

# 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 Phoenix Chamber, Phoenix House on Wednesday, 11 May 2016 at 2.15 pm

The next ordinary meeting of the Committee will take place on Wednesday, 8 June 2016 at 2.15 pm in the Phoenix Chamber, Phoenix House, Tiverton

#### **STEPHEN WALFORD**

Chief Executive  
3 May 2016

**Councillors:** To be confirmed at the Annual Meeting

### 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 **ELECTION OF CHAIRMAN**  
To elect a Chairman for the municipal year.
- 3 **ELECTION OF VICE CHAIRMAN**  
To elect a Vice Chairman for the municipal year.
- 4 **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.

- 5 **MINUTES OF THE PREVIOUS MEETING** (*Pages 5 - 16*)  
To receive the minutes of the previous meeting.
- 6 **CHAIRMAN'S ANNOUNCEMENTS**  
To receive any announcements the Chairman may wish to make.

- 7        **ENFORCEMENT LIST** *(Pages 17 - 22)*  
To consider the items contained in the Enforcement List.
- 8        **DEFERRALS FROM THE PLANS LIST**  
To report any items appearing in the Plans List which have been deferred.
- 9        **THE PLANS LIST** *(Pages 23 - 46)*  
To consider the planning applications contained in the list.
- 10       **THE DELEGATED LIST** *(Pages 47 - 68)*  
To be noted.
- 11       **MAJOR APPLICATIONS WITH NO DECISION** *(Pages 69 - 70)*  
List attached for consideration of major applications and potential site visits.
- 12       **APPEAL DECISIONS** *(Pages 71 - 72)*  
To receive for information a list of recent appeal decisions.
- 13       **APPLICATION 15/00573/FULL - ERECTION OF NEW BUILDING FOR PROCESSING DIGESTATE FIBRE IN ASSOCIATION WITH EXISTING AD PLANT - LAND AT NGR 283096 113579 (MENCHINE FARM), NOMANSLAND** *(Pages 73 - 90)*  
To receive a report of the Head of Planning and Regeneration regarding this application.
- 14       **APPLICATION 16/0001/TPO MIXED SPECIES OF WOODLAND INCLUDING OAK, HAZEL, ASH, PINE AND MAPLE AT RED DEER HOUSE, OAKFORD, TIVERTON** *(Pages 91 - 94)*  
Report of the Head of Planning and Regeneration regarding this Tree Preservation Order.
- 15       **APPLICATION 16/00015/MFUL - ERECTION OF AN 83 BEDROOM PREMIER INN HOTEL AND INTEGRAL RESTAURANT WITH ASSOCIATED ACCESS AND LANDSCAPING AT MULTI STOREY CAR PARK, PHOENIX LANE, TIVERTON** *(Pages 95 - 122)*  
Report of the Head of Planning and Regeneration regarding this application.
- 16       **PLANNING PERFORMANCE AGREEMENTS** *(Pages 123 - 124)*  
To receive a report of the Head of Planning and Regeneration advising Members on the proposed use of planning performance agreements for major applications and for associated changes to be made to pre-application advice guidance.
- 17       **COMMITTEE DECISIONS 2015/16 WHICH WERE NOT IN AGREEMENT WITH OFFICER RECOMMENDATION.** *(Pages 125 - 128)*  
Report of the Head of Planning and Regeneration providing information where the Planning Committee has made decisions not in agreement

with officer recommendation.

- 18 **APPEAL DECISIONS 2015/2016** (*Pages 129 - 154*)  
Report of the Head of Planning and Regeneration providing information on the outcome of planning appeals for the financial year 2015/16.
- 19 **PLANNING PERFORMANCE 2015/16** (*Pages 155 - 160*)  
To receive a report of the Head of Planning and Regeneration providing the committee with information on the performance of the Planning Services for Quarter 4 and the 2015/16 financial year.
- 20 **START TIMES OF MEETINGS**  
To agree a start times for meetings for the municipal 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 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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Public Wi-Fi is available in all meeting rooms.

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## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **PLANNING COMMITTEE** held on 20 April 2016 at 2.15 pm

### **Present Councillors**

Mrs H Bainbridge, Mrs C Collis,  
Mrs F J Colthorpe, Mrs G Doe, J M Downes,  
S G Flaws, P J Heal, D J Knowles,  
F W Letch, B A Moore, J D Squire and  
R L Stanley

**Apologies  
Councillor(s)** K Busch and R F Radford

**Also Present  
Councillor(s)** C J Eginton and Mrs J Roach

**Present  
Officers:** Jenny Clifford (Head of Planning and Regeneration), Simon Trafford (Area Planning Officer), Amy Tregellas (Head of Communities and Governance and Monitoring Officer) and Julia Stuckey (Member Services Officer)

### 148 **APOLOGIES AND SUBSTITUTE MEMBERS**

Apologies were received from Cllr R F Radford and from Cllr K Busch who was substituted by Cllr Mrs G Doe.

### 149 **PUBLIC QUESTION TIME**

Referring to item 5 on the agenda Mr B Govett, a resident of Nomansland, said I would like to firstly correct a statement made by your planning officer Mr S Trafford at the planning meeting on April 6<sup>th</sup>. It was stated that lorries have been going off the lane into the ditch for the last 18 months. This is a totally incorrect statement and misleading to you all. Photo A (provided to Chair) shows the ditch bank undamaged. In fact the problem only started as a result of damage and bank eradication caused by the large lorry unit which undertook the laser pipe installation for connecting Edgeworthy Farm to Menchine farm (photos B and C). Note ditch bank still intact at commencement of the work.

The road verge was destroyed by the large unit and as a result, lorries have gone off the road into the ditch as it was continually filled with water. As the road had no denotation drivers assumed it was a puddle, not a ditch and tried to drive through it (photos d and e) illustrates.

As there have not been problems in the past the only works necessary is the reinstatement of the ditch bank. It must be appreciated the installation of a passing bay has never been and is not required now or in the future. The only thing the passing bay will do is to encourage vehicles to drive faster down the lane which will result in further eradication of our quality of life. It will also exacerbate the probability of a road traffic collision which could be overcome.

Members should be aware of their responsibility to ensure the safety of rate payers and visitors using the facilities, the countryside, in the district which must not be overridden by profit for a company.

Any monies available from the county council should be used to introduce road calming measures by width restrictions in Nomansland. Members should already be aware that there is a perpetual problem of traffic illegally speeding through our hamlet. This can, and should, be overcome by reducing the road width in places similar to those used and work well in other villages in Devon. Regrettably, the police do not have the resources to continually monitor and therefore overcome speeding in locations. Therefore installing a passing bay will not solve any problems, only exacerbate them.

Members, please be aware, if a road traffic collision occurs as a result of an incorrect decision, you will be morally responsible. Therefore I would like my comments recorded in the minutes please as I may refer to them if a traffic collision does occur in the future.

Mrs K Govett, referring to item 5 on the agenda asked why is there is a need for the proposed passing bay in the back lane if there are only going to be 9 tractor units going to Menchine per cycle, from Gibbett Moor? Could the Planning Department please make it clear as to how many units we could accurately expect if this planning application is allowed to go ahead? I suspect it may be more than 9.

Our lane leads down to a very dangerous junction on the Rackenford road which doubles back on itself as you can see from the map on the overhead. Putting in a passing bay will only speed tractors up making this junction even more dangerous. You cannot exit the lane in the Tiverton direction at the opposite end, as you will see from the map the junction on to the B3137 does not allow a left hand turn without turning across the road onto oncoming traffic and towards the obscured bend. The only safe route to Tiverton is via the junction onto the Rackenford road and turning right towards the pub. This junction not only turns back on itself as the map shows but is made even more blind by the hedgerow which obscures oncoming traffic. Photo a shows the visibility when stopping in a driving position before turning out of the lane. Photo b shows the visibility having pulled out of the junction by about 2m. You will note the skid marks showing on the road, the photo was taken this morning.

If additional movements in the form of tractor trailer units to and from Menchine Farm are allowed to use the route through our hamlet there will be an accident without doubt – how serious? Do you really want to wait and see?

Miss Coffin referring to Item 5 (Gibbett Moor) on the agenda stated that: Do Members believe that the implications report answers the concerns raised at 6th April meeting, I refer: lack of clarity in the number of birds to be farmed in

consequential difference to all figures supplied, officers suggest it will be controlled by Environment Permit, it will not. The planning application before you can accommodate 60,000 or 95,000 chickens per cycle as it stands dependant only on the method of welfare utilised, waste plan should encompass the term manure, if Menchine AD plant does not take the manure from the site via its intake shed and dispose of it as waste, it will mean it being disposed of as manure fertiliser on farmland. The site is not big enough and is under the control of an administrator, we already have a serious problem with proper manure storage and disposal in this area. How will any route or vehicle journey be monitored and enforced? Traffic assessment has not encompassed the cumulative impact and safety of all existing and affected businesses and residents and other types of farms on what are substandard roads, I respectfully ask do the council feel that the officer's report has fully discharged its responsibility to the local and wider environment as well as local tax payers and residents.

Mrs E Collie, referring to item 5 on the agenda, asked why there is such an acceptance by the planning officers of the biased information in the Transport Planning Associates report and a total disregard of the views of the inhabitants who live on the roads concerned. They completely fail to accept that irrespective of whether the chicken manure is going to Menchine or any other local farm, Gibbett Moor is a new development and will produce an additional 820 tons of manure to be disposed of via the local rural network. I would ask that Members disregard the figures in table 5.1 of the report. Are Members aware that on page 29 in the implications report under reason for refusal 4 there is misleading information? The Planning Officer in his report on page 29 states "within a recent appeal decision to allow the capacity of Menchine AD to be increased the planning officer etc". This is a completely misleading statement suggesting the appeal was successful when the appeal was actually dismissed. The same paragraph also refers to the 'improved infrastructure on the B3137'. Again this is misleading as an assumption is being made that another poultry unit in the hamlet will be built, at Edgeworthy Farm, to which this statement relates.

The Chairman indicated that the answer to questions raised would be provided at the agenda item.

#### 150 **MINUTES OF THE PREVIOUS MEETING**

The Minutes of the last meeting were approved as a true record and signed by the Chairman.

#### 151 **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman informed the Committee that Mr R Willing, Enforcement Officer, was leaving the authority and that she wished to thank him for all the work that he had done with this committee and to wish him the best for the future.

The Chairman reminded Members that there would be a pre-application presentation on Monday 25<sup>th</sup> April at 3.30pm for Members and the public to receive a presentation from potential developers explaining what they hoped to provide at Well Parks, Crediton and asking for comment and advice.

152 **15/01604/MFUL - ERECTION OF 5 POULTRY UNITS (5040 SQ. M) AND BIOMASS BOILER UNIT; FORMATION OF ATTENUATION POND, ACCESS TRACK, AND HARDSTANDING; LANDSCAPING; AND ASSOCIATED INFRASTRUCTURE AT LAND AT NGR 288027 116786 (GIBBETT MOOR FARM), TEMPLETON, DEVON**

The Committee had before it \* an implications report from the Head of Planning and Regeneration following discussions at the previous meeting where Members were minded to refuse the application.

The Area Planning Officer outlined the contents of the report, highlighting the application by way of presentation outlining the site location plan, the details of the development, the access route to the site and the proposed passing place, the site layout, attenuation ponds, proposed elevations and dimensions of the office buildings. Members viewed photographs from various aspects of the site.

The Officer set out potential reasons for refusal identified by Members at the meeting of Planning Committee at the meeting of 6th April 2016. Which were:

1. Cumulative impact of the number of operations in the area particularly in respect of traffic generation.
2. Insufficient, inconsistent and inaccurate information in order for the Local Planning Authority to adequately assess the impact of the application.
3. Access and traffic – the unacceptable impact of traffic generation and on highway safety
4. Landscape and visual impact.

The officer informed the Committee that, in the opinion of officers, although not risk free, there were 2 reasons which could be promoted as reasons to refuse the application.

Referring to the questions posed in public question time:

- Reference was made within the report to vehicles passing down Back Lane and driving into the ditches was a reference to information passed on by local people and was not the reason for the bay to be included;
- Road calming measures to slow traffic – as part of the assessment the views of Devon County Council Highways (DCC) had been sought and in its view the network would be safe with the incorporation of the passing bay and they had not recommended any other road safety measures;
- With regard to how many road trips would be taken this was set out on page 27 of the report which stated 9 per cycle and 54 per year in respect to the removal of chicken waste;
- Due to timing of the report some information had been shared on the update sheet. This advice was with regard to the cumulative impact on the highway and the response from DCC did not uphold this.
- Enforceability of the route – a condition could be imposed to give control and if conditions were breached this would be enforceable;

- A waste management plan could be imposed as a condition if permission was granted;
- Page 29 of the report highlighted the appeal decision for Menchine Farm which could be used to support the reasons for refusal;
- The Head of Planning and Regeneration apologised that the information regarding the Menchine Farm appeal gave the impression that the appeal had been allowed which was not the case;

Consideration was given to:

- The location of the passing bays;
- Site visits and the volume of traffic witnessed;
- The size of farm vehicles;
- Locations that chicken waste was being transported from;
- The impact on the landscape of industrial style farming;
- The need for reasons for refusal to be robust;
- Increases in traffic on the road network could be due to any number of reasons;
- The impact on tourism and local business.

It was **RESOLVED** that the application be refused on the following grounds:

- Due to the scale and siting of the proposed poultry units and associated infrastructure, the development is considered by the Local Planning Authority to have a harmful effect on the rural landscape character and visual amenities of the area, and it has not been demonstrated that this harm could be satisfactorily mitigated. The application is considered to be contrary to policies COR2 and COR18 of the Mid Devon Core Strategy 2007 (Local Plan Part 1), DM2, and DM22 of the Local Plan 3 Development Management Policies and the National Planning Policy Framework.
- In the opinion of the Local Planning Authority, due to the number and size of vehicular movements associated with the application travelling on the local highway network, in particular within the hamlet of Nomansland and the surrounding narrow rural roads, is likely to cause significant impact upon residential and pedestrian amenity. The application is considered to be contrary to policies COR9 of the Mid Devon Core Strategy and policies DM2 and DM22 of the Local Plan Part 3 (Development Management Policies).

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

Notes: i) Cllrs Mrs F J Colthorpe, R L Stanley, B A Moore and S G Flaws all declared personal interests as they either knew the applicant and/or local residents;

ii) Cllr Mrs G Doe declared a personal interest as she had family members living in the area;

iii) Cllrs Mrs H Bainbridge, Mrs C Collis, Mrs F J Colthorpe, J M Downes, P J Heal, Mrs B M Hull, D J Knowles, F W Letch, J D Squire and R L Stanley made declarations in accordance with the Protocol of Good practice for Councillors dealing in planning matters as they had received correspondence regarding the application;

iv) A proposal to refuse the application on all five reasons for refusal was not supported.

v) The following late information was reported:

The following statements are an update to the Gibbett Moor Implications Report (12/04/2014), reason for refusal 5 'Cumulative Impacts' Page 8.

Following a request from Mid Devon District Council, Devon County Councils Highways Officer has consulted with colleagues covering North Devon, Exmoor National Park and Torridge regarding the cumulative impact of this proposal. Following discussions with these officers, Devon County Council had informally advised the existing chicken sheds within the area are not considered to produce transport movements that exceed that of normal agricultural practices, such as keeping cattle with fields. A formal response was received on the 18/04/2016, which is shown at the bottom of this update. Devon County Council Highways conclude that it would be unreasonable to assess the cumulative impact of this scheme, more than has already been considered.

The planning office received a call on the 15/04/16 requesting consideration was made to a further chicken installation on Land adjacent to Fernley Farm as shown on the updated map Appendix 1. This site accommodates approximately 6000 chickens (per cycle). Chicken waste is removed from the site at the end of the cycle and spread on surrounding farmland. The site of this chicken installation is not on the proposed waste disposal route associated with Gibbett Moor Farm. It is considered by your officers that due to the small scale of the enterprise, it is unlikely to cause any cumulative impacts in relation to Gibbett Moor Farm.

Considering the above information, the recommendations set out within the implications report remain unchanged.

HIGHWAY AUTHORITY 18TH APRIL 2016 (By email)

I have spoken to colleagues in the north area and can confirm that we would not look at the cumulative impact of the chicken farms on the area. It was also felt that to do so would necessitate that all applications would need to be considered for the cumulative impacts in the area not just Chicken farms but other development too both commercial and residential. This would be a significant undertaking and possibly unreasonable Therefore my comments below stand.

HIGHWAY AUTHORITY 11TH APRIL 2016 (By email)

The only ones I am aware of personally are Gibbets moor, Menchine, Tollgate and Edgeworthy. (albeit it is not on the map) I do not know about Beech Farm and Hollyfield, perhaps you can let me know the history. The question with this one is how long has it been in operation as to whether it was part and parcel of the transport assessment considerations of Menchine etc. Tollgate is a redesign and a lesser number of units than consented and will not impact, Menchine will be serviced from the B3137, as will Edgeworthy. The other farms will need to be looked into as to whether or not they are connected to Menchine or the other AD plants, if they are not then the routes to their end user may be different and more over being separate applicants may not be reasonable for other developments to consider. For an example Little Rackenford, Higher Thorne Farm may use the link to A361 and not impact Nomansland, Horseford, and Stourton Barton and Stourton Lodge would be likely to use the B3137. The latter two would impact on Nomansland along the B3137 but not the wider network in the Templeton /Nomansland area. In which case the only consideration would be the cumulative impact of amenity on the B3137 and given the small number of movement chicken farms generate over the roads, general traffic generations may not be severe or significant. My initial thoughts are that from a highway movements perspective they would not be considered as cumulative, and unlikely to be a capacity issue and only amenity would be considered.

HIGHWAY AUTHORITY (NORTH DEVON AND EXMOOR NATIONAL PARK) 12TH APRIL 2016 (by email)

I recollect dealing with Higher Thorne, Rackenford (57838) and the subsequent discharge of conditions application (59081) which included a constriction management plan. It probably comes as no surprise to say I found the proposals acceptable as there is considered to be minimal traffic movements, contrary to local objector's views. Both applications were approved by the Local Planning Authority and are on north Devon's website.

Most of these applications I have dealt with in the past appear to be quite consistent with their operations and resultant vehicle movements which show no adverse movement and what we would typically expect for an agricultural type industrial process.

HIGHWAY AUTHORITY (TORRIDGE AND NORTH DEVON) 11TH APRIL 2016 (by email)

I've not dealt with any of these 4, but others closer to South Molton have very few traffic movements as you know – a few staff vehicles a day and large vehicles every few months. In general we deal with these using standing advice because they are so low generators and impact is no more that the agricultural use that the land would have if part of a farm.

## 153 **REVIEW OF PLANNING COMMITTEE PROCEDURES**

The Committee had before it a report \* of the Head of Planning and Regeneration requesting that Members review Planning Committee Procedures in light of issues that have arisen and following visits to other Local Planning Authorities undertaken in 2012/13.

The Chairman introduced the report, reminding Members that it has been instigated at the request of Members of the Planning Committee in 2013.

Cllr Mrs J Roach raised some matters that had come to her attention when she was Chair of the Scrutiny Committee. She informed the Committee that issues regarding planning and enforcement had been raised at Scrutiny over a period of time but had not been looked at individually as the Committee had been informed that the review being undertaken would encompass these areas. The report subsequently took a long time and would now appear to have addressed most issues that were reported. However following consultation, which involved town and parish councils, other issues were raised that had not been addressed. She also considered that Ward Members on Planning Committee had an advantage in being able to vote on applications in their ward. Single Member wards were disadvantaged when extra meetings were called as they could not always be available to attend. Councillor Roach suggested that Special Meetings were held on the morning of a scheduled meeting to avoid this problem. She also raised the matter of the lack of dimensions on plans, stating that it was not easy to see from plans the dimensions of what was being put forward. She raised the matter of validity of information given to support business plans, referring to a previous application where she had not believed the business plan to be accurate. At committee, photographs were used to support applications which were not available on line and therefore the public did not get to see them.

The Head of Planning and Regeneration responded that there had been a wide range of issues raised but the scope of the report was set by the Planning Committee. She said that pertinent issues had been raised by Cllr Roach but that those concerns fell outside of the remit of this report.

The Chairman thanked Cllr Mrs Roach for her comments.

The Head of Planning and Regeneration outlined the contents of the report, reminding Members that the review of the operational procedures in connection with Planning Committee was requested by Members of that Committee. Members of Committee had defined the scope of that review. A report was considered at the meeting of 19th June 2013. A review was undertaken by a member working group in 2012/13 in conjunction with an officer. This included visits to a range of other councils to compare and contrast planning committee procedures with the aim of identifying best practice. The report identified a series of issues for consideration within the review of Planning Committee procedures. These were endorsed by Planning Committee:

- Information publicising committee procedures.
- Layout of venue.
- Participants.
- Agenda format and order.
- Report format and contents.
- Officer presentations – content, visuals, format and length.
- Speaking – order, number, time.
- Voting.
- Site visit arrangements.

Planning Committee subsequently also asked that 'implications' reports written when Members indicated that they are minded to determine an application differently from the officer recommendation were also included in the scope of this report on procedures.

On 19th June 2013 Planning Committee resolved that a public consultation exercise be undertaken and that a further report incorporating the results of the consultation be brought before the Committee for consideration. A public consultation exercise took place over a five week period between 17th September and 22nd October 2013. In addition to Parish and Town Councils, Elected Members and agents on the Agent's Forum contact list were written to and given the opportunity to participate. Members of the public were also asked for their views.

Consultation responses were received from the following:

- 14 Parish and Town Councils
- 2 Agents
- 3 Members of the public (2 of which were from then current or previous Parish Councillors)
- 1 District Councillor
- Members of MDDC Scrutiny Committee

There were few responses from agents or the public.

The Officer added that with regard to recommendation 4 the Planning Advisory Service previously had offered a Peer Review service, but a check would be needed to see if this was still available if Members wished to go ahead with this. She further explained that the ordering of list items on the agenda was determined by the computer system that added items in application number order. She acknowledged that agendas were often long and that additional meetings could be added to deal with this but that a balance was required. She explained that targets were in place which meant items needed to go on agendas to meet specified time scales. Options to reduce the length of meetings could include reviewing the length of officer presentations and the length of speaking allowed. She also outlined the challenges faced by officers when putting together implications reports, in that officers had a duty to give professional advice as to whether the reasons for refusal could be upheld at appeal but did not wish to undermine the Committee or the case at appeal.

Discussion took place regarding:

There was no opportunity at Planning Committee to raise any other business;

The need to produce a clear guide to planning system in order that the public could be made aware of procedures and areas that were not material planning considerations

The ordering of speakers and whether or not Members should be able to question supporters and objectors;

It was **AGREED** that the applicant should speak after the objector in order that they could correct any information given.

It was **AGREED** that Ward Members be limited to 5 minutes each.

