was lodged.

1.3 The South West elevation finish is not in compliance with the approved plan for the property. This is no doubt due to the fact that footings were laid for an unapproved garage to adjoin the house at this point. We now have the application for an extension to living accommodation which will have a larger footprint than the attempted garage build.

1.4 The driveway/parking area at the front of the house and the single rail fence to stop encroachment onto the root protection area of the Oak (T13) tree are not built in accord with the current approval. They cover a much larger area than approved. Repeated attempts to have Planning Officers deal with this have been fruitless until very recently and those actions are now suspended until this application is decided.

1.5 Although on a plan the curtilage of this property looks to be large the actual effect on the ground is to witness a much smaller area. The front area of the property is predominantly the root protection area of a magnificent Oak (T13) tree which is a very dominant and relevant feature to the street scene of the area. There are other trees close to the applicant property and on the general development which are the subject of tree protection orders.

1.6 If officers are inclined to give approval to this application under delegated powers one of the Ward Councillors has already agreed to 'call in' the application for determination by the Full Planning Committee.

2. The Application Papers

2.1 The Application Form

Q7 - states that there are no trees with falling distance - incorrect.

Q8 - it will affect the current parking arrangements as they are in breach of planning approval.

Q11 - boundary treatment needs to be clarified as it would not be acceptable to have a close board fence along the top of the roadside boundary.

2.2 The Design and Access Statement.

1.1 - It is disputed that the garage will provide an improved setting to the front of the house aspect. It will be forward of the main building line fronting the street and will hide most of the proposed extension. It is contended that it will be completely out of keeping with the development as a whole and the street scene.

2.2 - The statement in the second paragraph is inaccurate. There are not 'many larger housing developments which are significantly being developed outside the settlement boundary...'

3.1 - This should not be relevant as this is a brand new house which the applicant has recently bought.

3.5 - It is argued that this is misleading particularly when quite a proportion of the current hard landscaping is not approved.

2.3 The submitted proposed site plan shows a different layout for the current and approved entrance road layout. See plan at Paragraph 4.12

3. Objection

3.1 The reasons for objection to the application and recommendation for refusal are:

(a) With the exception of the extended living conditions all other aspects of the development will likely affect the future health and wellbeing of the excellent protected Oak (T13) tree by digging into or compacting the root protection area. As the tree is on a raised level it is considered unlikely that there are many roots to the road side of the boundary bank.

(b) The proposed sitting/dining room is wider and deeper than the original intended garage and so will occupy more of the curtilage and be closer to the adjoining property boundary. It will also require digging into the RPA of TPO tree T1 - a Walnut tree,

(c) The proposed garage is an additional build onto the curtilage of the property and will mean digging foundations into the RPA of T13. It will also be forward of the building line for this development.

(d) The widening of the paved area will further encroach onto the RPA of T13 thereby having the potential to adversely affect the future wellbeing and life expectancy of T13. Nothing is said about this being constructed by a 'no dig' construction method as required in the original approval.

(e) The drawings give the impression of a large curtilage for the property BUT when one considers the RPA for T13 at the front there is very little at the rear when looked at in reality on the ground.

(f) There are anomalies and inaccuracies in the application as set out in paragraph 2 above.

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4.2 In June 2011 Mr Neil Pope, a Government appointed Inspector dismissed an appeal against refusal of a planning application for the site. In that report he stated:

Para 6 - Five of the trees growing within the site are the subject of a Tree Preservation Order. This includes a mature oak within the roadside bank. The size, form and appearance of this tree comprise a delightful specimen, which greatly assists in 'greening' and enhancing this residential area. It is a prominent feature of the street scene and makes a very important contribution to the character and appearance of the area. I concur with the appellant's agent that these protected trees and the roadside bank make the greatest contribution to the character and amenity of this section of the street.

Para 7 - The appellant's Arboriculturalist, using the classification in BS 5837:2005 has identified the oak as a 'Category A' tree. By definition, this is a tree of high quality and value. Any loss or damage to this important tree, or the foreshortening of its life expectancy, would seriously harm the character and appearance of the area. In the report he makes other references to the importance of the trees and the roadside bank to the area and the need to protect them.

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Para 4.10 - It should be noted that the RPA of oak T13 has been adjusted in accordance with BS5837:2005 as it is likely that the root protection area is concentrated in the Devon bank and the area between the existing bungalow and the hard surfaced road to the east.

4.4 On 26 January 2012 MDDC Tree Officer, submitted an appraisal of the application and the relevant part of his report states: The scheme appears to be designed so as to retain and not damage the best trees on the site. The most significant tree is the oak at the front. It appears that sufficient space has been allowed between this tree and plot 4 to avoid serious damage to roots or encroachment onto its RPA. The fact that the new drive and building plot 4 are similar to existing should minimise the impact on the oak.

4.5 Condition 7 of the approval decision notice issued on 7 September 2012 made specific reference to the Arboricultural Method Statement and Tree Protection Plan being adhered to and the given reason included the protection of the trees.

4.6 Sometime toward the end of October - beginning of December 2013 an alleged agreement was made between a new Arboriculturalist [Advanced Arboriculture] and MDDC Tree Officer, to move the T13 RPA back from the plot 4 frontage by a meter or so but this does not appear to have been documented and there are no notes of the meeting. What is recorded is agreement to allow one of the TPO trees to be removed to put a garage beside plot 2.

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4.9 That application was subsequently withdrawn and a revised application made. Advanced Arboriculture sent another letter to the architect on dated 12 March 2014 reference to the new application where they still did not alter the RPA for T13. It speaks of the realigned protective fencing and the required no-dig method of laying the drive at the front of the house.

4.10 On 8 May 2014 MDDC Tree Officer wrote to the Planning Officer stating: The removal of the garage and driveway from plot 4 to me seems preferential. Whilst there is still some encroachment into the RPA it is reduced. I would still like to see no dig construction methods for these parking areas and wonder whether it is possible to put some kind of physical barrier between the parking and the grass, just to reduce the likelihood of parking on the grass area which could cause compaction in the trees RPA in the future. The application is to extend the paved driveway, some of which is unapproved, which will result in further compaction on the RPA and in addition they wish to build a garage on it which will mean cutting through roots to put in footings.

4.11 The decision notice issued on 10 October 2014 sets out relevant conditions.

Condition 7 - Before and during the construction of each phase of the development hereby approved, the provisions set out in the Arboricultural Method Statement submitted with application reference 11/02002/FULL as amended by the letters from Advanced Arboriculture dated 12th March 2014 and 4th December 2014(sic), received by the Local Planning Authority on 26th March 2014 and the Tree Protection Plan drawing number 6889-109 rev. B, shall be adhered to at all relevant times.

The Reason - To ensure the development makes a positive contribution to the character and appearance of the area by protecting the existing trees during development in accordance with Policy DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).

Condition 8 - The driveway proposed to serve plot 4 shall be constructed using a no-dig method in accordance with the details contained in the letter and supporting documentation from Advanced Arboriculture dated 12th March 2014 and 4th December 2014(sic), received by the Local Planning Authority on 26th March 2014.

The Reason - To safeguard the health and safety of the Oak tree on the site which is subject to a Tree Preservation Order, in accordance with Policy DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).

Condition 10 - Before the first occupation of any dwelling on the site, measures to provide a physical barrier between the parking area for plot 4 and the adjacent grassed area shall have been provided in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority. Once provided, the barrier measures shall thereafter be retained as such.

The Reason - To safeguard the health and safety of the Oak tree on the site which is subject to a Tree Preservation Order, in accordance with Policy DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).

4.12 The approved plan is shown below.

5. Conclusion

5.1 Paragraph 4 shows the care which has been taken to try to protect the Oak (T13) tree and its future wellbeing for years to come as an asset and feature within the village. To allow the proposed further incursions into the protected area is unacceptable and the applicant should have been aware of the importance of this tree when the property was purchased.

REPRESENTATIONS

There have been 3 representations objecting to the proposed, these are summarised below

- 1 The proposed extension and garage will negatively impact on the root protection area (RPA) of the two Tree Preservation Order trees (TPO).
- 2 Concern over the proposed development relating to the previous approved consents and the impacts upon the TPO trees.
- 3 Why is the planning application considered?
- 4 The street scene is likely to be adversely affected by the proposal.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The primary material considerations in assessing this application are:

1. **Site History**
2. **Layout, design and visual impact**
3. **Impact on TPO Trees**
4. **Impact on neighbouring residents**
5. **Other matters**

1. **Site History**

Planning permission was originally granted for the erection of four dwellings on the site of a detached bungalow under planning permission reference 11/02002/FULL.

Revisions to this originally approved scheme were approved in 2014 under planning permission reference 14/00468/FULL. It is this 2014 planning permission to which the development of the site has been carried out and the houses are now complete and three out of the four are occupied. Although there are couple of outstanding issues on the wider site being currently investigated by your Enforcement Officers these issues do not have any impact on the proposed scheme presented to you for consideration although it is noted that one of the outstanding issues relates to an additional area of vehicle hardstanding within the curtilage of 4 Portway Gardens. This hardstanding is not shown on the submitted drawings and its retention is not sought through this application.

2. Layout, design and visual impact

The application was initially submitted for the erection of the single storey extension and the erection of a detached garage which was proposed on land forward of the principal elevation of the house and in the RPA (Root Protection Area) of the large protected Oak tree which sits on the site frontage with Old Village Road. Following a site visit and consultation it was considered that the location of the garage within the RPA of the large Oak tree on the site frontage would not be acceptable in terms of the possible damage the structure could have on the protected tree and the impact on the street scene. This element of the scheme and the associated additional hard standing which was proposed to be within the RPA also has subsequently been removed from the proposal and therefore this application is considering the side extension to the property only.

The proposal is to provide a side extension to the south west elevation which will project out from this elevation some 5m to the eaves and 4.7m to the wall. The ridge height is at its maximum point 4.47m from ground level. The roof will comprise of a hipped roof to match that of the original dwelling. Materials are to match those of the existing property as detailed earlier in this report.

The appearance of the proposed within the street scene must be considered in any proposed extension and new build to any property. In this case Willand Old Village Road is made up of various and eclectic styles of dwellings some of which front directly onto the highway with others set back from the road and with a multiplicity of different ages and styles. Towards the centre of Willand Old Village there are bungalows with and without first floor rooms. Immediately opposite the site is a two storey property of similar overall design and scale set a comparable distance from the highway. To the south west along the road heading away from the Old Village there are again a number of differing designs and scale of housing with the majority being two storey brick or rendered properties.

It is considered that based on this varied design of housing along this stretch of road the proposed side extension will not adversely impact on the street scene. It will harmonise with the eclectic variations within the street as a whole and by not projecting further forward from the front façade of the building, it will not disrupt the building line.

The Parish Council has commented that the extension will disrupt views of the protected Walnut tree within the rear garden of the applicant property. Such views are already limited by roadside vegetation. In the 2011 appeal decision on this site the Inspector commented that the protected trees and roadside bank make the greatest contributions to the character and amenity of this section of the street. Neither the roadside bank or the Tree Preservation Order Oak to the road frontage will be affected by this proposal. The impact of the development upon views of the Walnut tree are not considered significant, nor to warrant refusal of the application, nor to will cause demonstrable harm to the character and appearance of the street scene. Therefore it is considered that the proposed will conform to Mid Devon Local Plan Part 3 Policies DM2 and DM13 which seek high quality design that does not cause harm to the character and appearance of an area.

3. Impact on TPO Trees

The wider Portway Gardens site is covered by a Tree Preservation Order (ref. 08/00003/TPO) which covers 5 trees. This includes two of the trees within the application site at 4 Portway Gardens; a large oak on the road frontage boundary and a smaller walnut tree in the rear garden. The proposal will not impact on the large oak tree with regard to the construction of the proposed extension. However there may be a possibility that materials may be stored under the canopy and within the RPA of this tree. It is considered appropriate to condition any approval to ensure this does not occur.

The Walnut tree to the rear of the property is located at its closest point to be 4.5m from the proposed extension, the RPA extends to 5m, and therefore the proposed scheme will fall within the extremity of the RPA in one corner by up to 0.5m. Consideration has been sought from this Authority's Tree Officer and the applicant has confirmed that a pile and beam foundation will be provided to ensure the roots are protected and that it will allow the tree to develop. There will be no compaction of the soil within this area of the site, other than that undertaken during the build of the main house.

It is considered that although the tree is relatively close to the house its location north of the property is unlikely to cause any undue overshadowing. Walnut trees can grow up to 25m in ideal conditions and can have a wide canopy. It is likely that in the future, works will be required to the tree to crown lift or prune branches. However this will be subject to a TPO application and dealt with at that time. Presently there are no specific issues with the existing tree and the proposed will not adversely impact on its future growth provided that construction is undertaken using a pile and beam foundation technique.

It is considered that based on the use of pile foundations and suspended floor the proposed side extension will not adversely impact on TPO trees within the site. Therefore it is considered that the proposed will conform to Mid Devon Local Plan Part 3 Policies DM2 and DM13 in this respect.

4. Impact on neighbouring residents

The proposed extension will have no direct overlooking into neighbouring properties. The building is located to the side of the property and due to its design it will also not be overbearing. In addition there is an existing close boarded fence set along the boundary which will be retained, providing adequate screening from and of neighbouring properties. The roof lights are in a position as not to be able to be looked out of and will cause no nuisance to neighbouring properties.

It is considered that the proposed will not cause nuisance to neighbouring properties or loss of amenity and is therefore considered to be compliant with Mid Devon Local Plan Part 3 Policies DM2 and DM13.

5. Other matters

Issues have been raised with regard to the history of the development and although the planning history is a material consideration, this application is to be considered on its merits.

The majority of the issues raised by Willand Parish Council relate to the siting, building and inclusion of additional hard standing. This has been removed from the application and is not to be considered as part of this application.

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. No development shall begin until specific details of the method of constructing the foundations for the extension and providing a suspended floor so as to provide protection for the root protection area of the Walnut tree within the rear garden of the property have been submitted to and approved in writing by the Local Planning Authority. Once approved the development shall be undertaken in accordance with the approved details.
4. No development shall begin until fences for the protection of roots of the Walnut and Oak trees within the application site have been erected in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority. The fences shall be retained until the completion of the development and no vehicles, plant or materials shall be driven, placed or stored within the areas enclosed by such fences or within the root protection areas.

REASONS FOR CONDITIONS

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

3. To protect the trees which are to be retained on the site in the interest of the visual amenities of the area and to comply with Policy DM2 of the Local Plan Part 3 (Development Management Policies).
4. To safeguard the trees which are protected by a Tree Preservation Order and are to be retained on the site in the interest of the visual amenities of the area and to comply with Policy DM2 of the Local Plan Part 3 (Development Management Policies).

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The proposed single storey extension to the side elevation of the house is considered acceptable by virtue of its scale, massing, design and location. The proposed is not considered to harm the privacy or amenity of the occupiers of another dwelling, the future amenities and services of the dwelling to be extended or its surroundings including the character and appearance of the street scene. The proposed will not adversely impact on the setting of the TPO tree located to the rear and provided a pile and beam foundation is used there will be minimal impact on the root protection area. Conditions controlling the construction of the extension and requiring protective fencing will safeguard root protection areas of protected trees on the site. As such the proposal is considered to comply with the requirements of Policies COR2 and COR17 of Mid Devon Core Strategy (Local Plan Part 1), Policies DM2 and DM13 of the Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.

Application No. 15/01086/FULL

Plans List No. 2

Grid Ref: 303123 : 110073

Applicant: Chartman Ltd

Location: Willand Service Centre Willand Cullompton Devon

Proposal: Erection of petrol filling station including sales (200sqm shop), dispensing forecourt and canopy, underground tanks and associated pipework, air/water machine, parking, floodlights, service yard area and new surface finished, removal of existing pumps and relocation of car sales

Date Valid: 13th July 2015



Application No. 15/01086/FULL

RECOMMENDATION

Grant permission subject to conditions.

COUNCILLOR B EVANS HAS REQUESTED THAT THIS APPLICATION BE DETERMINED BY THE PLANNING COMMITTEE FOR THE FOLLOWING REASON:

1. To consider if a condition restricting the opening hours of the site is warranted to protect the health and well-being of local residents.

PROPOSED DEVELOPMENT

The application site lies at the southern extent of the village of Willand, outside of the defined settlement limit for the village but adjacent to it as the settlement limit encompasses the houses on the opposite side of the B3181. The application site includes the land for the new petrol filling station and shop, the existing petrol filling station and associated shop and also the adjacent land which is used as a car sales area.

Immediately adjacent and to the south west of the site of the proposed new filling station is the existing petrol station, shop and associated retail and commercial units. The site fronts on to the B3181 which is the main road running through Willand and links it with J27 of the M5 to the north and J28 and Cullompton to the south.

The site including the existing facility is approximately 24m deep (north to south) X 125m long (east to west). Part of the site is already utilised by the applicant as a petrol filling station, shop and car sales and in addition a restaurant, hair and beauty parlour and car repairs garage are run from the wider site. The relocated petrol filling station will be on a small area of grade 1 agricultural land. The site of the new filling station is level with minimal vegetation bounded by a post and wire fence.

This planning application seeks the relocation of an existing petrol station with kiosk, pumps, canopy, altered site access, underground tanks and associated pipework, air/water machine, parking, floodlights, service yard area and new surface finished, removal of existing pumps and relocation of car sales to the existing shop area and forecourt.

The proposed kiosk/shop will be located to the north east of the site, the pump area would be to the south west of the kiosk/shop with a L shaped canopy over the pump area and leading to the kiosk/shop in a mid-grey colour with the company sign (which would need to be subject to separate advertisement consent). A new vehicular exit is proposed onto the B3131 close to the existing traffic island. In addition the existing access will be narrowed to facilitate pedestrian access. Although outside the site, the existing pavement will be widened with agreement between the applicant and the Highway Authority.

The existing petrol station and shop will be refurbished and utilised to accommodate the car sales which is presently located to the rear of the site.

APPLICANT'S SUPPORTING INFORMATION

Stage 1 Road safety Audit
Transportation Statement
Plans

PLANNING HISTORY

82/01266/FULL Alterations to living accommodation and public toilets - PERMIT
87/00441/FULL Installations of windows - PERMIT
87/00442/ADVERT Consent to display three illuminated fascia adverts and one illuminated identification free-standing advert - PERMIT
87/00558/FULL Alterations and extension to provide bakery improved service facilities & larger cafe and change of use from cafe to shop; and change of use from office to cafe - PERMIT
93/01914/ADVERT Adv.Con. for the retention & repositioning of internally illumin. (static lit) identification sign & box fascia & installation of internally illumin. (static lit) spreader box sign - PERMIT
94/00283/FULL Erection of extension to canopy - PERMIT
98/01437/FULL Installation of underground petrol storage tank - PERMIT
00/01001/FULL Change of use of land and provision of hard surfacing to facilitate the relocation of car sales area and associated portable car sales building - REFUSE
01/00551/FULL Change of use to form additional car park and picnic area - REFUSE
01/01061/FULL Installation of automated teller machine - PERMIT
02/02480/FULL Installation of an automated teller machine - PERMIT
06/00027/FULL Construction of replacement service station, convert service station forecourt to car sales area and shop to offices - REFUSE
07/00811/FULL Erection of replacement service station, conversion of service station forecourt to car sales area and shop to offices - REFUSE

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR1 - Sustainable Communities
COR2 - Local Distinctiveness
COR4 - Meeting Employment Needs
COR17 - Villages

Mid Devon Local Plan Part 3 (Development Management Policies)

DM1 - Presumption in favour of sustainable development
DM2 - High quality design
DM6 - Transport and air quality
DM7 - Pollution
DM8 - Parking
DM19 - Rural shopping
DM20 - Rural employment development

CONSULTATIONS

HIGHWAY AUTHORITY - 28th July 2015

Observations:

The Highway Authority has no objection in principle to the above development and the majority of the layout is acceptable to the Highway Authority. However, notwithstanding the lorry weight limit the site should demonstrate the swept path of an articulated vehicle on entry and exit from both directions. My early considerations would indicate that there will need to be some minor realignment of the access radii to accommodate it. Also the Highway Authority wish to see the strengthening of the egress only by installation of No entry signs on the fence line.

In addition the scheme should be accompanied by an independent Stage1 Safety Audit, and upon submission of the requested swept path analysis the highway authority will comment further and may wish to recommend conditions

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

1. Adequate information has not been submitted to satisfy the Local Planning Authority that the proposal is acceptable in terms of access, and road layout contrary to paragraph 32 of the National Planning Policy Framework.

14th September 2015

Highway Authority response to stage 1 safety Audit, by TRL for Replacement petrol filling station at Willand Service Station

The Highway Authority have considered the safety Audit and have the following comments to make.

Section 3

Item 3.1

3.1.1 A condition for the detailed design and provision of drainage to prevent surface water being discharged to the public highway shall be conditioned.

3.1.2 Highway Authority accept the Auditors recommendation Local Planning Authority may wish to condition that the utility details are designed and approved prior to commencement.

3.1.3 This is in Keeping with the Highway Authority's recommendations and should be addressed at the section 278 stage and included on the design plans. Local Planning Authority may wish to see an annotation for planning purposes.

Item 3.2.

3.2.1 Agree with recommendation and subject to section 278 highway agreement approval.

Item 3.3

3.3.1 There is unlikely to be increased movements but the applicant should model the right turn prior to submission of section 278 details and adjust white lining accordingly for approval.

3.3.2 It is proposed to remove the hedge, and there will not be a visibility issue as it will comply with current standards.

3.3.3 Notwithstanding the current Lorry weight restriction, the Issue has already been identified by the Highway Authority and the applicant should seek to ease the radii to cater for Articulated vehicles, this will cater for any internally generated HGV movements in the village and the delivery tanker. Such alignment can be addressed through the section 278 submission.

Item 3.4

3.4.1 The provision of facilities to the east of the junction of Willand old village were considered at pre application, however the green area is not within the control of the Highway Authority or the applicant and there are no formal footways over it. There is a formal footway to the west leading to the existing pedestrian crossing facilities. The installation of a crossing facility to the east would be welcome if the land was available but its location would need to be between the existing island to the east of the exit and the Willand Old village. Such a facility would be dependant on the right turn lane and appropriate visibility to the east which is currently obscuring any visibility needed to convert the existing island, However, swept paths of vehicles turning right and the proximity of the right turn waiting area make its provision unlikely. The recommendation of guard railings is feasible with the land but may have implications for the Planning Authority in terms of street scenes. Given that the formal facilities all lead to an appropriate crossing point. The Highway Authority feel it would be unreasonable to object to the application, but at the same time

should lands be available would welcome further works to determine if the crossing can be installed closer to the desire line for the shop or the provision of some deterrent railing.

3.4.2 The Highway Authority agrees with the Auditor and the footway over the frontage should be widened. Such detail can be conditional and can be approved through the section 278

28th September 2015 - I can confirm that the Highway Authority are happy with the layout and that there is sufficient waiting space for the right turn traffic into the site. I also confirm that the provision of some guard railing as indicated by the safety Audit would be acceptable and prevent pedestrians crossing where the visibility is limited. Therefore the Highway Authority have no objections to the proposals and the details identified by the safety audit and the changes required will form part of the section 278 detail design drawings

30th September 2015

Observations:

The Highway Authority are in receipt of the safety Audit and confirm the email comments to the Local planning Authority.

The Highway Authority would raise no objection to the development and the issue raised by the safety Audit can all be accommodated in the section 278 detail drawings. The Highway Authority will wish to see an improvement to the egress for larger commercial vehicles, provision of guard railing to deter pedestrians crossing at the existing Island, widening of the footway over the frontage, introduction of "no Entry" signs on the exit.

These shall all be incorporated in a details construction drawings which shall be approved in writing prior to commencement on site.

Recommendation:

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

1. Off-Site Highway Works No development shall take place on site until the off-site highway works for the provision of guard railing signage, footway widening have been designed, approved in writing and constructed and made available for use.

REASON: To minimise the impact of the development on the highway network in accordance with policy 32 NPPF

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

REASON: In the interest of public safety and to prevent damage to the highway.

WILLAND PARISH COUNCIL - 30th July 2015

Willand Parish Council recommend refusal of this application.

It is accepted that the local business is an asset to the village and would benefit from some modernisation. The Parish Council has no objection to business expansion if it fits in with policy and the area.