It was **AGREED** that the Committee could ask questions of the applicant and objectors through the Chair, following their 3 minutes;

The Head of Communities and Governance informed the Committee that an additional Solicitor was being appointed and would be available to attend meetings should the need arise;

Speaking to implications reports and the fact that objectors and supporters had already had opportunity to speak at previous meetings;

It was **AGREED** to maintain the current procedure that public speaking not take place with regard to implication reports;

Site visits and the difficulties in maintaining procedures;

It was **AGREED** that clear written procedures should be in place for site visits;

It was **AGREED** that implication reports were required when Members had gone against officer recommendation for approval but were not necessary when Members had gone against officer recommendation for refusal as conditions were normally delegated to the Head of Planning and Regeneration;

Annual Review of Decisions – The Constitution stated that Members should take part in an annual review of decisions when they would be taken around the district to review application decision making, in order to review the quality of planning in the District. However few Members had been available to attend two years ago and last year there had been no review. Cllr D J Knowles suggested that he could visit sites and video record the development for the Committee to review. It was **AGREED** that a trial be undertaken;

It was **RESOLVED** that Members **NOTE** the consultation responses and recommendations of the Working Group.

(Proposed by the Chairman)

It was **RECOMMENDED** to the Standards Committee that:

- i) That a clear guide to Planning Committee procedures be produced to inform the public and other participants together with a parallel guide on the planning system to address any misinformation and misconceptions.
- ii) That Legal advice for the Council as decision maker was available to assist Planning Committee with legal input as required on a case by case basis and a legal officer be 'on call' to assist in person during the meetings if requested.
- iii) That who speaks, when, the number of speakers, length of speaking and order remain as existing, with the exception of the limitation of Ward Members to 5 minutes each and alteration to the order of speaking so that the supporter speaks after the objector;

- v) That the questioning of speakers for reasons of clarification be allowed through the Chairman and apply to the applicant and objector only;
- vi) That clear written procedures be put in place regarding voting, that the item description, address and proposition be announced, Members clearly indicate their vote, that the vote was counted out loud and the outcome of the vote be announced.
- vii) That full committee and Planning Working Group site visits continue as existing, but that clearer written procedures for both be put in place.
- viii) That the protocol for making decisions that are not in accordance with officer recommendation be amended to apply to situations only when Members wish to refuse permission against officer advice.
- ix) That a video review of planning decisions be trialled and that an annual review of planning decisions be undertaken via Planning Committee site visit and that the Constitution be amended to remove reference to referral of the findings of the review to Scrutiny Committee.

(Proposed by the Chairman)

It was further **RESOLVED**:

3. That it be recommended to Standards Committee that the Local Government Association's 'Probity in Planning for Councillors and Officers' 2013 be adopted as best practice.

(Proposed by the Chairman)

4. That final recommendations 2, 4, 5, 7 and 8 relating to venue layout, attendance and advice, agenda format and order, report format and contents and officer presentations be agreed.

4a That final recommendation 6 be amended to read that Planning Case Officer names be included in officer reports (enforcement reports to be excluded) and that where multiple consultation responses are available the most recent and non-superseded are reported.

5. That subject to this service continuing to be offered, the Planning Advisory Service be requested to work with the Council in undertaking a peer review of Planning Committee and a further report be presented to Planning Committee following the receipt of recommendations from the Peer Review. The report to approve an action plan incorporating Planning Committee procedure issues.

(Proposed by the Chairman)

Cllr Mrs J Roach had asked that other issues that had not been considered be incorporated into the report. Discussion took place regarding this.

It was **RESOLVED** that no further detail was required at this stage.

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

Note: - \* Report previously circulated and attached to Minutes.

(The meeting ended at 5.15 pm)

**CHAIRMAN**

# Agenda Item 7

## PLANNING COMMITTEE AGENDA – 11<sup>th</sup> May 2016

### Enforcement List

<u>Item No.</u>	Description
1.	ENF/15/00112/UNLD – Building frontage incorporating charity shop allowed to deteriorate causing adverse effect on the visual amenity of the area. The Society For The Protection and Re-Homing of Animals, 24 Gold Street, Tiverton, Devon

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**Enforcement List Item 1**  
Committee Date: 11<sup>th</sup> May 2016

**Case No.** ENF/15/00112/UNLD

**Grid Ref:** 295670 112583

**Address:**

The Society For The Protection and Re-Homing of Animals, 24 Gold Street, Tiverton, Devon

**Alleged Breach:**

Building frontage incorporating charity shop allowed to deteriorate causing adverse effect on the visual amenity of the area.

**Recommendations:**

That the Legal Services Manager be authorised to take any appropriate legal action, including the service of a notice or notices seeking the improvement of the appearance of the property frontage. In addition, in the event of the failure to comply with any notice served, to authorise prosecution, direct action and/or authority to seek a court injunction.

**Site Description:**

The Society for the Protection and Re-Homing of Animals, 24 Gold Street, Tiverton, Devon. A two-storey terraced property with charity shop occupying the ground floor and flat above. Property is situated in a conservation area.

**Site Plan:**



**Site History:**

86/01669/FULL	Change of use from offices to ground floor shop with flat above	PERMIT
91/00558/FULL	Alterations to shop front	PERMIT
79/00550/FULL	Erection of new flat roof in connection with linking W H Ayre Ltd, 22 Gold Street and former Wakefields premises, 26 Gold Street	PERMIT
09/00384/DET	Licence	REC

**Development Plan Policies:**

National Planning Policy Framework

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

COR2 - Local Distinctiveness

COR6 - Town Centres

COR13 - Tiverton

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

DM2 - High Quality Design

DM16 - Town Centre Development

DM18 - Fronts of Shops and Business Premises

**Reasons/Material Considerations:**

Members will recall passing a resolution authorising the issue of a Section 215 Notice at the January 2016 meeting. The only reason this report is back before members is that the Legal Team discovered that, although the map is annotated showing number 24 within the polygon as originally shown at Committee, the property affected is in fact a very small area immediately adjacent to that and is now shown in this report with the correct polygon. This report is therefore presented to confirm the resolution to take formal action based on the recent information identifying the location of the property in question on the plan. Without this, there is a risk of challenge over the incorrect identification of the property location. A new resolution is sought.

24 Gold Street is situated mid-way down the road on the north side of the street. The property frontage is predominantly white render which, over time, has deteriorated in appearance. The windows and fascia have also deteriorated in condition and appearance. There is vegetation growing out of cracks in the render in places.

The owner has been approached on previous occasions to improve the exterior appearance of the property. The owner has been made aware that the property is within a conservation area and has also been made aware that funding may be available through regeneration projects should he wish to apply. The owner has expressed an interest in such schemes during meetings on site with your Officers. However, to date there has been no application for a grant or any funding monies and no improvements to the property have been undertaken.

It is now your Officers opinion that a section 215 notice be served, requiring the property to be tidied up.

**Human Rights and Equality Issues:**

Any enforcement action could be said to impact upon the land/property owner/occupier's human rights under Article 8 and Article 1 of the First Protocol of the Human Rights Act 1988.

In this case your Officers have considered the situation and do not believe there to be any human rights issues but simply a building in need of redecoration and/or possible renovation. Therefore the Local Planning Authority believes it is pursuing a legitimate aim in seeking compliance with the provisions of the Town And Country Planning Act 1990 (as amended) so as to prevent the demonstrable harm of the interests of acknowledged importance and to protect the environment.

**Options for action or remedy:**

The list of options available is as follows:

**Take no action:**

This would not be the appropriate course of action. There is no justification for the property frontage to remain in such a condition and to impair the visual amenity of the area. To allow the current situation to persist is contrary to current planning policy.

**Issue a Section 215 Notice seeking works to improve the condition and the appearance of the property frontage -**

This is considered by your Officers to be the appropriate course of action.

**Reasons for Decision:**

The property has fallen into a state of disrepair and the flat has been unoccupied for such time as it is reasonable to assume that the owner has no interest in carrying out any work to improve it. The amenity of the area is adversely affected and works are required to improve the appearance of the property.

**Steps Required:**

All the below works are required to be carried out on the front elevation of the building only.

1. Clear all vegetation growth from the front of the property and treat with systemic weed killer.
2. Hack off any perished, unkeyed and cracked render. Replace render so removed using suitable materials to match the existing render mix and finish.
3. Prior to repainting, clean and prepare all render, removing in the process any flaking paint, so as to ensure all external render is in an appropriate condition for repainting.
4. Prior to repainting, clean and prepare all external timbers including windows and frames, removing in the process any flaking paint and replacing any rotten or perished timbers with replacement woodwork which is an accurate replica of the original design in terms of pattern, detail and profile, so as to ensure all external timbers are in an appropriate condition for repainting.
5. On completion of steps (2) and (3) above, repaint in white all render with a minimum of two coats of exterior paint.
6. On completion of step (4) above, repaint all external timbers in white with primer, undercoat and gloss.
7. Repair or replace all rain water goods such as guttering and downpipes, ensuring that the repaired or replaced guttering and downpipes efficiently disposes of surface water.
8. Make good existing panels to the shop front and replace any missing panels ensuring all repairs and replacements are in materials to match the existing panels.
9. Prior to repainting, clean and prepare all shop front panels, removing in the process any flaking paint, so as to ensure all panels are in an appropriate condition for repainting.
10. On completion of steps (8) and (9) above, repaint in white all panels with a minimum of two coats of exterior paint.

**Period for Compliance:**

Three months from the date the Notice takes effect.

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## PLANNING COMMITTEE AGENDA - 11th May 2016

### Applications of a non-delegated nature

- | <u>Item No.</u> | Description   |
|-----------------|---|
| 1.              | 16/00108/OUT - Outline for the erection of dwelling at Land at NGR 304865 115568, Corner of Brimstone Lane, Westleigh.<br><b>RECOMMENDATION</b><br>Refuse permission.   |
| 2.              | 16/00332/FULL - Formation of parking area and landscape planting bund at Land and Buildings at NGR 305188 112386 (Hitchcocks Business Park), Uffculme, Devon.<br><b>RECOMMENDATION</b><br>Grant permission subject to conditions.                                     |
| 3.              | 16/00392/FULL - Change of use of former day centre to single residential dwelling at Old Bartows, Bartows Causeway, Tiverton.<br><b>RECOMMENDATION</b><br>Subject to the provision of a Section 106 Agreement/Unilateral Undertaking and conditions grant permission. |
| 4.              | 16/00499/HOUSE - Erection of a two storey side extension and single storey extension to the front at 23 Brewin Road, Tiverton, Devon.<br><b>RECOMMENDATION</b><br>Grant permission subject to conditions.   |

**Application No. 16/00108/OUT**

**Plans List No. 1**

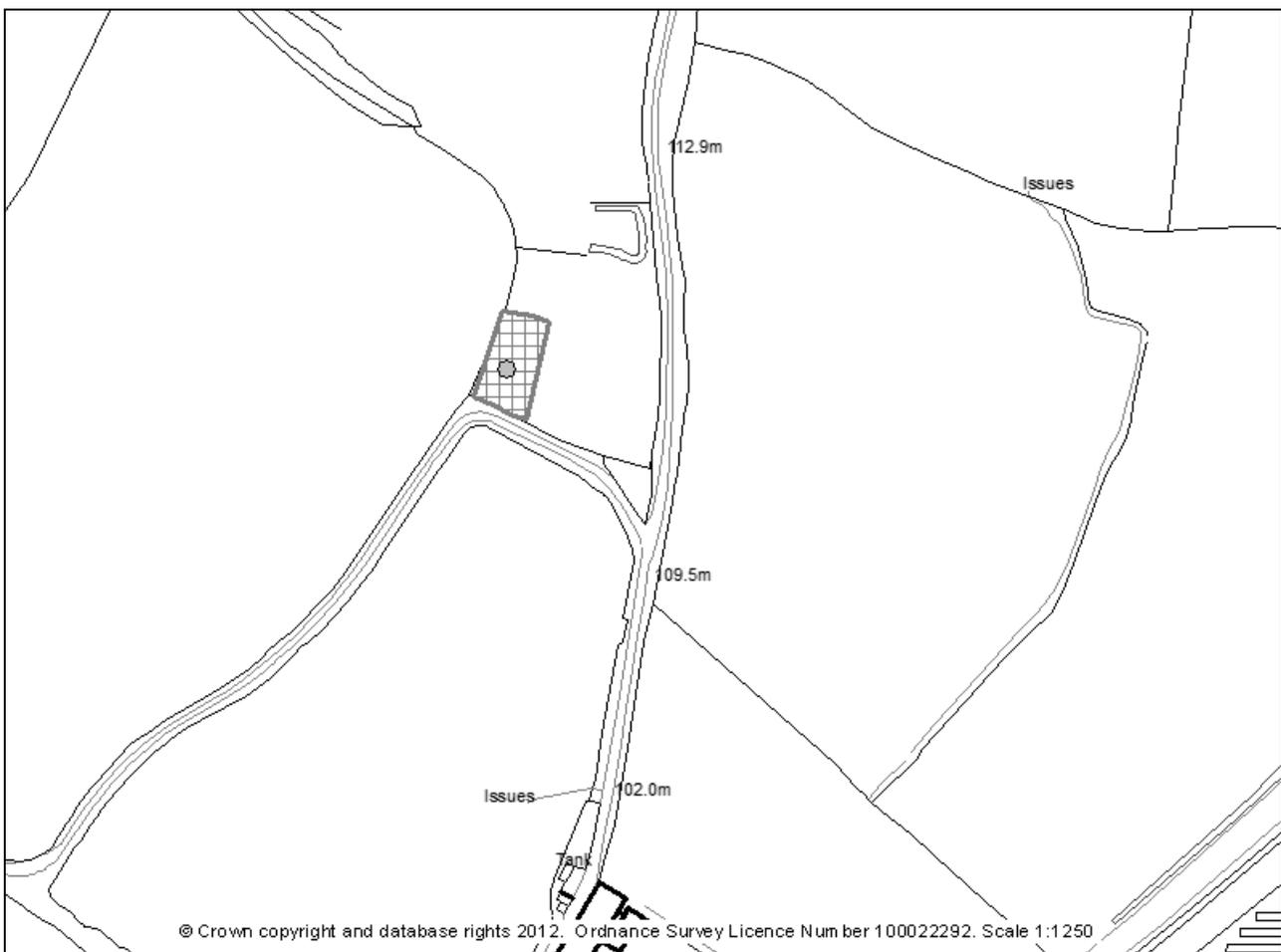
**Grid Ref:** 304856 : 115771

**Applicant:** Mr S Caudwell

**Location:** Land at NGR 304865  
115568 Corner of  
Brimstone Lane  
Westleigh Devon

**Proposal:** Outline for the erection  
of dwelling

**Date Valid:** 15th January 2016



**Application No. 16/00108/OUT**

**RECOMMENDATION**

Refuse permission.

**CLLR CHRISTINE COLLIS HAS REQUESTED THAT THIS APPLICATION BE DETERMINED BY THE PLANNING COMMITTEE FOR THE FOLLOWING REASON:**

**TO CONSIDER WHETHER THE APPLICANT NEEDS TO LIVE ON SITE TO FARM THE 140 ACRES AND BE ON HAND FOR ANIMAL WELFARE**

**PROPOSED DEVELOPMENT**

The proposal is an outline application for a rural worker's dwelling on land approximately 200 metres north of Ayshford Court. The application is for outline permission and seeks to establish the principle of the development only with all matters reserved. There are therefore no details of the dwelling itself, the access, the layout of the site or landscaping.

The agricultural holding extends to approximately 64 hectares and is being farmed as approximately half arable and half pasture. There is a grain store on land to the south of the site, on the opposite side of the lane, which was erected in August 2015 following prior approval being granted.

The site for the proposed dwelling was being cropped at the time of the officer's site visit and there were a few pheasant pens on the site. The site is adjacent to Brimstone Lane and is reasonably well screened from the road. The site lies approximately 2.3 km by road to the north east of Sampford Peverell.

The land was purchased at the end of 2012, with the year to mark 2014 being the first full year of trading for the farm.

**APPLICANT'S SUPPORTING INFORMATION**

Planning and design statement.

**PLANNING HISTORY**

14/00290/FULL Re-instatement of dwelling; including erection of extension and the re-use of existing structures as ancillary accommodation - REFUSE - 30.05.14

The application was to rebuild a derelict cottage which was refused as the building was not of permanent and substantial construction and the applicant had not demonstrated the essential need for a rural worker. The application did not meet policies COR18, DM10 or DM11

15/00475/PNAG Prior notification for the erection of a grain store - APPROVAL OF PRIOR APPROVAL - 03.06.15

**DEVELOPMENT PLAN POLICIES**

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

COR18 - Countryside

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

DM2 - High quality design  
DM8 - Parking  
DM10 - Rural workers dwellings

### **CONSULTATIONS**

HIGHWAY AUTHORITY - 20th January 2016 - Standing advice applies please see Devon County Council document <http://www.devon.gov.uk/highways-standingadvice.pdf>

ENVIRONMENTAL HEALTH - 21st January 2016 - Contaminated Land - No objections

Air Quality - No objections

Drainage - No objections

Noise & other nuisances - No objections

Housing Standards - No objections

Licensing - No comments

Private Water Supplies - INFORMATIVE NOTE:

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

Health and Safety - No objections

BURLESCOMBE PARISH COUNCIL - 2nd February 2016  
Support.

### **REPRESENTATIONS**

2 letters of support summarised as follows:

- The applicant has invested time and money into improving the holding
- The applicant needs to live on site for the welfare of the livestock enterprise they intend to develop
- It is often necessary to work late and unsociable hours to run an effective business and ensure animal welfare
- A dwelling will have benefits for the farming business and help sustain rural jobs
- The NPPF states that new isolated homes should be avoided unless there are special circumstances such as the essential need for a rural worker

### **MATERIAL CONSIDERATIONS AND OBSERVATIONS**

The key issues in determination of this application are:

1. Whether there is an essential need for a rural worker to live on the holding in order to meet the needs of the holding
2. Access and parking
3. Siting
4. Section 106 etc

**1. Whether there is an essential need for a rural worker to live on the holding in order to meet the needs of the holding**

The site is in an isolated rural location where national and local planning policies restrict the provision of new residential dwellings unless there are special circumstances such as an essential need for an agricultural (or other rural) worker to be present on site at most times to meet the needs of the holding.

The National Planning Policy Framework states that isolated new homes in the countryside should be avoided except in special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside.

Policy DM10 of the Local Plan 3 Development Management Policies sets criteria for the consideration of applications for rural workers dwellings. DM10 states that applications for rural workers dwellings will be permitted where:

- a) It can be demonstrated that the nature and demands of an existing rural business are such that a full time worker has an essential need to be permanently resident at or near their place of work so they are available most times.
- b) The need cannot be met within a nearby settlement, or by existing housing at or near the site or through the conversion of a suitable redundant or disused rural building at the site.
- c) The size and scale of rural workers dwellings will be commensurate with the scale of the operation and designed to reflect the location and setting of the proposed site.
- d) The rural enterprise has been established for at least three years, is currently financially sound, and has a clear prospect of remaining so.

Policy DM10 goes on to state that where a rural business is not yet established a mobile home may be permitted for a temporary period, on the basis of criteria b) and c) above, and evidence of:

- (i) an essential need for one or more workers to be readily available at most times
- (ii) a firm intention and ability to develop the enterprise
- (iii) sound financial planning.

Permissions for rural workers dwellings will be subject to an occupancy condition.

**a) Essential need for a full time worker to live permanently at or near their place of work**

The applicant farms approximately 64 hectares of agricultural land in the immediate vicinity of the site, divided approximately half as arable land and half as pasture land.

The applicant states that sheep and cattle (beef cattle, store lambs and breeding ewes) are grazed on the farm and this requires constant monitoring: checking livestock and general farm maintenance such as checking water supplies, fencing, moving livestock and farm administration. The applicant states that a presence is required on site throughout the year, especially at lambing time and during calving.

During the officer's site visit, no animals were visible on the land, (although it is acknowledged they might have been out of sight on fields not visible from public vantage points). The applicant has stated that there have been 70 sheep on the land for the past two months. None of the animals are housed as they had been out-wintered. The applicant states that in the coming year a group of 33 store beef cattle will be brought onto the land, as well as dairy young stock (assumed for beef), although numbers and age were not identified. The applicant states that there are stock buildings located on the lane into the farm which will be utilised in the future for expanding operations but these do not currently appear to be used for livestock, but used for storing machinery. These buildings would not be within direct sight of the proposed dwelling.

The applicant also produces grain (wheat and barley) which is stored in the grain store before selling. Last year the applicant harvested around 90 tons of wheat and 110 tons of barley. The applicant states that a presence is required throughout the year to oversee the day to day management of the crops, harvest and machinery.

The applicant also states that young pheasant poults are raised for a local shoot with 100 at any one time. These are currently looked after by a neighbour. In undertaking their site visit, the case officer happened to meet the neighbour on site who stated that the birds were his and he had use of the land for the following 18 months.

A standard man day calculation was requested but not received. Instead a list of activities with approximate weekly timings supplied. From this list, it would appear that there was a need to check stock once a day. The remainder of the time is taken with ploughing, cultivating, harvesting, monitoring the grain store and keeping records during the summer months and fencing, hedging, ditching and maintenance to buildings and machinery during the winter months.

The animals are out in the fields and are not baby calves that require constant attention. Over recent months, there has only been sheep on the land. A caravan can be provided on site on a temporary basis to monitor the sheep during the lambing period under permitted development rights.

The applicant also states that a presence on site is needed to ensure the security of the grain store and machinery. Chemicals and fertiliser are not permitted to be stored on unsecure premises due to terrorism risks. Security systems are available to make premises secure and security alone does not provide sufficient justification for the erection of a new isolated dwelling in the countryside.

In the opinion of your officers, the activities on the farm could be undertaken during the normal working day and security systems provided to ensure the grain, machinery and fertilizers are kept secure. There is no need demonstrated for the applicant to be on hand at all times of the day and night to meet the needs of the holding. Paperwork can be done from any location. The applicant cites long travel times from his home in Butterleigh approx 10 miles away. Sampford Peverell is much closer and relocating there would reduce travel times considerably and make running the holding more efficient.

From the information provided, your officers do not consider that the applicant has demonstrated that there is an essential need for an agricultural worker to live permanently at or near their place of work.

**b) The need cannot be met within a nearby settlement, or by existing housing at or near the site or through the conversion of a suitable redundant or disused rural building at the site**

In the absence of a need to be on the site at most times of the day and night to meet the needs of the holding, your officers consider that the need to manage the holding can be met within Sampford Peverell, which is approximately 2.3 km by road.

The applicant previously applied for planning permission to rebuild a dilapidated cottage on the holding. However, the application was refused as the building was not of permanent and substantial construction suitable to be converted under policy DM11, nor had the applicant had not demonstrated the essential need for a rural worker required by policy DM10. The application was therefore contrary to the NPPF which restricts isolated development in the countryside, except where there are special circumstances.

Your officers have been informed that when the land was sold, the farmhouse was retained and was not available for purchase at the same time. A number of residential barn conversions have taken place but these do not appear to be available to the applicant.

There is a relatively modern farm building on the holding, however, the building is within a conservation area and therefore does not have the benefit of permitted development rights to convert it to a dwelling under Class Q of the General (Permitted Development) (England) Order 2015.

**c) The size and scale of rural workers dwellings will be commensurate with the scale of the operation and designed to reflect the location and setting of the proposed site**

The application is outline only so there are no details at this stage. These matters would be dealt with under a reserved matters application at a later date should the outline application be approved.