The following issues have led to the recommendation for refusal:

- a) The application is for a new filling station thereby greatly expanding the business site whilst retaining existing buildings for business use;
- b) The new filling station is outside of the village settlement area in a small field which is currently in 'open countryside';

- c) The extended site is not designated for employment or business use in the current local plan or the new plan under discussion;
- d) The design of the proposed building will be very modern and not in keeping with the existing business building or any of the residential properties opposite;
- e) There are concerns as to potential for increased traffic, noise and light pollution - the proposed 24 hour opening seven days a week will be vigorously opposed;
- f) The Transport Statement is considered flawed and misleading in that Willand is referred to as a Town when in fact it is a VILLAGE; no mention is made of the fact that there is a 18 tonnes weight limit on the road; references to the bus services is wrong - there are three services; the traffic survey is considered inadequate and not a true reflection of traffic flows; no mention is made of the fact that if the M5 is closed this becomes the diversion route which greatly affects traffic flows;
- g) Special provision is made on site for HGV refuelling but this should be minimal due to weight restrictions;
- h) Reference is made to Highways having no objection but at the time of writing no such evidence has been presented. Concern is expressed that if a long HGV leaves the site by the egress to turn right towards Cullompton there may be difficulty in completing the manoeuvre in one movement due to road width.
- i) No consideration appears to have been given to reducing the speed limit.

15th September 2015

Proposal: Erection of petrol filling station including sales (200sqm shop), dispensing forecourt and canopy, underground tanks and associated pipework, air/water machine, parking, floodlights, service yard area and new surface finished, removal of existing pumps and relocation of car sales

Location: Willand Service Centre Willand Cullompton Devon

1. Willand Parish Council responded to the initial application in a letter dated 29th July 2015 [Attached Appendix 'A'] in which it recommended refusal. Additional information has now been received and it is known that there is a further response from Highways to one of the additional document which we have not been able to access fully at the time of writing due to a fault on the MDDC website.
2. There have also been exchanges between a planning officer and one of our Ward Councillors which are of concern. In particular it is stated in an email that presently I am of the view that the proposal fits with our policies and am looking positive in-terms of the proposal." This is of concern when one compares the application of 2007 with the current application and the policies in place.
3. The current application includes using the whole of the small field whereas the refused application only intended using about a third of it and so this application is larger in scale. This by inference indicates a larger impact of scale on the area and the countryside.
4. The relevant reasons given for refusal in the notice dated 28th June 2007 are:
 - 4.1. Reason 1 - The site is situated outside the defined settlement of Willand and is therefore located in the open countryside. On the basis of the submitted information, the Local Planning Authority are not satisfied as to the need for this replacement facility on a greenfield site in the open countryside and how the economic benefits would outweigh the harm to the visual amenity of the locality.

The proposal is therefore considered to be contrary to Policies COR7 and COR18 of the Core Strategy 2026 as amended by the Inspector's Report and Policies E8 of the Mid Devon Local Plan (LDF). COR7 and COR18 are still current and E8 has been replaced by DM20. COR Policy requires the need to minimise the loss of Greenfield sites to built development and development outside the settlements will be strictly controlled, enhancing the character, appearance and biodiversity of the countryside. It should only allow appropriately scaled retail. DM20 permits expansion of existing businesses, provided that the development is of an appropriate use and scale for its location. Proposals must demonstrate that:

- a) The development would not lead to an unacceptable impact on the local road network;
 - b) There would not be an unacceptable adverse impact to the character and appearance of the countryside; and
 - c) There are insufficient suitable sites or premises in the immediate area to meet the needs of the proposal. It is submitted that a) may be overcome as suggested by Highways although there are reservations. In relation to b) it is an expansion of a business or to more correct a relocation of the core business. It is argued that it will have an adverse impact for a number of reasons already given. In relation to c) we have a Business Park with spare capacity but it would not serve a useful purpose to move this business there.
- 4.2. Reason 2 - The existing retail car sales element is considered to be small scale in relation to the overall use of the existing site. Policy E7 of the Mid Devon Local Plan (LDF) permits small scale retail development

outside settlement limits provided they are secondary to another use. On the information submitted, the Local Planning Authority considers that the car sales would become a predominant retail function. They would not be secondary to another use and the proposal is therefore considered to be contrary to Policy E7 of the Mid Devon Local Plan (LDF). E7 has been replaced by DM 19 and the relevant part of the policy states: Adjacent to defined villages and elsewhere in the open countryside, proposals for retail development must demonstrate that:

- a) The location and scale of the development would not harm the vitality and viability of town centre or village shopping facilities;
 - b) The development would not lead to an unacceptable impact on the local road network; and
 - c) There would not be an unacceptable adverse impact to the character and appearance of the countryside.
- The Parish Council and objectors are of the view that what is proposed is unacceptable.

4.3. Reason 3 - The proposed facility indicates shop and petrol filling facilities which are significantly larger than that of the existing facilities. Policy E6 of the Mid Devon Local Plan (LDF) permits additional shopping facilities provided they are limited to a scale which will meet a local need. Insufficient information has been provided to demonstrate that facilities of this size are required to meet a local need. The proposal is therefore considered to be contrary to Policy E6 of the Mid Devon Local Plan (LDF). Policy E6 has been replaced by DM19 which is contained in paragraph 4.2 above. The current proposal is for the development of a much larger area than was previously refused.

4.4. Reasons 4, 5 and 6 have some relevance but are partially addressed by having the larger site which will increase the frontage of the current business by approximately a further 75%. There is still an unresolved concern as to large vehicles leaving the site not being able to turn right safely and in one manoeuvre.

4.5. When one considers the reasons for refusal recorded above it does seem rather inconsistent to now want to appear to disregard those reasons for a development which will have a greater impact on the countryside and the immediate adjoining properties and their residents.

5. The stance of the planning officer over opening hours is not understood as there are businesses operating within Willand which have conditions attached to their planning approvals limiting their hours of operation. It is unacceptable that a planning approval can be given where a potential problem is identified and the attitude appears to be that some other department or agency will have to resolve that.

6. A new plan has been added to show the tanker coming in and leaving - both from and to Junction 27 direction. What has not been shown is how an HGV obtaining fuel and wanting to go towards Cullompton will achieve the manoeuvre without mounting the grass verge opposite or obstructing the road.

7. The Road Safety Report Phase 1 appears to be very thorough and raises a number of issues which do not appear to have been fully addressed in the current application. It also needs a footpath to be constructed across the green area to cater for the 'shortcuts' from Willand Old Village to the crossing point nearer to the proposed shop if approval is to be given as this will become a safety issue, particularly for elderly people who may walk on the grass. The additional response from Highways with suggested conditions could go a long way to resolve those issues if adopted by the planning officer and approval is given.

8. Willand Parish Council, having considered all the information available, still feel that this development in open countryside is not needed nor does the modern filling station fit in with the surrounding area or character of buildings. The potential all night opening is of further concern. There is no need as there are 24 hour facilities at J28. The facilities at J27 are no longer open all night due to there being no need. It would therefore seek that the final decision be considered by the Planning Committee if officers are minded to approve under delegated powers.

ENVIRONMENTAL HEALTH - 1st September 2015

I have reviewed the application and taken into account the concerns raised by the objectors regarding noise issues, also, I am very familiar with the site and the surrounding area.

21st July 2015

Contaminated Land - no objections to this proposal

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 - Not applicable

Licensing - N/A

Food Hygiene - No objections

Private Water Supplies - Not applicable
Health and Safety - No objections

Given the proximity of the M5 motorway which means the background noise levels in this location are very high and the distance from residential property, I have no reasonable grounds to object to this proposal.

REPRESENTATIONS

There have been 11 representations all of which object to the proposed facility, these are summarised below.

- The traffic survey is limited and unrepresentative
- The proposed will increase the difficulty in egress onto the B3181 both north and south bound
- The site is a Greenfield and outside the defined settlement area.
- Light pollution is a concern 7 days a week
- Head lights will be shone into the dwellings opposite
- Increased traffic thus possible increase potential for accidents
- Design of the building not in keeping with original
- Increased noise
- Surely a 24hr service station is not required and will have a detrimental impact on the area
- No mention of recyclable waste or parking areas for deliveries
- No defined soakaway plan
- No noticeable recognised crossing point
- Detrimental to the open village environment
- The highway has a weight restriction

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The primary material considerations in assessing this application are:

- 1) **Site history and planning policy**
- 2) **Design and impact on the area including the need for the proposal**
- 3) **Highways**
- 4) **Noise and lighting and neighbour amenity**
- 5) **Other issues raised**

1) Site History and planning policy

The site has been the subject of a number of previous applications the first being in 2000 application 00/01001/FULL for the change of use of land and provision of hard surfacing to facilitate the relocation of car sales area and associated portable car sales building. This application was refused on the grounds of the spread of commercial development beyond settlement limits. A further application was submitted in the following year 01/00551/FULL for the change of use to form additional car park and picnic area. Again this was refused and two reasons given namely that the site was outside settlement limits and the increased use of private motor vehicles would be contrary to sustainable development.

In 2006 the first of two application for replacement service stations were submitted, and involved the construction of a replacement service station, convert the existing service station forecourt to car sales area and shop to offices. Following this refusal a second similar application was submitted in 2007 and also refused. Both applications were refused on the grounds of the location being outside defined settlement limits, the size and scale of the proposed car sales element, the need for the retail sales element, insufficient parking and parking arrangements and a concern regarding conflict on the B3181.

Since the above refusals, national and local planning policy has gone through major change, becoming more supportive of proposals for new commercial and retail development and requiring less justification for proposals such as that currently being considered, despite the location being outside of defined settlement limits. The introduction of the National Planning Policy Framework (NPPF) in March 2012 has been

fundamental to this shift in policy.

At the heart of the NPPF is a presumption in favour of sustainable development, of which there are three dimensions - an economic role, a social role, and an environmental role.

These roles are mutually dependent.

- an economic role - contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- a social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
- an environmental role - contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

Paragraph 28 of the NPPF advises that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

- support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings;
- promote the development and diversification of agricultural and other land-based rural businesses; and
- promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.

Pursuant to the publication of the NPPF Mid Devon adopted the Local Plan Part 3 (Development Management Policies) in late 2013. Of particular relevance to the principle of this proposal are policies DM19 and DM20 which relate to rural shopping and employment development. Neither policy precludes the principle of a development of the type being proposed. In relation to the retail element of the scheme policy DM19 requires that the location and scale of the development should not harm the vitality and viability of town centre or village shopping facilities. Policy DM20 relates to new build employment and the expansion of existing businesses and requires that there are insufficient sites or premises in the immediate area to meet the needs of the proposal. Both policies also seek for proposals not to lead to an unacceptable impact on the local road network and not to have unacceptable adverse impacts on the character and appearance of the countryside.

For these reasons it is considered that the presence of the earlier refusals for similar schemes on this site does not preclude this application being recommended for approval. Planning applications must be determined in accordance with the development plan as it currently stands unless material considerations indicate otherwise. Although the planning history of the site must be considered and addressed, in this instance it does not carry more weight than the currently prevailing planning policy. There has been a material change in policy since the refusal of earlier applications.

2) Design and Impact on the area including the need for the proposal

The proposed petrol filling station and kiosk/shop will be seen in the context of the adjacent employment development when viewed from the B3131 and the Old Village Road which is on the opposite side of the B3181. The kiosk and pumps will be located towards the north eastern end of the site with the current filling station shop building and pumps located to the south western end. The mass and scale of the built development will be proportionate and less than the building that currently exists on the remainder of the site. It is acknowledged that the land is located to the edge of the village and outside the settlement limit. However, officers are of the view that the development would not unduly intrude visually into the streetscene and that the site is not particularly isolated from the village itself and existing built development so as to appear as an alien feature. Given the scale and visual appearance of the existing building on the site officers consider that the proposed development will result in a neutral impact on the setting of the gateway to the

village and provide an up to date service for the area. Officers consider that the proposed development will be visually in keeping with the locality. The proposed use of the site will not appear out of character with the adjacent land uses. When viewed from distant views the development will be seen within the context of the surrounding built development. Therefore it is considered that the proposal is compliant with policy DM2 of the Local Plan Part 3 which requires high quality design that takes account of local context.

The proposal will result in an increase in the amount of A1 retail floor space afforded to the business. Willand is the largest of Mid Devon's villages. In early 2015 planning permission was granted for the provision of a food store of approximately 300 square metres of retail floorspace to be built on land at the Mid Devon Business Park at the northern end of the village and within the village settlement limits. Work on this facility has not yet begun but the planning permission remains valid. In addition to the current retail facilities on the application site the village also has a modestly sized One Stop shop located near the village industrial estate, a Post Office with small retail offering in the Old Village and a further petrol filling station with very small retail element to the north of the Mid Devon Business Park. Having regard to the size of the village and its population and the extent and spread of existing retail facilities in the village it is not considered that the expansion of the retail offer at this site as a result of the proposal would harm the vitality or viability of the village shopping facilities and nor would it impact upon the operation of Cullompton town centre; in this respect the application accords with policy DM19 of Local Plan Part 3.

The existing building will be re-furbished to accommodate the existing car sales business on site thus further contributing to building a strong, responsive and competitive economy for the Willand area and Mid Devon. Policy DM20 is a key policy in the development of employment facilities in countryside locations as previously discussed, and planning permission will be granted for new-build employment or expansion of existing businesses, provided that the development is of an appropriate use and scale for its location and that there are insufficient suitable sites or premises in the immediate area to meet the needs of the proposal. The existing petrol filling station and associated retail sales area is the only facility of this kind at this end of the village and provides a useful facility for those passing by as well as those who live in the Old Village and other parts of the southern half of the village. It would be unreasonable to expect the facility to relocate to an entirely different location for this reason. In relation to the car sales element the business is established on this site and there is no evidence to demonstrate that there are alternative premises which are reasonably available to the operator on which to relocate. This element of policy DM20 is therefore considered to have been met.

Concern has been raised in third party representations with regard to on-site parking, deliveries and the storage and collection of recyclable material. The on-site parking provides 12 spaces for staff and public. In addition to this there is further parking to the rear of the existing site behind and to the side of the restaurant. It is considered there is sufficient available parking within and adjacent to the site to be compliant with policy DM8 of the Local Plan Part 3. It is understood deliveries will be undertaken as per the existing unit in terms of frequency and will likely require two of the parking spaces to be used during delivery times. It is confirmed that recycled waste will be stored to the rear of the building and dealt with in an appropriate manner.

3) Highways

Planning Policies require that proposals must demonstrate that the development would not lead to unacceptable impact on the local road network. The Highway Authority have scrutinised the proposal and are now content with the scheme in highway terms.

Representations have raised various highway concerns over the proposed use of the expanded part of the site as a petrol station, the fact that there is a weight restriction on the adjacent road and that this proposal may bring larger vehicles to the site.

There is presently a petrol filling station on the site and the introduction of this new location is not considered to exacerbate the level or size of vehicles already attending the service station over and above what is already using the existing.

The Highway Authority requested a safety Audit for the new site and the proposed access arrangements for the new filling station and shop has been considered within this Audit. The Highway Authority is content with the proposals subject to conditions and the provision of some off-site highway works as detailed in their

consultation response. .

Concern has also been raised with regard to pedestrians gaining access to the kiosk/shop from the Old Village Road, with there being no specific crossing point. Consideration was made by the Highway Authority to establish if the existing traffic calming island located north east of the junction could be used as a potential crossing point although it is presently not an official crossing point. Their view is that the existing crossing point located to the south of the junction is appropriate and will cater for both the existing services at the existing site and those proposed. Consideration is being undertaken to provide barriers to prevent crossing at the north eastern traffic calming islands. This is not part of this application and will be dealt with by Devon County Council (DCC). The existing pedestrian path which runs along the frontage of the site will be increased in width and will be undertaken in accordance with DCC section 278 process.

On the basis of the additional information received, and subject to conditions the Devon County Highways Officer raises no objection to the development.

Policy DM6 Transport and Air Quality considers development proposals that would give rise to significant levels of vehicular movements, in this case although there is likely to be some increase in vehicular movements it is considered that they will not be significant.

In conclusion to this subsection, given the detailed response from the Highways Officer, planning officers consider that the development is acceptable in terms of highway considerations and is compliant with policy DM2, DM6 and DM8 of the Local Plan Part 3.

4) Noise and lighting and neighbour amenity

There are residential areas adjacent to the application site. The nearest houses are to the south and east of the site on the opposite side of the B3131, with a separation distance of approximately 55m from the site of the new filling station and shop to the nearest property.

As part of the determination of this application the Councils Environmental Health Officer has been consulted and the concerns raised in third party representations have been carefully considered. It is acknowledged that the application site is located to the edge of the village and would bring the existing uses closer to some residential properties than existing. The application site is immediately adjacent to the existing petrol station which has no opening time restrictions. The agent has confirmed that it is intended for the shop to keep to the same opening hours as existing (0600 - 2200/2300). However the applicant wishes to open the petrol filling station 24 hours operating a night pay hatch system.

A noise assessment has been considered by the Environmental Health team and this has shown that the development would be acceptable in terms of the impact of noise on adjacent residential neighbours. This is because of the high background noise levels within the area generated by the M5. For this reason together with the lack of opening time restriction on the current site it is not considered either necessary or appropriate to recommend the imposition of a condition relating to opening hours for the new filling station and shop. To do so would be unlikely to meet all of the test which the government imposes for the imposition of conditions. It is understood that the question of the business as existing has not generated noise complaints.

A condition is recommended to control the details of any floodlighting associated with the development to ensure there is limited light spill into the immediate area.

A further observation has been made with regard to vehicle lights shining into neighbouring properties when turning into and out of the site. As the proposed is in close proximity to a highway junction there is already a potential for lights of vehicles when turning to affect properties. It is therefore considered that due to the distance from neighbouring dwellings and the associated street lighting that this will not be a major factor and would not be a reason to refuse the proposed application.

In conclusion to this subsection, subject to appropriate conditions, the development is considered to be acceptable in terms of impact on residential amenity and the application meets with policies DM2, DM19 and DM20 in this respect.

5) Other issues

Representations have made reference to the fact that the wider area around the town is well served by existing fuel stations and that therefore there is no demand for any more petrol filling stations. There is no increase in the number of filling stations or shops but the relocation to an area adjacent to the existing. There will be an increase in the size of the facility compared to the existing. However this is not considered to be unacceptable in planning terms with only a possible slight increase in traffic due to the increase in size.

The agricultural land to be used for the proposed site is grade 1 land and its loss is to be considered. However as it is a small section and located adjacent to a highway this loss of grade 1 land is considered to have a negligible impact on the total area of grade 1 land in the area. It would not be a reason to justify a refusal of this application.

No specific details have been provided regarding the proposed drainage strategy for the site. In order to ensure that adequate measures are employed so as to maintain greenfield runoff rates from the site, a condition is recommended to be imposed to require further details to be agreed prior to development beginning.

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. No development shall take place until details of external lighting have been submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved details and thereby retained as such.
4. No development approved by this permission shall be commenced until a scheme and timescale for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. Such works shall be designed to prevent surface water being discharged to the highway. The drainage works shall be completed in accordance with the details and timetable agreed and be so retained.
5. No development shall take place on site until the off-site highway works for the provision of guard railing, signage, and footway widening have been constructed and made available for use in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority.
6. Within 1 month of the new petrol filling station and shop first being brought into use, the existing shop and petrol filling station shall cease to be used as such and thereafter the premises shall only be used for car sales and car showroom associated with the present on-site car sales business and for no other purpose.
7. Prior to its installation, details of external lighting together with associated shielding to prevent glare/light pollution shall be submitted to and approved in writing by the Local Planning Authority. External lighting shall be in accordance with the approved details and be so retained.

REASONS FOR CONDITIONS

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

3. To safeguard the amenities of the occupiers of adjoining properties and to comply with Policy DM2 of the Local Plan Part 3 (Development Management Policies).
4. To prevent the increased risk of flooding and to prevent pollution of controlled waters by ensuring the provision of a satisfactory means of surface water disposal and to comply with Policies DM2 and DM7 of the Local Plan Part 3 (Development Management Policies).
5. To minimise the impact of the development on the highway network in accordance with Policy 32 of the National Planning Policy Framework.
6. To ensure there is only one filling station and shop at this location to safeguard the amenities of the surrounding area.
7. In the interests of preventing light pollution or glare in order to safeguard local amenities.

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The proposed development is considered compliant with the National Planning Policy Framework and with the policies set out in the Council's Local Plan with regard to the provision of retail facilities outside defined settlement limits and the expansion of existing businesses. The application site lies adjacent to existing employment premises and, although there is residential development in proximity, the proposed development is in keeping with the character of the site and surroundings in terms of use. In light of the above assessment, the size, layout and design of the development is acceptable within its context, there would be no overriding detrimental impact on the amenity of adjacent neighbours. Subject to conditions the application would not cause harm to highway safety. All material considerations have been taken into account, including those raised by consultees and contained in letters of representation. The proposal is therefore considered to comply with the requirements of Policies COR1, COR2, COR4 and COR17 of the Mid Devon Core Strategy (Local Plan Part 1), Policies DM1, DM2, DM6, DM7, DM8, DM19 and DM20 of the Mid Devon Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.

Grid Ref: 295927 : 102937

Applicant: Exe Valley Practice

Location: Exe Valley Practice 3
Coach Road Silverton
Exeter

Proposal: Erection of dwelling

Date Valid: 3rd August 2015



Application No. 15/01234/FULL

RECOMMENDATION

Grant permission subject to conditions.

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

1. To consider whether this is a garden development and as such should be treated as a greenfield site.
2. To consider if the proposal constitutes overdevelopment and has insufficient amenity land.
3. To consider if the proposal has a negative impact on existing properties (including the property within the curtilage of the site)
4. To consider if the proposed access on to the highway is acceptable or would compromise an existing right of way.

PROPOSED DEVELOPMENT

The application seeks permission for the erection of one single storey, 2 bedroom bungalow within the rear amenity space which is currently associated with Exe Valley Practice doctor's surgery, 3 Coach Road. The site is adjacent to Park Road, and access to the proposal is proposed from that road. The dwelling is proposed to have painted render walls, a slate roof (including two solar panels) and upvc windows and doors.

The proposal includes the provision of two parking spaces specifically allocated for the dwelling, including a turning area. Five parking spaces will be retained within the existing doctor's surgery, including a turning area.

APPLICANT'S SUPPORTING INFORMATION

Arboricultural report
Letter from Exe Valley practice
Design and Access Statement
South West Water Drainage maps

PLANNING HISTORY

03/02127/FULL Change of use of dwelling house (C3) to doctor's surgery (D1) with formation of car parking hardstanding together with demolition of existing conservatory and erection of single storey extension to rear
- PERMIT

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR1 - Sustainable Communities
COR2 - Local Distinctiveness
COR17 - Villages

Mid Devon Local Plan Part 3 (Development Management Policies)

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

CONSULTATIONS

MID DEVON DISTRICT COUNCIL - TREE OFFICER - 2nd October 2015 - You asked me to look at a tree which may be affected by 15/01234/FULL. The tree is a small Honey Locust and is in good condition. I assessed the tree to determine whether it would be suitable for consideration for protection by TPO. My initial thoughts were that it did not have significant amenity value. I carried out an amenity evaluation (Poole system) and the tree had a score of 15. Anything greater than 15 merits consideration for a TPO. In this instance I do not feel that a Tree Preservation Order would be appropriate

HIGHWAY AUTHORITY - 8th October 2015 - I can confirm that the revised plan is acceptable to the Highway Authority for the size of surgery and would have no further comment to make on the application

9th September 2015

Observations:

The Highway Authority have indicated standing advice applies, and following a request from the Local Planning Authority have the following comments to make. The proposed plans submitted by the applicant are technically acceptable for parking turning and visibility and the highway Authority welcomes the removal of the Leylandii screen. The applicants in Their plan PL2 revD has included the retention of the right of way and subject to the applicant providing clear visibility over the whole Right of way the highway Authority would have no technical objection. The application should provide for suitable drainage to prevent water entering the public highway and a condition for which should be imposed. It would not be acceptable to drain the drive to a neighbouring gully and it should be incorporated into the private surface water sewer.

However the proposal will result in a loss of parking to the surgery with clients parking on the highway close to the bend and with the increased risk to all users particularly the school. Therefore the highway Authority would wish to see a parking layout and proposal for the surgery. It is noted that there is a potential for the surgery to close at this location, but until such time as the use of the property is formalised sufficient parking should be afforded for the surgery use.

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

18th August 2015

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

SILVERTON PARISH COUNCIL - 7th September 2015 - The Parish Council felt the plans supplied did not clearly show what was being proposed and would ask if further clarification could please be provided as to clarify exactly what development is proposed at this site.

ENVIRONMENTAL HEALTH - 18th August 2015

Contaminated Land - No objection.

Air Quality - No objection.

Drainage - No objection.

Noise and other substances - No work shall be carried out on the site on any Sunday, Christmas Day or Bank Holiday or other than between the hours of 0730 and 1900 hours on Monday to Fridays and 0730 and 1300 on Saturdays.

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

Housing standards - No objection.

Licensing - N/A.
Food Hygiene - N/A.

Private Water Supplies - No record is held as being a private supply. However, if a private water supply is to be used together with any other associated property, the supply would become a small private supply, unless a commercial element is involved when it would become a commercial supply. In either circumstance would be subject to the Private Water Supply Regulations 2009. As such a private water risk assessment and sampling regime will need to be undertaken by this Authority prior to any residential or commercial use. Please contact Public Health at Mid Devon District Council to discuss on completion of the proposal.

Health and Safety - No objection.

REPRESENTATIONS

2 letters of objection have been received. The objections have been summarised and raise the following concerns:

- The application should be treated as a greenfield site
- The proposal results in overdevelopment of the area
- The development has insufficient amenity space
- There will be a 'massive' impact on the neighbouring dwellings
- The proposal impacts a right of way
- The foundations will impact the neighbours trees

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main material considerations in respect of this proposal are:

- 1) **Principle for development in this location**
- 2) **Design and impact on the character and appearance of the surrounding area**
- 3) **Impact on residential amenity**
- 4) **Parking and access**
- 5) **Other**

1) The principle for development.

Representation received notes that this development should be taken as the development of a greenfield site contrary to the provisions of PPS3, which was amended to exclude private residential gardens from the definition of 'previously developed land' (brownfield land). However, this did not mean that gardens could not be developed and each application should be considered on its own merits. Since the publication of the National Planning Policy Framework, PPS3 is no longer a material consideration in the determination of a planning application, although the exclusion of residential gardens from the definition of 'previously developed land' has been carried over into the National Planning Policy Framework.

This development is situated within the rural settlement of Silverton. COR17 of the Mid Devon Core Strategy 2026 notes development within defined villages such as Silverton will be limited to minor proposals. As this proposal is for the development of one dwelling, which is classified as a minor proposal, the principle for development in this location is acceptable in accordance with policy COR17 of the Mid Devon Core Strategy 2026.

It should be noted that the applicant has undertaken pre-application advice with the local planning authority, where it was established that subject to design, the principle for a modest development on this site would be acceptable.

2) Design and impact on the character and appearance of the area.

The proposal is for the erection of a single storey, 2 bedroom detached bungalow. The proposal is outside

the Silverton conservation area and is not considered to materially impact on the setting of a listed building (the nearest listed building is approximately 225metres away). The site is visible when travelling along Park Road, and less visible from Coach Road due to the screening provided by the existing dwellings.

The dwelling is proposed to have an external appearance of render with a slate roof and upvc windows and doors. Conditions have been recommended to require a sample of the slate to be submitted as well as details of the render finish and details of the doors and windows.

The dwelling is designed in an L shape, and is orientated to face south toward Park Road. The proposal is likely to be prominent from the highway, however, the surrounding dwellings on Park Road to the east are similar in design to the proposal (the neighbouring property on Park Road is a single storey bungalow). The internal layout of the bungalow includes two bedrooms, a kitchen/living room, a bathroom, and one en-suite. Policy DM15 of the Local Plan Part 3 (Development Management Policies) details minimum size requirements for new dwellings. In this case, the proposal should have a minimum internal floor space of 57-67 sqm. The dwelling is compliant with the size requirements under policy DM15 Local Plan Part 3 (Development Management Policies), and the DCLG, Technical housing standards - nationally described space standard.

The proposal includes a small patio/walkway surrounding the house, tarmacked drive, turning area (including Aco drain to stop surface water discharging onto the highway), and a grassed garden area. A 2 metre timber fence will surround the boundary to the sides and rear of the bungalow, together with a 1 metre high block wall to the front of the dwelling. A planting screen is included within the surgery car park, providing screening between the site and the surgery.

Representation was received regarding the size of the proposal resulting in 'overdevelopment' of the area and the provision of insufficient amenity space to the new dwelling and the surgery. The proposals size, including its height, scale and massing are all reasonable within the context of the site and the surrounding residential properties. Silverton has a wide range of housing styles and the appearance of the proposed bungalow is considered to fit in well with the street scene of Park Road. A reasonable amount of private amenity space has been portioned to the proposed bungalow, and a reasonable level of amenity space is retained for the existing doctor's practice. A letter received from the surgery notes that it is likely the surgery will be closing. Although this is speculation, the surgery has a reasonable level of amenity space retained for its existing D1 use, or a future use as a dwellinghouse.

The design and appearance of the proposal, including its impact on the character and appearance of the surrounding area, is considered to be in accordance with policies DM2, DM8, DM14 and DM15 of the Local Plan Part 3 (Development Management Policies).

3) Impact on residential amenity

Policy DM2 of the Local Plan Part 3 (Development Management Policies) requires that new dwellings do not have an unacceptably adverse effect on the privacy or amenity of the proposed or neighbouring properties and uses. The proposed bungalow would be south of existing dwellings in Coach Road, and west of a detached bungalow named Autumn Leaves.

One objection has been received from the occupier of the nearest residential dwelling to the North East (4 Coach Road), and none received from the dwelling to the north west. A further objection was received from Autumn Leaves to the east; however, this representation is specific to ensuring the right of way is retained between the properties, which is addressed above.

The bungalow would be approximately 14 metres from the rear wall of the surgery, and 15 metres from the nearest residential property. As shown on section 1, drawing number PL4 Rev E, the ridge height of the proposal is low in comparison to the dwellings situated to the north on Coach Road. Specifically, the ridge will be 0.9metres lower than the eaves of 3 Coach Road. The proposed bungalow is sited approximately 30 metres away from Autumn Leaves to the east, which is situated on a similar ground level. Some shadow may be cast over the southern garden area of 4 Coach Road in the late evening sun, and the southern garden area of 2 Coach Road in the morning sun, however, this is likely to be acceptable in planning terms, having limited impacts on the occupants of these dwellings. Considering the distance from the neighbouring

properties, including the reasonable height of the proposal, the bungalow is deemed to not have material overbearing and amenity impacts on the neighbouring properties.

As the proposal is a bungalow there are no first floor windows proposed, nor windows within a roof slope. The proposal includes limited windows in the side elevations, including no windows on the east elevation, and one window in the west elevation. Views out of the west elevation towards number 2 Coach Road are restricted by the layout of the bungalow, including the protruding gable to the north west of the building. The site is surrounded by a 2 metre fence screen, including planting to the north. The proposal is not considered to result in a significant loss of privacy to any neighbouring dwelling, in accordance with policy DM2 of the Local Plan Part 3 (Development Management Policies).

To ensure the privacy of the neighbouring properties is maintained, permitted development rights are proposed to be removed by condition for any new windows or the conversion of loft space of the proposed bungalow.

4) Parking and access

The proposal is accessed from Park Road, and includes two parking spaces and a turning area. Policy DM8 of the Local Plan Part 3 (Development Management Policies) requires 2 parking spaces to be provided per dwelling. The allocated parking for the new dwelling is considered to comply with policy DM8 of the Local Plan Part 3 (Development Management Policies). Devon County Council Highways attended the site, and have no objections to the proposed access onto Park Road, however, comment was raised regarding the lack of information showing formalised parking for the surgery use.

The applicant has provided a letter noting that the surgery is likely to be closing in March 2016, however, as this is not a certainty, and its future use cannot be guaranteed, a parking plan was requested by the local planning authority. The applicant has submitted a parking plan shown on drawing number PL2 Rev E. There are no parking restrictions on Coach Road, and the site is situated a good distance from the village centre of Silverton with reasonable public transport routes. In the opinion of the local planning authority, the proposal retains an adequate level of parking, including a turning area for the existing surgery.

Following receipt of the parking plan, the Highway Authority has been re-consulted and Members will be updated on receipt of the Highway Authority's response.

A condition is recommended to formalise the proposed parking arrangements.

The existing boundary onto Park Road includes a large conifer hedge, and a public right of way accessing the east of the site. The conifer hedge will be removed, and new hedge planting will be provided between the right of way and the proposal, retaining the existing right of way. Neighbouring letters were received regarding the retention of this right of way, and the applicant amended their original drawings detailing the right of way as preserved. The preservation of this right of way is recommended as a planning condition.

5) Drainage, trees, etc

Drainage:

The proposed dwelling would be connected to the mains sewer for foul drainage, whilst any surface water would be dealt with via a soakaway.

Neighbouring trees:

Objection received from 4 Coach Road notes that the development is likely to impact on an established tree within the garden of 4 Coach Road. The Mid Devon District Council tree officer was asked to comment on the application, and an arboricultural report was submitted by the applicant.

It should be noted that the neighbours trees (detailed as T1 and T2 in the tree protection plan) are proposed to be retained as part of this development, however, some trees on the site with low amenity value will be removed (labelled as G1, H1 and T3).

The Mid Devon District Council tree officer recognises that the neighbouring trees (T1 and T2) are a reasonable quality, however are not worthy of protect by a Tree Preservation Order. This view is reinforced within the submitted arboricultural report.

As the existing tree is not within the conservation area and is not TPOed, the applicant has a right to remove branches and roots overhanging the boundary line without gaining any consent. The tree report includes an arboricultural method statement to ensure impacts on these trees are minimised, and the applicant has confirmed his willingness to comply with this report. A condition is recommended requiring building works to be carried out in accordance with the arboricultural method statement.

Public Open Space:

A new dwelling is likely to increase the demand for public open space and play areas within the vicinity. Policy AL/IN/3 of the Allocations and Infrastructure Development Plan Document (Local Plan Part 2) requires the developer to pay a financial contribution towards the provision of public open space/play areas, where an appropriate level is not provided on site. The applicant has provided a payment of £900. This payment will be used towards improvements to the School Lane War Memorial, and the applicant has signed a legal agreement which secures the money for this purpose.

There are no other materials considerations to weigh against the grant of planning permission, and approval subject to conditions is recommended.

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. Prior to their first use on the development, details of the slate and render shall be submitted to and approved in writing by the Local Planning Authority. Such approved materials shall be used and so retained.
4. Prior to their first use on the development, working details of the new external doors/door frames and windows, including sections, mouldings and profiles, finishes and glazing have been submitted and approved in writing by the Local Planning Authority. Such approved materials shall be used and so retained.
5. The development shall take place strictly in accordance with Appendix 4 root pruning methodology on page 9 of the report from Hi-Line dated 28 September 2015 and the details shown on drawing number CT_4071_TPP dated 28 September 2015.
6. Before the development hereby permitted is first brought into use, the vehicular access, parking and turning areas indicated on the approved plan PL2 REV E, including the proposed parking and turning area for 3 Coach Road, shall be surfaced and drained (to avoid surface water discharge onto the highway) and marked out in accordance with the approved details. Following their provision, these facilities shall be so retained.
7. Notwithstanding the provisions of Article 3 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development of the types referred to in Classes A, B, C, D, E, of Part 1, relating to the extension and alteration of the dwelling, extensions or alterations to its roof, the insertion of windows and/or roof lights, and the provision of outbuildings, shall be undertaken within the dwellings curtilage without the Local Planning Authority first granting planning permission.

REASONS FOR CONDITIONS

1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of proper planning.
3. To ensure the use of materials appropriate to the development in order to safeguard the visual amenities of the area in accordance with:
Mid Devon Core Strategy (Local Plan Part 1) COR2
Local Plan Part 3 (Development Management Policies) DM2 and DM14.
4. To ensure the use of materials and detailing appropriate to the development, in order to safeguard the visual amenities of the area in accordance with:
Mid Devon Core Strategy (Local Plan Part 1) COR2
Local Plan Part 3 (Development Management Policies) DM2 and DM14.
5. To ensure the development makes a positive contribution to the character and appearance of the area by protecting the existing trees during development in accordance with Policy DM2 of the Local Plan Part 3: (Development Management Policies).
6. In the interest of highway safety and to ensure that adequate on-site facilities are available for traffic attracted to the site in accordance with Policy DM2 of the Local Plan Part 3 (Development Management Policies)
7. To safeguard the visual amenities of the area and amenities of neighbouring dwellings in accordance with Policies DM2 and DM14 of the Local Plan Part 3 (Development Management Policies).

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The proposed dwelling is considered to be an acceptable design and location in accordance with the policy requirements of COR2 and COR17 of the Mid Devon Core Strategy (Local Plan Part 1) and Policies DM2 and DM14 of the Local Plan Part 3 (Development Management Policies). The dwelling provides accommodation in accordance with the size requirements of Policy DM15 of the Local Plan Part 3 (Development Management Policies). The proposed dwelling will result in the loss of some parking associated with the doctor's surgery; however, the level of parking maintained at the surgery, including the proposed parking for the dwelling is acceptable in accordance with Policy DM8 of the Local Plan Part 3 (Development Management Policies). There will be some impact on surrounding residential properties, however, this will not be significant and the proposal is therefore in accordance with Policy DM2 in this regard. The proposal is considered to be in accordance with relevant planning policies and has been recommended for approval.

Application No. 15/01438/FULL

Plans List No. 4

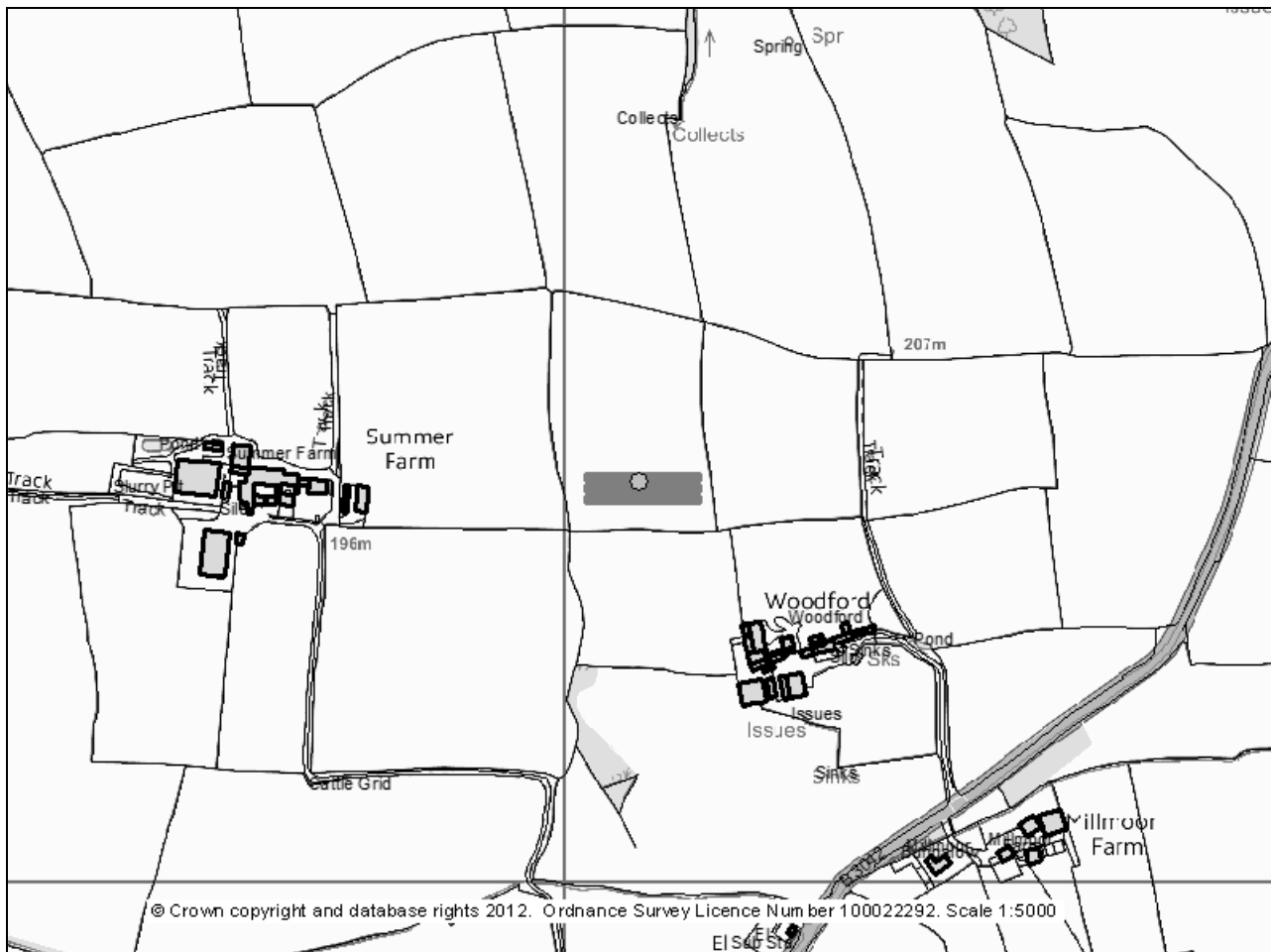
Grid Ref: 280054 : 113389

Applicant: Mr R Hayes

Location: Land at NGR 280054
113389(Woodford
Farm) Witheridge
Devon

Proposal: Installation of 150KW
ground mounted solar
panels

Date Valid: 9th September 2015



Application No. 15/01438/FULL

RECOMMENDATION

Grant permission subject to conditions.

PROPOSED DEVELOPMENT

Installation of 150KW ground mounted solar panels at Woodford Farm, Witheridge.

The application seeks planning permission for the installation of three additional rows of ground mounted solar panels. The site is part of an agricultural field that forms part of the agricultural holding of Woodford Farm, to the south of Witheridge. There are two existing rows of solar panels already situated in the southern part of the field; the proposed additional rows will sit to the north of these existing panels.

The site is approximately 160m to the northwest of the farm holding of Woodford and 200m to the east of Summer Farm. The panels will be mounted on frames and stand up to 3.0m high, each row being 95m in length (the same as the two existing rows).

APPLICANT'S SUPPORTING INFORMATION

None

PLANNING HISTORY

14/01186/FULL Installation of a ground-mounted photovoltaic solar panel array to generate 100kW of power (site area 700 sq m) - PERMIT

14/00994/PE Replacement of single member poles with "H" poles - CLOSED

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR5 - Climate Change

COR18 - Countryside

Mid Devon Local Plan Part 3 (Development Management Policies)

DM1 - Presumption in favour of sustainable development

DM2 - High quality design

DM5 - Renewable and low carbon energy

CONSULTATIONS

MORCHARD BISHOP PARISH COUNCIL - 6th October 2015

No comments.

WITHERIDGE PARISH COUNCIL - 5th October 2015 - The Council had no observations to make on the application.

EAST WORLINGTON PARISH COUNCIL - 30th September 2015 - No comments

HIGHWAY AUTHORITY - 24th September 2015 - Standing advice applies please see Devon County Council document <http://www.devon.gov.uk/highways-standingadvice.pdf>

REPRESENTATIONS

No letters of representation have been received at the time of writing the report.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The site is outside of an adopted settlement limit and is therefore considered to be in a countryside location. Policy COR18 of the Mid Devon Core Strategy (Local Plan Part 1) states that development outside settlement limits will be strictly controlled unless there are appropriate agricultural and rural uses that include renewable energy and telecommunications development (refer to Criterion F). The National Planning Policy Framework applies a presumption in favour of sustainable development and part 10 calls for planning policies and decision making to have a positive strategy to promote energy from renewable and low carbon sources, and identify opportunities where development can draw energy supply from renewal or low carbon systems. Policy COR5 of the Mid Devon Core Strategy (Local Plan Part 1) sets measures for development to minimise the impacts of climate change and to contribute towards national and targets for the reduction of greenhouse gas emissions. This should be achieved through the development of renewable energy capacity in locations with an acceptable local impact, including visual impact and on nearby residents and wildlife. Policy DM5 of the Local Plan Part 3 (Development Management Policies) sets the key policy tests for the scheme and is set out below:

Proposals for renewable or low carbon energy will be permitted where they do not have a significant adverse impact on the character, amenity, and visual quality of the area, including cumulative impacts of similar developments within the parish or adjoining parishes.

Where significant impacts are identified through environmental impact assessment, the Council will balance the impact against the wider benefits of delivering renewable and low carbon energy, considering:

- (a) Landscape character and heritage assets.
- (b) Environmental amenity of nearby properties in accordance with Policy DM7.
- (c) Quality and productivity of the best and most versatile agricultural land (grades 1, 2 and 3a).
- (d) Biodiversity (avoiding habitat fragmentation).

Landscape impacts

The potential impact of the development on the character and appearance of the surrounding area have been considered. The existing array, particularly the front row of panels, is visible from some points along the B3042 highway to the south. Views from this direction are reasonably long distance and broken by natural screening provided by hedge boundaries and trees. Given the natural undulation of the land, the proposed array being sited further to the north of the existing panels would not be highly visible. A public footpath runs to the east of the application site, and whilst the proposed solar development will be visible at some points along the route, these views are likely to be over a limited distance and therefore it is not considered that the proposed scheme would impact on the landscape character and/or visual amenities of the area for receptors along the footpath.

Whilst limited views of the development will be possible, given the scale and nature of the scheme it is considered that any resulting visual, landscape and/or environmental impacts would not be harmful to the character and visual amenity of the rural location and would not outweigh the renewable energy benefits arising from the scheme.

Amenity of nearby properties

The development is positioned within an agricultural field, to the north of the existing solar development. Given the separation distance to nearest residential dwelling (which is fact the farmhouse on the holding) it is not considered that the panels will result in any detrimental effects on the amenity of existing and future occupiers.

Furthermore taking into account the separation distance between the house and the field array the proposals are unlikely to affect the availability of outdoor amenity space associated with the property, or its character, appearance and setting.

As stated above the separation distance to the nearest non connected dwelling is over 200 metres away

Loss of agricultural land

The Local Planning Authority's system highlights that the site is situated on grade 3 agricultural land, although it does not distinguish whether this is 3a or 3b. Notwithstanding this, given the size of the site area (0.9 hectare) it is considered that given the extent of the scheme which is for 3 rows of panels at 95.0 metres in length, even when considered cumulatively with the existing development (2 rows), the development site is a relatively small part of the overall holding.

Therefore given the scale of the development in relation to the overall land holding it is not considered that the installation would have a significant adverse impact upon the operation of the holding or on the availability of best and most versatile agricultural land provisions of the area.

Biodiversity

Given the siting of the panels and the scale of the scheme it is not considered that there would be any significant adverse impacts to biodiversity as a result of the proposed development.

There are no other material considerations identified, and the application is recommended for approval.

CONDITIONS

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

REASONS FOR CONDITIONS

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

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The erection of a small scale photovoltaic array comprising three rows of panels on a parcel of agricultural land is deemed to be an acceptable addition to the existing 2 rows of panels already in situ.

In summary the renewable energy benefits that will arise from the proposed scheme are achievable without;

- Having an adverse impact on the landscape and character of the area or any nearby heritage assets,
- Adversely affecting the environmental and visual amenities of any nearby residential property,
- Harming the living conditions of the occupiers of other nearby dwellings,
- Adversely affecting the availability of productive agricultural land,
- Adversely affecting local habitats within the site and surrounding area

As such the development complies with Policies COR5 and COR18 of the Mid Devon Core Strategy (Local Plan Part 1), Policies DM1, DM2 and DM5 of the Mid Devon Local Plan Part 3 (Development Management Policies) and guidance in the National Planning Policy Framework (NPPF). It is therefore recommended that the application is approved subject to conditions.

Mrs Jenny Clifford
Head of Planning and Regeneration

PLANNING COMMITTEE - 21 October 2015

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

PURPOSE OF REPORT

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

RECOMMENDATION

That the report be noted.