**d) The rural enterprise has been established for at least three years, is currently financially sound, and has a clear prospect of remaining so**

The applicant has submitted very basic summarised trading position figures over the 3 years to March 2015 which shows a small profit each year. This does not seem to include any figures for purchase or upkeep of machinery, buildings, etc.

Very basic projected figures are also included for the 4 years to March 2019. These figures include livestock from 2017 onwards. Again, there is no mention of purchase or upkeep of machinery, buildings, etc. These items were included in the original income and expenditure accounts submitted which showed a loss for 2014 and 2015 and a modest profit in 2016. There is therefore some doubt as to the profitability of the enterprise to date.

In addition, the case for the agricultural workers dwelling has been made on the basis of a need to look after livestock on the holding (although the list of activities on the site only refers to "checking livestock" once a day). However, the profitability of the enterprise shown in the application needs to reflect the same business as that on which an essential need is based. To date there have been no livestock on the site that have contributed to the profitability of the business and therefore the business going forward would be different from that which has taken place in the past years.

Where a new business is being established, it is usual for permission to be given for a mobile home for a temporary period of 3 years during which the applicant has an opportunity to demonstrate that the business is viable.

Although the applicant has submitted financial projections showing a good level of profitability up to 2019, including an increase in livestock turnover, there is no corresponding projection relating to the numbers and types of animals to be raised over these years. The crop sales figures seem to have increased considerably from those that had been achieved in 2014 and 2015 with no explanation of how these increased sums will be achieved. The percentages of arable and pasture fields have remained similar over the past 4 years.

There is also a requirement to demonstrate a firm intention and ability to develop the enterprise. Although investment has been made in improving the land and in erecting a grain store, there appears to be little investment in the livestock element of the business, which is the element of the business most likely to require a presence on site at most times.

In summary, your officers do not consider that the applicant has demonstrated compliance with the requirements of policy DM10 or the NPPF and the policy tests in respect of a new dwelling have not been met. The arable business that has been shown in the past 3 years' summary accounts does not require an on-site presence. The livestock element of the business is proposed for the future, however, there are no projections in terms of an increase in the numbers and/or types of animals and how that business would be built up over the future years. From the information supplied, the animals would be grazing the pasture and would require only minimal care that could be achieved by checking the animals during the normal working day.

In the event that the applicant could demonstrate an essential need based on future projections of livestock, this need should be met by a temporary dwelling such as a mobile home in order for the applicant to demonstrate the sustainability of the new business. To date, the tests for a temporary dwelling have not been met either.

## **2. Access and parking**

The application is outline with all matters reserved. However, from the block plan provided it would appear that a safe access and adequate parking could be provided on site to accord with policies DM2 and DM8 of the Mid Devon Local Plan 3 (Development Management Policies).

### **3. Siting**

The information submitted in support of the application states that the site has been chosen as it is part of an irregularly shaped field that is less easy to use due to the size of modern agricultural machinery. The site is on a gentle gradient, sloping down slightly towards the south and mature vegetation (hedges) provide boundary screening from Brimstone Lane and the road to the south leading to Westleigh. In landscape and visual impact terms, there is no objection to the proposed siting of the dwelling.

The proposed dwelling is located approximately 200m north of the canal which is a Conservation Area. It is separated from the canal by two fields and a road. These fields are bounded by mature hedges and vegetation. It is therefore not considered that the site of the proposed dwelling will be prominent from the canal Conservation Area, nor will it impact upon its setting or significance as a heritage asset.

### **3. Section 106 etc**

The applicant has been asked to make a financial contribution of £1,205 towards public open space in the area and to sign a unilateral undertaking/Section 106 legal agreement. The payment has not been received and the undertaking not signed. Should Members be minded to approve the application, the applicant will need to enter into such agreement and make the relevant payment in accordance with policy AL/IN/3 of the Allocations and Infrastructure DPD.

In the event of outline permission being granted for a new dwelling on the holding, your officers consider that the dwelling should be tied to the holding by a Section 106 legal agreement to prevent the dwelling being sold off separately from the land. The dwelling would be located separately from the grain store - it would be on the opposite side of the lane. The dwelling would not form part of a farmyard complex that would only be likely to be occupied by an agricultural worker and the dwelling could very easily be separated from the rest of the land. The dwelling has been applied for on the basis that it is required to serve the holding but, in the opinion of your officers, no essential need has been demonstrated. The future business proposals include expanding the arable business into beef and sheep, however, any need to be on site to look after animals is projected only and would normally be served by way of a temporary dwelling whilst the business is established. For these reasons, should Members be minded to approve this application for a permanent dwelling, it is considered essential that the dwelling be tied to the holding.

Should the application be approved, an agricultural occupancy restriction would also need to be imposed, in accordance with policy DM10 of the Mid Devon Local Plan part 3 (Development Management Policies).

Consideration should be given to the New Homes Bonus that would be generated by this application. If New Homes Bonus is distributed across the Council Tax bands in the same way as last year, the award for each market house is estimated to be £1,028 per year, paid for a period of 6 years. The amount of New Homes Bonus that would be generated from the proposal over a period of 6 years is therefore estimated to be £6,168.

### **REASON FOR REFUSAL**

1. The National Planning Policy Framework states that local planning authorities should avoid isolated new homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside. In the opinion of the Local Planning Authority, the applicant has not demonstrated that such special circumstances exist to justify an isolated new home in the countryside. The proposal is considered to be contrary to paragraph 55 of the National Planning Policy Framework and policy DM10 of the Mid Devon Local Plan 3 Development Management Policies in respect of rural workers dwellings.

**Application No. 16/00332/FULL**

**Plans List No. 2**

**Grid Ref:** 305188 : 112386

**Applicant:** Mr R Persey

**Location:** Land and Buildings at  
NGR 305188 112386  
(Hitchcocks Business  
Park) Uffculme Devon

**Proposal:** Formation of parking  
area and landscape  
planting bund

**Date Valid:** 16th March 2016



## **Application No. 16/00332/FULL**

### **RECOMMENDATION**

Grant permission subject to conditions.

### **PROPOSED DEVELOPMENT**

Proposed is the formation of parking area and landscape planting bund at Hitchcocks Business Park, Uffculme to serve an existing B1/B2/B8 building. The building and associated land and car parking area is intended to be used as the new Mid Devon Recycling Centre.

It is proposed to provide an additional 60 car parking spaces on an area of approximately 1,300 square metres adjacent to the existing building, the car park to be surfaced with compacted stone. A landscaping bund approved under the planning permission for the development 14/01310/MFUL will need to be relocated approximately 20 metres further to the east.

A lease of the building has been agreed with Mid Devon District Council, for use as a reception centre and for the sorting of recyclable waste from household collections. Recyclable waste from kerbside collections will be brought to the building, where it will be sorted and bundled before being taken away for processing elsewhere. The use of the building is allowed under the existing planning permission. This application therefore relates only to additional parking required in connection with this use.

The additional car parking area is required to accommodate the private vehicles of employees at the premises, as there is insufficient space available within the previously approved yard.

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

Design and Access Statement  
Site location plan, various plans and elevation plans.

### **PLANNING HISTORY**

10/01689/MFUL Erection of building for manufacturing egg packaging materials and associated works (Revised scheme) - PERMIT - 06.01.11  
12/00690/FULL Change of use of agricultural building to B8 storage use with associated parking (APPEAL ALLOWED 22.03.13) - REFUSE - 18.09.12  
12/01630/FULL Change of use of agricultural building to B1 and B8 employment use, associated yard area and erection of a storage building - PERMIT - 07.05.13  
13/01113/FULL Variation of Condition 2 of planning permission 12/01630/FULL (substitution of new plans) - PERMIT - 27.09.13  
14/01310/MFUL Change of use of agricultural buildings for B1/B2/B8 commercial use, the demolition of agricultural buildings and the erection of replacement B1/B2/B8 commercial buildings, the use of The Forge and Unit 11 for B1/B2 and B8 commercial use, the provision of associated landscaping, yard areas and infrastructure - PERMIT - 12.05.15  
14/01464/FULL Variation of condition 13 to permit general B1/B2/B8 use and removal of condition 14 (demolition of building if use ceases) of planning permission 10/01689/MFUL - PERMIT - 24.10.14  
15/01142/FULL Erection of extension to existing commercial building (B1/B2/B8 use) - PERMIT - 04.09.15

### **DEVELOPMENT PLAN POLICIES**

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

COR18 - Countryside

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

DM2 - High quality design  
DM8 - Parking  
DM20 - Rural employment development

### **CONSULTATIONS**

HALBERTON PARISH COUNCIL - 13th April 2016  
No objections.

### **REPRESENTATIONS**

None.

### **MATERIAL CONSIDERATIONS AND OBSERVATIONS**

The main issues in the determination of this application are:

- 1. Principle of development**
- 2. Access**
- 3. Drainage**
- 4. Visual Impact**

#### **1. Principle of development**

Policy COR18 of the Mid Devon Core Strategy (Local Plan Part 1) seeks to control development outside defined settlement boundaries but permits appropriately scaled employment development.

Policy DM20 of the Mid Devon Local Plan Part 3 considers rural employment development, and states that in countryside locations, planning permission will be granted for new build employment development or expansion of existing businesses, provided that the development is of an appropriate use and scale for its location.

The proposed site is considered to be the most appropriate location for the proposed car parking use to serve the building and is to improve facilities to serve an existing employment building.

#### **2. Access**

The proposed development will be served by the existing main site access and internal road infrastructure, with an additional vehicular access from the existing internal road into the car park. The Highway Authority has no comments to make. The proposal will increase parking provision on the site and is considered to be in accordance with policies DM2 and DM8 of the Mid Devon Local Plan Part 3 in respect of access and parking provision.

#### **3. Drainage**

The car park will have a permeable unbound granular stone surface in order to promote infiltration and to replicate greenfield conditions. This is to ensure the rate and volume runoff is not increased as a result of the development. The proposed soakaway is in the form of a cut off trench to the south of the car park, and will mitigate any residual runoff.

The trench will be stone filled and will intercept exceedance flows and promote infiltration. The proposal is considered to be in accordance with policy DM2 of the Mid Devon Local Plan Part 3 in this respect.

#### **4. Visual Impact**

The proposed car parking area is set well within the existing industrial site, and therefore cannot be seen from public view points. The site is well screened from all public views from the B3181 and other locations by the adjoining mature hedgerows and trees and other existing buildings. The originally proposed landscape buffer conditioned and approved under in accordance with permission 14/01310/MFUL will be relocated to the east of the building, to accommodate the parking area between the building and the buffer. The development is considered to be in accordance with policy DM2 of the Mid Devon Local Plan Part 3 in respect of its visual impact.

The supporting information refers to modest external lighting being included and 3 lighting posts are shown on the plans. However, no details of the lighting have been included and it is recommended that this is conditioned 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.
3. The relocated landscaping bund indicated on the approved plans shall be provided within 9 months of the substantial completion of the development hereby approved, the specification of which shall be in accordance with the landscaping boundary detail by Greenslade Taylor Hunt dated 25th September 2014, approved under planning permission 14/1310/MFUL, but relocated to the position shown on approved drawing number 1871/046 Rev C submitted with this application. Once provided, the landscaping bund shall be retained and maintained in accordance with the approved details, and any trees or plants which, within a period of 5 years from substantial completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.
4. No lighting shall be installed within the application site unless details have been previously submitted to and approved in writing by the Local Planning Authority. Lighting shall be erected in accordance with the approved details.

#### **REASONS FOR CONDITIONS**

1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of proper planning.
3. To ensure the development makes a positive contribution to the visual amenities of the area in accordance with policy DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).
4. To protect the rural character of the area in accordance with policy COR18 of the Mid Devon Local Plan part 3 (Development Management Policies).

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

The proposal is considered to be acceptable in that it would provide additional car parking associated with an existing building to be used as a centre for sorting of recyclable waste. The development is appropriate in scale and character with the existing building and can be achieved without causing material harm to the visual character of the countryside, the safety of the highway network, the amenity of local residents, the environment, or other interests of acknowledged importance to planning. The proposal is considered to accord with relevant policies: COR18 of the Mid Devon Core Strategy (Local Plan Part 1) and DM2, DM8 and DM20 of the Mid Devon Local Plan Part 3 (Development Management Policies).

Application No. 16/00392/FULL

Plans List No. 3

Grid Ref: 295613 : 113044

Applicant: Mr S Flaws

Location: Old Bartows Bartows  
Causeway Tiverton  
Devon

Proposal: Change of use of  
former day centre to  
single residential  
dwelling

Date Valid: 17th March 2016



## **Application No. 16/00392/FULL**

### **RECOMMENDATION**

Subject to the provision of a Section 106 Agreement/Unilateral Undertaking and conditions grant permission.

### **PROPOSED DEVELOPMENT**

This application seeks planning permission for the change of use of a former Devon County Council social day care centre to a single residential dwelling. This application does not propose any change to the external appearance of the building. The proposed floor plans indicate the new dwelling will have 4 bedrooms, a lounge, shower room, kitchen, utility, study, cloakroom and separate toilet facilities.

The existing building is within the Tiverton Conservation Area and is Grade II Listed. The applicant is aware that listed building consent is required for internal alterations to the building, however, at the time of writing this report Local Planning Authority have not received a listed building consent application. The plans provided with this application do not indicate any physical alterations to the building.

Members should be aware that although Old Bartows is a grade II listed building, it appears that the listing description does not reflect the building as present. Following investigation by Mid Devon District Council's conservation officer, it is likely that Old Bartows was listed in 2000, sometime after the initial survey of the building was carried out by Historic England. At some point between the buildings survey and the formal listing, it appears Devon County Council carried out extensive works to the building, including the near entire stripping out of the interior and its historic features. The historic features included fire places, joinery, two staircases, timber sash windows and other fabric. There is a clearly a significant anomaly between the list description and what exists on site. It is likely that the internal works to the building were carried out in the time between Historic England survey and listing the building and that no breach of planning control has been committed in this case. The applicant is aware of the listing and its inaccuracies.

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

Listing description  
Site Location Plan  
Elevations

### **PLANNING HISTORY**

93/01849/FULL Change of use from dwelling to day centre for people with learning difficulties and provision of on-site parking - NOBJ - 05.01.94  
95/00130/CAC Conservation Area Consent for the demolition of defective cob & timber frames external walls and their reinstatement with blockwork cavity walls and render (County Matter) - PERMIT - 16.03.95  
95/01228/FULL Provision of new window in rear (west) elevation at first floor level - PERMIT -05.10.95  
95/01308/CAC Conservation Area Consent for the formation of a new window opening in the rear (west) elevation, at first floor level. - PERMIT - 11.10.95  
12/01171/CAT Notification of intention to fell 1 Pittosporum tree within the Conservation Area - NOBJ - 13.09.12  
12/01351/CAT Notification of intention to fell and carry out works to various trees within a Conservation Area - NOBJ - 05.10.12

### **DEVELOPMENT PLAN POLICIES**

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

COR1 - Sustainable Communities  
COR3 - Meeting Housing Needs  
COR9 - Access  
COR13 - Tiverton

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

DM2 - High quality design  
DM8 - Parking  
DM14 - Design of housing  
DM15 - Dwelling sizes  
DM27 - Development affecting heritage assets

### CONSULTATIONS

HIGHWAY AUTHORITY - 22nd March 2016  
standing advice applies  
<http://www.devon.gov.uk/highways-standingadvice.pdf>

TIVERTON TOWN COUNCIL - 14th April 2016 - Support

ENVIRONMENTAL HEALTH - 30th March 2016  
Contaminated Land - no objection to this proposal  
Air Quality - no objection to this proposal  
Environmental Permitting - N/A  
Drainage - no objection to this proposal  
Noise & other nuisances - no objection to this proposal  
Housing Standards - no objection to this proposal  
Licensing - No Comments  
Food Hygiene - N/A  
Private Water Supplies - Not applicable  
Health and Safety I have no objections to this proposal.  
Informative: There is a lack of information e.g. structural survey. There is a foreseeable risk of asbestos being present in these types of structure. A Refurbishment and Demolition Survey following HSG264 available at <http://www.hse.gov.uk/pUbns/priced/hsg264.pdf> should be carried out before work commences to identify precautions and legal requirements enforced by Health and Safety Executive.

### REPRESENTATIONS

No letters of objection have been received.

### 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) Heritage impacts
- 6) Other

#### 1. The principle for development

This development is situated within Tiverton. COR13 of the Mid Devon Core Strategy (Local Plan Part 1) supports the principle for new residential within Tiverton, provided it is well connected to the town centre and public transport system, has walking and cycling opportunities, does not impact on flood risk, and protects the surrounding green setting provided by the surrounding hillsides and Tidcombe Fen.

This proposal is within flood zone one and utilises an existing disused building. The site has good links to the Town Centre and public transport, and will not impact on Tiverton's wider setting.

It is considered by the Local Planning Authority that this proposal has 'in principle' policy support. It is isolated in a residential area.

## **2. Design and impact on the character and appearance of the area**

The proposal is for the re-use of an existing building to create a 4 bedroom detached house. As the proposal will not impact on the external appearance of the building, it is not considered to result in any adverse impacts to the character and appearance of the surrounding area, furthermore, the use of the existing disused building is likely to result in improved maintenance and upkeep of the building and garden, and it is considered by the Local Planning Authority the change of use may have a positive impact on the character and appearance of the area.

The existing building has a long and narrow footprint, and the internal layout of the building reflects this. As previously noted, the internal layout of the proposed dwelling includes 4 bedrooms, a lounge, shower room, kitchen, utility, study, cloakroom and separate toilet facilities. Policy DM15 of the Local Plan Part 3 (Development Management Policies) detailed minimum size requirements for new dwellings, however, this has recently been superseded by the DCLG, Technical housing standards - nationally described space standard. This proposal significantly exceeds the minimum gross internal floor space and storage area required by the national space standard, and is therefore in accordance with local and national policy.

The site benefits from a large garden area and tarmacked driveway to the front of the building. The garden area benefits from hedgerow and wall screening, and although the garden is situated to the front of the property it is set back from the highway and reasonably private. An adequate level of parking and private amenity space is considered to be provided and the garden provides a reasonable level of space (including an outbuilding), to accommodate bike and bin storage.

The existing window arrangement within the building is considered to provide adequate levels of sunlight and privacy to the internal building and the retention of a lift shows the dwelling to be adaptable to the changing need of occupiers.

Considering the above points, the Local Planning Authority consider the design and appearance of the proposal, including its impact on the character and appearance of the surrounding area, is 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 impact on the privacy or amenity of the neighbouring properties and uses.

No objections have been received from the neighbouring dwellings. Upon the officer site visit it was noted that the proposal would not have any significantly adverse impacts on the neighbouring dwellings, this is due to the siting and orientation of the existing property and its windows, in relation to the neighbours. 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.

As this proposal is for the re-use of an existing building, it is unlikely to create any additional impacts to the neighbouring dwellings in terms of overbearing impacts or a loss of light.

Taking into account the above points, the Local Planning Authority consider that the proposal is unlikely to result in any significant impacts to surrounding residential amenity in accordance with policy DM2 and DM14 of the Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.

## **4. Parking and access**

The proposal is accessed from Bartows Causeway to the west. The existing site entrance has reasonable visibility, and the speed of vehicles travelling on Bartows Causeway is likely to be low. The application includes space for the parking of more than two vehicles. 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 proposed dwelling is considered to comply with policy DM8 of the Local Plan Part 3 (Development Management Policies). Devon County Council Highway Authority has referred the Local Planning Authority to their standing advice document. It is considered the existing visibility splay meets with the requirements for standing advice.

## **5. Heritage impacts**

Policy DM27 of the Local Plan Part 3 (Development Management Policies) and Part 12 of the NPPF relate to development affecting heritage assets. The crux of these policies note that heritage assets and their settings are irreplaceable resources and therefore proposals should aim to conserve or enhance them. Where proposals are likely to cause harm to a heritage asset or its setting, the harm should be weighed against any public benefit.

In this case, the building's heritage significance has been significantly impacted by previous works, but it is believed that these works took place between the survey by Historic England and the listing of the property. Mid Devon District Council's Conservation Officer has visited the site, and raises no objection to the proposal. Bearing in mind this proposal does not impact on the buildings appearance, the Local Planning Authority does not consider the proposal causes harm to the listed building or the conservation area. Policy DM27 is satisfied.

## **6. Other considerations**

Drainage:

The proposed dwelling will utilise the existing connection to the mains sewer.

Neighbouring trees:

The change of use of the building to a dwelling is not considered to impact on any trees, hedging or wildlife on the site.

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 AIDPD 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 £1442. This payment will be used towards public open space/play area improvements at People's Park, Tiverton. The requirements of this policy have been satisfied.

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. 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, of Part 1, relating to the extension and alteration of the dwelling, extensions or alterations to its roof and the insertion of windows and/or roof lights, shall be undertaken within the dwelling's 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 safeguard the visual amenities of the area and amenities of neighbouring dwellings in accordance with policy DM2 and DM14 of the Local Plan Part 3 (Development Management Policies).

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

The proposed change of use to a dwelling is considered to be an acceptable design and location in accordance with the policy requirements of COR2 and COR13 of the Mid Devon Core Strategy (Local Plan Part 1) and policies DM2 and DM14 Local Plan Part 3 (Development Management Policies). The dwelling provides accommodation in accordance with the size requirements of the nationally described space standard. The proposal has adequate parking in accordance with policy DM8 of the Local Plan Part 3 (Development Management Policies). There will be limited impacts on surrounding residential properties, and the proposal is therefore in accordance with policies DM2 in this regard. The proposal is considered to be in accordance with relevant planning policies and has been recommended for approval.

Application No. 16/00499/HOUSE

Plans List No. 4

Grid Ref: 295186 : 112323

Applicant: Mr M Lowman

Location: 23 Brewin Road  
Tiverton Devon EX16  
5DN

Proposal: Erection of a two  
storey side extension  
and single storey  
extension to the front

Date Valid: 7th April 2016



## **Application No. 16/00499/HOUSE**

### **RECOMMENDATION**

Grant permission subject to conditions.

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

### **PROPOSED DEVELOPMENT**

The proposal is for a two storey side extension and a single storey extension to the front of 23 Brewin Road, Tiverton. The proposed extension will project 3.5 metres from the side elevation with a depth of 5.4 metres with an eaves height of 4.9 metres and ridge of 7.3 metres. The single storey front extension has a depth of 1.1 metres and width of 1.4 metres and an overall height of 3.3 metres. The extensions will have slate roofs, white UPVC windows and white painted render walls. The extension will provide a larger relocated living room, extended kitchen, downstairs cloak/bathroom on the ground floor, and two additional bedrooms on the first floor.

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

Design and Access Statement  
Householder Flood Risk Assessment

### **PLANNING HISTORY**

16/00441/DET - Proposed extension - CLOSED

### **DEVELOPMENT PLAN POLICIES**

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

COR2 - Local Distinctiveness  
COR13 - Tiverton

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

DM2 - High quality design  
DM13 - Residential extensions and ancillary development

### **CONSULTATIONS**

TIVERTON TOWN COUNCIL - 19th April 2016  
Support

SOUTH WEST WATER - 28th April 2016 - With reference to the planning application at the above address, the applicant/agent is advised to contact South West Water if they are unable to comply with our requirements as detailed below.