DETAILS OF DECISIONS

DATE RECEIVED	DATE DETERMINED/ DECISION	REF NUMBER	APPLICANT PROPOSED DEVELOPMENT	PARISH/AREA
21.08.2014	25.09.2015 Permitted with Conditions to Discharge	14/01447/OUT	Ms P Martin Land at NGR 270738 101029 (Hampson Farm) Outline for the erection of an agricultural worker's dwelling	Bow 03
23.04.2015	30.09.2015 Refuse permission	15/00668/FULL	Mr Peter Guscott The Orchard Cheriton Bishop Erection of a dwelling	Hittisleigh 27

15.05.2015	30.09.2015 Permitted with Conditions to Discharge	15/00814/MFUL	Mr D Matthews Land at NGR 301874 106223 Exeter Road Erection of 24 dwellings with access road and landscaping	Cullompton 21
27.05.2015	14.09.2015 Development Acceptance	15/00844/PNCOU	Mr & Mrs K Roberts Buildings at NGR 300030 102309 Poundapitt Farm Prior notification for the change of use of an agricultural building to a dwellinghouse under Class Q (a) and (b)	Cullompton 21
09.06.2015	22.09.2015 Permitted with Conditions to Discharge	15/00947/FULL	Mr J Harris Coxs Court Park Street Erection of 3 dwellings and associated carport and garden following demolition of 14 garages (Revised Scheme)	Tiverton 52
09.06.2015	22.09.2015 Permitted with Conditions to Discharge	15/00952/FULL	Mr J Harris Coxs Court Park Street Erection of 1 replacement dwelling and associated carport a living space over	Tiverton 52
11.06.2015	16.09.2015 Grant permission	15/00961/LBC	Mr Simon and Mrs Alison Tytherleigh 58 Fore Street Bradninch Listed Building Consent for the demolition of existing greenhouse and erection of shed/greenhouse with solar panels on roof	Bradninch 04
24.06.2015	23.09.2015 Grant permission	15/01033/LBC	Mr & Mrs Richard Pocock Chilton House Cadeleigh Listed Building Consent for the	Thorverton 51

			change of use and conversion of barn to art studio	
29.06.2015	16.09.2015 Grant permission	15/01051/FULL	Mr R Delmaestro Archies Cottage 4 Fore Street Erection of replacement garage	Silverton 45
08.07.2015	16.09.2015 Grant permission	15/01087/LBC	Mr P Steele 18 Newport Street Tiverton Listed Building Consent to replace front elevation ground floor windows	Tiverton 52
13.07.2015	14.09.2015 Grant permission	15/01115/LBC	Mrs Susan Searle The Oak Room 2C St Peter Street Listed Building Consent for the removal of central pews	Tiverton 52
14.07.2015	21.09.2015 Permitted with Conditions to Discharge	15/01123/FULL	Dr L Moore Land and Buildings at NGR 266167 113364 (Trixes Barn) Bridge Reeve Conversion of redundant agricultural workshop to dwelling	Wembworthy 58
15.07.2015	14.09.2015 Grant permission	15/01122/FULL	Mr & Mrs T Tree Higher Beers Farm Brithem Bottom Erection of an extension and alterations to existing dwelling, erection of an enclosed swimming pool following demolition of outbuilding	Halberton 25
16.07.2015	23.09.2015 Grant permission	15/01124/CLU	Dr J H Sheridan College Surgery Partnership 29 Lower Town Certificate of Lawfulness for the siting of building used as a GP surgery for a period in excess of 4 years	Sampford Peverell 42

16.07.2015	11.09.2015 Permitted with Conditions to Discharge	15/01129/LBC	Mr Robert Deane Shuffshayes Langford Listed Building Consent for the replacement of an existing external door with a window	Cullompton 21
16.07.2015	14.09.2015 Grant permission	15/01141/FULL	Mr P Grabham Watton Farm Halberton Erection of extension to existing agricultural building	Halberton 25
17.07.2015	16.09.2015 Grant permission	15/01143/FULL	Mr Jon Houghton Church Cottage Cheriton Fitzpaine Conversion of barn to ancillary accommodation re-roof in natural slate	Cheriton Fitzpaine 12
17.07.2015	16.09.2015 Grant permission	15/01144/LBC	Mr Jon Houghton Church Cottage Cheriton Fitzpaine Listed Building Consent for the conversion of barn to ancillary accommodation, re-roof in natural slate, installation of 6 windows and internal alterations	Cheriton Fitzpaine 12
17.07.2015	10.09.2015 Permitted with Conditions to Discharge	15/01148/LBC	Mr D Bernard 25 Fore Street Holcombe Rogus Listed Building Consent for the removal of turnerised roof and replacement with slate	Holcombe Rogus 29
17.07.2015	14.09.2015 Grant permission	15/01150/LBC	Mr Will Garnett, IDH Group Ltd T/a My Dentist 37 St Peter Street Tiverton Listed Building Consent to replace 2 aluminium signs and 4 ground floor	Tiverton 52

			window vinyls	
20.07.2015	21.09.2015 Permitted with Conditions to Discharge	15/01140/FULL	Miss P O'Sullivan Burrige Farm Sandford Removal of Condition 5 (accommodation for 7 adults only at any one time) of planning permission 13/00783/FULL	Sandford 43
20.07.2015	14.09.2015 Grant permission	15/01154/FULL	Mrs Sharon Carpenter 34 Pear Drive Willand Construction of dormer to rear of garage to provide additional accommodation (Revised scheme)	Willand 59
20.07.2015	14.09.2015 Permitted with Conditions to Discharge	15/01155/FULL	Mrs Margaret Harris Dukesfield Bow Erection of a dwelling and car port, enlarge driveway and improve visibility	Bow 03
21.07.2015	15.09.2015 Grant permission	15/01161/FULL	Mr P Morgan 1 Johnstone Drive Tiverton Alteration and extension of existing dwelling to create 2 dwellings (Revised Scheme)	Tiverton 52
21.07.2015	28.09.2015 Grant permission	15/01173/FULL	Mrs L Watts G W Pack Ltd 58 Fore Street Installation of replacement shop front	Tiverton 52
21.07.2015	28.09.2015 Grant permission	15/01174/ADVERT	Mrs L Watts G W Pack Ltd 58 Fore Street Advertisement Consent to display 1 internally illuminated fascia sign	Tiverton 52

21.07.2015	05.10.2015 Grant permission	15/01180/FULL	Mr V Goff Upper Hayne Farm Blackborough Erection of garage and summerhouse	Uffculme 53
21.07.2015	02.10.2015 Grant permission	15/01181/FULL	Mr V Goff Upper Hayne Farm Blackborough Relocation of access track, filling in of 2 ponds and merging of 2 ponds	Uffculme 53
22.07.2015	16.09.2015 Approval of Prior Approval	15/01158/PNCOU	Mr R White Land at NGR 293639 107945 (Yearlstone Vineyard) Prior notification for the proposed change of use of an agricultural building to a dwellinghouse under Class Q	Tiverton 52
22.07.2015	15.09.2015 Grant permission	15/01183/CLU	Mr I Toogood Land and Buildings at NGR 295598 117912 East Bicknell Farm Certificate of Lawfulness for the retention of a hay barn	Tiverton 52
23.07.2015	02.10.2015 Approval of Prior Approval	15/01169/PNCOU	Mr Anthony Hawkins Land and Buildings at NGR 307919 114304 (Lower Penslade) Prior notification for the change of use of an agricultural building to a dwellinghouse under class Q	Uffculme 53
23.07.2015	07.10.2015 Grant permission	15/01195/ARM	Mr V Bennett Land and Buildings at NGR 272250 98701 (Littlecombe Farm) Bow Reserved Matters for the erection of an agricultural worker's dwelling following Outline approval 15/00120/OUT	Bow 03

24.07.2015	28.09.2015 Grant permission	15/01197/FULL	Mr G Herbert & Mrs D Leete 46 Fore Street Silverton Erection of extension following demolition of existing	Silverton 45
24.07.2015	01.10.2015 Grant permission	15/01205/TPO	Mid Devon Business Park Land at NGR 303897 111470 (Mid Devon Business Park) Willand Application to carry out works to 1 Oak protected by Tree Preservation Order 10/0003/TPO	Willand 59
24.07.2015	18.09.2015 Withdrawn	15/01207/FULL	Mr P Howe 40 Station Road Hemyock Formation of vehicular access and area for parking	Hemyock 26
27.07.2015	24.09.2015 Permitted with Conditions to Discharge	15/01211/FULL	Mr M Parrett Land and Buildings at NGR 306869 110523 (Southill Barton) Kentisbeare Conversion of an agricultural barn to dwelling and change of use of minor agricultural barns to outbuildings to be used in connection with the dwelling	Uffculme 53
27.07.2015	14.09.2015 Grant permission	15/01213/LBC	Mr S Rickard Ash View Cottage Newton St Cyres Listed Building Consent to cap damaged chimney and cover with thatch, and to repair and re-render gable wall and North West elevation	Newton St Cyres 37
28.07.2015	02.10.2015 Grant permission	15/01218/TPO	Mrs Jane Hoare Harpitt Lodge Willand Old Village Application to crown lift 1 pine tree protected by Tree Preservation Order	Willand 59

			No. 08/00002/TPO	
29.07.2015	14.09.2015 No Objection	15/01202/CAT	Mr M Martin 32 High Street Halberton Notification of intention to carry out works to 1 Birch, 1 Beech, 1 Horse Chestnut and 1 Lime tree within a Conservation Area	Halberton 25
29.07.2015	30.09.2015 Grant permission	15/01242/FULL	Mr S Botting 16 Chilcott Close Tiverton Erection of an extension to side and rear (Revised scheme)	Tiverton 52
30.07.2015	01.10.2015 Refuse permission	15/01219/FULL	Mr G Vanstone Orchard Villa 4 Threshers Erection of a dwelling	Crediton Town 18
30.07.2015	16.09.2015 Development Acceptance	15/01240/PNCOU	Mr & Mrs Tucker Building at NGR 266806 107497(Batelease) Wembworthy Prior notification for the change of use of an agricultural building to a dwellinghouse under class Q	Brushford 05
30.07.2015	16.09.2015 Grant permission	15/01243/FULL	Mr R O'Flynn Wonham Heights Exebridge Erection of a replacement dwelling	Bampton 01
30.07.2015	21.09.2015 Grant permission	15/01244/FULL	Mr & Mrs A Pollard Duncombe Barn Newton St Cyres Construction of ancillary accommodation	Crediton Hamlets 19
30.07.2015	18.09.2015 Withdrawn	15/01245/CLP	Mr Graham Stoneman 13 Lower Town Halberton	Halberton 25

			Certificate of Lawfulness for the proposed erection of an outbuilding	
30.07.2015	30.09.2015 Grant permission	15/01246/FULL	Mr & Mrs J Bendle Land and Buildings at NGR 315235 114158 (Gladhayes Farm) Clayhidon Conversion of barn to dwelling (Revised scheme)	Clayhidon 15
30.07.2015	30.09.2015 Grant permission	15/01252/LBC	Mr S Reynolds Meadowsweet Cottage Chilton Listed Building Consent for replacement of cement render with lime-based render	Cheriton Fitzpaine 12
31.07.2015	15.09.2015 Grant permission	15/01258/FULL	Mrs Trish Cooper The Sycamores Bampton Erection of an extension, pitched roof over existing extension and widening of existing gateway onto highway	Bampton 01
31.07.2015	22.09.2015 Grant permission	15/01259/FULL	Mr Mike Aspray The Recreation Ground Whitnage Road Replacement of existing tennis court, fencing and floodlights with a Multi- Use-Games-Area (MUGA) incorporating cricket wicket area and multi-sport surfacing	Sampford Peverell 42
03.08.2015	25.09.2015 Permitted with Conditions to Discharge	15/01227/FULL	Mr & Mrs R Baggs Land at NGR 280623 104734 (Yarmleigh Farm) Sandford Erection of cow cubicle building (No. 4)	Sandford 43

03.08.2015	25.09.2015 Permitted with Conditions to Discharge	15/01228/FULL	Mr & Mrs R Baggs Land at NGR 280623 104734 (Yarmleigh Farm) Sandford Erection of a cow cubicle building (No. 3)	Sandford 43
03.08.2015	25.09.2015 Permitted with Conditions to Discharge	15/01229/FULL	Mr & Mrs R Baggs Land at NGR 280623 104734 (Yarmleigh Farm) Sandford Erection of a cow cubicle building (No. 1) and a slurry tank (750 sq. m.)	Sandford 43
03.08.2015	25.09.2015 Permitted with Conditions to Discharge	15/01230/FULL	Mr & Mrs R Baggs Land at NGR 280623 104734 (Yarmleigh Farm) Sandford Erection of a cow cubicle building (No. 2)	Sandford 43
03.08.2015	25.09.2015 Refusal of Prior Approval	15/01232/PNCOU	Mr D & Mrs A Brummett Building at NGR 307382 112173 (Oakford House) Prior notification for the change of use of an agricultural building to dwelling under Class Q	Uffculme 53
03.08.2015	01.10.2015 Grant permission	15/01267/FULL	Mr Anthony Denne 43 The Brendons Sampford Peverell Construction of a balcony and french doors to the south elevation first floor	Sampford Peverell 42
03.08.2015	30.09.2015 Grant permission	15/01268/FULL	Mr Paul Harris 5 Patches Road Tiverton Erection of extensions to side and rear	Tiverton 52
03.08.2015	02.10.2015 Grant permission	15/01276/ARM	Mr T Headon Land and Building at NGR 292345	Tiverton 52

			110799 (Huntland Farm) Tiverton Reserved Matters for the erection of an agricultural worker's dwelling following Outline approval 14/01759/OUT	
04.08.2015	29.09.2015 Not Permitted Development	15/01238/PNCOU	Mr B Summers Land and Buildings at NGR 291372 123742 (Lower Langridge Farm) Exebridge Prior notification for the change of use of an agricultural building to a dwellinghouse under class Q	Oakford 39
05.08.2015	22.09.2015 Grant permission	15/01281/CLP	Mr Christopher Snow 39 Knightswood Cullompton Certificate of Lawfulness for the proposed erection of a conservatory	Cullompton 21
06.08.2015	01.10.2015 Approval of Prior Approval	15/01260/PNCOU	Mrs D Pitts Lower Mounson Cheriton Bishop Prior notification for the change of use of agricultural building to dwelling under Class Q	Cheriton Bishop 11
06.08.2015	02.10.2015 Approval of Prior Approval	15/01263/PNCOU	Mr D & Mrs E Mitchell Ravenswood Crediton Prior notification for the proposed change of use of an agricultural building to a dwellinghouse under Class Q (Revised Scheme)	Crediton Hamlets 19
06.08.2015	14.09.2015 Development Acceptance	15/01264/PNHH	Mr & Mrs D Packham Combesatchfield Silverton Prior Notification for the erection of an extension, extending 5.25m to the rear, maximum height of 3.59m and	Silverton 45

			eaves height of 2.19m	
06.08.2015	05.10.2015 Grant permission	15/01265/LBC	Mr Simon Gibbon Old Shuttern Bridge Pump Street Listed Building Consent to dismantle and repair downstream stone section of footbridge	Newton St Cyres 37
07.08.2015	29.09.2015 Grant permission	15/01289/FULL	Arqiva Ltd Newton Farm Hemyock Installation of a shared electronic communications base station comprising of a 30m high lattice tower, six antennae, two 0.6m DIA dishes and six ground based radio equipment cabinets within a fenced compound	Hemyock 26
07.08.2015	05.10.2015 Grant permission	15/01297/CLU	Mrs S Seage Land at NGR 275194 104806 (Adjacent to Woolsgrove Court) Morchard Road Certificate of Lawfulness for the existing use of agricultural land as residential garden for a period in excess of 10 years	Down St Mary 23
10.08.2015	22.09.2015 Grant permission	15/01273/FULL	Mrs Elaine Mitchell Ravenswood Crediton Erection of a conservatory	Crediton Hamlets 19
10.08.2015	30.09.2015 Grant permission	15/01305/FULL	Mr Chris Kenny 1 St Margarets Close Hemyock Erection of a two storey side extension and single storey extension to the rear with associated decking	Hemyock 26

			area and boundary fencing (Revised Scheme)	
10.08.2015	05.10.2015 Refuse permission	15/01306/FULL	Miss Jilly Doig 48 Brook Street Bampton Erection of an extension to existing conservatory	Bampton 01
10.08.2015	05.10.2015 Refuse permission	15/01307/LBC	Miss Jilly Doig 48 Brook Street Bampton Listed Building Consent for the erection of an extension to existing conservatory	Bampton 01
10.08.2015	07.10.2015 Application Granted	15/01323/FULL	RBS Gogarburn National Westminster Bank Plc 11 Fore Street Installation of internal and external access ramp and handrails	Tiverton 52
10.08.2015	07.10.2015 Grant permission	15/01325/ADVERT	RBS Gogarburn National Westminster Bank Plc 11 Fore Street Advertisement Consent to display 1 internally illuminated chevron sign and 2 suspended A1 posters	Tiverton 52
11.08.2015	01.10.2015 Development Acceptance	15/01287/PNCOU	Miss F Liversidge 8 Higher Street Cullompton Prior Approval for a Change of Use from Shop (Class A1) to Catering/Delicatessen (Class A3) under Class C	Cullompton 21
12.08.2015	07.10.2015 Grant permission	15/01314/TPO	Mr M Stallard Heritage Developments South West Ltd Marketing Suite	Tiverton 52

			Application to carry out works to 2 Oak trees and recoppicing of selected Sycamore and Ash trees protected by Tree Preservation Order 06/00016/TPO	
12.08.2015	08.10.2015 Grant permission	15/01322/FULL	Mrs S Shears 20 Yeoford Meadows Yeoford Conversion of existing garage to form additional living accommodation	Crediton Hamlets 19
13.08.2015	16.09.2015 Development Acceptance	15/01294/PNHH	Mr & Mrs Abbott 29 St James Way Tiverton Prior Notification for the erection of an extension, extending 4.0m to the rear, to a maximum height of 3.39m and to a maximum eaves height of 2.43m	Tiverton 52
13.08.2015	15.09.2015 No Objection	15/01300/CAT	Mr F Begg Moss Cottage Cove Notification of intention to fell 1 Fir tree within a Conservation Area	Tiverton 52
13.08.2015	06.10.2015 Grant permission	15/01328/LBC	Mr C Kay 22 Castle Street Tiverton Listed Building Consent to replace existing aluminium framed windows on front elevation with timber framed windows	Tiverton 52
14.08.2015	07.10.2015 Approval of Prior Approval	15/01302/PNCOU	Mr M & Mrs J Baker Land and Buildings at NGR 290116 107383 (West Farleigh Farm) Prior notification for the change of use of an agricultural building to a dwellinghouse under Class Q	Cheriton Fitzpaine 12

14.08.2015	08.10.2015 Refuse permission	15/01329/FULL	Mr M Russell Rear of The Sticks Zeal Monachorum Retention of change of use of garage to astronomical observatory with domed roof	Zeal Monachorum 61
17.08.2015	15.09.2015 Development Acceptance	15/01311/PNHH	Mr D Stephenson 33 Elizabeth Penton Way Bampton Prior notification for the erection of a single storey extension extending 4.50 m to the rear, maximum height of 2.75 m, eaves height of 2.50 m	Bampton 01
17.08.2015	30.09.2015 Grant permission	15/01331/TPO	Mr T Bunting 23 Charwell Meadow Bradninch Application for crown reduction by 2 m of 1 Oak tree protected by Tree Preservation Order no. 98/00009/TPO	Bradninch 04
20.08.2015	29.09.2015 Grant permission	15/01346/FULL	Mr B Partridge Park Farm Poughill Erection of an agricultural building for forage storage and straw based manure(976sqm)	Poughill 40
20.08.2015	05.10.2015 Grant permission	15/01347/CLP	Mr M Lindley Le Joy 8A Park Road Certificate of Lawfulness for the proposed erection of an extension	Tiverton 52
21.08.2015	06.10.2015 Grant permission	15/01350/FULL	Mr T Malone Land at NGR 310298 114026 (The Paddocks) Blackwater Road Construction of a manege	Culmstock 22
24.08.2015	05.10.2015 Grant permission	15/01356/FULL	Mr Adam Box Roydon Alexandra Road	Crediton Town 18

			Erection of two storey extension, entrance lobby and installation of dormer window to rear elevation	
27.08.2015	05.10.2015 Grant permission	15/01372/FULL	Jenner Homes Former Devon County Council (Plot 10) Erection of a dwelling (Plot 10)	Crediton Town 18
27.08.2015	06.10.2015 Grant permission	15/01384/FULL	Mr & Mrs P Harris Wick Lea Nomansland Erection of single storey extension	Thelbridge 50
01.09.2015	05.10.2015 Grant permission	15/01398/FULL	Mr David Rice Tysehurst The Green Erection of a replacement garage with storage space	Morchard Bishop 35
11.09.2015	07.10.2015 No Objection	15/01452/CAT	Mrs Isobel Daives 3 Taw Vale Terrace Crediton Application to fell 7 no Holm Oak trees within a Conservation Area	Crediton Town 18
14.09.2015	07.10.2015 No Objection	15/01453/CAT	Mrs Stella Denton Stockleigh House Stockleigh Pomeroy Notification of intention to fell 1 no Spruce tree within a Conservation Area	Stockleigh Pomeroy 47
15.09.2015	28.09.2015 Grant permission	15/01466/CLP	Mr J Hayman Heathcoat Fabrics West-Exe North Certificate of Lawfulness for the proposed restoration of one 86kwh Gilkes Frances Turbine to its original condition and resume operation	Tiverton 52

22.09.2015	08.10.2015 Development Acceptance	15/01504/PNAG	Mr R May Land at NGR 289112 101707 (Raddon Cross) Efford Prior Notification for the erection of an agricultural storage building	Shobrooke 44
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Background Papers: Contained in application files referred to.

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Major Applications with no Decision

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

<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	0	25/01/2016	15/01571/MFUL	Erection of 5 additional poultry units (5040 sq.m) and biomass boiler unit; formation of attenuation pond, access track, and hardstanding; landscaping; and associated infrastructure	Land at NGR 283175 113696 (Menchine Farm) Nomansland Devon	Mr Simon Trafford	COMM	COMM	
2	1	29/12/2015	15/01511/MFUL	Installation of a ground mounted photovoltaic solar farm to generate up to 5MW of power (site area 8.15 hectares), and associated infrastructure	Viridor Waste Management Ltd Broad Path Landfill Site Burlescombe Cullompton Devon EX15 3EP	Miss Hannah Cameron	COMM	COMM	
	4	11/12/2015	15/01332/MOUT	Outline application with access for an employment development of up to 5,256m2 of B1, 2,651m2 of B2 and 4,919m2 of B8 units together with internal access roads, parking and associated infrastructure	Land at NGR 303681 111677 (North Of Mid Devon Business Park) Muxbeare Lane Willand Devon	Ms Tina Maryan	DEL	DEL	
	7	16/11/2015	15/01334/MFUL	Erection of milking parlour, cubicle and covered feed building (1776 sq m)	Land and Buildings at NGR 269932 104441 (Lower Newton Farm) Zeal Monachorum Devon	Mr Delwyn Matthews	DEL		
	9	06/11/2015	15/01194/MFUL	Erection of a solar farm 4.9MW, landscaping and associated infrastructure, access and underground cables	Land at NGR 285528 98874 (Dunscombe) Newton St Cyres Devon	Mr Simon Trafford	DEL		
	10	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	COMM	DEL	
	12	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	
	12	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	

<i>Item</i> <i>No.</i>	<i>Weeks</i>	<i>TARGET DATE</i>	<i>REFVAL</i>	<i>PROPOSAL</i>	<i>LOCATION</i>	<i>NAME</i>	<i>Expected Decision Level</i>	
							<i>Delegated</i>	<i>Committee</i>
9	16	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	18	31/08/2015	15/00650/MARM	Reserved Matters for the erection of 266 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
11	61	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
12	70	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
13	71	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
14	75	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
15	129	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 5 September 2015 to 9 October 2015

Application No	Description	Location	Officer Recommendation	Committee or Delegated	Decision	Appeal Type	Inspector Decision
15/00073/PNCOU	Prior notification for the change of use of agricultural building to dwelling under Class MB(a) & (b)	Land and Barn at NGR 278004 104654 (Building Adjacent to Lower Bagborough ttages) Copplestone Devon	Refusal of Change of Use	Delegated Decision	Refusal of Change of Use	Written Representations	Appeal Dismissed

Summary of Inspectors Comments

The main issue of the appeal considered by the Inspector was whether or not the proposed change of use/conversion of the agricultural building to a dwelling constitutes permitted development under Class Q of the GPDO. The Inspector noted that the appeal site accommodates a steel portal framed barn, which was partially clad in profile sheeting, measuring approx. 14m by 5m, and therefore of a significant scale. The barn was also noted as retaining some of the original cob walls of an earlier barn, and was located adjacent to several Grade 2 listed cottages. The Inspector opined that, given the very close proximity of the cottages, the barn formed part of the setting of the listed buildings: the listing description of the cottages confirmed that the building was originally a farmhouse that was altered to form three cottages. The addition of fenestration, domestic building materials, such as render and timber boarding and the more substantial construction of the barn walls would, in the Inspector's opinion, dramatically increase the barn's presence on the appeal site and such that it would be unacceptably dominant and significantly detract from the setting of the listed cottages, which would harm their significance. The proposal would therefore not preserve the setting of the listed cottages but significantly cause harm to their significance. This would also run contrary to Para. 132 and 137 of the NPPF. In response to claims by the appellant, the Inspector also stated that Par. 55 of the NPPF had little relevance as to whether the proposal constituted permitted development under Class Q of the GPDO.

The Inspector concluded that the proposal would not preserve the setting of the adjacent listed cottages and that therefore the location of the building made it unsuitable to change from agricultural use to a use falling within Class C3: the proposal was seen as being contrary to Class Q.2(1) (e) of the GPDO and was not permitted development.