#### **Asset Protection**

Please find enclosed a plan showing the approximate location of a public sewer in the vicinity. South West Water will need to know about any building work over or within 3 metres of a public sewer or lateral drain. We will discuss with you whether your proposals will be affected by the presence of our apparatus and the best way of dealing with any issues as you will need permission from South West Water to proceed.

The applicant/agent is advised to contact the Developer Services Planning to discuss the matter further.

#### Clean Potable Water

South West Water is able to provide clean potable water services from the existing public water main for the above proposal.

#### Foul Sewerage Services

South West Water advises a Planning Condition to emphasise that: Foul drainage from the Development (and no other drainage) shall be connected to the public foul or combined sewer.

Reason: To ensure the discharge of drainage from the Development shall not be prejudicial to the public sewerage system and ensure there are adequate public foul sewerage facilities to receive foul water flows, in order to safeguard the public and environment.

#### Surface Water Services

The statutory Water and Sewerage Undertaker supports the Planning Policy Guidance for Flood Risk & Coastal Change statement. To accompany its planning application, the applicant must demonstrate how its proposed development will have separate foul and surface water drainage systems and not be detrimental to existing infrastructure, the public and environment (and that any provisions for protecting infrastructure have been agreed with SWWL as service-provider). The applicant should demonstrate to your LPA that its prospective surface run-off will discharge as high up the hierarchy of drainage options as is reasonably practicable (with evidence that the Run-off Destination Hierarchy has been addressed, and reasoning as to why any preferred disposal route is not reasonably practicable):

1. Discharge into the ground (infiltration); or where not reasonably practicable, Provide written evidence as to why Infiltration devices, including Soakaways, Swales, Infiltration Basins and Filter Drains do not meet the design standards as specified in either H3 Building Regulation standards for areas less than 100m<sup>2</sup>. Soakaways serving larger areas must meet the design standard specified in BS EN 752-4 (para 3.36) or BRE Digest 365 Soakaway Design.
2. Discharge to a surface waterbody; or where not reasonably practicable, Provide written evidence for refusal of discharge consent from owner of water body (Environment Agency, Local Authority, Riparian Owner etc)
3. Discharge to a surface water sewer, highway drain, or another drainage system; or where not reasonably practicable, Provide written evidence for refusal of discharge to drainage system (Highway Authority, Environment Agency, Local Authority, Private ownership)
4. Discharge to a combined sewer.( Subject to Sewerage Undertaker carrying out capacity evaluation)  
South West Water will carry out a hydraulic capacity review of the combined sewerage network before permission will be granted to discharge to the combined sewer.

Having reviewed the applicant's current information as to proposed surface water disposal for its development, please note that method proposed to discharge into the ground (infiltration) is acceptable and meets with the Run-off Destination Hierarchy. However, should this method be amended, SWWL will require clear evidence to demonstrate why the preferred methods listed within the Run-off Destination Hierarchy have been discounted by the applicant.

Your LPA will be mindful of Local Plan policy to limit the adverse (including cumulative) effect of proposed development such that sustainability is paramount and flooding risk is not increased elsewhere, together with Paragraphs 162 of the NPPF, and Paragraphs 109 and 120 of PPG (Conserving and enhancing the natural environment).

I trust this clarifies the water and drainage material planning considerations for your LPA, however if you have any questions or queries, please do not hesitate to contact me either via e-mail: [developerservicesplanning@southwestwater.co.uk](mailto:developerservicesplanning@southwestwater.co.uk) or direct line: 01392 444878.

Please quote reference number MPP270416 EX165DN in all communications and correspondence.

## REPRESENTATIONS

None; again a verbal update if any are received will be provided at the meeting.

## MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

1. **Whether the proposal respects the character, scale, setting and design of the existing dwelling**
  2. **Whether the proposal results in overdevelopment of the site**
  3. **Impact on the privacy and amenity of neighbouring properties**
  4. **Flood risk**
- 
1. **Whether the proposal respects the character, scale, setting and design of the existing dwelling**

The principal policy against which the proposal is to be considered is DM13 'Residential extensions and ancillary development'. Criterion a) of the policy states that extensions will be permitted where they respect the character, scale, setting and design of the existing dwelling. The proposed extensions are to use materials to match the existing; using slate for the roof, white painted rendered walls and the white UPVC windows. The side extension projects beyond the gable end, extending the existing ridge line the full 3.5 metre width of proposed addition. The property is at the end of a terrace consisting of six dwellings. The front elevation of the whole terrace is punctuated by three gable ends (at the point where neighbouring properties join) which project beyond the main plane. Between each projecting gable end is a long linking section set back from the gable. The size of the proposed side extension will mirror the other linking sections within the terrace, and as a result is considered acceptable in terms of its scale, design and overall compatibility with the existing dwelling. The front extension is very modest in size, measuring only 1.4 metres by 1.1 metres. It will not project beyond the furthest extent of the front elevation, simply extending part of the front to be in line with the extent of the front gable end. It is considered that the proposal can be accommodated within the context of the existing dwelling without causing any harm. The proposal is considered to be policy compliant with criterion a) of DM13.

Policy DM2 also requires proposals to have a 'clear understanding of the site, its wider context and surrounding area' and also be an 'efficient and effective use of the site'. The design of the extension is considered to be in keeping with the existing terrace and compatible with the wider street scene. The proposal is therefore considered to be compliant with DM2.

### 2. **Whether the proposal results in overdevelopment of the site**

The proposed development will extend on to land which forms the garden of the property. The dwelling benefits from a large garden to rear, which wraps generously around the side and front of the property, the size being typical of local authority properties built within this era (believed to be 1940s). The extensions have a footprint of approximately 20.5 square metres, which is primarily to be situated on the garden to the side. A relatively sizeable front garden will remain, whilst the rear is unaffected and is very generous being in excess of 150 square metres. As such it is not considered that the proposal results in overdevelopment of the site. The proposal is considered to be compliant with policy DM13 criterion b).

### 3. **Impact on the privacy and amenity of neighbouring properties**

The north side the property adjoins 21 Brewin Road, the next in the terrace, whilst to the south a separate terrace begins with number 25. Neither extension projects beyond the furthest extent of the front or rear elevations, and given the main projection is to the south no impact is anticipated in regard to 21 Brewin Road to the north. The side extension will reduce the separation distance between 23 and 25 Brewin Road, which currently is approximately 12 metres.

No windows are proposed on the new gable end facing 25 Brewin Road, and therefore the proposal is not considered to impact on the privacy of the adjoining property despite the reduction in separation distance. The rear elevation of the property falls in line with the end of the garden of 25 Brewin Road and therefore the bedroom windows upstairs of the extension will not overlook the adjacent garden. Overall, the proposal is considered to be policy compliant with criterion c) of DM13 and criterion e) of DM2.

#### **4. Flood risk**

The proposal lies within Flood Zone 3, the area of highest probability of flood risk. As the proposal is an extension under 250 square metres, the applicants have provided a Householder Flood Risk Assessment to support the application. In accordance with the Environment Agency's (EA) standard guidance, the applicant has confirmed that finished floor levels will be set no lower than existing levels and the extensions will be constructed of robust masonry construction to withstand water damage. As such the EAs flood risk requirements are considered to be satisfied.

#### **CONDITIONS**

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

#### **REASONS FOR CONDITIONS**

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

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

The proposed development for the erection of a two storey side extension and single storey front extension is not considered to dominate the host dwelling and is considered to be supportable in policy terms. The proposal is considered to respect the character, scale, setting and design of the existing dwelling. The proposal is not considered to result in over development of the curtilage and it is not considered that there would be any significant adverse impacts on the living conditions of occupants of neighbouring properties. Overall, the proposal is considered to comply with the following policies: COR2 and COR13 of the Mid Devon Core Strategy (Local Plan Part 1), DM2 and DM13 of the Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.

Mrs Jenny Clifford  
Head of Planning and Regeneration

**DELEGATED APPLICATIONS AS AT - 28 April 2016**

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

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**PURPOSE OF REPORT**

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

**RECOMMENDATION**

That the report be noted.

**DETAILS OF DECISIONS**

<b>DATE RECEIVED</b>	<b>DATE DETERMINED/ DECISION</b>	<b>REF NUMBER</b>	<b>APPLICANT PROPOSED DEVELOPMENT</b>	<b>PARISH/AREA</b>
10.07.2015	21.04.2016 Not Permitted Development	15/01095/PNCOU	Mr C Drake Land at NGR 275303 093657 (Southcombe Cross Bungalow) Cheriton Bishop Prior notification for the change of use of agricultural building to dwelling under Class Q	Cheriton Bishop 11
05.10.2015	19.04.2016 Permitted with Conditions to	15/01579/FULL	Mr Ian Connock 8 Cockpit Hill Cullompton Re-development of mixed use site to	Cullompton 21

	Discharge		4 dwellings and re-development of existing dwelling (Revised Scheme)	
09.10.2015	21.04.2016 Grant permission	15/01642/FULL	Ms D Olof Oburnford Cottage Cullompton Retention of change of use of dwelling and adjoining agricultural land to mixed use of dwelling and home dog-boarding establishment, to include retention of new access and hardstanding and removal of hedgerow	Halberton 25
21.10.2015	08.04.2016 Refuse permission	15/01692/FULL	Mr G Kerslake Muxbeare Muxbeare Lane Sub-division of 1 dwelling into 2 dwellings, installation of 1 dormer window, and formation of additional vehicular access	Halberton 25
09.11.2015	18.04.2016 Refuse permission	15/01775/CLU	Miss A Hill Land and Buildings at NGR 306655 114226 (Kerrells) Burlescombe Certificate of Lawfulness for existing use of caravan as residential dwelling for a period in excess of 10 years	Uffculme 53
24.11.2015	12.04.2016 Permitted with Conditions to Discharge	15/01896/FULL	Mr R Dalton Land and Buildings at NGR 287218 122517 (North Esworthy) Oakford Conversion of redundant barns to form 2 dwellings and alterations to animal houses to form garden areas (Revised scheme)	Oakford 39
24.11.2015	12.04.2016 Permitted with	15/01897/LBC	Mr R Dalton Land and Buildings at NGR 287218	Oakford 39

	Conditions to Discharge		122517 (North Esworthy) Oakford Listed Building Consent for the conversion of redundant barns to form 2 dwellings and alterations to animal houses to form garden areas	
30.11.2015	01.04.2016 Permitted with Conditions to Discharge	15/01893/FULL	Mr C Andrews Land and Buildings at NGR 282798 108639 (Woolsery Barton) Retention of conversion of barn to form 1 dwelling, conversion of barn to form 1 holiday let, and change of use of slurry pit to domestic storage	Woolfardisworthy 60
02.12.2015	01.04.2016 Grant permission	15/01911/LBC	Mr C Andrews Land and Buildings at NGR 282798 108639 (Woolsery Barton) Listed Building Consent for conversion of barns to form 1 dwelling and 1 holiday let, and change of use of slurry pit to domestic storage	Woolfardisworthy 60
02.12.2015	15.04.2016 Grant permission	15/01921/LBC	Mr M Wright Pylemoor Manor Washfield Listed Building Consent for replacement of shingle roofing with natural slate	Washfield 56
07.12.2015	27.04.2016 Grant permission	15/01938/FULL	Mr B Verling Wellington Boots 31 Gold Street Change of use from A1 (Shop) to A1 (Shop) and D1 (Treatment Rooms)	Tiverton 52
07.12.2015	27.04.2016 Grant permission	15/01939/ADVERT	Mr B Verling Wellington Boots 31 Gold Street Advertisement Consent to display 1 non-illuminated fascia sign	Tiverton 52

21.12.2015	08.04.2016 Grant permission	15/01998/FULL	Mr M Baldock Luckleigh Cottage Hockworthy Erection of single and two storey extensions including swimming pool, plant room and domestic accommodation (Part retrospective) and erection of new porch	Hockworthy 28
04.01.2016	01.04.2016 Permitted with Conditions to Discharge	16/00023/HOUSE	Mr Neil Coles 39 Tuckers Meadow Crediton Erection of two storey extension after demolition of existing single garage	Crediton Town 18
07.01.2016	25.04.2016 Grant permission	16/00053/FULL	Mr M Brown Selgars Mill Uffculme Erection of timber frame building to house a biomass boiler and storage section for wood chip fuel	Halberton 25
15.01.2016	30.03.2016 Permitted with Conditions to Discharge	16/00101/MFUL	Mr Ben Jordan Land at NGR 301873 104192 (Land Opposite The Merry Harriers Inn) Bradninch Change of use of land from agricultural to children's education adventure trail facility with all associated play structures and parking	Cullompton 21
20.01.2016	15.04.2016 Approval of Prior Approval	16/00121/PNCOU	Ms J Haywood Meadwell Green Cheriton Bishop Prior notification for change of use of an agricultural building to a dwelling under Class Q	Cheriton Bishop 11

25.01.2016	30.03.2016 Permitted with Conditions to Discharge	16/00136/FULL	Mr A Cameron Silver Street Farm Prescott Erection of an extension, refurbishment of barn and erection of a greenhouse	Culmstock 22
25.01.2016	30.03.2016 Permitted with Conditions to Discharge	16/00137/LBC	Mr A Cameron Silver Street Farm Prescott Listed Building Consent for the erection of an extension, refurbishment of barn, erection of a greenhouse, and updates to kitchen doors, windows, rainwater goods and external stone	Culmstock 22
26.01.2016	30.03.2016 Grant permission	16/00161/ADVERT	Mr Edward Sproat The Hickory Inn High Street Advertisement consent to display 2 illuminated fascia signs and 2 illuminated pole fixed hanging signs	Halberton 25
27.01.2016	30.03.2016 Grant permission	16/00166/FULL	Mr Peter Coleman Land and Buildings at NGR 284701 101897 (Merrifield Farm) Erection of an agricultural building for the housing of free-range chickens	Upton Hellions 55
27.01.2016	31.03.2016 Grant permission	16/00167/LBC	Miss Sally Kazer Croyle House Kentisbeare Listed Building Consent for the installation of guttering and downpipes to existing porch	Kentisbeare 32
28.01.2016	21.04.2016 Permitted with Conditions to Discharge	16/00169/FULL	Mrs M Jehu Building at NGR 291455 100410 (Heathfield Farm Barn) Thorverton Conversion of redundant barn to	Thorverton 51

			dwelling	
28.01.2016	05.04.2016 Grant permission	16/00170/HOUSE	Mr A Armstrong 1 Gatehouse Close Cullompton Erection of two-storey side extension over existing garage	Cullompton 21
29.01.2016	31.03.2016 Grant permission	16/00174/HOUSE	Mr M Jose 28 Yeoford Meadows Yeoford Erection of first floor extension over garage	Crediton Hamlets 19
29.01.2016	31.03.2016 Grant permission	16/00184/HOUSE	Mr & Mrs Cracknell Wressing Cottage Kentisbeare Erection of a garage and relocation of fuel tank	Kentisbeare 32
29.01.2016	31.03.2016 Grant permission	16/00186/LBC	Mr & Mrs Cracknell Wressing Cottage Kentisbeare Listed Building Consent for the relocation of fuel tank and internal alterations	Kentisbeare 32
01.02.2016	18.04.2016 Grant permission	16/00177/FULL	Mr Micheal Smith Land at NGR 302464 105638 (Knightswood Farm) Erection of an agricultural machinery building	Cullompton 21
02.02.2016	01.04.2016 Permitted with Conditions to Discharge	16/00192/FULL	Mr C Gordon Green Acres Horn Road Erection of two storey and single storey extension and alterations including erection of veranda at rear and erection of stable block/tack room and stores	Kentisbeare 32

03.02.2016	11.04.2016 Refuse permission	16/00190/OUT	Mr E Clay Green Acres Farm Coldridge Outline for the erection of a dwelling	Coldridge 16
04.02.2016	14.04.2016 Refuse permission	16/00193/HOUSE	Mr S Whiteway Swandhams Barn Sampford Peverell Erection of first floor extension with 2 balconies	Halberton 25
04.02.2016	31.03.2016 Application Part Granted/Part Refused	16/00196/TPO	Mrs Alison Webster Prispen House Prispen Drive Application to carry out works to 3 Oak and 3 Yew trees protected by Tree Preservation Order No. 97/00015/TPO	Silverton 45
04.02.2016	31.03.2016 Grant permission	16/00198/CLP	Mr Richard Brain The Garden House Holme Place Certificate of Lawfulness for the proposed reopening of blocked up window and installation of sealed UPVC double glazed window	Oakford 39
04.02.2016	11.04.2016 Grant permission	16/00199/FULL	Mr K & Mrs H Rushforth Land at NGR 308770 111580 Craddock Lane Erection of an agricultural livestock/storage building	Uffculme 53
05.02.2016	30.03.2016 Grant permission	16/00204/HOUSE	Mrs J Bright Fairoak Thorverton Erection of garage following removal of existing garage	Thorverton 51

08.02.2016	04.04.2016 Grant permission	16/00207/TPO	Mr Paul Allen Land at NGR 303415 110522 Meadow Park Application to fell 6 Sycamores, 1 Field Maple and 11 Elm trees and reduce the crown of 1 Beech tree protected by Tree Preservation Order 75/00015/TPO	Willand 59
08.02.2016	14.04.2016 Grant permission	16/00208/HOUSE	Mr & Mrs Adrian Page Chapel Cottage Holcombe Rogus Erection of extensions	Holcombe Rogus 29
08.02.2016	08.04.2016 Withdrawn	16/00212/CLU	Mr D Kohlman, C/o Mr N Maud Alexandria Industrial Estate Station Road Certificate of Lawfulness for the continued use of buildings as mixed use B1, B2, B8 and A1 for a period in excess of 10 years	Cullompton 21
08.02.2016	01.04.2016 Withdrawn	16/00215/HOUSE	Mr C Gundry 4 Coleman Close Tiverton Erection of a timber framed artist's studio	Tiverton 52
09.02.2016	05.04.2016 Permitted with Conditions to Discharge	16/00213/FULL	Mr J Harris 98-100 West-Exe South Tiverton Conversion of part of building to a dwelling	Tiverton 52
09.02.2016	01.04.2016 Grant permission	16/00220/FULL	Mr & Mrs S Davey 8 Chestnut Close Crediton Erection of extension and alterations, including change of use of study (Class C3) to Office (Class B1 (a))	Crediton Town 18

09.02.2016	27.04.2016 Grant permission	16/00222/HOUSE	Lady Reay Timewell House Morebath Alterations to garden including replacement of existing wall, relocation of existing swimming pool, re-profiling of garden land, and creation of new walls	Morebath 36
09.02.2016	18.04.2016 Grant permission	16/00224/FULL	Dr R Brazenall Rivington Barn Shobrooke Erection of a garden/storage shed with formation of adjoining hardstanding	Shobrooke 44
09.02.2016	01.04.2016 Development Acceptance	16/00230/PNCOU	Mr & Mrs D Gunn Ridgeway Farm Morchard Bishop Prior notification for the change of use of agricultural building to 1 dwelling under Class Q	Morchard Bishop 35
10.02.2016	07.04.2016 Grant permission	16/00225/HOUSE	Mr C Rawding Avondale Hemyock Erection of a conservatory and a garage	Hemyock 26
10.02.2016	05.04.2016 Grant permission	16/00226/HOUSE	Mr Christopher Davis 1 Coombe View Stockleigh Pomeroy Erection of an extension	Stockleigh Pomeroy 47
10.02.2016	31.03.2016 Grant permission	16/00228/HOUSE	Mr A Clarke 48 Cottey Brook Tiverton Erection of an extension following demolition of existing conservatory, alterations to garden levels including new retaining walls and removal of decking (Revised Scheme)	Tiverton 52

10.02.2016	07.04.2016 Grant permission	16/00229/FULL	Mr & Mrs G Welden Bellevier Lurley Variation of condition (3) of planning permission 13/00796/FULL to include use as holiday let	Tiverton 52
11.02.2016	08.04.2016 Grant permission	16/00231/HOUSE	Mr S Ansdell Holly Bush Barn Ashill Alterations to the fenestration of front, end and rear elevations and replacement of plexiglass roof with tiled roof	Uffculme 53
11.02.2016	05.04.2016 Grant permission	16/00233/HOUSE	Mr R Brittain Homedale Cheriton Bishop Formation of an additional vehicular entrance	Cheriton Bishop 11
11.02.2016	06.04.2016 Grant permission	16/00236/HOUSE	Mr Stephen Shaw Goodiford Barn Kentisbeare Erection of a greenhouse and a potting shed	Kentisbeare 32
11.02.2016	07.04.2016 Grant permission	16/00237/FULL	Mr S Shaw Land at NGR 305679 108203 (Goodiford Barn) Kentisbeare Erection of an agricultural storage shed	Kentisbeare 32
12.02.2016	08.04.2016 Grant permission	16/00239/HOUSE	Mr A & Mrs L Marshall 10 Hederman Close Silverton Erection of extensions to rear	Silverton 45
12.02.2016	07.04.2016 Grant permission	16/00242/CLU	Mr H Manson Workshop Vellake Certificate of Lawfulness for the continued use of part workshop as	Sandford 43

			additional ancillary accommodation for a period in excess of 10 years	
12.02.2016	18.04.2016 Permitted with Conditions to Discharge	16/00248/FULL	Mr Christopher Ferris The Trustees of M A P Pension Fund C R Ferris 2 Westward Business Centre Change of Use from industrial unit (Class B8) to Assembly and Leisure (Class D2), additional car parking, alterations to north elevation	Crediton Town 18
15.02.2016	18.04.2016 Grant permission	16/00240/FULL	Mr E Rodd Mid-Devon Fulfilling Lives 2 Bank Place Chambers Replacement of 5 existing first floor windows with UPVC double glazed units	Crediton Town 18
15.02.2016	27.04.2016 Grant permission	16/00241/HOUSE	Mr & Mrs T George Chapters 11 Church Road Erection of ground and first floor extensions	Silverton 45
15.02.2016	11.04.2016 Grant permission	16/00251/CLU	Mrs L B Roberts-Addicott Country House (The Annexe) Fore Street Certificate of Lawfulness for the continued use of 'The Annexe' as a separate dwelling for a period in excess of 4 years	Kentisbeare 32
16.02.2016	08.04.2016 Grant permission	16/00252/FULL	Mrs Mary Coe Land at NGR 290840 104965 (Church Farm Barn) Cadbury Construction of a manege	Cadbury 08

16.02.2016	13.04.2016 Grant permission	16/00253/FULL	Mr D Munday Land and Buildings at NGR 282304 102382 (Town Barton) Sandford Siting of a temporary agricultural workers caravan	Sandford 43
16.02.2016	07.04.2016 Grant permission	16/00255/LBC	Mr L G Partridge Pines Cottage Church Street Listed Building Consent for installation of replacement windows	Morchard Bishop 35
16.02.2016	14.04.2016 Grant permission	16/00256/HOUSE	Mr & Mrs P Harding Ivy Cottage Ham Place Erection of extension	Tiverton 52
17.02.2016	07.04.2016 Grant permission	16/00257/LBC	Mr M Halse Coldharbour Mill Coldharbour `Listed Building Consent for installation of lift between lower and upper levels of combing shed	Uffculme 53
17.02.2016	07.04.2016 Grant permission	16/00265/FULL	Mr K Sanderson Land at NGR 296788 106606 (Dorweeke Cross) Silverton Erection of extension to existing agricultural storage building	Silverton 45
18.02.2016	04.04.2016 Grant permission	16/00270/LBC	Lady Reay Timewell House Morebath Listed Building Consent for removal of a chimney stack, installation of replacement window and internal alterations	Morebath 36
22.02.2016	27.04.2016 Grant permission	16/00271/FULL	Mr C & Mrs E Atwell Land and Buildings at NGR 289189 119940 (Lodge A) & NGR 289602	Stoodleigh 48