Appeal Dismissed

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Agenda Item 10

Application No. 15/00650/MARM

Agenda Item

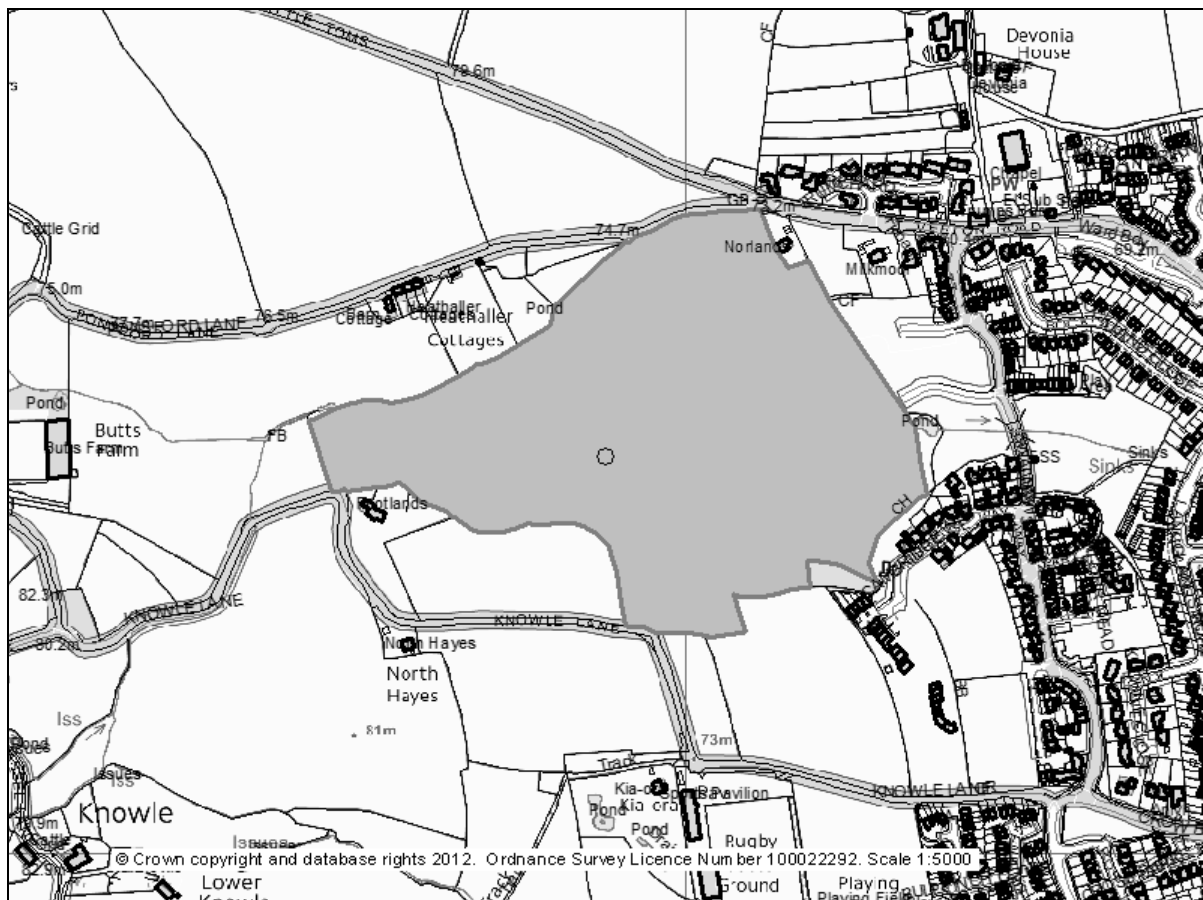
Grid Ref: 107388 : 301001

Applicant: Barratt David Wilson Homes

Location: Land at NGR 301001 107388
(North Of Knowle Lane) Knowle
Cullompton

Proposal: Reserved Matters for the erection
of 266 dwellings including
community centre, green
infrastructure, public open space,
vehicle access points, internal
roads, pedestrian/cycle links and
associated works

Date Valid: 1st June 2015



AGENDA ITEM

**PLANNING COMMITTEE
21st October 2015**

REPORT OF THE HEAD OF PLANNING AND REGENERATION

15/00650/MARM - RESERVED MATTERS FOR THE ERECTION OF 266 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

Reason for Report:

To consider the above planning application

RECOMMENDATION(S)

Grant planning permission subject to conditions

Relationship to Corporate Plan:

The Corporate Plan sets out the following long term visions:

- i) Ensure that the housing needs of our residents are met through the provision of affordable homes and good quality housing in the public and private sector.
- ii) Caring for our environment to promote and protect our outstanding environment and beautiful countryside.

Financial Implications:

Should the application be refused and an appeal lodged with the Planning Inspectorate there is a risk of an award of costs against the Local Planning Authority if it were found to have acted unreasonably.

Legal Implications:

Should the application be approved there will be a need for the applicant to request a deed of variation of the Section 106 agreement relating to the outline planning permission for this site in order to amend the requirements for affordable housing.

Risk Assessment:

None

Consultation carried out with:

See relevant section of the report

1. Highway Authority
2. Highways England

3. Environment Agency
4. DCC Lead Local Flood Authority
5. Cullompton Town Council
6. Environmental Services
7. Historic England
8. DCC Historic Environment Services
9. Natural England
10. Devon and Cornwall Police Architectural Liaison Officer

1.0 PROPOSED DEVELOPMENT

This is a reserved matters application for 266 dwellings, a community centre building, public open space and associated roads and infrastructure. Outline planning permission with all matters reserved was granted in April 2014 for up to 285 dwellings, community centre and associated infrastructure following a resolution by the planning committee to grant planning permission in July 2013.

The site lies to the west of the centre of Cullompton, south of Tiverton Road and together with 1.42 further hectares of land outside of the earlier outline application site boundary, make up a greenfield allocation of 12.5 hectares known as Policy AL/CU8 in the Allocations and Infrastructure DPD (AIDPD) for residential development. The area of land which has been excluded from this outline application is the most southern area of land. The allocation is proposed to be retained as an allocation in the Local Plan Review Proposed Submission document as policy CU13 with an additional allocation for residential development proposed as Footlands CU14 being located further to the west of the southern portion of the site.

A watercourse (Crown Green Stream) runs west to east through the roughly central part of the site, which is also the lowest part of the site. The land rises northwards and southwards from the watercourse. The site would be bordered on just the eastern side by the existing residential development of Kingfisher Reach. There is one other residential property which adjoins the site at its western most point, known as 'Footlands'. There are existing boundary trees and hedges.

The dwelling split is as follows:

- 12 One bedroom flats (all affordable)
- 12 Two bedroom flats (all affordable)
- 55 Two bedroom houses (22 affordable)
- 121 Three bedroom houses (20 affordable)
- 66 Four bedroom houses (4 affordable)

The majority of the dwellings proposed are two or two and a half storey in nature with 24 units of accommodation proposed in two three storey blocks of one and two bedroom flats. All of these flats are proposed to be occupied as affordable housing. Materials for the dwellings comprise a mix of red and buff bricks, sandstone, light yellow and white render and random coursed stone for the walls and with brick detailing (window heads, plinths, string courses etc.) to all properties, concrete tile roofs in either slate grey or mixed russet (red/brown) and white uPVC windows.

Vehicular access to the site is proposed via two points of access from the neighbouring Kingfisher Reach development. The main access serving 234 dwellings would be to the north of the Crow Green Stream which bisects the site running east to west with a second access point to the south of the Stream serving 32 dwellings. These two areas would not be linked by any road intended to take vehicular traffic. An emergency link is also proposed to exit onto Ponsford Lane to the north-west.

A total of 4 pedestrian/cycle paths are proposed to cross the public open space and flood zone area through which the Crow Green Stream runs with one of these paths to be built to a standard suitable for adoption by the Highway Authority and the remaining paths to be managed by a management company set up to maintain communal areas of the development. In addition to these paths, a number of ramped accesses are proposed to give access to the amenity public open space and a mowed path will run through a portion of this. Two of the pedestrian/cycle paths are proposed to give access directly onto Knowle Lane which runs to the south of the application site, which in turn allows pedestrians to access the surrounding public footpath network.

Surface water is proposed to be dealt with through a series of underground storage crates which will discharge into attenuation basins located on the northern side of the green space running through the site. The paths on raised embankments over the Crow Green stream are proposed to act to hold back water to create additional storage capacity within the flood zone during flood events.

A locally equipped area of play is to be provided in a central location in the site, adjacent to the proposed community centre building, which is single storey and with a floorspace of approximately 150 square metres as required by the outline planning permission which this application is submitted pursuant to.

2.0 APPLICANTS SUPPORTING INFORMATION

Design and Access Statement
Flood Risk Assessment
Residential Travel Plan
Wildlife Survey
Carbon Reduction Plan
Tree Assessment
Air Quality Assessment
Archaeological project design and mitigation report

3.0 PLANNING HISTORY

13/00035/MOUT Outline for the erection of 285 dwellings including green infrastructure, public open space, vehicle access points, internal roads, pedestrian/cycle links and associated works, approved 17th April 2014

4.0 DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan Part 1)

COR1 – Sustainable Communities
COR2 – Local Distinctiveness
COR3 – Meeting Housing Needs
COR4 – Meeting Employment Needs
COR8 – Infrastructure Provision
COR9 – Access
COR11 – Flooding
COR12 – Development Focus
COR14 – Cullompton

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

AL/DE/1 - Housing Plan, Monitor and Manage

AL/DE/3 - Affordable Housing Ste Target

AL/IN/3 - Public Open Space

AL/IN/6 - Carbon Footprint Reduction

AL/CU/8 – Knowle Lane

AL/CU/15 - Cullompton Air Quality

Mid Devon Local Plan Part 3 (Development Management Policies)

DM1 – Presumption in favour of Sustainable Development

DM2 – High Quality Design

DM3 – Sustainable Design

DM4 – Waste Management

DM7 – Pollution

DM8 – Parking

DM14 – Design of Housing

DM15 – Dwelling Sizes

DM25 – Community Facilities

DM27 – Development affecting Heritage Assets

DM28 – Green infrastructure in Major Development

5.0 CONSULTATIONS

HIGHWAY AUTHORITY - 29th September 2015

Observations:

The Highway Authority in conjunction with the Local Planning Authority has been in discussions with the Developer and the application layout and design has been amended on several occasions to address concerns raised by Town Council and others. The resulting designs have been submitted and the Highway Authority is satisfied with the design which adheres to central government guidance on estate roads design, Manual for Streets in both lay out, widths visibilities etc.

The Highway Authority has no objection to the proposals and given that the volumes and traffic generation s have been approved through the outline consent , has no objection to the proposals.

There are a number of minor concerns with swept paths of vehicles and these are listed below which the applicant will need to address for the section 38 highway agreement.

These are as follows

" Emergency Tracking amendments"- Ensure swept path has minimum 450mm clearance from hedges,walls and fences.

"Tracking plan Road 6"- Turning head swept path shows overhang and wheel track overrun the parking bays , need 450mm clearance of applicant should revisit the swept path to see if any realignment will be necessary.

"Plot 122 road 5" realign kerb to ensure swept path overhang avoids the foot path adjacent to the Community centre.

" Site Entrance"- the gate way feature is accepted but full details of the structure in the carriageway will need to be approved.

The Highway Authority therefore recommend the following conditions:

Recommendation:

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

1. The proposed estate road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

REASON: To ensure that adequate information is available for the proper consideration of the detailed proposals.

2. The occupation of any dwelling in an agreed phase of the development shall not take place until the following works have been carried out to the written satisfaction of the Local Planning Authority:

A) The spine road and cul-de-sac carriageway including the vehicle turning head within that phase shall have been laid out, kerbed, drained and constructed up to and including base course level, the ironwork set to base course level and the sewers, manholes and service crossings completed;

B) The spine road and cul-de-sac footways and footpaths which provide that dwelling with direct pedestrian routes to an existing highway maintainable at public expense have been constructed up to and including base course level;

C) The cul-de-sac visibility splays have been laid out to their final level;

D) The street lighting for the spine road and cul-de-sac and footpaths has been erected and is operational;

E) The car parking and any other vehicular access facility required for the dwelling by this permission has/have been completed;

F) The verge and service margin and vehicle crossing on the road frontage of the dwelling have been completed with the highway boundary properly defined;

G) The street nameplates for the spine road and cul-de-sac have been provided and erected.

REASON: To ensure that adequate access and associated facilities are available for the traffic attracted to the site

3. The development hereby approved shall not be carried out otherwise than in accordance with a phasing programme which shall previously have been submitted to and approved by the Local Planning Authority in writing.

REASON: To ensure the proper development of the site.

4. Within twelve months of the first occupation of the first dwelling in an agreed phase of the development, all roads, footways, footpaths, drainage, statutory undertakers' mains and

apparatus, junction, access, retaining wall and visibility splay works shall be completed to the written satisfaction of the Local Planning Authority.

REASON: To ensure that the access arrangements are completed within a reasonable time in the interests of safety and the amenity of residents

HIGHWAYS ENGLAND - 10th June 2015

The traffic impacts from the development were considered under the outline application reference 13/00035/MOUT and Highways England directed a condition to limit the development that can take place prior to improvement works at M5 Junction 28 being in place. The current application relates to reserved matters only in respect of appearance, layout, scale, access and landscaping.

Highways England therefore has no objections to these reserved matters.

ENVIRONMENT AGENCY - 2nd October 2015 - We maintain our previous position to this proposal. In essence, we have no in principle objection to development and strongly advise your Authority to take the comments below into consideration when determining the application.

With regard to the letter to Michelle Bugbee (Barrat David Wilson Homes) from Sam Hurdwell (Jubb Consulting) we respond as follows.

Proposed embankments across floodplain

We continue to question the effectiveness, and long term sustainability, of providing four embankments across the floodplain of the Crow Green Stream as currently proposed. We suggested that embankments should be incorporated into the development at outline planning stage as a means of helping reduce flood risk downstream. However, in light of very recent evaluation work by the Environment Agency and findings of the applicants Flood Risk Assessment (FRA), it can be firmly concluded that the proposed embankments would not significantly reduce downstream flood risk as was originally envisaged. In essence, the proposed embankments won't hold back the necessary flow of flood water from the Crow Green Stream catchment emanating from upstream of the site to make a measurable difference in reducing flooding to property downstream.

Given the above we strongly advise that any embankments should only be provided for the purpose of providing a dry pedestrian causeway link.

On a positive note we can report that the developer has proposed other measures that would reduce downstream flood risk.

Given that the Crow Green Stream is a 'Mained' watercourse, all parties should be aware that the formal consent of the Environment Agency will be required for the bridge crossings. We would be minded to withhold consent for any structure we deemed inappropriate.

Off-site works/contributions towards reducing flood risk

The Environment Agency and Devon County Council are currently looking at the feasibility of providing both temporary and more permanent measures in place to reduce the risk of flooding, in particular around Pound Square and Brook Road. The measures we are investigating have the potential to provide a reduction in flood risk, but they are currently at preliminary design stage.

We are pleased that a S106 contribution of £50k from the proposer has already been agreed and this will help fund future flood risk reduction initiatives.

Management of surface water runoff

Whilst we no longer provide detailed bespoke comments regarding the management of surface water, we can confirm that the Suds proposals will result in a reduction in runoff if compared against current levels, because the scheme's design has taken into account the Critical Drainage Area status of the area. As such, the Suds features will result in a reduction in downstream flood risk.

We have made some comments to Richard Rainbow at Devon County Council (DCC) given our role as statutory consultee when outline planning was submitted when we did provide comment. DCC may want to incorporate our comments into their formal response.

Please contact us again if you require any further advice.

LEAD LOCAL FLOOD AUTHORITY - 5th August 2015

We have no objection to the principle of the proposed surface water strategy presented within the FRA dated April 2015.

It has been noted that the site is located within a critical drainage area; however the discharge from the relevant ponds and storage will be discharged at the rate of Q_{bar} which exceeds the standards presented in the CDA information presented for Cullompton. The proposed discharge rate is shown to be betterment to previously agreed flows.

It is noted that landscaping aspects of the proposed ponds and relevant overflow mechanisms will be provided shortly. Ground water levels should be taken into the consideration within the design of the storage of the ponds once landscaping details have been finalised.

6th October 2015 - We maintain our previous position to this proposal (letter dated 4th August - FRM/2015/088). We have no in principle objection to the proposed surface water strategy presented within the FRA dated April 2015 and the amended drainage plan (Drawing No. 1514-222-A).

However it appears that the landscaping aspects of the proposed attenuation areas and relevant overflow mechanisms are still to be confirmed. The design of the attenuation areas should be designed in accordance to the SuDS manual (CIRIA C697) and DCC's SuDS design guidance (attached).

Clarification is also needed on the long-term maintenance of the proposed SuDS features.

CULLOMPTON TOWN COUNCIL - 26th June 2015

Cullompton Town Council recommends refusal of the above planning application for the following reasons:

- (a) Access visibility
- (b) Inadequate information about provision of sundries such as dog bins, public seating, bus shelters, refuse bins etc.
- (c) Road layout not suitable for the number of vehicles that the development will generate.
- (d) Surface water drainage not adequately provided for.
- (e) Proposed pedestrian access not acceptable.
- (f) Footpaths and cycleways not linked to the nearest adopted path provision.
- (g) No provision for allotments or community composting site.
- (h) The town has a 'Deed of Grant' which provides that the inhabitants of Cullompton have a right to the water course (part of which runs through this development) and that it shall not be diverted and must be handed down unimpaired to our successors. This deed will need to be adhered to and the route of the water course will need to be protected. (Please see attached leaflet which provides details of the route of the water course).

We have provided more information below about these concerns and would like to suggest that a meeting is organised with the Town Council, MDDC Planning Officers and the applicant to discuss these concerns.

1. WATER AND DRAINAGE

- 1.1 The water attenuation basins in Knowle 1 were not built to the correct level and had to be rebuilt after much argument and pressure from the Environment Agency.
- 1.2 The water attenuation scheme in Knowle 1 was meant to be working before the majority of the houses were inhabited, it was not.
- 1.3 There are on-going problems with drainage and surface water on Tiverton Road because the builders concrete capped existing drains. This issue has not been resolved.
- 1.4 Some of the attenuation basins have very steep sides and when empty children are playing on them, this is a health & safety concern which requires addressing.

Knowle Lane Phase 2.

1.5 From Ponsford Lane there are many drainage ditches feeding into the fields of the new development. There are in winter many streams breaking the surface. There are soakaways from the gardens of houses along Tiverton Road into the fields that are going to be built on. Given the experience of water problems with Knowle Lane 1 (as explained above) the Council requires an assurance that all the drainage issues associated with the Knowle Lane 2 development will be addressed correctly and effectively.

1.6 Knowle 2 should not be allowed to proceed until the drainage works of Knowle Lane 1 have been fully complied with and South West Water are able to connect the development into their sewerage system.

1.7 The attenuation basin in Knowle 2 is very close to the community building which will be used by the Scouts and associated youth groups such as cubs, scouts, guides and brownies. If the attenuation basin for Knowle 2 is built in a similar fashion to Knowle 1 then it will become a health and safety risk for outdoor activities as well as taking away valuable green space.

2. HIGHWAY MATTERS

- 2.1 Knowle 1 (Kingfisher Reach) has a street not a road. It is narrow with on-street parking and residents are parking on the pavements. This does not make it safe or accessible for wheelchair users, people with pushchairs etc. Knowle 2 has narrow single track roads with passing places. This is unrealistic in terms of volume of traffic.
- 2.2 There is no evidence to confirm that a large refuse or recycling lorry can go around the Knowle 2 development without completely blocking the road and there is no space to get past.
- 2.3 There is no evidence that a bus could use the road, there is no lay by for a bus to a park in and no evidence that a bus could complete a circular route around the estate without blocking the estate road.
- 2.4 Please can you confirm that bus shelters will be provided and who will be responsible for the maintenance of the bus shelters.
- 2.5 There is no turning bay for a bus, or large lorry, ambulance, fire engine or large vehicle etc.
- 2.6 As the road is one lane with passing places, any vehicle parking on the road will obstruct it. So what happens to ambulances? Community ring and ride buses that need to park outside someone's house? Please can you explain how these will be accommodated.

- 2.7 The evidence from Knowle 1 streets is that large vehicles are unable to pass through the development , this includes buses.
- 2.8 Serious concern about emergency access into a large estate through one route which is already massively congested. The Town Council would like a second vehicle entrance off Ponsford Lane leading onto Tiverton Lane.
- 2.9 Knowle 1 should have included widening part of Knowle Lane from Swallow Way to the entrance to the Knowle Lane estate. This should be 5.5m wide with a new 2m wide footpath. Although this is in the plans from December 2009, there is no evidence that this road improvement work has been carried out.
- 2.10 There is no evidence that DCC highways and MDDC planners are actively enforcing this failure to improve the lower part of Knowle Lane, before the houses are built. (Note the junction improvement should have been done before access through the hedge was created but it has not.)
- 2.11 There are serious concerns that this route from old Swallow Way into the new Knowle 1 housing will provide the access route into part of Knowle 2, and the road width and junction capability are unable to cope, particularly on days when there are rugby matches with hundreds of cars going to and from Cullompton Rugby Club.
- 2.12 Failure to upgrade Knowle Lane from the junction with Swallow Way to Kia Ora to make it a suitable for 2-lanes of traffic with a 2m pavement will provide continuous and ongoing traffic problems in that area.
- 2.13 Pleased to see the development consists of larger family houses, rather than the smaller houses in Knowle 1 but the Council is extremely concerned that 600 plus resident vehicles will exit into Kingfisher Reach. We do not accept this STREET has capacity to cope. So we urge you to consider putting a second vehicle exit onto Ponsford Lane.

3. PAVEMENTS AND DISABILITY ACCESS.

- 3.1 The RNIB provide detailed guidance on the width of pavements needed for blind persons and guide dogs.
- 3.2 The Wheelchair access guide provides further advice.
- 3.3 The pavements within the estate will not meet these criteria and there is a concern that some streets have no pavements.
- 3.4 The Devon County Council Highways Development Management advice for the determination of planning applications states as follows (Page 7 Item 3.6.2.): 'Always attempt to link all private (domestic and employment) footpaths and cycleways with the nearest adopted path provision'. This advice has not been adhered to, what is required is a comprehensive public off road footpath/ cycle path route leading from Knowle Lane phase 2 to Knowle Lane phase 1 and then from Knowle Lane Phase 1 to Langland's Road and a signposted footpath route from Langland's Road to the town centre.
- 3.5 There is concern that much of Knowle 1 is not wheelchair / Zimmer frame/pushchair accessible and this failure will be replicated in Knowle 2.

4. OTHER CONCERNS

- 4.1 Site to be allocated for allotments and community composting area.
- 4.2 The Town Council policy on play parks is to reduce the number of play parks but make existing play parks bigger and better. Also to provide facilities for the 11 plus age group. As there are already ample play areas in the town for younger children the proposed play area should be replaced with a Multi Use Games Area (MUGA).
- 4.3 Construct a tarmac footpath running east to west through the centre of the green space close to the stream, joining the N S footpaths. At the western edge ending with an access point into the fields beyond to connect with the existing footpath.
- 4.4 Add a new footpath link to the Knowle Lane at the western end of the development.

- 4.5 Vary the styles of the fronts of houses, some rendered, some brick, some tile; some perhaps mock Tudor, some Cotswold cream type stone. Please do not use the grey stone that was used in Knowle Lane 1 as we have had lots of complaints about the look of that.
- 4.6 Confirmation required that the development makes use of RNIB guidelines in their "building sight" book. Especially outside colours and pavement widths.
- 4.7 Confirmation required that the development makes use of the wheelchair access inside buildings and outside and makes reference to the wheelchair access guide.
- 4.8 Plant fruit trees such as flowering cherry and plant a community orchard instead of the copse
- 4.9 Actively explore how a public footpath / cycle path / mobility scooter / walking frame footpath can be created from the far East of this development through the site into 1 and then be signposted into the centre of the town. This will require working with DCC as much of this land lies outside this development. The Town Council considers that it is critical that there is an effective pedestrian route away from vehicles as much as possible.
- 4.10 Create a bus lay by, so the bus could pull in off the main estate street and not obstruct traffic whilst it was stopped, with a bus shelter somewhere near the community building. This is because the estate streets are narrow single track with car passing places.
- 4.11 Make the circular route a bus route, if this is not possible then create a clear designated turning space for buses.
- 4.12 The Council requires an assurance that dog bins, public seating, refuse bins, bus shelters etc. will be provided by the developer and confirmation of who will maintain these.

The Council looks forward to discussing this planning application in more detail with the Planning Officers and the applicant.