			120176 (Lodge B) Bellbrook Valley Trout Fishery Replacement of static caravan and timber framed lodge with two holiday lodges	
22.02.2016	15.04.2016 Grant permission	16/00272/FULL	Mr S Sawyer Church View Uplowman Erection of a replacement porch	Uplowman 54
22.02.2016	30.03.2016 No Objection	16/00275/CAT	Mrs L Johnson Ridgeway 1 Court Gardens Notification of intention to fell 2 Leylandi hedges and 1 Cherry tree within the Conservation Area	Stoodleigh 48
22.02.2016	01.04.2016 No Objection	16/00276/CAT	Mr M Cliffe-Duffield Barnhill House Cheriton Fitzpaine Notification of intention to fell 1 Blue Douglas Fir, 1 Juniper and 2 Leylandii trees within the Conservation Area	Cheriton Fitzpaine 12
22.02.2016	15.04.2016 Permitted with Conditions to Discharge	16/00278/FULL	Mr M French & Ms M McKnight Bark House Hotel Bampton Removal of condition (b) of planning permission 83/01468/FULL relating to the annexe to allow for residential use	Bampton 01
23.02.2016	25.04.2016 Grant permission	16/00280/FULL	Mr R Snow Land and Buildings at NGR 283594 102559 (Venn Farm) Crediton Erection of timber stable block (comprising 2 stables, tack room and feed room) following removal of existing looseboxes and silage clamp	Sandford 43

23.02.2016	19.04.2016 Grant permission	16/00287/LBC	Mr R Gibbon The Coach House White Horse Mews Listed Building Consent for installation of replacement windows at first floor level	Bampton 01
23.02.2016	12.04.2016 Grant permission	16/00288/LBC	Mrs E Smith Rowes Farm Colebrooke Listed Building Consent to rethatch front elevation using water reed to match rest of roof	Colebrooke 17
23.02.2016	20.04.2016 Refuse permission	16/00289/FULL	Mr C Reed, Reed Construction & Development Ltd Parliament House Parliament Street Erection of 2 semi-detached dwellings	Crediton Town 18
24.02.2016	19.04.2016 Development Acceptance	16/00290/PNCOU	Mr & Mrs M Perryman Land at NGR 283060 107629 (Binneford Farm) Kennerleigh Prior notification for the change of use of an agricultural building to a dwelling under Class Q	Stockleigh English 46
24.02.2016	18.04.2016 Grant permission	16/00298/FULL	Mrs Fiona Maddocks 37 Bampton Street Tiverton Change of use of ground floor and basement from A1 (Retail) to D1 (Healthcare)	Tiverton 52
24.02.2016	18.04.2016 Grant permission	16/00300/HOUSE	Mr & Mrs P Morgan Arlington House Ash Court Erection of two-storey extension and balcony (Revised scheme)	Crediton Town 18
25.02.2016	21.04.2016 Grant permission	16/00299/HOUSE	Dr C Mann Highfield House Lapford	Lapford 33

			Siting of a domestic fuel storage tank	
25.02.2016	25.04.2016 Grant permission	16/00301/FULL	Mr J Sanders Land at NGR 278816 103256 (Langlands Farm) New Buildings Erection of a free range poultry unit (532 sq. m)	Sandford 43
26.02.2016	22.04.2016 Grant permission	16/00303/HOUSE	Mr M Fox 4 Coldharbour Uffculme Erection of extension to include installation of flue	Uffculme 53
26.02.2016	22.04.2016 Grant permission	16/00304/LBC	Mr M Fox 4 Coldharbour Uffculme Listed Building Consent for erection of extension to include installation of flue	Uffculme 53
26.02.2016	31.03.2016 No Objection	16/00305/CAT	Sir I Heathcoat-Amory The School House Chevithorne Notification of intention to remove 2 Lawson Cypress trees within the Conservation Area	Tiverton 52
26.02.2016	18.04.2016 Grant permission	16/00307/HOUSE	Miss J Daniells 14 Creedy Road Crediton Erection of replacement conservatory	Crediton Town 18
29.02.2016	19.04.2016 Grant permission	16/00309/HOUSE	Mr & Mrs R Stoneman Bugford Mill Lapford Erection of single storey rear extension	Morchard Bishop 35
29.02.2016	25.04.2016 Grant permission	16/00311/HOUSE	Mr & Mrs C Pike Exe Vale Washfield Erection of two-storey extension	Washfield 56

			(Revised scheme)	
29.02.2016	20.04.2016 Refuse permission	16/00313/HOUSE	Mr James Scott Bridge House 19 Oakfields Creation of drop kerb for new vehicle access and driveway following removal of existing boundary wall	Tiverton 52
29.02.2016	26.04.2016 Permitted with Conditions to Discharge	16/00314/FULL	Mr D Pinhey Land and Buildings at NGR 265598 109297 (Upcott Farm) Wembworthy Erection of a free-range chicken rearing building (980 sq. m.)	Wembworthy 58
01.03.2016	21.04.2016 Grant permission	16/00316/FULL	Lady Reay Timewell House Morebath Retention of an agricultural shed	Morebath 36
01.03.2016	27.04.2016 Grant permission	16/00317/FULL	Mr K Thomas Foxlands Farm Hockworthy Erection of an agricultural building (520sqm)	Hockworthy 28
01.03.2016	27.04.2016 Grant permission	16/00320/HOUSE	Mr & Mrs C Stoye Pilgrims Rest Exebridge Installation of dormer window	Bampton 01
01.03.2016	25.04.2016 Grant permission	16/00323/HOUSE	Mr P Chapman Bella Vista Coldridge Erection of a garden shed/garage	Coldridge 16
02.03.2016	27.04.2016 Grant permission	16/00327/HOUSE	Mrs Z Bradburn 34 Glebelands Road Tiverton Erection of single storey extension and conversion of garage to granny annexe	Tiverton 52

04.03.2016	15.04.2016 No Objection	16/00335/CAT	Miss B Singleton 5 Lilac Terrace Martins Lane Notification of intention to fell 1 Poplar, 2 Conifers, 1 other tree and removal of unknown tree within the Conservation Area	Tiverton 52
07.03.2016	25.04.2016 Grant permission	16/00343/HOUSE	Mr & Mrs G & S Evans 39 Coldharbour Uffculme Erection of a two storey extension to rear after demolition of porch and alteration of flat roof to pitched roof	Uffculme 53
07.03.2016	05.04.2016 Refusal of Prior Approval	16/00345/PNFG	Mr S H Bull Land at NGR 271756 92461 (Tennantspiece Cottage) Hittisleigh Prior Notification for the erection of a storage barn	Cheriton Bishop 11
07.03.2016	01.04.2016 Approval of Prior Approval	16/00348/PNAG	Mr Jon Whitehead Land and Buildings at NGR 273799 93111 (Holebrooke Farm) Cheriton Bishop Prior Notification for the erection of an agricultural building	Cheriton Bishop 11
07.03.2016	05.04.2016 No Objection	16/00349/CAT	Mr Bass Cadbury House Fore Street Notification of intention to crown reduce by up to 1metre 1 Lilac tree and 1 Cherry tree within the Conservation Area	Culmstock 22
07.03.2016	27.04.2016 Grant permission	16/00353/FULL	Mr M Doble Land and Buildings at NGR 307313 112124 (Silverlands Farm)	Uffculme 53

			Erection of an agricultural storage building	
07.03.2016	08.04.2016 Grant permission	16/00354/FULL	Mr John Gardiner Land at NGR 308611 111134 (Moorcroft) Ashill Erection of a stable, tack room and store	Uffculme 53
08.03.2016	18.04.2016 No Objection	16/00359/CAT	Mr W Spencer Duck Cottage 1 Bridge Terrace Notification of intention to reduce 1 Willow by 5m and 2 Ash trees by 6m within the Conservation Area	Bampton 01
08.03.2016	27.04.2016 Grant permission	16/00367/TPO	Mr Daniel Hughes 4 Eastwick Barton Nomansland Application to remove 2 Ash trees protected by Tree Preservation Order No. 02/00008/TPO	Thelbridge 50
09.03.2016	08.04.2016 Grant permission	16/00369/TPO	Mr J Hollidge Strathculm Lodge Strathculm Road Application to remove 1 Yew tree protected by Tree Preservation Order 92/00004/TPO	Bradninch 04
09.03.2016	27.04.2016 Grant permission	16/00373/FULL	Mr G Westcott Land and Buildings at NGR 304340 111211 Quicks Farm Erection of a storage building	Willand 59
10.03.2016	25.04.2016 Grant permission	16/00382/FULL	Mr Nigel Batting Land and Buildings at NGR 300285 114556 (Widhayes Farm) Erection of an agricultural building to house cattle	Uplowman 54

10.03.2016	20.04.2016 Development Acceptance	16/00388/PNHH	Ms A De Aguilar 49 Westfield Bradninch Prior Notification for the erection of a householder extension extending 4m to the rear, to a maximum height of 3.7m, and to a maximum eaves height of 2.4m	Bradninch 04
10.03.2016	04.04.2016 Development Acceptance	16/00389/PNFG	Mr Michael Aldridge Land at NGR 271791 113202 (Chawleigh Barton Wood) Prior notification for the erection of an office, tool store, workshop & rest area for the purposes of forestry	Chawleigh 10
11.03.2016	05.04.2016 No Objection	16/00386/CAT	Mr Colin Edge Paddock House Corner Lane Notification of intention to reduce height to match property height and reduce crown of 1 Beech tree by 2-3m within a conservation area	Halberton 25
14.03.2016	12.04.2016 Refuse permission	16/00393/TPO	Mr D Watt 6A Bourchier Close Bampton Application to remove 1 Cherry tree protected by Tree Preservation Order 06/00006/TPO	Bampton 01
15.03.2016	05.04.2016 No Objection	16/00401/CAT	Mr M Coton The Pippins Ashill Notification of intention to fell 1 Conifer tree within the Conservation Area	Uffculme 53
16.03.2016	26.04.2016 No Objection	16/00412/CAT	Mr M Smith Millhayes Fore Street	Kentisbeare 32

			Notification of intention to reduce the height of 1 Willow tree by 6m within the Conservation Area	
17.03.2016	26.04.2016 No Objection	16/00419/CAT	Mr E Richardson Methodist Church St Peter Street Notification of intention to remove 2 Holly trees within the Conservation Area	Tiverton 52
18.03.2016	26.04.2016 No Objection	16/00424/CAT	Mr MacManus Heathcoat Fabrics West-Exe North Notification of intention to fell 1 Ash and 2 Lombardy Poplar trees, reshape crown of 1 Weeping Willow tree by 0.5-1m and thin Goat Willow trees within a conservation area	Tiverton 52
21.03.2016	21.04.2016 No Objection	16/00432/CAT	Mrs G Hills 2 North View Union Road Notification of intention to fell 1 Magnolia tree within the Conservation Area	Crediton Town 18
02.04.2016	25.04.2016 Approval of Prior Approval	16/00505/PNAG	Mr G Bulley Land and Buildings at NGR 273694 95452 (Eastchurch) Hittisleigh Prior Notification for the erection of an agricultural storage building	Crediton Hamlets 19
06.04.2016	08.04.2016 Withdrawn	16/00533/CLP	Mrs Joan Hill 1 Heathaller Cottages Knowle Certificate of lawfulness for the proposed erection of an extension	Cullompton 21

Background Papers: Contained in application files referred to.

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## Major Applications with no Decision

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

Item No.	Weeks	TARGET DATE	REFVAL	PROPOSAL	LOCATION	NAME	Expected Decision Level	
							Delegated	Committee
1	3	30/06/2016	16/00473/MARM	Reserved Matters for the erection of 26 dwellings with associated vehicular and pedestrian accesses	Land at NGR 295240 122009 (adj. to Former School) Bampton Devon	Miss Lucy Hodgson	DEL	
2	6	09/06/2016	16/00352/MFUL	Construction of a new two storey school on existing school grounds, with associated landscaping works and demolition of existing school buildings	Castle Primary School Barrington Street Tiverton Devon EX16 6QR	Mr Kristian Evely	COMM	COMM
3	11	05/05/2016	16/00015/MFUL	Erection of an 83 bedroom 'Premier Inn' hotel and integral restaurant with associated access and landscaping, including partial demolition of multi-storey car park	Multi Storey Car Park Phoenix Lane Tiverton Devon	Miss Lucy Hodgson	COMM	COMM
4	40	16/10/2015	15/01034/MFUL	Erection of a 500kW anaerobic digester and associated works with 2 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
5	98	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
6	104	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

<i>Item No.</i>	<i>Weeks</i>	<i>TARGET DATE</i>	<i>REFVAL</i>	<i>PROPOSAL</i>	<i>LOCATION</i>	<i>NAME</i>	<i>Expected Decision Level</i>	
							<i>Delegated</i>	<i>Committee</i>
7	157	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 23 March – 25 April 2016

Application No	Description	Location	Officer Recommendation	Committee or Delegated	Decision	Appeal Type	Inspector Decision
14/01650/CLU	Certificate of Lawfulness for the existing use of land for residential purposes and the siting of 1 caravan	The Caravan Woodclose Burlescombe Tiverton Devon EX16 7JU	Grant Certificate of Lawful Use	Delegated Decision	Grant permission	Public Inquiry	Appeal Dismissed

## Summary of Inspectors Comments

The appeal was in respect of refusal of a certificate of lawfulness for residential use of land associated with a mobile home. A certificate of lawfulness was granted for the mobile home but this did not include the entire site, which was a former horticultural nursery with glasshouses still apparent on the site. The main issue in determination of this appeal was the extent of the planning unit and its established use, and whether the appellant was entitled to site the mobile home anywhere on the site and use the site wholly for residential purposes. The Inspector sets out a number of arguments and case law in this respect and concludes that the entire site is one planning unit in mixed use for agriculture and the stationing of a caravan/mobile home. The Inspector concluded that Mid Devon was correct to refuse the application on the basis that the entire site was not in residential use.

15/00108/MOUT	Outline application for up to 60 dwellings with access onto Uffculme Road, with all other matters reserved	Land at NGR 305658 112080 (West of The Harvesters) Uffculme Road Uffculme Devon	Refuse permission	Delegated Decision	Refuse permission	Public Inquiry	Allow with Conditions
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## Summary of Inspectors Comments

The main issue in determination of this application was whether, having regard to the development plan, the NPPF, the housing land supply of the Council, and the scale/location of the development, the appeal scheme would constitute a sustainable form of development. The scheme was for 60 dwellings at Uffculme, outside of settlement limits, where it was being argued by the developer that due to under delivery of housing, Mid Devon does not have the required 5 year housing land supply and that permission should be granted. The Inspector concluded that Mid Devon does not currently have a deliverable 5 year housing land supply. He also concluded that there has been a persistent under delivery of housing (although he acknowledged that this reflects the economic position nationally), and therefore a buffer of 20% should be applied. He concluded that the supply of housing policies in the Core Strategy are inconsistent National Planning Policy Framework as they were adopted before the framework and based on outdated figures and methods of calculated. These policies are therefore not up to date and should be given limited weight. In terms of the sustainability of the development itself, the Inspector concluded that the development would deliver social benefits through market and affordable dwellings, promote economic activity, and no environmental harm was identified. The Inspector considered the development to be sustainable and that planning permission should be granted.

Application No	Description	Location	Officer Recommendation	Committee or Delegated	Decision	Appeal Type	Inspector Decision
15/01238/PNCOU	Prior notification for the change of use of an agricultural building to a dwellinghouse under class Q	Land and Buildings at NGR 291372 123742 (Lower Langridge Farm) Exebridge Devon	Not Permitted Development	Delegated Decision	Not Permitted Development	Written Representations	Appeal Dismissed

### Summary of Inspectors Comments

Reasons:

- o The proposal extends beyond the external dimensions of the existing building (in the form of a soil vent pipe)
- o The roof is raised, therefore extending beyond the external dimensions of the existing building
- o The application proposes a new concrete floor which will support the proposed walls, and therefore would be a new structural element

Summary: The proposal is not permitted development

15/01348/OUT	Outline for the erection of 1 dwelling to replace redundant water storage tank	Reservoir at NGR 306411 112786 Adjacent 69 Highland Terrace Uffculme Devon	Refuse permission	Delegated Decision	Refuse permission	Written Representations	Appeal Dismissed
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### Summary of Inspectors Comments

The main issues in determination of this application were the effect of the proposed development on highway and pedestrian safety in the surrounding street and the living conditions of surrounding properties, and the effect of the proposed development on protected species. The Inspector concluded that the development, having no off-street parking and being in an area where parking is already constrained, would be likely to cause unacceptable competition for parking within a convenient distance of people's homes, particularly at peak times, and this would detract from the living conditions of residents. It was also likely to lead to unexpected vehicle movements on the street or obstruct footways forcing pedestrians into the street. The site has the potential to support reptile populations, however, no reptile surveys had been carried out and there is no certainty that adequate mitigation in respect of protected species could be achieved. A condition to secure such surveys would not be appropriate or reasonable.

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

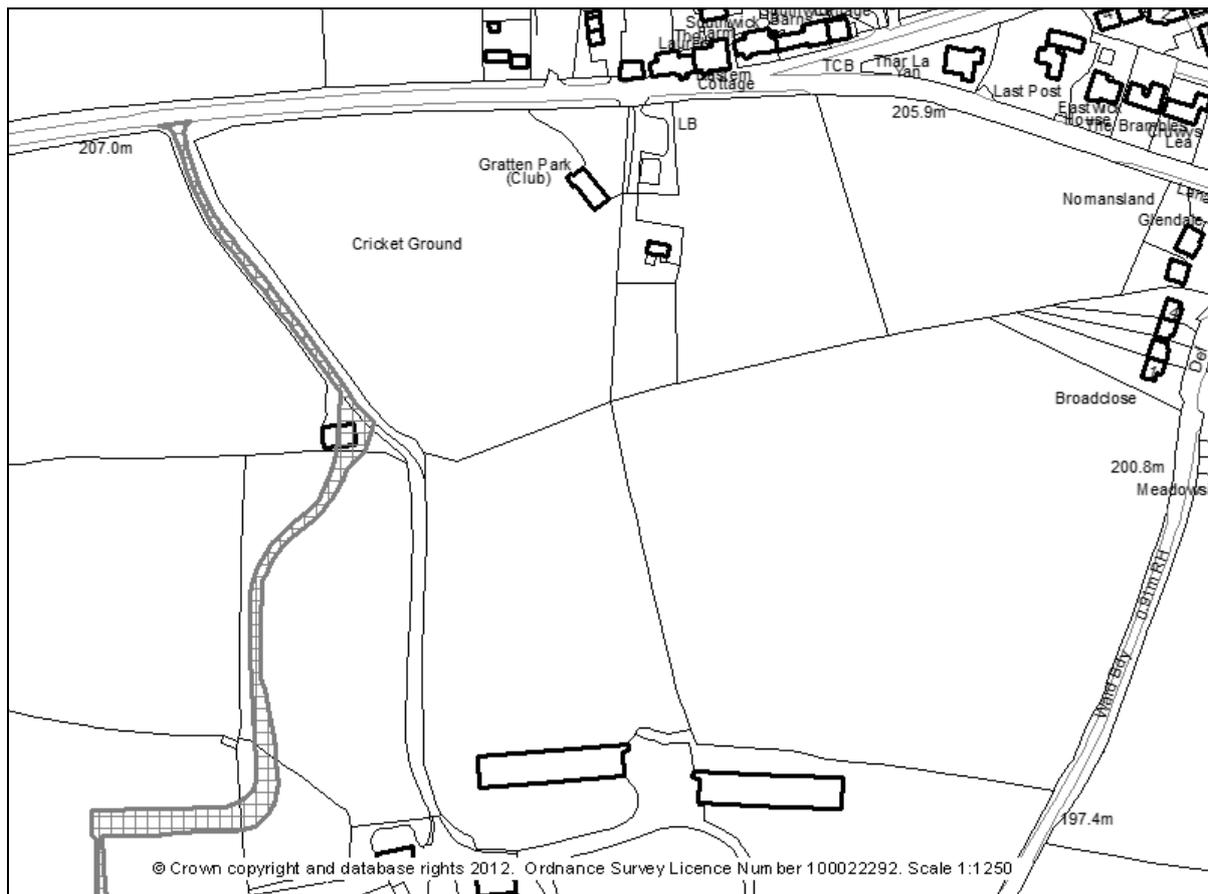
**Grid Ref:** 113579 : 283096

**Applicant:** Mr S Cole

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

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

**Date Valid:** 24th April 2015



**REPORT OF THE HEAD OF PLANNING AND REGENERATION – MRS JENNY CLIFFORD**

**15/00573/FULL - ERECTION OF NEW BUILDING FOR PROCESSING DIGESTATE FIBRE IN ASSOCIATION WITH EXISTING AD PLANT - LAND AT NGR 283096 113579 (MENCHINE FARM) NOMANSLAND DEVON**

**Background and Reason for Report:**

On the 29<sup>th</sup> July 2015 the Planning Committee considered a report setting out the officer recommendation for the application as referred above, a copy of which is attached as appendix A.

As stated in the report the recommendation at that time was to grant planning permission subject to various conditions. Following their consideration of the report, the Committee resolved to defer from making a decision until the outstanding planning appeal at Menchine Farm with regards to the AD plant capacity had been completed (LPA ref: 14/01915/FULL).

The appeal was with regards to the terms of operations of the AD plant at Menchine Farm which is restricted to an output level of 500Kw under LPA ref: 14/00575/MFUL. The appeal has now been completed and dismissed. A summary of the main considerations of the appeal case are set out in the main body of this report.

**The reason for this report is to set out a recommendation for the application scheme following the completion of the appeal process and having considered the scope of the conclusions drawn by the Inspector that are relevant to the consideration of this particular application.**

**This report concentrates on updated information since the previous assessment of this application. It should be considered in conjunction with the context of the previous reports at Appendix A which sets out among other things consultation responses and representations received.**

**RECOMMENDATION**

**Your officer's recommendation remains for approval but subject to conditions which have been amended since the report presented to the Planning Committee on the 29th July 2015 was completed (Appendix A).**

**Relationship to Corporate Plan:**

The emerging Corporate Plan sets out four priorities including the economy, community and the environment, upon which this application has a bearing.

## **Financial Implications:**

**None**

## **Legal Implications:**

Planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise. The starting point for decision making is therefore the policies within the development plan. Members will need to weigh the impacts of the scheme against the benefits of the proposal.

## **Risk Assessment:**

If the application for reasons that cannot be sustained at appeal there is a risk of a successful appeal costs claim against the Council for reasons of unreasonable behaviour. Expert advice may be needed to support any reasons for refusal.