ENVIRONMENTAL HEALTH - 24th June 2015

Contaminated Land - No objections

Air Quality - No objections

Drainage - No objections

Noise & other nuisances - Recommend approval with conditions:

No work shall be carried out on the site on any Sunday, Christmas Day or Bank Holiday or other than between the hours of 0730 and 1900 hours on Monday to Fridays and 0730 and 1300 on Saturdays.

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

Housing Standards - No comments

Health and Safety - No objections

29th September 2015

Contaminated Land - Revised matters NA

Air Quality - Revised matters NA

Drainage - No objections

Noise and other substances - No objections

Housing standards - N/A

Licensing - N/A

Food Hygiene - N/A

Private Water Supplies - N/A

Health and Safety - No objections

HISTORIC ENGLAND - 23rd September 2015

Our specialist staff have considered the information received and we do not wish to offer any comments on this occasion.

Recommendation

The application(s) should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

HISTORIC ENVIRONMENT SERVICE - 10th June 2015

I refer to the above application and your recent consultation. The consent granted for the outline planning application for this site is conditional upon a programme of archaeological work being undertaken in mitigation for the impact upon any heritage assets - planning application 13/00035/MOUT Condition 10.

To date I am not aware that this work has been undertaken and, as such, I would advise that the applicant was made aware of the outstanding requirement to undertake the archaeological investigations as well as any further mitigation that may be required in consideration of the initial stages of investigation.

NATURAL ENGLAND - 10th June 2015

Natural England has no comments to make regarding this application.

SSSI Impact Risk Zones

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

Please see the information below for further advice on when Natural England should be consulted and links to guidance on the gov.uk website.

Unless there are additional local consultation arrangements in place, Natural England should be consulted for all developments where:

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

Protected Species

If the proposed works could, at any stage, have an impact on protected species, then you should refer to our Standing Advice which contains details of survey and mitigation requirements

Thank you for taking the time today to review this reserved matters application with me.

The following issues were discussed:

- Plot 33 the external railings need to protect the whole property and land (defensible space) to deter a desire line, or dogs fouling on their private property.
- Defensible planting is required immediately in front of the curtilage of property's 147 and 76 in order to deter ball games or other irritations such as tapping on the ground floor window.
- The LEAP is very close to a number of dwellings, although not designed for older people and a place to congregate at night with alcohol regrettably it frequently happens causing years of community conflict if not addressed. As in most crime and disorder issues it is best practice to design out the opportunity for such conflict to occur, in this instance the potential noise levels need to be reduced and the best way is 1.8meter thick bushy planting adjacent dwellings. This leaves plenty of opportunity for natural surveillance by casual observers and takes away the culpable duty of neighbours overlooking the LEAP which causes further tensions within the community.
- Plots 265, 244, 236, and 137 require planting in order to prevent desire lines across their property on the corners.

If those issues could be addressed the Police have no further concerns.

6.0 REPRESENTATIONS

At the time of writing, three letters of objection have been received and one letter of representation neither objecting nor supporting the scheme. The letters raise the following issues:

- Would it not be prudent for the level of the stream to be lowered if more flow is to be put into it?
- Please ensure that the Tiverton Road junction is reopened before permission is granted;
- Cullompton does not need any more housing of this type;
- The infrastructure and services cannot cope;
- Thought greenfield sites were not meant to be used. Where will our food be grown?
- The site is full of wildlife;
- No need for a community hall that will drain Council resources;
- There are numerous brownfield, infill sites around Cullompton which are more sensible to build on;
- The building of more estates around Cullompton is detrimental to the town and District;
- The schools are full;
- Access to the M5 is inadequate and traffic queues back to the Tesco roundabout;
- Design of the estate does not allow for future household growth;
- The lack of formal objection from residents does not mean people support the proposal.

7.0 MATERIAL CONSIDERATIONS

The main issues in the determination of this application are:

1. Highways and parking
2. Design and layout of site, including open space provision
3. Amount and location of affordable housing
4. Flooding and drainage
5. Other matters

1. Highways and parking

When the outline application for this site was considered issues relating to the impact of development on this site upon Tiverton Road, the High Street/Fore Street/Tiverton Road junction, and the High Street/Station Road junction were raised and addressed. The Highway Authority identified the cumulative impact of development as severe in relation to existing highway issues in the vicinity but subject to a financial contribution to implement further highway improvements and the Eastern Relief Road they did not object to the scheme. A financial contribution of £6,335 per open market dwelling was secured through the agreed Section 106 agreement. It is therefore not appropriate for further consideration of the off-site highway impacts of this development to form part of the determination of this application.

When the developers presented the emerging revised scheme to Planning Committee members at a public meeting on 26th August 2015 some questions were raised regarding the lack of a road crossing over the Crow Green Stream. There is already a bridge crossing over the Crow Green Stream through the adjacent site to the east and a second crossing is not deemed necessary to serve this development and may present further flood risk concerns. To provide a crossing north/south through the site would also have the potential to direct traffic from the larger northern portion of the site in a southerly direction out onto the narrow section of Knowle Lane which has not been widened; this would not be a desirable outcome. The Highway Authority is content that the two points of access to serve the site are adequate and have sufficient capacity to accommodate the additional traffic movements.

The two main internal roads serving the houses have a width of 5.5m. The Town Council have raised concerns with this, particularly as it is not a sufficient width to serve buses, although it would be sufficient to cater for a ring and ride or town type bus service. The points of access to the site are via the existing residential estate to the east and off roads which have a width of 5.5m so even if the internal roads of the estate now proposed were wider they would still not be capable of being served by most buses due to the width of the approach roads and it is therefore not appropriate to increase the width of the internal roads. Nevertheless the scheme has been amended since submission so that a lay-by is now proposed in a central location in the site which could be used as visitor parking in the first instance but could be turned into a bus stop in the future should any form of bus service subsequently serve the estate. The Highway Authority has raised no objections to the width or alignment of the roads proposed, finding that they meet with the widths and alignments of roads (including pavements) as set out in Manual for Streets and Manual for Streets 2, which both take into account accessibility issues.

In addition to the two access points from the existing estate to the east, an emergency access is proposed to give access onto Ponsford Lane to the north-west. This route is not suitable to be used as a general access point to serve the estate as Ponsford Lane itself is not of an adequate standard to accommodate the additional traffic arising on a long term basis.

The vehicular routes into the site will also allow for pedestrian access out of it, through the neighbouring estate and down toward the town centre. In addition, two pedestrian routes from the southern part of the site are proposed to give access directly onto Knowle Lane and from there to the surrounding footpath network as required by the allocation for this site, policy AL/CU/8. Some concern has been raised regarding the safety of having additional pedestrians using this road, however the Highway Authority has not raised this as an issue and the provision of signage on Knowle Lane to warn of pedestrians is anticipated to be provided through a Travel Plan which is required to be agreed through a condition on the outline consent.

The Highway Authority has recommended a number of conditions be imposed on any grant of planning permission. Only those conditions which are not already on the outline planning permission for this site are proposed for imposition.

A total of 506 parking spaces are proposed across the site which equates to an average provision of 1.9 spaces per dwelling, thereby exceeding the requirement for a minimum provision of 1.7 spaces per dwelling set out in policy DM8 of Local Plan Part 3. The vast majority of the car parking spaces across the site are located either on-plot adjacent to the house they serve or in parking areas which are situated forward of the houses so as to encourage their use and discourage on-street parking. The overall amount and distribution of parking provision is considered to support the layout of the site.

In addition to the parking spaces, a total of 108 garage spaces are proposed; of these, 85 meet with the internal size requirement of 3m x 6m for a single garage (6m x 6m for a double) with those which are of a substandard size being integral single garages on plots which continue to have two parking spaces in addition or double garages on plots which also have 2 separate parking spaces. Although there are garage spaces which do not meet the Council's minimum size requirements set out in the Parking SPD, having regard to the fact that the development overall has an acceptable level and distribution of parking it is not considered that refusal of the scheme could be justified on these grounds.

2. Design and layout of site, including open space provision

The application has been put before Planning Committee members at a presentation on 26th August 2015 and was also taken to the independent body of the Devon and Somerset Design Review Panel in July 2015. Comments received from both of these meetings have been taken into account and reflected in revised drawings received.

The northern part of the site is laid out around a circular road with spur roads and cul-de-sacs coming off it. The southern half of the site also provides a circular route with houses in both parts of the site mostly fronting the road off which they are accessed. Overall Officers consider that the layout of the site is legible and but not overtly regimented and with houses set at varying distances back from the highway.

The site has been designed with the intention of creating five different area styles – country view properties to the south of the Crow Green Stream, parkland edge housing overlooking the Crow Green Stream and open space area from the north, boulevard housing running along a central straight avenue, mews style housing in three courtyards/cul-de-sacs coming off the primary road through the estate and with the remainder of the housing described as Cullompton edge.

Although the intentions of these different area styles is commended, the house styles do not vary from one to another, save for the design of windows, doors and porches and some minor fenestration amendments or differences in materials proposed. This results in the impact of the different area styles being somewhat weakened. The boulevard layout is

perhaps the strongest of the five by virtue of the provision of a straight tree-lined road with parking provided in bays perpendicular to the road and with the footway located behind these bays. In addition the main stretch of the boulevard is proposed to be surfaced in block paving as opposed to the tarmac which the majority of the rest of the roads are proposed to be surfaced in.

The materials palette flows on from the neighbouring estate to the east which has been constructed by the same developers although they are not entirely the same with less use of reconstituted stone being a particular change which is welcomed. Overall the materials are not dissimilar to other modern housing developments in and around the town and will not seem out of place.

The design of the dwellings themselves is coherent with the neighbouring estate to the east, providing dwellings which have a fairly simple design ethos reflecting vernacular design more than exhibiting a modern design style.

The two blocks of flats are proposed in a central location in the site, at the southern end of the straight boulevard. The flats mirror one another and are three storeys in nature with the second floor windows crossing the eaves of the building. They are markedly different in appearance from the blocks of flats provided at either end of the neighbouring estate to the east and are considered to fit more comfortably with a new estate in terms of height, scale, mass and appearance.

Overall the design and visual quality of the properties proposed across the site is acceptable and provides an adequate standard of design and accommodation for the future occupiers and in this respect the application meets with policies DM2 and DM14 of the Mid Devon Local Plan Part 3 (Development Management Policies).

Policy DM15 of Local Plan Part 3 (DMP) sets out minimum dwelling sizes for new build properties based on the number of bed spaces but following a ministerial statement by the Secretary of State for Communities and Local Government in March 2015, as from the 1st October these have been replaced by new national space standards. The new national standards are larger than those previously contained in policy DM15 and make reference to minimum storage requirements as well as introducing a new methodology for calculating the internal space.

This planning application was validated on 1st June 2015 and should have been determined by the end of August if it was to have been dealt with within the prescribed 13 week period set out for major applications. It is therefore clear that had this been the case then the scheme would have been assessed against the adopted requirements of policy DM15 and not those which have been introduced by default through the ministerial statement. If assessed against the earlier requirements of policy DM15, one of the 20 house types proposed would fall under the requirements of policy DM15 amounting to a total of 29 dwellings across the site. This house type would fall short of the standard by 0.3 square metres which is a very small amount that would be not make a material impact upon the living conditions of occupants and would not therefore constitute a reason for refusal.

Officers have not assessed the application against the requirements of the new national space standard as in this instance, despite the application being determined after 1st October 2015, given the length of time that the Council has had the application and that to meet the new standards the scheme would likely have to be significantly redesigned, it is not thought to be appropriate to insist upon compliance with the new space standard in this instance especially given the need to provide additional housing on a national basis.

The Secretary of State's ministerial statement in March 2015 has meant that policy AL/IN/6 which previously required a percentage of the energy requirements of a development to be derived from renewable or low carbon technologies is no longer capable of being enforced. The applicants have submitted a carbon reduction strategy to demonstrate that they would utilise a fabric first approach to firstly reducing energy requirements of the dwelling and then install solar panels on a number of the dwellings in order to achieve compliance with this policy.

There are few properties which border the application site and no objections have been received from immediately adjoining properties with regard to a loss of privacy or amenity. Officers have however, discussed the application with the occupier of the property Norlands located on Tiverton Road adjacent to the northern boundary. The application has been revised following these discussions to bring the development 1m off their boundary to allow for maintenance and the strip of land will be transferred to the owner of Norlands. It is considered that there will be sufficient distance retained and properties sited with appropriate orientations to maintain sufficient levels of privacy and amenity to neighbouring properties thereby meeting with the requirements of policies DM2 and DM15 of Local Plan Part 3 (DMP).

As well as four paths linking the northern and southern halves of the site, the application now proposes a number of ramps to give access to the swathe of open space running through the site as the paths which run through the open space and over the Crow Bridge Stream are proposed on raised embankments as part of the flood prevention measures. The provision of these ramps is considered to render the amenity open space accessible to a wide variety of people and the paths themselves will provide pedestrian and cycle access to different parts of the site and also allow access to off-site routes.

In addition to the informal open space the application includes the provision of an equipped area of play in a central location adjacent to the proposed community building. The Town Council has expressed its desire for this space to be proposed as a multi-use games area (MUGA) instead. In this instance the site is outside the current set access distances to play areas and teenage facilities (which includes MUGAs) and therefore there is insufficient evidence to demonstrate that the provision of a play area in this area is not appropriate and should be replaced by a MUGA; the proposal is therefore acceptable in this regard.

Overall the amount and type of open space proposed is appropriate and considered acceptable and subject to additional details regarding maintenance required by the outline consent, complies with the requirements of the allocation in policy AL/CU/8 and the green infrastructure requirements of policy DM28 of Local Plan Part 3 (DMP).

The Policy Architectural Liaison Officer has raised some minor points regarding specific plots on the site and the need for defensible planting to be provided. At the time of writing Officers are awaiting fully worked up revised landscaping/planting proposals but it is indicated by the applicant that these amendments will be incorporated into revised proposals that are expected to be submitted before the Planning Committee meeting. Concerns have been raised by the Town Council regarding a lack of lighting on the three paths across the floodplain not proposed for adoption by the Highway Authority, however previous correspondence with the Police Architectural Liaison Officer has indicated that he does not share this concern and in many ways the lack of lighting will discourage their use and anti-social behaviour and ensure that a singular lit route is used.

3. Amount and location of affordable housing

The Section 106 agreement which relates to the outline permission for this site requires 35% affordable housing provision on site in accordance with policy AL/DE/3 of the Allocations and Infrastructure DPD. Since that agreement was signed, and indeed since the original submission of this reserved matters application, the Government has announced or brought in a number of changes to social housing which has significantly impacted upon the way in which Registered Providers of social housing run their businesses. These changes include the 1% rent reduction and then rent caps and also the extension of the right to buy to all social housing tenants. The result of these changes has meant that the provision of 35% affordable housing provision on-site is at present now an unrealistic prospect on sites of this size as Registered Providers are not prepared to take on such a large number of units of accommodation on a single site.

The planning application has therefore been revised from the original submission to remove two of the blocks of affordable flats and replace them with additional open market dwellings. This has resulted in the reduction of the number of dwellings proposed being reduced from 285 to 266 and an overall provision on site of 70 affordable units (26.7%) comprised of 24 one and two bedroom flats and 46 two, three and four bedroom houses. In addition to this an off-site financial contribution is proposed to be made to make up for the under-provision of dwellings on-site. The level of this financial contribution will be subject of further negotiation when the applicants formally make a request to vary the terms of the Section 106 agreement to account for these changes. Officers are of the opinion that the provision of 70 affordable dwellings on-site represents an acceptable proportion in the current circumstances subject to the re-negotiation of the Section 106 to secure an appropriate financial contribution and amend the dwelling size split to accord with that now proposed. The necessity for the Section 106 to be amended does not preclude the determination of this application in its current form.

The affordable units are pepper potted across the northern part of the site in a number of terraced and semi-detached blocks as well as being housed in the two blocks of flats, both of which include accommodation over three floors. The overall distribution of the affordable units is acceptable and accords with the Meeting Housing Needs SPD.

4. Flooding and drainage

Other than for the provision of the 4 paths on raised embankments which are proposed to run across the floodplain, no built development is proposed in areas identified as being in flood zones 2 or 3. The Environment Agency has indicated that it has no in principle objections to the scheme but does have concerns about the embankments. Whilst at outline stage the provision of such embankments was identified as reducing flood risk further downstream, they no longer believe that the benefits would be as significant as previously thought. They also raise concerns regarding the on-going maintenance requirements of such features and the need for separate consent to be obtained from them in order to provide the bridges over the Crow Green Stream. Discussions have been held between the Environment Agency, the applicants and Officers regarding this matter however the applicant's maintain this element of the proposal and are satisfied that they can adequately maintain the embankment structures and bridges. Both the Section 106 agreement for the site and a condition on the outline consent require the agreement of a maintenance scheme for the open space and given that these embankments, paths and bridges all cross the open space, these could be considered to be encompassed by these requirements although there is also a specific condition on the outline consent which requires details of maintenance and management schedules for the embankments and bridges to be agreed. In addition, a condition could be imposed to secure technical construction details of the embankments,

paths and bridges to be constructed to ensure that their initial construction is sufficiently robust.

Although the Environment Agency has concerns regarding the embankments and bridges it is about their formal functioning as structures to hold back water rather than the provision of raised footways to ensure dry passage of pedestrians across the floodplain. The Section 106 agreement for the site already secures an off-site contribution of £50,000 toward the implementation of flood prevention measures further downstream and the Environment Agency and Devon County Council are currently investigating potential schemes toward which these monies may be spent. Having regard to the lack of formal objection on flood risk grounds and the ability to ensure that the structures are adequately constructed and maintained it is your Officers view that the proposal makes suitable provision to reduce the risk of flooding both on and off-site and that in this respect the application meets with the requirements of policies COR11 of Mid Devon Core Strategy and DM2 of Local Plan Part 3 (DMP).

The site is within the Critical Drainage Area for Cullompton; development in this area should be designed to reduce the rate at which surface water run-off drains from the site to achieve betterment over existing run-off rates in order to reduce flood risk further downstream. In this instance two attenuation ponds are proposed to be located on the northern side of the open space areas with surface water run-off from the site being directed into these ponds via a series of underground storage crates. Control valves/hydrobrakes would ensure that discharge rates are limited to appropriate levels. The County Council in their capacity as Lead Local Flood Authority (LLFA) has no objections to the principle of the designed scheme and both they and the Environment Agency confirm that the scheme would comply with the requirements of the Critical Drainage Area in reducing flood risk downstream. However the LLFA does identify that the landscaping aspects of the proposed attenuation areas and relevant overflow mechanisms are still to be confirmed. This matter has been brought to the developers attention and it is hoped that an update will be available at the Planning Committee meeting. In addition the outline planning permission has a condition attached to it which requires the agreement of a maintenance and management schedule for the drainage scheme and the Crow Green Stream. Provided that the issue regarding landscaping and overflow mechanisms is satisfactorily resolved the proposal incorporates suitable sustainable urban drainage features and in this respect the application accords with the requirements of policy DM2 of Local Plan Part 3 and the allocation of the site in policy AL/CU/8 of the AIDPD.

5. Other matters

Existing trees and hedges on the site boundaries are proposed to be retained with some new sections of hedgerow proposed in the north west of the site to provide boundary treatments to a number of plots where fences were earlier proposed. Conditions attached to the outline planning permission should adequately protect these trees and hedges during and after the construction phase.

A badger exclusion zone is included in part of the site where there is a known badger sett. A new badger survey was carried out in September 2014 to update the earlier surveys carried out in support of the outline application. The survey makes new recommendations for construction and post-construction and the proposed layout reflects this. A condition is recommended to be imposed to ensure that development is carried out in accordance with the recommendations of the updated survey.

Some issues have been raised regarding the need for a new community centre building on this site. This was a feature that was secured through the outline planning permission and is required in the Section 106 agreement. The Council has been through an expression of

interest process and the local Scout association has been selected to take on the building in the future and they have been without dedicated premises for some time. The Council will need to make a corporate decision on the future ownership and management of this building but this falls outside of the planning process.

The proposed allocation of this land in the Local Plan Review document includes a requirement for access to be provided to the neighbouring Footlands site which is proposed for allocation for further residential development. The Footlands site is not currently an allocation and whilst the Local Plan Review document has not yet been submitted to the Planning Inspectorate for examination and holds limited weight, it is appropriate to seek to ensure that access to the site is accommodated as part of this proposal. The submitted plans indicate the provision of the road in the southern portion of the site up to the boundary with the Footlands site and a condition is recommended for imposition to secure the provision of this.

Many of the issues raised in the letters of representation received and also some of those raised by the Town Council relate to the principle of developing this site, which has already been positively determined through the allocation of the site in the AIDPD and the subsequent granting of outline planning permission. They are therefore given no consideration in this report.

Summary

This is a reserved matters application for 266 dwellings, a community centre building and associated infrastructure following the grant of outline consent in 2014. The principle of development has therefore been established and wider impacts such as air quality, traffic management in the town centre and at J28 of the M5 were all resolved at outline stage. This application is to consider the access, appearance, layout, landscaping and scale of the development proposals. Areas at risk of flooding have been set aside as public open space to the satisfaction of the Environment Agency and the proposal incorporates sustainable urban drainage features so as to reduce the risk of flooding off-site. Consideration has been given to the overall effect of the layout, design and scale of the proposed dwellings. The scheme provides for affordable housing, albeit with a different delivery strategy to that in the outline submission and public open space and the road through the site has been designed to a standard capable of taking the traffic associated with the development. Consequently the proposal is considered to comply with Mid Devon Core Strategy (Local Plan Part 1) Policies COR1, COR2 , COR3 , COR4 , COR8, COR9, COR11, COR12 and COR14, Mid Devon Allocations and Infrastructure Development Plan Document (Local Plan Part 2) Policies AL/DE/1, AL/DE/3 , AL/IN/3, AL/IN/6, AL/CU/8 and AL/CU/15, Mid Devon Local Plan Part 3 (Development Management Policies) DM1 , DM2, DM3, DM4, DM7, DM8, DM14, DM25, DM27 and DM28.

8.0 RECOMMENDED CONDITIONS AND REASONS

Conditions

1. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
2. No works for the construction of the four raised embankments/paths and culverts/bridges which cross the Crow Bridge Stream shall begin until detailed construction drawings of the structures have been submitted to and approved in writing by the Local Planning Authority. Once approved construction of the structures shall proceed in accordance with the approved details.

3. No development to the south of Crow Green Stream shall begin until a timetable for the construction of the estate road up to and including the boundary with the adjoining land to the west (forming the proposed Ware Parks and Footlands allocation, CU14 contained in the Local Plan Review Proposed Submission document February 2015) has been submitted to and approved in writing by the Local Planning Authority. The road shall be constructed in accordance with the approved timetable and to a standard suitable for adoption by the Local Highway Authority and have been included in an Agreement under Section 38 Highways Act 1980 as highway to be dedicated and adopted by the Highway Authority.
4. The occupation of any dwelling in an agreed phase of the development shall not take place until the following works have been carried out in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority:
 - a) The spine road and cul-de-sac carriageway including the vehicle turning head within that phase shall have been laid out, kerbed, drained and constructed up to and including base course level, the ironwork set to base course level and the sewers, manholes and service crossings completed;
 - b) The spine road and cul-de-sac footways and footpaths which provide that dwelling with direct pedestrian routes to an existing highway maintainable at public expense have been constructed up to and including base course level;
 - c) The cul-de-sac visibility splays have been laid out to their final level;
 - d) The street lighting for the spine road and cul-de-sac and footpaths has been erected and is operational;
 - e) The car parking and any other vehicular access facility required for the dwelling by this permission has/have been completed;
 - f) The verge and service margin and vehicle crossing on the road frontage of the dwelling have been completed with the highway boundary properly defined;
 - g) The street nameplates for the spine road and cul-de-sac have been provided and erected.
5. All development on site shall be carried out in accordance with the measures set out under the 'Implications for development and recommendations', 'Construction' and 'Post construction' sections of the EAD Ecological Consultants letter dated 25 February 2015, received by the Local Planning Authority on 30th April 2015, at all times.

Reasons

1. For the avoidance of doubt and in the interests of proper planning.
2. To ensure that the embankments and bridges are constructed adequately so as to prevent erosion and minimise future maintenance requirements.
3. To ensure adequate highway provisions are provided to comply with Policy CU13 of the Local Plan Review Proposed Submission document to enable the comprehensive development of the neighbouring proposed allocated site.
4. To ensure that adequate access and associated facilities are available for the traffic attracted to the site in accordance with Policy DM2 of Local Plan Part 3 (Development Management Policies).
5. To ensure the adequate protection of protected species.

Informative note

1. Your attention is drawn to the conditions contained in planning permission reference 13/00035/MOUT, many of which still require information to be submitted and discharged.

Contact for any more information

Mrs Jenny Clifford, 01884 234346

Background Papers

13/00035/MOUT

File Reference

15/00650/MARM

Circulation of the Report

Cllrs Richard Chesterton
Members of Planning Committee

Application No. 15/01108/MFUL

Agenda Item

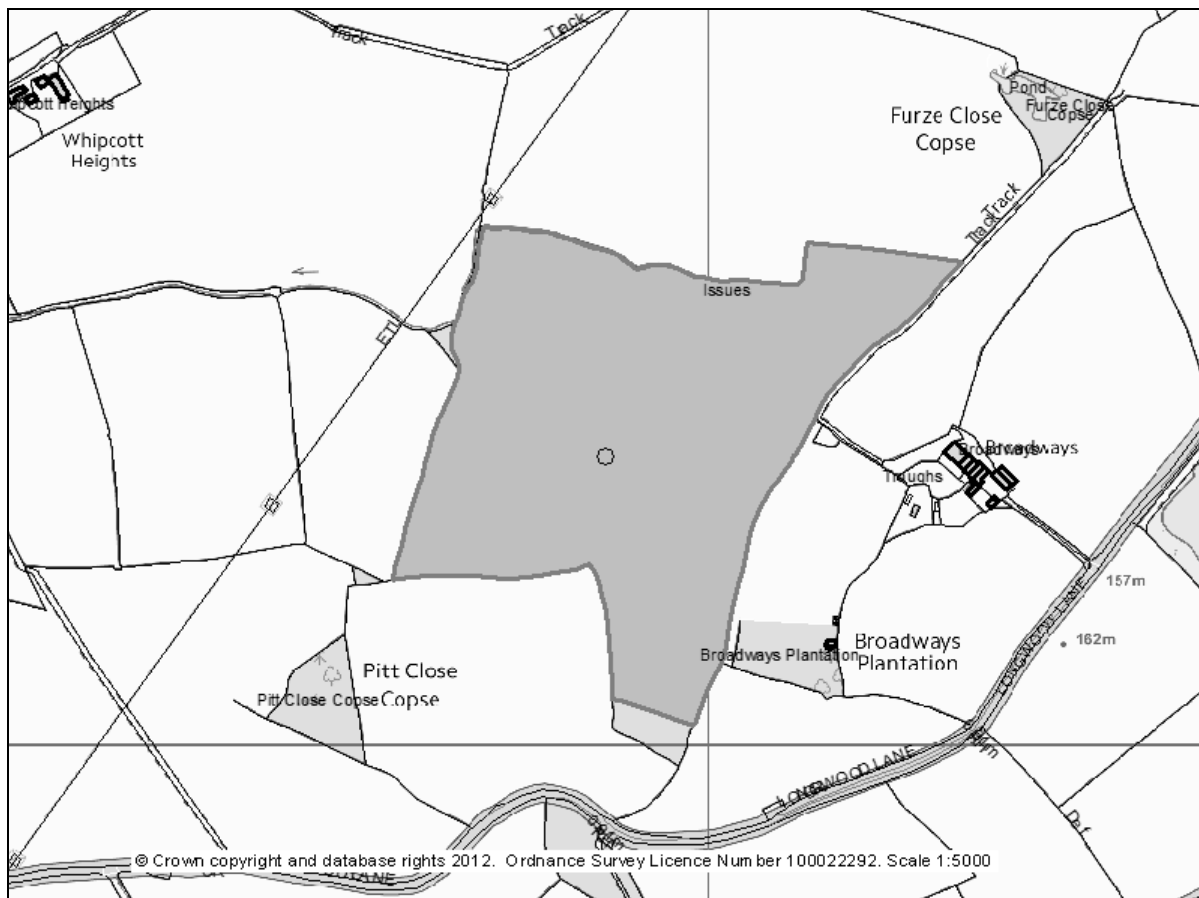
Grid Ref: 118303 : 307922

Applicant: Mr & Mrs J H Diment

Location: Land at NGR 307922 118303
(Wiseburrow Farm) Burlescombe
Devon

Proposal: 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)

Date Valid: 16th July 2015



REPORT OF THE HEAD OF PLANNING AND REGENERATION

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

Reason for Report:

To consider the above planning application

RECOMMENDATION(S)

Grant planning permission subject to conditions

Relationship to Corporate Plan:

The Corporate Plan sets out the following long term vision:

- i) Caring for our environment to promote and protect our outstanding environment and beautiful countryside.

Financial Implications:

Should the application be refused and an appeal lodged with the Planning Inspectorate there is a risk of an award of costs against the Local Planning Authority if it were found to have acted unreasonably.

Legal Implications:

None

Risk Assessment:

None

Consultation carried out with:

See relevant section of the report

1. Holcombe Rogus Parish Council
2. Burlescombe Parish Council
3. Culmstock Parish Council

4. Highway Authority
5. Environment Agency
6. Devon County Council Lead Local Flood Authority
7. Historic England
8. Devon County Council Historic Environment Service
9. Natural England
10. Environmental Health
11. Exeter Airport
12. National Grid

1.0 PROPOSED DEVELOPMENT

This application seeks planning permission for the installation of a 6MW solar array on approximately 11 hectares (27 acres) of land forming part of Wiseburrow Farm, Burescombe (although the site is in the Parish of Holcombe Rogus) for a period of 25 years.

The application is a revised scheme following the refusal of planning permission for a similar scheme in February 2015. The earlier application was refused by the Planning Committee on the recommendation of Officers due to a lack of sufficient information to determine if the scheme would have an acceptable landscape and visual impact and impact upon nearby heritage assets. This application seeks to overcome the earlier reasons for refusal primarily through the revision of the supporting information but the proposal also removes some panels from the eastern edge of the site and makes other minor internal layout changes.

The site comprises a single irregular shape field lying approximately 700m to the south of the County Highway which takes traffic from the A38 to the Westleigh Quarry and approximately 120m to the north of Longdown Lane, a class 3 road which runs from the A38 to the village of Westleigh. The land is gently sloping broadly sloping down from east to west. The field is enclosed by hedgerows with sporadic trees. The closest residential property to the site is 'Broadways' which is 115m away to the south east but which due to the removal of the panels from the eastern extremities is now approximately 170m from the edge of the proposed built site.

The land is currently in agricultural use and will continue to be grazed by sheep.

The panels are proposed to be laid out in rows across the site in a west-east direction. The distance between the rows of panels will be approximately 8.4m from the fronts of each row and they will be angled at 20 degrees. The panels are to be mounted on metal frames which have been pile driven or screwed into the ground with a maximum height above ground level of 2.4m.

Three inverter cabins are proposed across the site. Each structure measures 2.99m long , 2.4m wide and is 2m high. The inverters are proposed to be finished in a Green colour.

Two substations are proposed in the north western corner of the site, near the entrance. One is to serve the applicants and the other will be provided by Western Power Distribution as the network operator. The applicant's substation is 3.6m long, 2.75m wide and 3.5m high with the second substation measuring 6.25m long, 3.65m wide and 4m high. Both are proposed to be finished in a Green colour.

A 1.8m high stock-proof deer fence is proposed to surround the site with a total of 26 CCTV cameras mounted on 2.4m high poles (max height) at 50m intervals points along the fence. Welded mesh steel gates 4m wide and 2m high are proposed at the site entrance. There will be no external lighting.

A new 3.5m wide access track across the site is proposed from an existing access onto the Westleigh Quarry Road.

Save for a 5m stretch of hedgerow proposed for removal to allow access into the site, existing boundary hedgerows and trees are proposed for retention with new native trees proposed to be planted at 10m centres along part of the western boundary and a new native hedgerow planted for a length of 177m along the eastern boundary.

The area of ground proposed to be covered by the rows of solar panels and associated infrastructure totals approximately 30% of the fenced site area with the remainder of the site being grassed land constituting the gaps between the rows of panels and the land between the fence and the installation.

2.0 APPLICANTS SUPPORTING INFORMATION

Archaeological Assessment
Flood Risk Assessment
Wildlife Survey
Agricultural Land Classification Report
Waste Audit Statement
Transport Statement
Supporting Statement (including Design & Access Statement)
Arboricultural Impact Assessment
Landscape and Visual Impact Assessment
Residential Assessment
Heritage Settings Assessment

3.0 PLANNING HISTORY

14/01932/MFUL Installation of a ground-mounted photovoltaic solar farm to generate up to 6MW of power (site area 11ha) with associated infrastructure including inverter cabins, sub station buildings, access tracks, fencing and CCTV – REFUSED FEBRUARY 2015

4.0 DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

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

Mid Devon Local Plan Part 3 (Development Management Policies)

DM2 - High quality design
DM5 - Renewable and low carbon energy
DM7 - Pollution
DM27 - Development affecting heritage assets
DM29 - Protected landscapes

5.0 CONSULTATIONS

HOLCOMBE ROGUS PARISH COUNCIL - 20th August 2015

Our Council considered the above application at its meeting on 18th August which was attended by the applicants and advisers and members of the public. Members of the Council considered the representations made at the meeting and letters of objection filed on MDDC's web-site.

I am instructed by the Council to convey our objections to the proposed development for much the same reasons as it objected to the previous application 1410193/MFUL.

Our Council consider that the proposed development is unacceptable because of the adverse impacts of a solar farm located on the application site. In particular, the proposed development is located on a stretch of undulating pasture land that starts at the boundary of the existing business and commercial centres at Greenham and Lobsgrove Business Estates. The development will have an adverse impact on the character of the landscape. It is not considered appropriate to introduce a commercial use into the open countryside. The application site is an attractive piece of open and unspoilt country as can be seen from the photographs referred to below.

There will be a significant adverse impact on the setting of the Grade 1 listed Holcombe Court and All Saints Church. The Council noted that Historic England say in their letter of 6th August to your Council that the application site will be readily visible from Holcombe Court and the Church and they disagree with the applicants that there will be a low impact on their setting and indicate that there will be a risk that the solar arrays will form a discordant feature in the landscape. Our Council felt that the visual impact generally was unacceptable. The applicants have undertaken some additional tree planting and omitted some solar panels but this was not considered sufficient. Whilst the visual impact of the development is to some extent ameliorated by the topography, there will still be an unacceptable adverse visual impact from many view points. Our Council does not consider that the site can be adequately screened.

Our Council considers that the photographs and photo montages provided by the applicants do not offer a faithful and accurate representation of the existing landscape. Whilst our Council was told that the photographs and photo montages had been produced in accordance with recommended guidance, the panoramic shots appear to show the landscape at a greater distance than when seen with the naked eye. In reality, when one looks at a scene, the field of vision tends to be more restricted, as one concentrates on the elements within the scene at the centre of one's visual field.

As a result photographs taken at a greater focal length (say approx. 100 mm on a full frame camera) do in the Council's view come closer to representing how the development site will be seen. I am sending with a hard copy of this letter a CD of some photographs with a plan indicating the respective view points. This CD was sent to your Council when we were consulted on the previous application. I also enclose prints of some of photographs (numbered on the reverse -see viewpoint plan on the CD). Some of these show the application site when viewed from public footpaths and bridleways and it should be noted also that the country roads are also part of a network of walks frequented by members of the community and visitors.

There are a number of solar farms or permitted solar farms in the area including those at Ayshford (Junction 27 M5) and Redhill Farm and a further solar farm in the immediate locality will represent an unacceptable cumulative impact.

The Council does not consider that, given the above matters, the loss of agricultural land (class 3b according to the applicant's consultants) should be sanctioned. Given the above issues, our Council does not consider that the Wiseburrow Farm development would be in accordance with planning policy including in particular the NPPF and subsequent guidance and Mid Devon Local Plan.

We should also mention that the applicant's consultants indicated that some form of community benefit would be available for the benefit of the parish but we do not have any detailed proposals.

BURLESCOMBE PARISH COUNCIL - 3rd August 2016

I am writing to respond to your letter of 17th July 2015 inviting comments on the above application. The application was considered at a planning committee meeting on 27th July.

The Council felt the revised scheme did not alter their original objections to the application and in addition object to this revised scheme on the following points.

1. There are already two solar farms in the vicinity and a third farm has received planning permission. The latter being in nearby fields so although the land is undulating the visual impact will be enormous.
2. Loss of good agricultural land
3. The solar farm would be very visible from various points around the Holcombe Rogus Parish and the recent planting by the applicants will not adequately screen it.

CULMSTOCK PARISH COUNCIL - 22nd July 2015

No comment.

HISTORIC ENGLAND - 7th August 2015

We have previously commented on a similar application for this site (your ref. 14/01932/MFUL) and do not intend to repeat the more general points made in our letter (ref. P44472) in relation to renewable energy proposals and the historic environment. In that letter we identified a number of heritage assets we considered might be intervisible with the development and advised that a more detailed assessment was required of its potential impact on their setting. This exercise has now been completed by the applicant in considerable detail and we are largely content with its assessment and conclusions in respect of intervisibility and impact.

However, there is one exception which relates to the grade I listed Holcombe Court and All Saints Church, Holcombe. The consultants preparing the impact assessment noted a degree of intervisibility between the application site and the churchyard but assessed the potential for harm to its setting as low due to the distance and fact that the site does not occupy a large part of the extensive view. They did not gain access to Holcombe Court but acknowledged that there was some intervisibility with the site but came to a similar conclusion that they reached regarding the impact on the church. We have visited Holcombe Court and viewed the application site both from its grounds and from within the building, where it is also readily visible from certain rooms. In particular, the Court is unusual in having a substantial tower porch on its front elevation, from which a generous staircase leads to upper rooms and eventually a parapeted terrace on its roof, evidently intended to take advantage of the panoramic views to the south, east and west of the property. From here, as from some of the upper rooms, the site is more clearly visible than it is from the churchyard, due to its greater elevation, and there is a risk that the solar arrays will form an discordant feature in the landscape.

Whilst the intervening distance means it is not as serious a concern as if the solar arrays intruded on important views towards the Court or church, we still consider it may constitute a degree of harm to its setting which needs to be taken into account under paragraph 134 of the NPPF when your Authority undertakes its assessment of the planning balance between different material considerations, particularly given the specially high significance of the Court as a grade I listed building.

Recommendation

We would urge you to address the above issues, and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice. It is not necessary for us to be consulted again. However, if you would like further advice, please contact us to explain your request.

HISTORIC ENVIRONMENT SERVICE – 8th October 2015

The Historic Environment Team has now received confirmation that the archive of information created through the pre-application archaeological work undertaken at the above site has now been deposited at a suitable repository.

As such, I would like to withdraw the Historic Environment Team's previous advice, made on the 24/7/15, and would regard there to be no requirement for any archaeological condition on any consent that your Authority may grant for this development.

HIGHWAY AUTHORITY - 28th July 2015

Observations:

The Local Planning Authority will be aware of our previous correspondence on this site with regard to the previous application. The applicant has resubmitted and indicated in the Transport statement that the access is regularly used by large agricultural vehicles, this is accepted albeit the proposed construction will increase the daily volumes of traffic beyond that of agriculture and while the HGV movement to the site will result in 10 per week for the construction phase individual staff movement have not been considered and will increase the traffic from the substandard access.

The applicant has indicated that the largest vehicles may overrun the verge, the Highway Authority would therefore require the area under the swept path of these vehicles to be hard surfaced in a bound material to protect the edge of carriageway and prevent mud and debris entering the public highway.

The Applicant has indicated a banksman will be used for all vehicles at the access to manage both incoming and exiting vehicles. In the absence of improved visibility to the west, which one can only assume the applicant has been unable to secure since the previous application, the Highway Authority will accept the use of a banksman for all vehicles and combined with appropriate signage and route management which should be agreed with the Highway Authority through their neighbourhood Officers.

The Applicant has indicated that they would ensure that vehicles are kept clean before existing the site. The applicant should amend the construction management plan to include the use of wheel washing facilities and a road sweeper to maintain a clean public highway free from mud and debris.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF
OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY,

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

REASON: In the interest of public safety and to prevent damage to the highway.

2. Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:

- (a) the timetable of the works;
- (b) daily hours of construction;
- (c) hours during which delivery and construction traffic will travel to and from the site;
- (d) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
- (e) hours during which no construction traffic will be present at the site;
- (f) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
- (g) details of wheel washing facilities and road sweeping obligations
- (h) The proposed route of all construction traffic exceeding 7.5 tonnes.
- (i) Details of the amount and location of construction worker parking.
- (k) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;

3. The site access road shall be have hardened surface in a bound material to cater for all vehicles entering the site, drained and maintained thereafter to the satisfaction of the Local Planning Authority for a distance of not less than 6.00 metres back from its junction with the public highway.

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

ENVIRONMENT AGENCY - 23rd July 2015

Thank for the above consultation, however we are no longer a statutory consultee for surface water management issues. I do note, we agreed an FRA for an earlier application on this site. You should consult the Local Lead Flood Authority (DCC) on this proposal.

LEAD LOCAL FLOOD AUTHORITY - 10th August 2015

Devon County Council Flood Risk Management Position.

We have no objection to the proposed surface water strategy. Appropriate management techniques should also be undertaken to maintain a natural vegetated area surrounding the panels. Care will be needed during the construction phase of the solar panels where the site is likely to be cultivated and left with exposed soil. This has potential for erosion and water quality issues for the downstream receiving water bodies. Appropriate mitigation methods should be implemented in the construction stage with the implementation of the wide vegetated swales to control site runoff aiding with water quality aspects from initial construction.

There is an ordinary watercourse running along the North West edge of the site boundary. If any temporary or permanent works take place within the watercourse (such as an access culvert or bridge) Land Drainage Consent will need to be obtained from Devon County Council's Flood Risk Management team prior to works commencing.

The FRA hasn't mentioned the risk of flooding to the site from surface water. According to the surface water maps there is a low/medium risk surrounding the ordinary watercourse.

NATURAL ENGLAND - 23rd July 2015

Standing advice applies.

EXETER INTERNATIONAL AIRPORT - 24th July 2015

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

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

NATIONAL GRID - 21st September 2015

No objections.

6.0 REPRESENTATIONS

19 letters of objection received, summarised as follows:

- The local countryside already hosts a solar farm on the way out of Westleigh (at Ayshford);
- There is no need for another solar farm;
- The screening as shown and that already planted does not mitigate the scheme;
- This revised scheme does nothing to address water run-off or the positioning of the building;
- Will be visible from vantage points for miles around;
- The site is visible from the first floor of Holcombe Court and from the top of the tower of the house. The views from this Grade I listed building should be protected for all of the community;
- Preserving the setting of Holcombe Court and the Parish Church outweighs the benefits of the proposal;
- Will lead to industrialisation of the rural landscape;
- Should be refused on the grounds of cumulative impact with the Ayshford, Ridgeway Farm and Red Ball solar sites;
- The panoramic photos are misleading;
- Will be visible from private houses;
- Will be visible from the road running to and from the Grand Western Canal

7.0 MATERIAL CONSIDERATIONS

The main considerations in the determination of this application are:

- 1. The benefits of renewable energy and planning policy**
- 2. Land use**
- 3. Highways**
- 4. Flooding**
- 5. Landscape and visual impact, including cumulative impact**
- 6. Impact upon heritage assets**
- 7. Ecology and other matters**
- 8. The planning balance/summary**

1. The benefits of renewable energy and planning policy

The scheme would be capable of generating up to 6 megawatts of electricity annually, which the applicant states is the equivalent of the average annual electricity needs of approximately 1,800 homes. The Government's target for the amount of electricity to come

from renewable sources by 2020 is currently 15%. According to RegenSW's Renewable Energy Progress Report 2015, to date, the amount of electricity generated from renewable sources in the South West stands at 14% of demand. Solar PVs in Devon contribute 368 megawatts. The level of energy generation provided by the proposed development would make a considerable contribution towards renewable energy targets in the UK.

Policy COR5 of the Mid Devon Core Strategy (Local Plan Part 1) states that measures will be sought to contribute towards national (and regional) targets for the reduction of greenhouse gas emissions, including the development of renewable energy in locations with an acceptable local impact, including visual, on nearby residents and wildlife. Policy DM5 of Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework (NPPF) require the benefits of renewable energy to be weighed against its impact. DM5 states that proposals for renewable energy will be permitted where they do not have significant adverse impacts on the character, amenity and visual quality of the area. Where significant impacts are identified through Environmental Impact Assessment, the Council will balance the impact against the wider benefits of delivering low carbon energy. Development must consider landscape character and heritage assets, environmental amenity of nearby properties in accordance with Policy DM7 (Pollution), quality and productivity of the best and most versatile agricultural land (grades 1, 2 and 3a) and biodiversity (avoiding habitat fragmentation).

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

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

Planning Policy Guidance states that Local Planning Authorities should focus large scale solar farms on previously developed and non-agricultural land, provided that it is not of high environmental value. Where a proposal involves greenfield land, the proposed use of any agricultural land needs to be shown to be necessary and poorer quality land has been used in preference to higher quality land and the proposal allows for the continued agricultural use where applicable and/or encourages biodiversity improvements around arrays. The Guidance also requires that the proposal's visual impact, the effect of glint and glare and the effect on neighbouring uses, aircraft safety and the need for and impact of security measures are all considered. Great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance.

2. Land Use

The application is supported by an assessment of the Agricultural Land Classification of the site carried out by a Chartered Surveyor with 20 years experience in Rural surveying. The application site is classified as grade 3 according to the Agricultural Land Classification maps and therefore the report seeks to ascertain whether the land is grade 3a or 3b. The conclusion of the report's author is that the whole site is situated on 3b due to the current and historical use of the land as pasture, the inability of the land to consistently produce moderate to high yield of arable crops (as required to meet criteria for 3a) and the inability of

modern agricultural machinery to navigate its way through large dips and steeper areas of land, limiting the use of the land to grazing.

The government have been clear (in recent ministerial statements, including Eric Pickle's written statement in March 2015, the National Planning Policy Framework and the Planning Practice Guidance) that they are concerned about the provision of commercial scale solar installations on good quality agricultural land and this has been reflected in a number of appeal decisions which have been dismissed whereby an installation would take up a significant proportion of Best and Most Versatile land. As this land is considered to be grade 3b it would comply with policy DM5 and Government policy insofar as not utilising Best Most Versatile agricultural land.

3. Highways

The submitted Transport statement indicates that the access is regularly used by large agricultural vehicles, this is accepted by the Highway Authority albeit the proposed construction will increase the daily volumes of traffic beyond that of agriculture and while the HGV movement to the site will result in 10 vehicles per week for the construction phase individual staff movement have not been considered and will increase the traffic from the substandard access.

The applicant has indicated that the largest vehicles may overrun the verge, the Highway Authority would therefore require the area under the swept path of these vehicles to be hard surfaced in a bound material to protect the edge of carriageway and prevent mud and debris entering the public highway.

The Applicant has indicated a banksman will be used for all vehicles at the access to manage both incoming and exiting vehicles. In the absence of improved visibility to the west, the Highway Authority has indicated that they will accept the use of a banksman for all vehicles and combined with appropriate signage and route management which should be agreed with the Highway Authority through their neighbourhood Officers.

The Applicant has indicated that they would ensure that vehicles are kept clean before exiting the site but the Highway Authority require this and details of the use of wheel washing facilities and a road sweeper to maintain a clean public highway free from mud and debris to be included in a Construction Management Plan. Subject to appropriate conditions relating to highway matters the development will not cause demonstrable harm to highway safety and would accord with policies COR9 of Mid Devon Core Strategy (Local Plan Part 1) and DM2 and DM5 of Local Plan Part 3 (DMP) in this respect.

4. Flooding

The site is not within an area liable to river or surface water flooding but is accompanied by a Flood Risk Assessment and Sustainable Drainage Strategy in order to ensure that the provision of the panels will not lead to a greater rate of surface water run-off from the site. The scheme includes the provision and maintenance of swales and scrapes (to limit the erosion risk posed by the intensification of rainwater as a result of the solar arrays) to which the both the Environment Agency and the Lead Local Flood Authority have raised no objection to the proposal and it therefore meets with policies COR11 of Mid Devon Core Strategy (Local Plan Part 1) and DM2 of Local Plan Part 3 (DMP).