### **1.0 The Original Officer Report (Appendix A)**

- 1.1 The report as attached sets out the description of development and the relevant development policies against which to assess the application scheme, and there have been no changes to the scheme of development since that report was drafted and considered by the Committee members at their earlier meeting.
- 1.2 In terms of the outcome of the appeal a summary of the relevant considerations which are relevant to the determination of this application are set out below.
- 1.3 As background, planning permission was granted for the AD plant to operate from the site at Menchine Farm back in 2013 (12/01659/MFUL), when an appeal to the Secretary of State was positively determined and more recently under a revised scheme (14/00575/MFUL). Permission was granted on the basis that the plant would operate using some 3,000 tonnes of poultry litter and 6,545 tonnes of maize/grass silage as the feedstock. This was all to be transported from within a 6km radius of Menchine Farm and would allow an output of up to 500kW using a single combined heat and power unit (CHP).
- 1.4 A subsequent application to remove the operating restriction and allow 1,000kw installed capacity was applied for in November 2014, and it was appealed by the applicant following 13 weeks on the basis of non-determination. The effect of this change to increase installed capacity would have been to increase the traffic movements associated with the operation, and had the application remained under the jurisdiction of the Local Planning Authority it would have been refused for the following reason:

In the opinion of the Local Planning Authority it was considered that there was insufficient information available to be able to accurately predict, and subsequently control, the likely increase in movements on the highway that would arise, and the nature of the vehicles involved in the transportation process to and from the application site, and how it would affect the environmental amenity of near properties and the local environment (in terms of noise, congestion and general disturbance). On this basis the application proposals are considered to be contrary to policies:

## DM1, DM2, DM5 and DM7 of Mid Devon Local Plan Part 3 (Development Management Policies)

- 1.5 In determining not to grant planning permission the Inspector reached the following conclusions:

'13. The appellant's main argument is that the use of larger load sizes would enable the larger output to be achieved without significant additional traffic movements over and above those considered in the 2013 appeal, notwithstanding that no consideration is given to the local amenity impact of using larger load sizes. Regardless, the appropriate comparison, in my view is with the current operation, the true impact of which will not be evident until the required crop rotations enable the plant feedstock to be sourced from within the 6km radius zone. The 6km zone is also proposed to be used for the larger requirement, and the efficiency requirements required to keep the additional feedstock requirements to the projected 68.67% are no more than theoretical at this stage. Given that the larger load sizes are already in use, the addition feedstock requirement, and resultant digestate spreading, is likely to result in a proportionate increase in traffic movements on the rural lanes throughout the 6km zone. Failure to achieve the projected plant efficiency could result in up to a doubling of traffic by comparison with the current operation. Either scenario has the potential to significantly adversely affect local residential amenity in terms of noise and disturbance.

14. From the evidence before me I am not satisfied that I could reasonably conclude that no such harm would arise. As such, varying the condition as proposed would conflict with policies DM1, DM2, DM5 and DM7 of the Mid-Devon Local Plan Part 3 Development Management Policies (LP). LP Policy DM5 promotes renewable and low carbon energy, and the promotion of renewable energy projects and tackling the effects of climate change are key Government objectives. However, as LP Policy DM5 makes clear, adverse impacts must be satisfactorily addressed. In my view the appeal proposal does not adequately address the potential for harm to local amenity'.

- 1.6 The original officer report considered at the 29<sup>th</sup> July 2015 meeting set out 4 key determining factors for the application scheme. The following sections of this report review those considerations under the same headings. Consultation responses and representation are set out in the previous report and remain relevant to the consideration of this application. They have been taken into account in the writing of this updated report.

## **2.0 Policy**

- 2.1 There are no changes to the scope of the development plan policy framework relevant to the determination of the application since the original officer report on this application was prepared (refer to policy section of the report at Appendix A).

## **3.0 Impact on the landscape character and appearance of the area**

- 3.1 The height, scale, massing and appearance of the proposed shed have not changed and its location set below the main intake building and silage clamp and approximately 25.0 metres to the west of the slurry lagoon have not changed since this application was last considered. It is however relevant to note that since the since this application was first considered the Local Planning Authority has granted planning permission for a new chicken farm unit in the field area directly adjacent to the proposed siting of this processing building. (The current application)

- 3.2 As set out within the Appendix A report when officers set out their recommendation on this matter, it was a balanced conclusion in that that given the setting, and the proposed additional landscaping to be secured as a conditional requirement, it was not felt there would be a robust case to refuse the permission for the processing building on landscape character and visual amenity grounds.
- 3.3 The additional buildings and hard surfacing area that will be delivered as part of the new chicken farm will add to the proliferation of buildings and development across this part of the landscape. In terms of reviewing the impact of the processing building on the visual amenities and landscape character, given that it will be viewed as sitting below the ridgeline height of the surrounding buildings the case to refuse on grounds of visual impact and landscape character alone is not strong.
- 3.4 However if members do not consider that sufficient information has been submitted to justify the need for the size of building proposed and therefore the additional impact on the landscape qualities and visual amenities of the area, members may decide that this could inform a reason for refusal. Officers have requested justification for the size of the building in relation to the AD's existing and approved installed capacity other than 1,000kw now refused. To assist with this part of the decision making process the applicant has provided the following further statement in support of the size and scale of the building as proposed as received by email direct from the applicant on the 27/04, as copied out below:

'The building has been designed as a processing building with a reasonably amount of buffer storage for pre and post pelleted product. The building will roughly be split into three areas with one third of it storing dried material waiting to be pelleted, one third being set aside for the process machinery and working area and the remaining third for buffer storage of pelleted material. Once dried, digestate has a very long 'shelf life' as it is in a stable state. There will be enough storage buffers for around 100 tonnes of dried material and 400 tonnes of pellets. The dried digestate is a very bulky material so uses a lot of space. Once pelleted however the digestate become much more dense so many more tonnes can be held in store. Longer term storage over the winter period will be on the farm that will use the digestate pellets. In summary the size of the building is a suitable size for processing the circa 2000 tonnes a year currently being produced'.

- 3.5 In terms of the most recent data set for the first quarter of 2016, (regards the transportation arrangements associated with the operation of the AD plant based on the approved parameters), 684.860 tonnes of digestate fibre was produced which on a rolling basis for the year would be approximately 2,736 tonnes.
- 3.6 In summary the further statement provided is considered robust in terms of demonstrating that it is sized to process the current predicted output based on the AD plant operating at a 500 Kw output and not 1,000 Kw (see also section below).

#### **4.0 Transportation impact and impact on amenity issues**

- 4.1 In terms of the most recent data set for the first quarter of 2016 submitted by the applicant, (regards the transportation arrangements associated with the operation of the AD plant based on the approved parameters), the removal of digestate fibre from the site has generated 78 vehicular movements which annualised up would be equal to approximate 312 vehicular movements per year.
- 4.2 The process to be undertaken in the building results in the drying of bulk material into a more dense pellet format, it is expected to reduce the number of trips in terms of

exporting the pelleted product off site, compared to the original bulk fibre material. As stated in the Appendix A report the applicant has estimated 100 trips, equal to 200 vehicular movements per year transport pelleted material, compared to the approximate 312 vehicular movements per year set out at 4.1 above in relation to exporting the digestate fibre instead. The Highway Authority recognises that the processing of digestate fibre into pellets condenses the product resulting in more product being transported in each vehicle and a likely traffic reduction as a result. The Highway Authority does not object.

- 4.3 Notwithstanding the extent to which the process undertaken in the building would impact on the number of trips associated with exporting the pelleted format product away from the site in direct comparison to the trips associated with exporting digestate fibre from the site as referred above, there remains a concern about how the operation of the proposed building would affect the amenities of the locality of Nomansland, if digestate is brought onto the site to be processed into pellets from other locations (such as Edgeworthy farm for instance). These concerns would arise from an increase in vehicular movements on the highway and passing through Nomansland as a result of additional digestate fibre being brought into the site to be processed, over and above the that is produced at the Menchine Farm AD plant. The latter (processing digestate fibre from Menchine Farm AD) would not require any additional movements on the highway. Therefore the following two conditions are recommended to supplement the 5 conditions as originally recommended.
1. The building hereby approved shall only be used to process digestate fibre that is produced as a by-product of the operation of the AD plant at Menchine farm as approved under Local Planning Authority Application reference: 14/00575/MFUL and no digestate fibre or other product from any other AD plant.
  2. Records to include the amount of digestate fibre processed at the building hereby approved on a quarterly basis shall be kept and made available for inspection by the Local Planning Authority on request. The records shall confirm the weight and date of the material brought into the building and the load weight and numbers of vehicles exporting the processed material in pelleted format away from the site. These records shall be made available to the Local Planning Authority on request.

## **5.0 Conclusions**

- 5.1 The additional conditions as referred to above are proposed in the interest of minimising the number of vehicular trips that would be generated on the local highway network in order to protect the general amenities of the locality of Nomansland. They seek to ensure only digestate produced from the Menchine Farm AD plant is processed in this building.
- 5.2 The appeal on the earlier application to increase the capacity of the AD plant has been refused. The inspectors decision and his reasons to refuse permission have been taken into account in the assessment of this application. This proposal is considered likely to result in a modest reduction in traffic movements. The proposal must be considered in conjunction with development at Menchine Farm including the poultry buildings that have been consented, but are yet to be built. Whilst this proposal will add further development, on balance it is not considered to result in unacceptable landscape and visual harm.
- 5.3 Subject to these conditions and those as originally recommended (as set out below in full), it is recommended that planning permission is granted.

## CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. The site access road to Menchine Farm shall be hardened surfaced and drained for a distance of not less than 10 metres back from its junction with the public highway, prior to the first use of the building and shall thereafter be so retained.
4. In accordance with details that shall previously have been submitted to, and approved in writing by, the Local Planning Authority, provision shall be made within the site for the disposal of surface water so that none drains on to any County Highway.
5. The proposed scheme of landscaping adjacent to the application building as shown on plan MF/FB/01B and as required as part of the scheme approved for the AD plant shall be carried out in the first planting season following the construction of the building hereby approved. In addition a further scheme of planting immediately to the south and west of the building hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of its construction, and shall be implemented in the first planting and seeding season following the construction of the building hereby approved. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species. Once provided, the landscaping scheme shall be so retained.
6. The building hereby approved shall only be used to process digestate fibre that is produced as a by-product of the operation of the AD plant at Menchine farm as approved under Local Planning Authority Application reference: 14/00575/MFUL and no digestate fibre or other product from any other AD plant.
7. Records to include the amount of digestate fibre processed at the building hereby approved on a quarterly basis shall be kept and made available for inspection by the Local Planning Authority on request. The records shall confirm the weight and date of the material brought into the building and the load weight and numbers of vehicles exporting the processed material in pelleted format away from the site. These records shall be made available to the Local Planning Authority on request.

## REASONS FOR CONDITIONS

1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of proper planning.
3. To prevent mud and other debris being carried onto the public highway.

4. In the interest of public safety and to prevent damage to the highway.
5. In the interest of the visual amenity of the area in accordance with Policy DM2 of the Mid Devon Local Plan Part 3: (Development Management Policies).
6. In the interest of minimising the number of vehicular trips that would be generated on the local highway network and in order to protect the general amenities of the locality of Nomansland in accordance with Policies DM1, DM2, DM5 and DM7 of the Mid Devon Local Plan Part 3 (Development Management Policies).
7. In the interest of minimising the number of vehicular trips that would be generated on the local highway network and in order to protect the general amenities of the locality of Nomansland in accordance with Policies DM1, DM2, DM5 and DM7 of the Mid Devon Local Plan Part 3 (Development Management Policies).

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

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

On this basis it is considered on balance that the proposal complies with Policies COR2 and COR18 of the Mid Devon Core Strategy (Local Plan Part 1) and Policies DM1, DM2, and DM22 of the Mid Devon Local Plan Part 3: (Development Management Policies) and government policy as contained in the National Planning Policy Framework.

#### Contact for any more information

Simon Trafford, Area Planning Officer  
(01884) 234369

#### Background Papers

#### File Reference

15/00573/FULL

#### Circulation of the Report

Cllrs Richard Chesterton  
Members of the Planning Committee

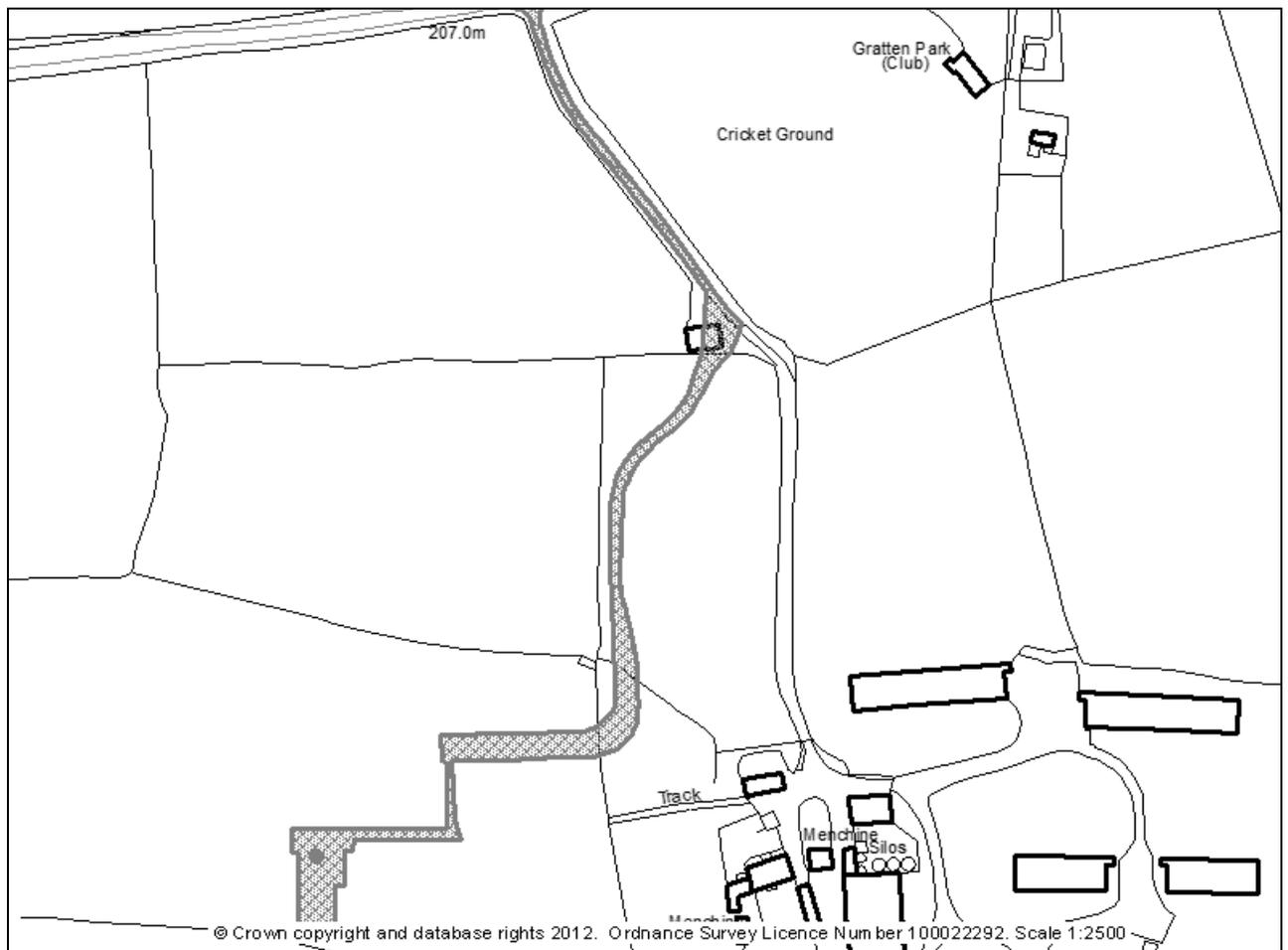
**Grid Ref:** 283096 : 113579

**Applicant:** Mr S Cole

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

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

**Date Valid:** 24th April 2015



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

### **RECOMMENDATION**

Grant permission subject to conditions.

### **PROPOSED DEVELOPMENT**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **PLANNING HISTORY**

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

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

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

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

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

## **DEVELOPMENT PLAN POLICIES**

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

COR2 - Local Distinctiveness

COR18 - Countryside

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

DM1 - Presumption in favour of sustainable development

DM2 - High quality design

DM8 - Parking

DM20 - Rural employment development

DM22 - Agricultural development

## **CONSULTATIONS**

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

No comment beyond concerns of increased traffic volumes.

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

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

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

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

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

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

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

Puddington Parish Council wishes to object to this planning proposal.

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

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

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

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

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

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

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

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

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

- a) in view of 2) and 3) above a Full Environmental Impact Assessment should be carried out.
- b) this should include a Noise Assessment in view of the additional mechanical operations and the noise nuisance already noted by the local residents.
- c) An Odour assessment as many of the affected residents have been experiencing and complaining to the Environmental Agency and Environmental Health about a detrimental odour nuisance.
- d) A full cyclical Traffic assessment for all AD feedstock imported and digestates (liquid and solid) to be exported.
- e) Written agreement from the Applicant/Operator to submit accurate records as to traffic movements in and out of the site in compliance with paragraph 8) under Decision on APP/Y1138/A/13/2193382 and as per point 42 under Conditions of same. This is necessary as Applicant/Operator refused to comply with such a request from MDDC Enforcement Officers in February 2015.
- f) Clarity is required as to what is classified as 'waste' by Inspector Mike Robins in his APPEAL Decision APP/Y1138/A/13/2193382 Conditions No.43 with regard to preventing odour and storing waste. Is all the Chicken litter being stored inside the Intake Shed as this is highly dangerous waste and the worst farm manures for harbouring/spreading disease pathogens, etc. and would definitely create odour?
- g) Applicant to provide a detailed plan for vermin/pest control to include contractual evidence, as local residents have already noted marked increase in rodent and fly presence since AD operations commenced.

**ENVIRONMENTAL HEALTH - 18th May 2015**

Contaminated Land - N/A

Air Quality - N/A

Waste & Sustainability

Drainage - no objections to this proposal

Noise & other nuisances - no objections to this proposal

Housing Standards - Not applicable

Licensing - N/A

Food Hygiene - Not applicable

Private Water Supplies - Not applicable

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

**HIGHWAY AUTHORITY - 8th May 2015**

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

Recommendation:

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

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

No Objection

**REPRESENTATIONS**

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

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

## **MATERIAL CONSIDERATIONS AND OBSERVATIONS**

The main determining factors in this application are:

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

### **1 Policy**

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

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

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

- a) The development would not lead to an unacceptable impact on the local road network;
- b) There would not be an unacceptable adverse impact to the character and appearance of the countryside; and
- c) There are insufficient suitable sites or premises in the immediate area to meet the needs of the proposal.

DM22 specifies that agricultural development will be permitted where;

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

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

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

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

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

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

Some local residents argue that the area has become industrialised by the proliferation of buildings that have constructed over recent years. The view from the south clearly shows the spectrum of

development which stretches for 200 metres as a panoramic. Whilst the spread of structures is clear in the landscape the existing tree coverage (native), hedgerows and grassed areas help to soften how the wider developed group sits in the landscape. Whilst the height and overall massing of the spread of buildings varies, it is considered that the proliferation of buildings remain at farm scale with the farm house cottage clearly sitting as the centre piece, with the intake building digester tank and lagoon appearing taller to the west.

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

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

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

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

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

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

### **4. Transportation Issues**

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

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

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

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

## **Conclusion**

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

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

## **CONDITIONS**

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

## **REASONS FOR CONDITIONS**

1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of proper planning.
3. To prevent mud and other debris being carried onto the public highway.
4. In the interest of public safety and to prevent damage to the highway.

5. In the interest of the visual amenity of the area in accordance with policy DM2 of the Local Plan Part 3: (Development Management Policies).

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

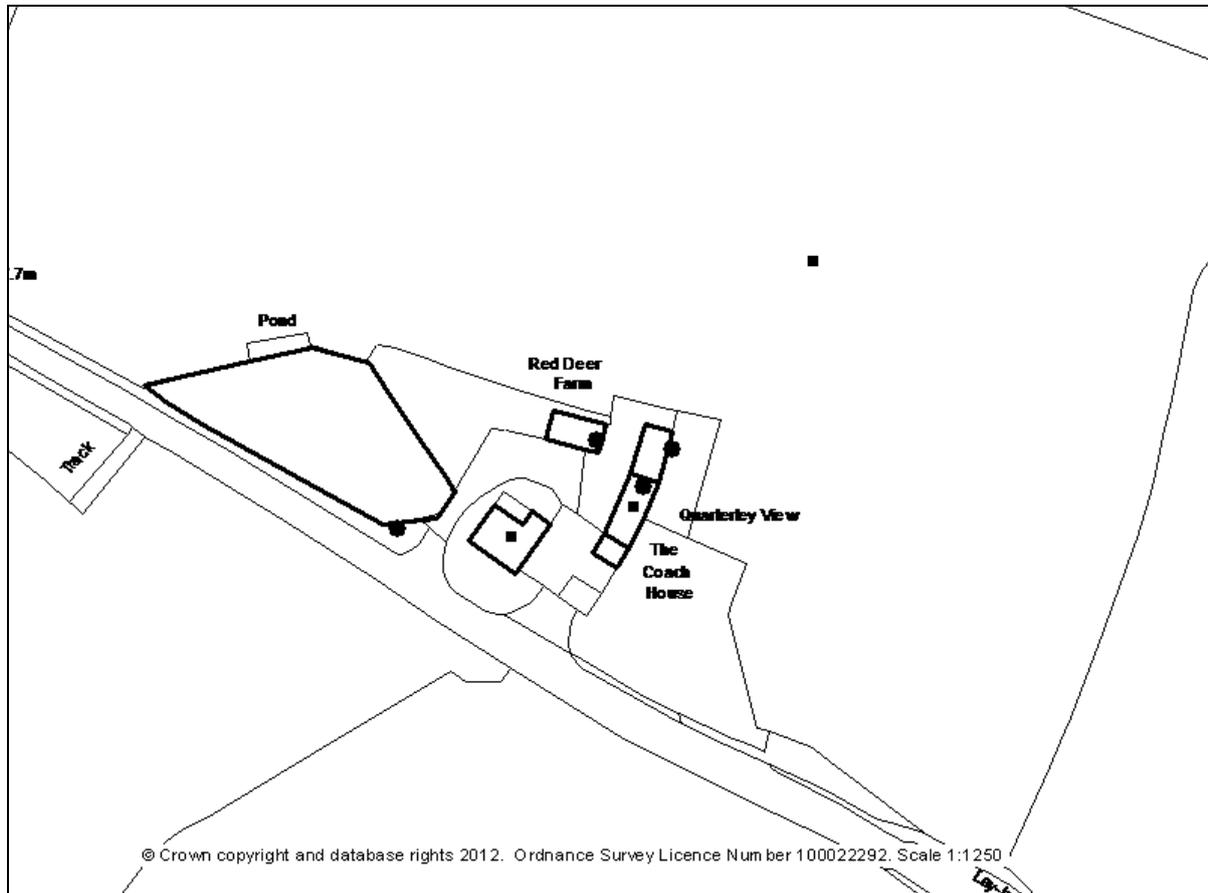
The proposal is for the erection of a further building on the Menchine Farm complex to enable the processing of digestate into a pellet format. The siting, location and design of the building is such that it is not considered that the proposed development would harm the landscape character and/or visual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

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

**Application No. 16/00001/TPO**

**Grid Ref:** 123511 : 289165

**Location:** Red Deer House  
Oakford Tiverton  
Devon



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

**CONFIRMATION OF TREE PRESERVATION ORDER 16/00001/TPO  
RED DEER HOUSE, OAKFORD**

**Reason for Report:**

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

**RECOMMENDATION**

That the Tree Order be confirmed.