5. Landscape and visual impact, including cumulative impact

The site is within the 'Devon Redlands' National Character Area and the Devon Character Area 17 'Culm Valley Lowlands'. On a more local level the site is within the Mid Devon

Landscape Character Type 3B 'Lower rolling farmed and settled valley slopes'. This landscape type is gently rolling and strongly undulating with well managed hedgerows and high degrees of variation in the levels of visual containment. The roads in the landscape are mostly winding with bends that are frequently sunken and the landscape is well wooded. The Landscape Sensitivity Study on wind and PV development in Mid Devon identifies that this landscape type (outside of the Blackdown Hills Area of Outstanding Natural Beauty) has an overall medium sensitivity to solar development of the size proposed (>5 - 10ha). The study finds that the presence of some hidden areas and human activity could indicate a lower sensitivity to the principle of solar PV development but visible slopes, undeveloped hill-tops and well-wooded and pastoral character, landscape pattern and 'remote' qualities heighten levels of sensitivity. The submitted Landscape and Visual Impact Assessment (LVIA) describes the topography of the site:

- a) The immediate landscape surrounding the proposed development is an active, working landscape, scattered with numerous agricultural buildings;
- b) To the east of the site a transmission line runs broadly north to south, a distribution line is found passing through the south-eastern section of the proposed development and provides existing built and vertical elements within the landscape;
- c) Broadly to the north, the landform slopes down to the hedgerow field boundary where it gently rises within the adjacent field. Individual trees, a block of woodland, pylons and farm buildings limit distant views to some extent;
- d) Broadly to the east, the landform gently rises to a mature hedgerow with mature trees which form a linear belt restricting views out of the field;
- e) Broadly to the south, the landform gently rises to a mature hedgerow with mature trees which form a linear tree belt restricting views out of the field;
- f) Broadly to the west, the landform gently slopes away before the undulating wooded farmland landscape unfolds. The transmission line and associated pylons are present crossing the landscape along with glimpsed views of scattered residential properties and agricultural buildings. The church spire of Holcombe Rogus is visible, although the church and properties within this nucleated village are enclosed by mature vegetation.

The LVIA looks at a study area of a 7.5km radius from the site and finds that the main visibility of the site is in the immediately surrounding landscape with the extent of visibility substantially reduced toward the fringes of the area, particularly to the south, east and west. Officers agree with this assessment. The LVIA assesses the landscape as being of medium sensitivity which is commensurate with Mid Devon's assessment of this landscape type.

The topography is such that when your officers viewed the site from the public roads immediately surrounding the site, the site was visible from some viewpoints but not from others and the whole site was not visible at any one time. However, the site is more visible and the extent of the site is more discernible from distant views, including from a number of public footpaths. As part of their consultation response Holcombe Rogus Parish Council has provided photographs of the site as viewed from public vantage points/public footpaths in the area and they are critical of the photographs provided in the submitted LVIA. Officers are of the view that the submitted LVIA photographs are taken in accordance with the Landscape Institute's guidance on such imagery and there is no criticism of the submission from this perspective. Conversely, the photographs submitted by the Parish Council clearly identify that there are views of the site from various vantage points but their accuracy cannot be proven.

The submitted LVIA states that for the majority of views from public rights of way, bridleways and cycleways the significance of the effect of the development will be neutral mainly due to variations in landform and existing vegetation which restrict views. The exception to this is two footpaths which run to the west of the site and link the Grand Western Canal with

Holcombe Rogus. These footpaths provide some views of the site at points where there is a lack of vegetation and the paths cross fields and the LVIA assesses the significance of the effect as being minor. In addition to these two footpaths, the site can be seen from footpaths approximately 2km to the west and to the south of Holcombe Rogus. Views from these footpaths, which are more elevated than those between the Canal and the village are of the application site as part of a wider undulating largely rural landscape which is mixed with mature copses of trees and native hedgerows and has the presence of high voltage electricity pylons crossing in close proximity to the site. Officers consider that the significance of the effect upon users of these footpaths will also be minor.

The LVIA concludes that the undulating landscape with numerous mature trees, small copses and woodlands and dense hedgerows provide containment and enclosure and that this minimises the impact of development upon landscape character. In tandem with the expansive nature of the landscape the development would become 'lost' within the wider landscape. Mitigation planting is proposed along the eastern and western boundaries although it will take a number of years to become effective. Overall the LVIA concludes that the proposal will have limited impacts on landscape character and visual amenity receptors such as those using the local road and footpath networks. Officers have carefully considered the LVIA and have carried out their own site visits to assess the impact and overall are in agreement with these conclusions and in this respect the application would accord with policies DM2 and DM5 of Local Plan Part 3 (DMP).

The Blackdown Hills Area of Outstanding Natural Beauty lies approximately 2.6km to the south east of the site. Due to the topography of the intervening land it is accepted that views of the site from the AONB and vice versa will not be possible. On this basis, the development will preserve the special beauty of the area as required by policy DM29 of Local Plan Part 3 (Development Management Policies).

Consideration must be given to the perception of cumulative landscape and visual impacts which may be experienced either by viewing more than one array in the same vista or by the sequential effects experienced by travelling along a road or right of way and viewing multiple solar arrays. At its closest, the site is approximately 350m to the north west of the permitted solar installation at Redhill Farm (ref. 14/01984/MFUL) which is now under construction. The topography of the immediate landscape keeps on rising to the north of the Redhill site before falling away to the north on the opposite side of the Class C road Longwood Lane, toward the Wiseburrow Farm site. Combined with the presence of trees, hedges and other vegetation the two sites are not visible alongside one another in the same landscape. Similarly there is a single property 'Broadways Farm' located between the two proposed installations, however due to the sloping land it will not have any views of the proposed Red Hill installation.

The existing operational site closer to Burlescombe is approximately 1km away and the LVIA demonstrates that there is no intervisibility between the two although some distant views of this site are obtained from the tower at Holcombe Court.

In addition, consideration is given to cumulative impacts with the Ayshford Court Farm installation which is located close to J27 of the M5 and can easily be seen from the motorway, but given that the site is approximately 3.5km to the south-west of the site, any impact would be limited and there would not be significant cumulative visual impacts.

In summary, the LVIA concludes that there is no cumulative impact between the proposed site and any consented or operational solar sites. Your officers have concluded that due to the topography of the landscape, there will be no harmful cumulative impact between this application site and the proposed site at Redhill or any of the other sites in the locality such that in this respect the application is considered to meet with the requirements of Policies

DM2 and DM5 of Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.

Private views from residential properties have been considered in the submitted LVIA in a dedicated residential assessment which looks at properties with a 1km radius of the site. Not all of the properties within this distance would have views of the installation due to orientation, the topography, intervening vegetation or other buildings. Some properties would have views toward the site and the significance of this has been assessed as ranging from minor to moderate depending upon the level of visibility. In addition to an individual assessment per property, an assessment of the visual impact of the proposal in more detail upon three properties, Broadways Farm, Riley's House and Whipcott Heights has been undertaken and photomontages provided to show the views now, post-construction and 5 years post-construction. This identifies that a number of properties, including those specifically aforementioned, would have views toward the site but these range from glimpsed views to views of greater expanses of the site. However, the mitigation planting proposed will over time help to filter these views. The views currently afforded to the properties identified in the assessment are generally expansive across a wide vista within an undulating and well vegetated landscape with the application site making up only a proportion of the view. Section 8 of this committee report weighs this issue up alongside other material considerations.

6. Impact upon heritage assets

A heritage settings assessment has been undertaken in support of the application which appraises the scheme against a number of listed buildings and conservation areas within 3.5km of the application site. The assessment is supported by a number of photographs from various vantage points to demonstrate the impact upon these heritage assets.

Both Historic England and the Conservation Officer are content with the main findings of the assessment in respect of the impact upon Conservation Areas and the majority of listed buildings. However, Historic England felt that the originally submitted assessment did not make an adequate assessment of the impacts upon Holcombe Court, a grade I listed Tudor manor on the edge of Holcombe Rogus. A visit was subsequently undertaken to Holcombe Court by the authors of the report and those who produced the LVIA. This visit was also accompanied by a Conservation Officer from this Authority and has resulted in an updated heritage settings assessment being submitted.

In summary, aside from the impacts upon Holcombe Court and the adjacent Parish Church and Priests House the assessment makes the following findings:

- A number of the listed buildings within the study area do not have views toward the site (confirmed by site visits).
- The listed Fossend Railway bridge bears no relationship with the site as agricultural land and is therefore not sensitive to the changes proposed.
- The Grand Western Canal Conservation Area and associated grade II listed structures (lime kilns, bridges, a milestone and twin culverts) are c. 560m to the west of the site at their closest. Views of agricultural land surrounding the canal make a small contribution to significance, allowing the historical connection with lime which was transported along the canal and its use for agriculture to be understood. From the Canal itself and its towpath the site is not visible. The key setting of each of the listed structures is the canal itself with the quarry at Westleigh also providing the setting for the lime kilns. No harm would be caused to the Canal or its associated listed structures.
- Holcombe Rogus Conservation Area is 1.6km to the west. The settlement dates to the medieval period and the name 'Holcombe' may derive from the position of the

village in a hollow in a previously wooded combe or valley. This location and the vegetation within and around the Conservation Area thus contribute to the significance of the asset. The adjacent agricultural land is a key aspect of its setting but wider agricultural land, including the application site, are not key to the significance. There would be no harm to the significance of the Conservation Area.

- There is a grade I listed Church at Burlescombe and grade II listed headstones, chest tombs and boundary walls. The development would not harm the architectural or historic interest of the church or those aspects of setting which contribute to its significance.
- Hockworthy is 3.7km to the north-west and has a Conservation Area and three grade II* listed buildings. The Conservation Area is relatively heavily vegetated which gives a closed-in character. There is little visibility of the site from the high grade listed buildings and the site does not contribute to the significance of the Conservation Area or the listed buildings.
- There are some grade I, grade II* and grade II listed buildings at Ayshford, 4km to the south west of the site. The listed buildings are within the Canal Conservation Area. The site is not visible from these listed buildings therefore there is no harm to their significance.
- Listed buildings and a scheduled ancient monument at Canonsleigh were observed not to have views of the site and any glimpsed views at times of lesser foliage would not contribute to the significance of the assets and would be a small change to the wider setting, resulting in no harm.

The heritage assets that are of highest status and which will potentially experience a change to their setting and views, are the church at Holcombe Rogus and Holcombe Court. The Conservation Officer has visited these sites and it is clear that some views of the proposed site will be possible from various vantage points, however, these views are partial and at some distance. The field in which the solar panels are proposed is one of many in the views from these vantage points in a mixed and slightly eroded landscape which has various traditional and non-traditional farming features in it, for example, modern and traditional farm building, pylons, hedgerows, and further also quarrying etc.

Holcombe Court is impacted to a greater extent as there are higher parts of land behind and to the side of the Court from where the panels will be visible. The application field will also be very partially visible from the long gallery within the house. However, these views are partial, fragmentary and are not in the opinion of the Conservation Officer harmful to a degree where there is any ambiguity about the character, significance and setting of the house in its wider agricultural setting. Views will change slightly and it is worth noting that tree works proposed to take place to four trees in Holcombe Court grounds will make the visibility of the panels greater – the owner states that these tree works are required for the health of the trees and due to proximity with a neighbouring property. Nonetheless, in Officers opinion the relatively minor change in the views from the Court is not sufficient to create harm to the significance or setting of the Court despite its very high status and the need for us to particularly have regard to its preservation. There will be change, but that minor change does not cause harm.

Historically, the top of the tower at Holcombe Court was accessed in order to undertake maintenance of the leadwork and to raise or lower the flag. The Conservation Officer does not feel that it is likely that it was used to enjoy the view by members of the household on more than very occasional days – the access is through a very low door and whilst the door is at the top of an access staircase, it is suspected that this was for functionality as opposed to formality of approach. Today, tours of the house are made and do visit the top of the tower but whilst the proposal may be visible from this point, it is not felt that the change will be major nor that the significance or understanding of the importance of the Court will be lessened by the presence of the panels.

Consideration must be given to a recent appeal decision at Silverton (Dunsmore Farm, Silverton APP/Y1138/W/15/3004976) in which the inspector gave great weight to the potential harm to the setting of heritage assets in the wider setting of a similarly sized solar array. The inspector found there to be less than substantial harm in that instance and that the landscape would be eroded by the presence of the utilitarian development. However, in that situation the landscape was more intact and less eroded by other developments and the shape of the landscape in relation to the heritage assets was more significant. It is not considered that this appeal decision should have a material bearing upon the determination of this application.

Some additional landscaping is proposed however your Conservation Officer feels that some further supplemental planting along the western boundary which would be faster growing than that proposed would be beneficial.

Overall it is felt that a good assessment of the impact of development upon heritage assets and their settings has been made, including Holcombe Court and the Parish Church and that the impact of development will be of less than substantial harm. No objection to the scheme arises because of this and the application is considered to accord with policies COR2 of Mid Devon Core Strategy (Local Plan Part 1) and DM27 of Local Plan Part 3 (DMP) and the National Planning Policy Framework.

7. Ecology and other matters

The submitted Ecological Appraisal identifies the main impact of the work being on breeding birds in the hedgerows but advises that this can be mitigated against through suitable timing of works and/or carrying out a nesting bird survey prior to carrying out works. There was found to be no need for any other mitigation in terms of other protected species but there is an opportunity for biodiversity enhancement which is to be welcomed.

The site is within relatively close proximity of the Lower Whipcott (c. 0.7km to the west) Site of Special Scientific Interest (SSSI). The application site is not within the Natural England identified impact zones for those areas or any further afield SSSI's. Natural England has raised no issues regarding impacts upon the Lower Whipcott SSSI.

The application is supported by an arboricultural assessment which shows that all fencing will be set at least 4m clear of the hedgerow boundaries and the solar panels themselves will be a further 4m away from the fence. With additional mitigation measures as set out in the report, it is not considered there will be any adverse impact on either wildlife or trees in relation to this development.

8. The planning balance/summary

The benefits of the scheme in terms of producing renewable energy is clearly set out above, as is the benefit that this site offers in terms of not utilising BMV agricultural land, not resulting in any additional flood risk and ecology. There are no residual objections from statutory consultees and adequate access to the site can be achieved, subject to conditions.

Although the installation would be visible from a number of private residential properties and from surrounding roads and footpaths the overall impact upon landscape character and residential amenity is not significant and the benefits of the scheme in providing renewable energy, in combination with the site being on low grade agricultural land, weigh in its favour.

The proposal is not considered to impact upon the character or setting of the Grand Western

Canal Conservation Area by virtue of being largely not visible from it and impacts upon other designated heritage assets, including listed buildings and Conservation Areas is concluded to be of no greater than low significance. However, the site is visible from vantage points in and around the grade I listed Holcombe Court and the neighbouring Parish Church. Officers have considered these assets carefully and the impact of development upon them and agree with the conclusions of the submitted historic settings assessment, namely that views toward the site do not contribute to the significance of the setting of the buildings and that views of both the site and the buildings in the same vista will not be achievable. On this basis there will be less than substantial harm caused to the character, appearance or setting of any designated heritage asset. Furthermore, the development will not impact upon the Blackdown Hills Area of Outstanding Natural Beauty.

Given that there are no residual objections from statutory consultees and that less than substantial harm will result for heritage assets it is concluded that the benefits of the scheme outweigh any harm arising and the application meets with the requirements of Mid Devon Core Strategy (Local Plan 1) COR2, COR5, COR9, COR11 and COR18, Mid Devon Local Plan Part 3 (Development Management Policies) DM2, DM5, DM7, DM27 and DM29 and the National Planning Policy Framework.

8.0 RECOMMENDED CONDITIONS AND REASONS

Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. No development shall begin until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The CMP shall include the following details:
 - (a) the timetable of the works;
 - (b) daily hours of construction;
 - (c) hours during which delivery and construction traffic will travel to and from the site;
 - (d) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
 - (e) hours during which no construction traffic will be present at the site;
 - (f) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
 - (g) details of wheel washing facilities and road sweeping obligations
 - (h) The proposed route of all construction traffic exceeding 7.5 tonnes.
 - (i) Details of the amount and location of construction worker parking.

The development shall be carried out in accordance with the approved CMP at all times.

4. The development hereby permitted shall be carried out in accordance with the submitted Flood Risk Assessment, dated 07/07/2015 and received by the Local Planning Authority on 9th July 2015. Before the development is substantially completed swales and scrapes shall be provided in accordance with drawing number

3001 revision D dated 07/07/15 and contained at Appendix B of the submitted Flood Risk Assessment. The swales and scrapes shall be permanently retained and maintained for that purpose while the development hereby permitted is sited on the land.

5. All planting, seeding, turfing or earthworks comprised in the approved details of landscaping as shown on the submitted plans, shall be carried out within 9 months of the substantial completion of the development, (or phase thereof), whichever is the sooner; and any trees or plants which within the lifetime of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. Once provided, the landscaping scheme shall be so retained.
6. No external lighting shall be installed on the site.
7. All cables shall be placed underground.
8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), other than those expressly granted by this planning permission, no fences, gates walls or other means of enclosure shall be erected within the application site.
9. The planning permission hereby permitted is for a period of 25 years from the date of first export of electricity from the development to the grid (the 'first export date') after which the development hereby permitted shall be removed. Written notification of the first export date shall be given to the Local Planning Authority no later than 28 days after its occurrence.
10. The developer shall notify the local planning authority of the permanent cessation of electricity generation in writing no later than five working days following this event. Prior to the permanent cessation of electricity generation, a scheme for the decommissioning and restoration of the site shall be submitted to and approved in writing by the local planning authority. Such a scheme shall include the following:
 - i) Details of the removal of the Solar PV panels, frames, inverter modules, substation, fencing, cabling, foundations and access track and restoration of the land;
 - ii) Parking of vehicles for site personnel and operatives;
 - iii) Loading and unloading of plant and materials;
 - iv) Storage of plant and materials;
 - v) Programme of works including measures for traffic management;
 - vi) Provision of boundary hoarding behind any visibility zones;
 - vii) Vehicle wheel wash facilities;
 - viii) Highway condition surveys;
 - ix) Extended Phase 1 habitat survey, which covers the whole of the site and predates the date of cessation of electricity generation by no more than 12 months; and
 - x) A soil management strategy to bring the site back into agricultural use.

The approved decommissioning and restoration scheme shall be fully implemented within 12 months of the cessation of electricity generation.

Reasons

1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of proper planning.
3. In the interest of highway safety and to ensure that adequate on-site facilities are available for traffic attracted to the site in accordance with Policy DM2 of Local Plan Part 3 (Development Management Policies).
4. To prevent an increase in flooding and to provide adequate means of surface water disposal, in accordance with Mid Devon Core Strategy (Local Plan Part 1) Policy COR11, DM2 of Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.
5. To safeguard the visual amenities of the area in accordance with Mid Devon Core Strategy (Local Plan Part 1) Policy COR2 and DM2 and DM5 of Local Plan Part 3 (Development Management Policies).
6. To safeguard the visual amenities of the area in accordance with Mid Devon Core Strategy (Local Plan Part 1) Policy COR2 and DM2 and DM5 of Local Plan Part 3 (Development Management Policies).
7. To safeguard the visual amenities of the area in accordance with Mid Devon Core Strategy (Local Plan Part 1) Policy COR2 and DM2 and DM5 of Local Plan Part 3 (Development Management Policies).
8. To safeguard the visual amenities of the area in accordance with Mid Devon Core Strategy (Local Plan Part 1) Policy COR2 and DM2 and DM5 of Local Plan Part 3 (Development Management Policies).
9. To reflect the temporary nature of the proposal and to achieve restoration of the site in the interests of visual amenity, highway safety and protected species in accordance with Mid Devon Core Strategy (Local Plan Part 1) Policy COR2, Policies DM2 and DM5 of Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.
10. To reflect the temporary nature of the proposal and to achieve restoration of the site in the interests of visual amenity, highway safety and protected species in accordance with Mid Devon Core Strategy (Local Plan Part 1) Policy COR2, Policies DM2 and DM5 of Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.

Contact for any more information

Ms Tina Maryan (01884 234336)

Background Papers

14/01932/MFUL

File Reference

15/01108/MFUL

Circulation of the Report

Cllrs Richard Chesterton
Members of the Planning Committee

PLANNING COMMITTEE
21st October 2015

REPORT OF THE HEAD OF PLANNING AND REGENERATION

CONSIDERATION OF PLANNING APPLICATIONS FOR GROUND MOUNTED SOLAR PHOTOVOLTAIC SCHEMES.

REASON FOR REPORT:

To consider whether Planning Committee wish to continue to determine all solar photovoltaic (PV) panel schemes that are ground mounted and recommended for approval, irrespective of the scale of the proposal.

RECOMMENDATION:

That with the exception of domestic scale proposals, applications for ground mounted solar PV arrays recommended by Officers for approval be brought before the Committee for determination.

MATTERS FOR CONSIDERATION:

The current arrangements for the determination of such applications and that the scale of proposals and hence impact may vary widely.

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.

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 BACKGROUND.

1.1 At the meeting of Planning Committee on 20th February 2013 it was debated whether all future planning applications for photovoltaic (PV) panels that are ground mounted be determined by Planning Committee, rather than being considered by officers under delegated powers given to the Head of Planning and Regeneration. It was resolved as follows:

***RESOLVED** that only applications for ground mounted solar PV arrays that were recommended by Officers for approval be brought before the Committee for determination. If Officers were minded to refuse ground mounted solar PV array applications then the specific Ward Member be informed of the proposed reasons for refusal before the decision is issued.*

1.2 This resolution has to date not been reviewed in light of the consideration of such applications over the intervening period.

2.0 APPLICATION CONSIDERATION BY PLANNING COMMITTEE.

- 2.1 At present all ground mounted solar PV planning applications are determined by Planning Committee if recommended for approval. This is irrespective of the scale of the application. Accordingly domestic, small-scale solar PV schemes are considered by Committee if they are ground mounted rather than being located on buildings. This can result in a delay in the determination of such applications due to the need to schedule it for a meeting of the Committee and additional work for officers in writing a Committee report. Additionally there is currently inconsistency in that a building-mounted solar PV scheme of the same scale is not automatically considered by Planning Committee if recommended for approval.
- 2.2 Planning applications for solar PV panels may vary widely in scale and accordingly impact. This is reflected in the range of applications submitted since February 2013. All are currently dealt with the same in that if recommended for approval they are determined by Planning Committee. Members are requested to relook at the resolution to respect of such applications and to consider whether it should continue to apply to all scales of proposal if recommended for approval, or if domestic scale (small-scale) proposals could be excluded and hence determined under delegated powers. The normal opportunity for Ward Members to call a planning application into Planning Committee for a decision, having given planning reasons for doing so, would still apply.

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

List of Background Papers: Planning Committee 20th February 2013

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

PLANNING COMMITTEE
21st October 2015

REPORT OF THE HEAD OF PLANNING AND REGENERATION

PLANNING PERFORMANCE QUARTER 2 2015/16

RECOMMENDATION:

For information and discussion.

REASON FOR REPORT:

To provide the Committee with information on the performance of Planning Services for quarter 2 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 year period. The target of more than 40% has been met (58%). 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 (4%).

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 two from 1st July – 30th September 2015 together with a comparison with the target and figures from quarter 1.

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	Qu 2 2015/16
Major applications determined within 13 weeks	60%	57	50
Minor applications determined within 8 weeks	65%	68	73
Other applications determined within 8 weeks	80%	91	85
Householder applications determined in 8 weeks	85%	92	97
Listed Building Consents determined in 8 weeks	80%	70	67

Enforcement site visits undertaken within 15 days of complaint receipt	87%	100%	94
Delegated decisions	90%	94%	93
Applications over 13 weeks old without a decision	Less than 45 applications	25	26
Major applications determined within 13 weeks (over last 2 years)	More than 40%	51	58
Determine all applications within 26 weeks or with an extension of time (per annum –Government planning guarantee)	100%	97%	96%
Building Regulations Applications examined within 3 weeks	95%	70%	70%
Building Regulation Full Plan applications determined in 2 months	95%	99%	98%

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

Enforcement 2015/16	Qu 1	Qu2
Number of new enforcement cases registered	14	71
Number of enforcement cases closed	47	53
Number of committee authorisations sought	3	2
Number of planning contravention notices served	Data available from Qu 2	9
Number of breach of condition notices served	0	1
Number of enforcement notices served	2	1

The enforcement service is now fully staffed.

As previously, the performance for quarter 2 of 2015/16 shows that in the majority of instances targets are being met or exceeded. However there remain some areas of concern which were also identified in the performance figures from quarter 1:

The major application target of 60% determined within 13 weeks was again missed with 50% being achieved.

Listed Building Consent application performance against the target of 80% determined in 8 weeks was 67%.

Planning Service staffing is still not at full strength due to maternity leave. This has had knock on effects in terms of associated arrangements for staff cover and redeployment of staff into different roles. Not all posts have been backfilled. Whilst work areas within conservation have been reviewed and redistributed, the capacity of that team has been affected by the need to resource giving on-going advice and guidance at The Manor House Hotel, Cullompton and to complete the review of the Article 4 Direction, Cullompton.

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 are 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, requires resourcing and presents a financial risk to the authority in the event that the planning guarantee is not met.

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. The impact of a challenging period for staffing, particularly within Development Management continues to be reflected in some of the application time taken figures. 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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