**Relationship to Corporate Plan:**

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

**Financial Implications:**

None.

**Legal Implications:**

None.

**Risk Assessment:**

None.

**Consultation carried out with:**

1. Those with an interest with the land.

**1.0 DESCRIPTION/HISTORY**

- 1.1 The tree preservation order was made following an expression of concern that the trees were under threat due to the building and landscaping work being carried out at the property.

A woodland order was made to protect the entire small woodland. The woodland is an important feature in the landscape and typical for the area being a small mixed species copse. It is clearly visible from the B3227, in both directions. The amenity value of the woodland is considered to be good enough to warrant protection by the Tree Preservation Order.

An objection was received following the serving of 16/00001/TPO at Red Deer House, Oakford.

## **2.0 AMENITY EVALUATION**

2.1 For the surrounding area the trees have significant amenity value. Following an amenity evaluation of the trees it was deemed necessary to place further protection on them, in the form of a Tree Preservation Order. This was served on 19<sup>th</sup> February 2016.

## **3.0 REPRESENTATIONS**

3.1 The following summarised objection was received from the occupier of Red Deer House:

1. The trees are under no threat and therefore no TPO required.
2. Ensuring that the trees are safe to highway, utilities and sewerage treatment unit, will be difficult if TPO imposed.
3. Trees are under good management with expert advice sought – so no TPO required.

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

4.1 Whether the trees are under threat – it is clear that there was no real intention to destroy the trees on the site but the piling of building material and soil is likely to have a detrimental effect on the health of the trees. This has been discussed with the tree owners and action is due to be taken, by removing built up soil and rubble. Ground disturbance poses a very serious threat to trees and while the effects may not be immediately obvious it can prove to be detrimental in the longer term. Some clearance of smaller scrubby species has been done and the thinning out of overcrowded areas by removing smaller sycamore trees.

- Simple inspection is the best way to ensure that trees are kept in a safe condition, an inspection by a suitably qualified person will highlight any remedial action required. The TPO does not affect the duty of statutory undertakers. The sewerage treatment plant in the garden to the west of the property has now been suitably cleared and this open area can be easily maintained.
- At the time of the MDDC Tree Officer site visit there seemed to be little essential tree work necessary. The unnecessary pruning, topping of trees is easily controlled with the TPO. Mid Devon District Tree Officer disagrees with the owners appointed arborist, regarding the need to prune the large Oak tree discussed in the objection letter because the tree appeared to be in good health and suitable for the setting.

- No application is required to remove dead or dangerous material or trees from the woodland. In this environment, ideally deadwood would be left in situ where it was safe to do so, as it provides a range of habitats, increasing biodiversity. The Tree Preservation Order does not serve to stop the good management of woodland.

## **5.0 CONCLUSION**

5.1 The woodland is a good and suitable landscape feature and as such its protection is justified. The Tree Preservation Order does not serve to stop good management. It is recommended that the Tree Preservation Order be confirmed.

<b>Contact for any more information</b>	Cathy Lynch 01884 234304
<b>Background Papers</b>	None
<b>File Reference</b>	16/00001/TPO
<b>Circulation of the Report</b>	Cllrs Richard Chesterton Members of the Planning Committee

**Application No. 16/00015/MFUL**

**Agenda Item**

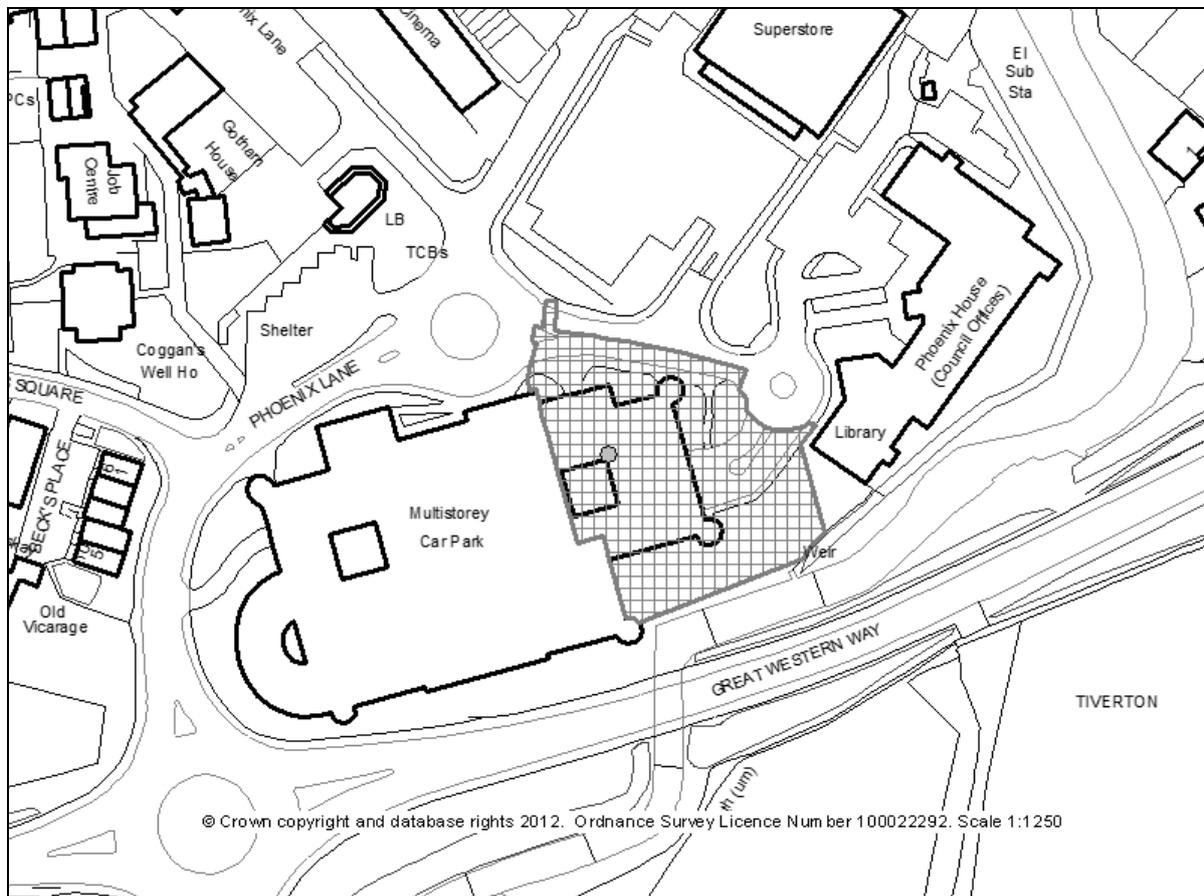
**Grid Ref:** 112344 : 295588

**Applicant:** Mr P Smith,  
Whitbread Plc

**Location:** Multi Storey Car Park  
Phoenix Lane  
Tiverton Devon

**Proposal:** Erection of an 83  
bedroom 'Premier Inn'  
hotel and integral  
restaurant with  
associated access  
and landscaping,  
including partial  
demolition of multi-  
storey car park

**Date Valid:** 4th February 2016



REPORT OF THE HEAD OF PLANNING AND REGENERATION

**16/00015/MFUL - ERECTION OF AN 83 BEDROOM 'PREMIER INN' HOTEL AND INTEGRAL RESTAURANT WITH ASSOCIATED ACCESS AND LANDSCAPING, INCLUDING PARTIAL DEMOLITION OF MULTI-STOREY CAR PARK - MULTI STOREY CAR PARK PHOENIX LANE TIVERTON DEVON**

**Reason for Report:**

To determine this planning application.

**RECOMMENDATION(S)**

**Grant planning permission subject to conditions and signing of a S106 to secure a financial contribution toward the improvements to the public realm within Tiverton.**

**Relationship to Corporate Plan:**

Managing the environment

**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 behaved unreasonably

**Legal Implications:**

S106 agreement sought to secure a financial contribution toward improving the public realm in Tiverton Town Centre

**Risk Assessment:**

None identified

**Consultation carried out with:**

1. Tiverton Town Council
2. Highway Authority
3. Historic Environment Service
4. Devon and Cornwall Police Authority
5. Environmental Health
6. Lead Local Flood Authority
7. Natural England
8. Economic Development Manager

9. Environment Agency
10. South West Water

## 1.0 PROPOSED DEVELOPMENT

The planning application seeks permission for the erection of a hotel and an associated restaurant. The development requires the partial demolition of the existing multi storey car park at the southern end of Phoenix Lane, Tiverton.

The application includes the following elements:

- 83 bedroom hotel;
- 76 cover restaurant;
- Relocated and remodelled vehicular entrance to the multi storey car park;
- New pedestrian footpath on west side of Phoenix Lane;
- 4 x under croft disabled parking on the lower ground floor;
- Service and delivery entrance on eastern elevation linking to laundry, services, internal storage and recycling areas;
- Bicycle store;
- External structural wall to car park

The site is located within Tiverton town centre. The primary shopping area of Tiverton is to the north of the application site and within easy walking distance of the proposed hotel and restaurant. The bus station is opposite the site to the north. To the west lies the remainder of the existing multi storey car park. To the east are the Council offices and the M&S Simply Food. To the south lies Great Western Way.

The site is relatively level and is accessible from Phoenix Lane. As the site is opposite the bus station, from which there are regular bus services on multiple routes the development could be well served by public transport links.

The site lies outside, but adjacent to the conservation area. The conservation area boundary is along the section of Phoenix House between the multi-storey car park and the bus station.

## 2.0 APPLICANTS SUPPORTING INFORMATION

Design and access statement

Heritage Statement

Landscape and Visual Impact Appraisal

Sustainability Statement

Whitbread Environmental Report

Travel Plan

Transport Statement

Flood Risk Assessment

Drainage Strategy Report

Ecological Appraisal

Economic Impact Assessment

Statement of community engagement

### 3.0 **PLANNING HISTORY**

There is no planning history specific to this site which needs to be taken into account as part of the assessment of this application.

### 4.0 **DEVELOPMENT PLAN POLICIES**

National Planning Policy Framework (NPPF)

Mid Devon Core Strategy

COR1 – Sustainable Communities

COR6 – Town Centres

COR7 – Previously Developed Land

COR9 - Access

COR11 - Flooding

COR13 - Tiverton

Local Plan Part 3 (Development Management Policies)

DM1 – Presumption in favour of sustainable development

DM2 – High Quality Design

DM3 – Sustainable Design

DM4 – Waste Management

DM6 – Transport and Air Quality

DM7 - Pollution

DM8 - Parking

DM17 – Development outside town centres

DM24 – Tourism and Leisure Development

DM27 – Development affecting heritage assets

## 5.0 CONSULTATION RESPONSES

### 1. TIVERTON TOWN COUNCIL - 16th February 2016

Support but would wish for a full ground stability assessment to be made and also assurance that area will not be prone to flooding as on the course of a riverbed that was diverted.

### 2. HIGHWAY AUTHORITY - 23rd February 2016

The Highway Authority has viewed the application and has no objections in principle to the development. Full details of the access, its alignment both horizontally and vertically will need approval as well as the revised signing and lining for the M&S store entrance. Such design should be accompanied by a stage 2 safety Audit. The access to the hotel is not on Public Highway but within land under the control of the District Council and the above detail is for them to approve, any level changes that affect the Public highway and entrance to the roundabouts will need Highway Authority approval.

The proposed site will reduce the parking by 75 and in addition will occupy up to 66 spaces therefore a loss to the car park of 141 spaces. The applicants survey shows that there is an existing spare capacity of 280 spaces( such spare capacity should be verified by the district parking manager). However the reduction in the spare capacity by the 141 space will still leave spare capacity of 139 spaces. The Local Planning Authority may wish to consider seasonal variations such as Christmas, January Sales etc which the Car Park Manager may be able to assist in any variations to the survey date and its impact on spare capacity.

The applicant has submitted with the application a travel plan, the content of which is acceptable to the Highway Authority and is welcomed. The Highway Authority would advise that the travel plan be appended to any planning legal agreements.

Therefore should consent be granted the following condition is advised.

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. No other part of the development hereby approved shall be commenced until the access, amendments to Multi storey car parking facilities( including re-routing) commercial vehicle loading/unloading area visibility splays turning area and access drainage have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and retained for that purpose at all times .

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

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) any road closure;
- (d) hours during which delivery and construction traffic will travel to and from the site;
- (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
- (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
- (g) 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;
- (h) hours during which no construction traffic will be present at the site;
- (i) the means of enclosure of the site during construction works; and
- (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
- (k) details of wheel washing facilities and obligations
- (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;

3. Where installed as part of the development, the light source of the proposed floodlighting units should not be directly visible to drivers of vehicles using the public highway.

REASON: To ensure that the floodlighting associated with the proposal / proposed illuminated sign does not result in detriment to the safety of drivers using the public highway.

3. HISTORIC ENVIRONMENT SERVICE - 22nd February 2016

No comments.

4. DEVON & CORNWALL POLICE AUTHORITY - 8th February 2016

I have liaised with the agent and confirmed that the door security to rooms is of an appropriate standard.

There is no licensed bar which addressed some potential concerns.

The Police have no further comments to make.

5. ENVIRONMENTAL HEALTH - 19th February 2016

Contaminated Land - No objections

Air Quality - Electric Vehicle points not mentioned in transport assessment but would be desirable.

Drainage - No objections

Noise & other nuisances - No objections

Licensing - No objections to this application, however all licensable activities including the sale of alcohol and regulated entertainment would require a Premises Licence under the Licensing Act 2003. Please contact the Licensing team at your earliest convenience to discuss this further all application forms are available via the following link <https://new.middevon.gov.uk/business/licensing/alcohol-and-entertainment-licences/premises-licences/Food> Hygiene -

Food Hygiene - no objections to this proposal.

Informative: Applicant must register premises with Environmental Health department at least 28 days prior to opening if food/ drink sold. Recommend sending plans for advice prior to works being carried out. Ensure facilities for storing waste, none detailed on plan.

Health Safety - No objection to this proposal.

Informative: There is a lack of information e.g. structural survey regarding the current car park. There is a foreseeable risk of asbestos being present in these types of structure. A Refurbishment and Demolition Survey following HSG264 available at <http://www.hse.gov.uk/pUbns/priced/hsg264.pdf> should be carried out before work commences to identify precautions and legal requirements enforced by Health and Safety Executive.

Should you wish to receive health & safety advice regarding layout & design please contact Environmental Health prior to work commencing.

6. LEAD LOCAL FLOOD AUTHORITY - 26th February 2016

Devon County Council Flood and Coastal Risk Management Position.

We have no objection to the proposals for the disposal of surface water from this development.

It is noted that that the site is constrained on the amount of available space for surface water management but it should be noted that underground attenuation crates cannot be considered as a truly sustainable means of drainage because they do not provide the required water quality, public amenity and biodiversity benefits, which are some of the underpinning principles of SuDS.

It is recommended that opportunities for additional SuDS features should be explored within the layout such as the use of permeable paving (undrained if necessary), bio-

retention and rain gardens etc. in order for a suitable SuDS management train for the site to be developed.

7. NATURAL ENGLAND - 9th February 2016

No comments.

8. ECONOMIC DEVELOPMENT MANAGER - 21st April 2016

As the Economic Development Officer, I fully support the development of the proposed Premier Inn in Tiverton. There are a number of elements that I believe should be considered when making the final decision.

Local towns and cities with Premier Inns:

Across Devon there are 14 Premier Inns already operating. The mix is as follows:

Barnstaple

Exeter x 4

Exmouth

Honiton

Newton Abbot

Paignton x 2

Plymouth x 3

Torquay

These hotels all have "good" to "extremely good" Trip Advisor reviews, and the chain is a well-respected and popular option for tourists and other visitors. The company is a brand that people often seek out when they are looking for somewhere to stay, as they tend to have a consistent quality to them. Though not the most prestigious brand in the hotel industry, most popular tourist destinations have one (or several), and their desire to set-up in Tiverton should be seen as a positive sign for the town.

Kick-starting the local economy:

The development could kick-start the regeneration of the town centre and would create an opportunity to attract further investment into Tiverton. The proposal would create a number of direct local jobs in a sector that we, as a local authority, are actively trying to promote. It would also create a significant number of indirect jobs within sectors that we wish to encourage. These include the food and drink sector, tourism sector and the retail sector, all of which are critically important to Tiverton, and should be supported and nurtured to encourage the town centre to thrive. Though this may result in some displacement, the impact would be easily absorbed in our local labour market.

Supporting our planned activities:

We host a number of events in Tiverton town centre, with people travelling from across the South West to come to Electric Nights and other festivals. With the majority of our events running into the evening, it is important that we have a strong offer available to people who wish to stay in Tiverton overnight. This creates an additional opportunity, whereby they can come to visit the town for a specific event, stay here for the evening, and then have the opportunity to shop in the town the following morning. The hotel would therefore help to increase dwell time and footfall in the town centre.

#### Mid Devon Open for Business:

Supporting the project would promote the perception message that the Council is open for business and Mid Devon is a good place for business investment and economic growth. This would be a positive message that could be built by aligning Council strategies and actions with the existing business community and new investors. It is a good sign of a forward thinking local authority to actively support inward investment opportunities. Approving this application would be a very public way to support our business community to grow and growth aspirations for the future economy of the District and being supported through the planning process. This is not to say that we should just accept all investment opportunities, but by working with developers and businesses as they expand, we can help to shape development in a meaningful way that will meet the needs of local communities and investors.

#### Adding to the mix of services:

The development of a Premier Inn would create a different offer to the existing Tiverton Hotel and the B&Bs that operate in and around the town. It is healthy to have competition in a town and to have a good mix of options for people to choose from when they visit the area. Some visitors prefer the comfort and homely feel of a B&B, and Premier Inns don't tend to attract these clients.

Premier Inns are typically more of a budget hotel than Best Westerns. Looking at a random weekend in the summer, the cost of the nearest Exeter Premier Inn would be £140 for 2 nights, and the Tiverton Hotel would cost £275 for the same 2 nights. It should not be difficult for our existing visitor accommodation services to promote themselves as a different offer and to appeal to a different section of the market.

#### Capacity of existing offer:

Even if the 2 hotels were considered to be a similar offer, there appears to be a capacity issue. When the search for rooms was undertaken, from the middle of May, the Best Western was unavailable because it was fully booked. The first weekend that could be found that a double room was available was the 24th of June. This means that anyone looking to stay in a hotel in Tiverton from the 13th of May until the 24th of June, would have had to use a B&B or an out of town hotel.

#### In conclusion:

Whilst it is recognised that there are planning policy concerns about the height of the building, from an economic development perspective, it would be detrimental to the town if the application did not get approved.

9. ENVIRONMENT AGENCY - 24th February 2016

Thank you for your recent consultation regarding the above application.

#### Environment Agency Position

We have no objection to the proposal as submitted from the point of view of flood risk and we have some advice on the flood risk Sequential Test.

#### Flood Risk

The site sits within Flood Zones 3 and 2 associated with the River Lowman and is at risk of flooding. Inappropriate development of this area would result in an increase in flood risk given the circumstances present.

We can report that that the form and layout of the proposal is sympathetic to the risks and way flood waters affect the area and that the development will not adversely affect the function of the river system.

We endorse the proposal to produce a 'Flood Plan' to cover the lower ground floor to ensure that this part of the development will be evacuated on issue of a flood warning.

We would recommend that the 'services' on the lower ground floor should be raised as much as is practicable.

#### Flood Risk Sequential Test - general advice

The application site lies within Flood Zone 3 defined by the Environment Agency Flood Map / Strategic Flood Risk Assessment as having a high probability of flooding. Paragraph 101 of the National Planning Policy Framework requires decision-makers to steer new development to areas at the lowest probability of flooding by applying a 'Sequential Test'.

Your Authority will need to be content that the flood risk Sequential Test has been satisfied in accordance with current Government guidance within the National Planning Policy Framework if you have not done so already. As you will be aware, failure of the Sequential Test is sufficient justification to refuse a planning application.

Please contact me if you have any questions about our response.

10. SOUTH WEST WATER - 26th February 2016 - With reference to the planning application at the above address, the applicant/agent is advised to contact South West Water if they are unable to comply with our requirements as detailed below.

#### Asset Protection

Please find attached a plan showing the approximate location of the public sewers in the vicinity. Please note that no development will be permitted within the easements as listed below, and ground cover should not be substantially altered.

900mm combined sewer (shown in red line) - 6.5 metre easement from the outside of the barrel of the pipe

375mm surface water sewer (shown in blue dashed line) - 3 metre easement from the outside of the barrel of the pipe

450mm water course (shown in orange dashed line) - please contact the Environment Agency for asset protection advice

225mm private surface water sewer (shown in green dashed line) - please contact owner of the sewer for asset protection advice

Should the development encroach on the specified easements, the sewers will need to be diverted at the expense of the applicant. The applicant/agent is advised to contact the Developer Services Planning Team to discuss the matter further.

#### Clean Potable Water

South West Water is able to provide clean potable water services from the existing public water main for the above proposal.

#### Foul Sewerage Services

South West Water advises a Planning Condition to emphasise that: Foul drainage from the Development (and no other drainage) shall be connected to the public foul or combined sewer.

Reason: To ensure the discharge of drainage from the Development shall not be prejudicial to the public sewerage system and ensure there are adequate public foul sewerage facilities to receive foul water flows, in order to safeguard the public and environment.

#### Surface Water Services

The statutory Water and Sewerage Undertaker supports the Planning Policy Guidance for Flood Risk & Coastal Change statement. To accompany its planning application, the applicant must demonstrate how its proposed development will have separate foul and surface water drainage systems and not be detrimental to existing infrastructure, the public and environment (and that any provisions for protecting infrastructure have been agreed with SWWL as service-provider). The applicant should demonstrate to your LPA that its prospective surface run-off will discharge as high up the hierarchy of drainage options as is reasonably practicable (with evidence that the Run-off Destination Hierarchy has been addressed, and reasoning as to why any preferred disposal route is not reasonably practicable):

1. Discharge into the ground (infiltration); or where not reasonably practicable,

Provide written evidence as to why Infiltration devices, including Soakaways, Swales, Infiltration Basins and Filter Drains do not meet the design standards as specified in either H3 Building Regulation standards for areas less than 100m<sup>2</sup>. Soakaways serving larger areas must meet the design standard specified in BS EN 752-4 (para 3.36) or BRE Digest 365 Soakaway Design.

2. Discharge to a surface waterbody; or where not reasonably practicable,

Provide written evidence for refusal of discharge consent from owner of water body (Environment Agency, Local Authority, Riparian Owner etc)

3. Discharge to a surface water sewer, highway drain, or another drainage system; or where not reasonably practicable,

Provide written evidence for refusal of discharge to drainage system (Highway Authority, Environment Agency, Local Authority, Private ownership)

4. Discharge to a combined sewer.( Subject to Sewerage Undertaker carrying out capacity evaluation)

South West Water will carry out a hydraulic capacity review of the combined sewerage network before permission will be granted to discharge to the combined sewer.

Having reviewed the applicant's current information as to proposed surface water disposal for its development, please note that method proposed to discharge into the ground (infiltration) is acceptable and meets with the Run-off Destination Hierarchy. However, should this method be amended, SWWL will require clear evidence to demonstrate why the preferred methods listed within the Run-off Destination Hierarchy have been discounted by the applicant.

Your LPA will be mindful of Local Plan policy to limit the adverse (including cumulative) effect of proposed development such that sustainability is paramount and flooding risk is not increased elsewhere, together with Paragraphs 162 of the NPPF, and Paragraphs 109 and 120 of PPG (Conserving and enhancing the natural environment).

I trust this clarifies the water and drainage material planning considerations for your LPA, however if you have any questions or queries, please do not hesitate to contact me either via e-mail: [developerservicesplanning@southwestwater.co.uk](mailto:developerservicesplanning@southwestwater.co.uk) or direct line: 01392 443189.

Please quote reference number AS250216/Phoenix Lane in all communications and correspondence.

## **6.0 REPRESENTATIONS**

10 letters of objection received (including Tiverton Civic Society) – summarised as follows:

- Loss of view of the hills forming Tumbling Fields
- Loss of car parking in the town centre
- Located in the flood plain of River Lowman
- Need for another hotel has not been demonstrated
- Impact on character of Tiverton as loss of view toward green hills to the south
- Hotel would be visible from Deyman's Hill properties and hotel would cause overlooking to nearby properties
- Hotel would be an isolated dominating building
- Hotel is too high and will obstruct the skyline
- Hotel next to Phoenix House will appear as fortress from Great Western Way
- Development will increase demand for water and sewerage

- Loss of open space and landscaping between Phoenix House and the carpark
- Scale of the building is out of line with other buildings in the town
- Overdevelopment of the site – massing is too great and towers over Phoenix House and carpark which was deliberately limited when built
- Detrimental impact on Tiverton Conservation Area
- Hotel design lacks architectural merit and local distinctiveness
- The design symmetry of the multi-storey car park would be lost
- Connection between town and countryside would be lost
- Partial demolition of the carpark would compromise the integrity of the existing building
- Landscape report identifies that for a number of receptors there is likely to be a direct permanent adverse effect from the development.

## 7.0 MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main considerations in the assessment of this application are:

1. Design
2. Visual impact including impact on heritage assets
3. Economic benefit of development
4. Highways
5. Environmental impact
6. Flooding
7. Surface water drainage and waste water

1. Design

Policy DM2 of the Local Plan Part 3 (Development Management Policies) requires new development to be high quality, based upon and demonstrating a clear understanding of the characteristics of the site, its wider context and surrounding area; efficient and effective use of the site; positive contribution to local character (including heritage assets); creation of safe and accessible places; visually attractive places that are well integrated with surrounding buildings, streets and landscapes, and do not have an unacceptably adverse effect on privacy or amenity of neighbouring properties and uses taking account of architecture, siting, layout, massing, orientation, fenestration, materials, landscaping and green infrastructure.

The proposed hotel has a contemporary appearance. It is 6 storeys high with service and delivery facilities plus some undercroft parking on the lower ground floor and accommodation and public facilities on the 5 upper floors. It adjoins the eastern side of the retained multi storey car park (that has a brick facade with slate canopies on the top storey) as well as wrapping around part of the southern area of the car park.

The scale, massing and materials of the hotel and restaurant development are stated to have been chosen to be appropriate to the site and the context of development in the surrounding area. The mass of the building is considered to be acceptable and the 'L' shape footprint helps to reduce the overall bulk of the development and allows it to sit comfortably between the multi storey car park and the MDDC offices. The shape and location of the building prevents it from encroaching on the space to the front of and approach to the MDDC offices. It sits back in the site and provides an opportunity for two active frontages to be created on the inner elevations of the 'L' shaped building as well as some opportunity for soft landscaping to soften the proposal.

The mass of the proposal is reduced through a narrowing in the depth of the northern and eastern ends of the building as well as through regular forward projections in the building

lines. This adds interest and movement to the main facades of the building. While the southern elevation of the hotel has a similar design treatment to the east elevation, the west facing elevation of the hotel is bland and lacks interest. This elevation adjoins the retained car park. There are a very limited number of openings in this elevation as the hotel bedrooms have been designed to face east and south, however, the lack of windows results in this elevation appearing rather stark and bare. However, there are very limited view points from where this elevation will be visible and the upper storey that may be more visible in the local environment does contain more openings.

The hotel design results in it being considerably higher than the existing car park. The highest part of the hotel would be approximately twice as high as the existing brick walls of the multi storey car park. The height of the proposal in relation to the car park is of concern and detracts from the overall attractiveness and suitability of the design. The design would be improved by a reduction in height. The height is partially as high as it is due to the necessity to elevate the floor level of the hotel accommodation and facilities above flood risk level. The applicant has been asked if the number of bedrooms in the hotel could be reduced to enable the overall height of the building to be reduced. The applicant has indicated that in order to make the development viable it is necessary to retain the 83 bedroom format of the hotel. The height of the hotel will change the roovescape of the surrounding area, stretching considerably higher than the car park but also higher than the MDDC offices to the east. The height will change the views out of Tiverton to the surrounding green hills particularly when viewed from the town centre along Phoenix Lane.

Existing landscaping to the east and south of the car park will be lost as a result of the development. While a majority of this is low level landscaping it does assist in softening the engineered appearance of the car park. Where replacement landscaping can be provided then this should be implemented to improve the overall relationship of the development with the street scene at pedestrian level.

An undercroft area is proposed on the eastern side of the development to allow for flood waters to pass through should a significant flood event occur. This results in the hotel reception and restaurant being at first floor, accessed via a customer lift at the undercroft/lower ground floor level. While this arrangement is considered to be acceptable it is important that the material finishes to the undercroft area are carefully considered to ensure that this open, columned service/delivery area is not unattractive nor detracts from the overall appearance of the development. The undercroft area will be visible by pedestrians both accessing the hotel and restaurant but also visible to people accessing the MDDC offices, M&S, car park, residential properties to the east. Opportunities to improve the external appearance of this area and provide landscaped screening where possible should be sought. A landscaping condition and a materials sample condition have been suggested that would help to control these elements of the development.

The external appearance of the development, including style and size of fenestration, curved brick walls, overhanging eaves, rendered panels and decreasing size of upper storeys share similarities with the external appearance of the MDDC offices to the east and the retained car park to the west. This approach to the appearance of the building is considered to result in proposal that will be able to complement the appearance of the MDDC offices.

While acknowledging the height of the hotel in its context is considered to be excessive and the design of the development would be improved if the building could sit lower on the site, the location, orientation, footprint, external appearance and mass are considered to be acceptable and result in a coherent design overall that would in part (due to the concerns regarding the height) have support from policy DM2 LP3 (Development Management Policies).

## 2. Visual impact including impact on heritage assets

The proposed hotel and restaurant will be visible from a number of view points in the surrounding area. The application was supported by a landscape and visual impact assessment (LVIA) and a heritage statement. Together these documents explore how visible and intrusive the proposed development would be taking into account the context of the surrounding area.

The LVIA states that the proposal will be visible within the immediate townscape of Phoenix Lane, St George's Way and Great Western Way with a vista from Fore Street. Views are also possible from nearby agricultural fields to the south, leading toward Cranmore Castle (scheduled monument). It concludes that some moderate and moderate to minor adverse effects to some receptors will remain following the implementation of the scheme. These receptors are properties with southerly views on Gold Street/Fore Street, properties on Great Western Way and in Little Silver, Phoenix House, Deyman's Hill House and bungalow. With regards to views from surrounding countryside it is stated that there will be a negligible to no effect on these views as the development will be read in conjunction with the existing Tiverton townscape.

The site visit identified that the key public views toward the development are from the north in Phoenix Lane, from the east in front of the MDDC offices and from the south on Great Western Way. While the development will be an obvious change to views from Great Western Way and to the front of the MDDC offices it is considered that the perception of the height of the development will not be so great from these view points as they are at a similar ground level to the hotel. However, the application site is very close to the Conservation Area although it is not within it. There is a visual relationship between the site and the Conservation Area and listed buildings within it. There is a clear view toward the development from Phoenix Lane from within the Conservation Area and from close proximity to listed buildings. The view from Phoenix Lane is considered to form part of the setting of the town and the conservation area. This view would be interrupted as a result of the proposed development. The Conservation Officer has commented that as a result of the height of the development (which has been indicated on plans, in CGI models and a photomontage) the overall impact of the development would be harmful to the setting of the conservation area. The conservation area is a heritage asset and once lost cannot be replaced. As such heritage assets are an irreplaceable resource. Although the Conservation Officer has concluded that the harm to the conservation area would amount to 'less than substantial' harm, it is harm that cannot be easily mitigated as it is a result of the height and design of the building. The harm should be given weight in coming to a decision on the application.

The conservation officer views are reinforced by the heritage statement submitted with the application which states:

'From outside the conservation area looking in, it is the proposed upper floors, including the roof level plant, which would be prominent in views of the town from the southern hillside, visible through the canopies of trees sited along Great Western Way. The proposed building would be a prominent new element at the southern extent of the town with the height and massing out of keeping with the prevailing character or appearance of the conservation area....accordingly, the proposed development would have a harmful impact on the significance of the conservation area as a whole, due to its uncharacteristic height and massing, and the associated impact on number of views out of the conservation area to the surrounding rural context and its prominence in views from the south into and over the conservation area'.

From Phoenix Lane the height of the proposed hotel development can be appreciated in context more easily than from lower view points. From this location the existing car park appears as a horizontal line in the roofscape that does not prevent views out of the town toward the surrounding green hills to the south. The proposed hotel, with a maximum height of twice that of the existing brick walls, will be an obvious addition to the visual environment of the area and of the car park and would partially prevent views toward the fields on the hills to the south. However, the most significant (and harmful) changes are limited to an 'offset' section of a wider panoramic view. The MDDC owned trees to the north east of the application site will help to soften the appearance of the development within the street scene of the southern part of Phoenix Lane.

The Conservation Officer has recommended that the proposal be refused based on the harm to the setting of the conservation area. This relates to impact upon heritage assets. Policy DM27 states that where a development proposal would lead to less than substantial harm, that harm will be weighed against any public benefit, including securing optimum viable use. The economic (and social) benefits of the development are detailed in the section below. Although the height of the hotel is considered to be an unfortunate and harmful element of the overall design, which could be improved through a reduction in height and scale. This has not proved possible due to the design needing to retain flood flows through the undercroft area and need to retain a minimum bedroom number in order for the scheme to go ahead. The extent of change to this key view from the Conservation Area (as assessed from a site visit and the photo montage of this particular view) is negative, but in part offset from the wider panoramic view down Phoenix Lane from the south. The impact on visual amenity, while acknowledged is, on balance, considered to be acceptable.

### 3. Economic benefit of development

The applicants have supplied an economic impact statement in support of their application for the 83 bedroom hotel and a separate 76 cover restaurant. The purpose of the report is to consider the quantifiable impacts of the proposed development during construction and through its operational lifetime.

The NPPF requires that planning should: *“proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth”* (para 17, NPPF).

This is reinforced by policies COR1, COR6 and COR13 (Mid Devon Core Strategy) which state that the Council will guide high quality development and other investment to manage the town centre so that economic success and heritage reinforce each other, promoting new homes, shops, leisure, offices and other key town centre uses which contribute to vitality and viability; and manage growth so that development meets sustainability objectives, brings positive benefits, supports the diverse needs of communities and provides vibrant, safe, healthy and inclusive places where existing and future residents want to live and work. Criterion (b) of policy COR1 encourages provision of jobs and support of new enterprises to bring economic prosperity and self sufficiency for the district and its settlements.

Policy DM24 LP3 (Development Management Policies) provides specific support for new tourism and leisure facilities within settlements such as the proposed hotel. The policy supporting text indicates that tourism plays an important role in generating income but identifies that this sector is less developed than in other parts of the county. Tourism development is generally welcomed as it provides employment. It is specifically encouraged

in settlements where there are local shops and facilities that are accessible and are likely to benefit.

The Council is also commissioning a town centre enhancement and regeneration focussed masterplan for Tiverton. This also acts to demonstrate a broader strategic direction that this application will contribute towards.

The economic impact statement concludes that the proposed development would contribute towards local and wider employment generation, as well as economic productivity while reflecting the development aspirations of the NPPF as well as local planning policies. The economic benefits of the proposal are split down into benefits during the construction phase and benefits during the operational lifetime of the hotel and restaurant.

#### Economic benefits during construction

- 80 direct, temporary, fulltime equivalent (FTE) jobs – 12 month construction period;
- 78 direct net additional FTE jobs – across South west, 42 estimated to be Mid Devon employees;
- Additional 39 FTE indirect jobs – generated from supply chain and from onward expenditure within the economy (10 of which estimated to be local to Mid Devon);
- Additional £7.9 million uplift in productivity to South West economy – measured in GVA (Gross Value Added) - £3.7 million estimated to be contributed to Mid Devon economy

As the construction industry makes a significant contribution to Mid Devon and wider South West economy, with 9.3% Mid Devon residents working within construction.

#### Economic benefits during operational lifetime

- 34 direct FTE jobs – 24 FTE jobs estimated to be within Mid Devon;
- 17 indirect FTE jobs – 6 FTE jobs estimated to be within Mid Devon;
- £2 million annual contribution to productivity (GVA) within South West economy, £1.1 million of which estimated to be concentrated in Mid Devon economy;
- £1.3 million uplift in visitor expenditure annually;
- 25 net additional FTE leisure and tourism related jobs supported annually as a result of visitor expenditure;
- £79,000 business rates revenue per annum of which £39,500 could be retained by MDDC;
- £1.4 million GVA supported annually as a result of visitor expenditure

The Economic Development Officer has supported the proposal and commented that the proposals could kick start the regeneration of Tiverton town centre and attract further investment into the town. The additional direct and indirect jobs that would be created are welcomed. These jobs would be in the food and drink sector, tourism sector and retail sector, all of which are considered to be critically important to Tiverton and would assist in encouraging Tiverton town centre to thrive. The Economic Development Officer has considered potential job displacement and has stated that this is likely to be able to be absorbed in the local labour market. In addition to this, the hotel would support planned activities within Tiverton such as Electric Nights and festival type events which in turn could increase dwell time in Tiverton and encourage further expenditure.

A few of the objections received have suggested that there is no proven need for a hotel in Tiverton and that the existing accommodation businesses would face competition from the proposed hotel. MDDC Economic Development Officer has highlighted that the proposed hotel represents a different offer to the existing Tiverton Hotel and B&B's in the town. The competition is considered healthy as well as providing a mix of options for visitors. The different accommodation offers within Tiverton should appeal to different sections of the market.

There are considered to be a number of economic benefits to Tiverton and Mid Devon as a result of the proposed hotel and restaurant development. These economic benefits have been clearly identified and quantified in the supporting documentation and supported by the Economic Development Officer. With regard to economic and social benefits (through local employment provision etc) the proposed development is in accordance with policies COR1, COR6 and COR13 Mid Devon Core Strategy, policy DM24 LP3 (Development Management Policies) and the NPPF.

While the proposed development would bring economic benefits to Tiverton Town Centre, these benefits should be maximised wherever possible. While being able to accommodate visitors close to the town centre is important, it is also important that visitors can easily navigate their way through the town and appreciate the rural and historic market town character of Tiverton, enhancing their experience of the local area. Regeneration of the town centre is encouraged and is being actively promoted by Mid Devon District Council in their town centre regeneration programme which is to include a masterplan. In order to achieve additional dwell time in the town and assist with the regeneration it is considered that improvements are required to the public realm such as new and comprehensive signage, signposting the town centre and key features of interest and tourism related activities such as the Tiverton Museum, Merchant's Trail. Improvements could also be achieved to the appearance of the public realm by removing clutter, improving and rationalising seating and providing landscaping opportunities. The Local Planning Authority consider that the proposed development should be encouraged to contribute toward the enhancement of the public realm, and primarily Phoenix House between the development site and the area of the town, and help to promote the town to visitors and ensure the economic benefits described are achieved in accordance with the aspirations of policies COR1 and COR13 Mid Devon Core Strategy and policy DM17 LP3 (Development Management Policies). The applicants have been requested to enter into a Section 106 agreement with Mid Devon District Council to provide a financial contribution to improvements to the public realm of Tiverton town centre. Discussions regarding this Section 106 agreement are ongoing.

#### 4. Highways and loss of parking spaces

The Highways Authority has raised no objection to the development. They have recommended conditions be imposed to ensure that certain parking facilities are provided

following the partial demolition and amendments to the multi storey car park and that during construction that traffic to and from the site is carefully controlled.

A Transport Statement and a Travel plan were submitted with the application. These documents are required by Policy DM6 Local Plan Part 3 (Development Management Policies) where a development is likely to give rise to significant levels of vehicular movement. The transport statement considers the car parking arrangements, including existing and anticipated demand, trip generation, delivery arrangements and the potential for accessing the development by alternative modes of travel. These documents conclude that the site is located where there is good access to public transport services and easy pedestrian and cycle access. Bicycle storage is included within the design of the hotel. There are alternative travel options for guests when making their journeys during their stay at the hotel, as well as for staff trips to and from the site. A range of services and facilities are located within a short walking distance of the hotel which would help to encourage sustainable travel choices.

The level of traffic calculated to be generated from the development is not considered to represent a significant impact on the highway network and that any traffic that is generated to and from the hotel is unlikely to be attributable to the hotel itself. It is considered more likely that people staying in the hotel would have been visiting the area on a business or leisure trip rather than the hotel generating additional traffic. The report states that the hotel would generate approximately 25 two-way vehicle movements over the morning (AM) peak hour and a total of 215 two-way movements over the course of a typical weekday.

The plans indicate that it is proposed to relocate the entrance to the multi storey carpark to the north elevation (elevation opposite the bus station). The existing entrance on the eastern side of the carpark will be closed (with this area becoming an undercroft of the hotel and used for a remodelled hotel services access, 4 disabled parking spaces and bicycle storage area). In order to access the car park vehicles will have to turn right at the roundabout immediate south of the bus station/start of pedestrianised area of Phoenix Lane and proceed to the mini roundabout at the bottom of Phoenix Lane. At this point vehicles would have to perform a U turn and then turn left into the car park entrance. A central island would be installed in Phoenix Lane to prevent right-turn movements into the car park entrance. This would allow for enhanced pedestrian crossing between the multi storey car park and the town centre. There are no proposed changes to the exit from the car park.

The current eastern access to the car park provides access to the lowest level of parking in the car park. The proposed changes to the entrance to the northern elevation would result in vehicles entering the car park at a higher level. A new internal ramp would be located within the existing light well in the car park to provide access to the lower storey of parking. Additionally, alterations would be made to the car park layout to allow for improved circulation and provide access between floors.

Pedestrian access to the hotel would be from the eastern frontage of the building with a lift required to take visitors to the hotel reception and restaurant on the first floor. Continuous footways are to be provided to the entrance and would link in with the existing footway provision in Phoenix Lane.

The transport statement also includes details of the number of trips associated with deliveries and servicing the hotel and restaurant. The report indicates that the development would generate an average of 2 trips per day and these would be by a 26t, 12m rigid lorry. The proposed service delivery area to the east of the hotel would be able to accommodate these vehicles and allow all vehicles to enter and leave in a forward gear.

Policy COR1 (e), policy COR6 (d) and policy COR9 Mid Devon Core Strategy require accessible forms of development that are integrated with public transport and other sustainable modes of travel and would allow for ease of movement and provide a safe environment. The access elements of the proposed development have been carefully considered and it is considered that the development has demonstrated it is in accordance with the policies above and policy DM6 Local Plan Part 3 (Development Management Policies).

Policy DM8 requires development to provide an appropriate level of parking taking in to account the accessibility of the site, including the availability of public transport and the type, mix and use of development. The policy also requires that in Tiverton, infrastructure for electric car charging should be built into development. The proposal does not currently include any electric car charging facilities and this has been reported to the Agent. The Agent has been asked to provide justification of lack of provision of electric car charging facility and further information will be provided as an update to this report. With regards to parking provision, the customers of the hotel would be encouraged to park in the adjoining pay and display multi storey car park. The 83 bedroom hotel would require 83 spaces to be in accordance with policy DM8. This is considered to be an acceptable solution into parking for the hotel, particularly when taking into account the sustainable location within easy walking distance of Tiverton Town Centre and public transport from the adjacent bus station.

The development requires the partial demolition of the eastern part of the multi storey car park. The car park currently has 640 spaces. The partial demolition of the car park would result in a loss of 75 spaces. When added to the number of spaces required for the hotel use (83), this results in a decrease of 158 spaces available for public parking. The use survey submitted with the application states that there is an existing spare capacity of 280 spaces. The reduction of 158 spaces available to the public would result in a spare capacity of 122 spaces. While there could be some seasonal variation with regards to capacity within the multi storey car park, it is considered to generally have capacity to accommodate the parking associated with the hotel and the partial demolition proposed. The proposed development should not result in an increased pressure on car parking within the town centre and parking is able to be accommodated for the hotel in accordance with policy DM8.

The proposed access arrangements are considered to be suitable and would not impact detrimentally on highway safety or capacity. With regards to impact on the highway network, access to the development and multi storey car park, pedestrian access and retained provision of parking with the multi storey car park, the proposal is considered to be in accordance with the NPPF and policies DM6 and DM8 Local Plan Part 3 (Development Management Policies).

## 5. Environmental impact

Environmental Health have not raised any objections to the development. It is not considered that the development of the hotel and associated restaurant would have any adverse impacts on the surrounding environment (after the construction period) through noise, odour, light, air, water or land pollution and the development is therefore in accordance with policy DM7 Local Plan Part 3 (Development Management Policies). However, it has been stated that the multi storey car park could contain asbestos. The partial demolition of the car park could therefore expose asbestos which would need to be disposed of in accordance with the legal requirements enforced by the Health and Safety Executive. It is recommended that a refurbishment and demolition survey is carried out before the commencement of works to identify precautions and legal requirements. This is not included as a planning condition as it is a legal requirement to treat and dispose of asbestos in accordance with the law.

## 6. Flooding

The application site is in Flood Zone 3a and it has been affected in the past by fluvial flooding associated with River Lowman.

The NPPF classifies the proposed development use as a hotel as “more vulnerable” development, which is acceptable in Flood Zone 3a if the exception test is passed. The results of an exception test are included below. Policy COR11 states that flooding will be managed to reduce the risk of flooding to life and property where possible; guide development to sustainable locations with the lowest risk of flooding by applying a sequential test, and locate appropriate development in areas of higher flood risk only where the benefits outweigh the risk of flooding and ensure that development does not increase the risk of flooding of properties elsewhere.

For an exception test to be passed the NPPF advises that it must be demonstrated that the development will meet the following requirements:

- a) The development provides wider sustainability benefits to the community that outweigh flood risk;
- b) A flood risk assessment must demonstrate that the development will be safe, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

With regards to part (a) of an Exception Test, it must be considered if the development has been guided to an available site with the lowest risk of flooding. This is explored through a sequential test. The Sequential Test is a risk based tool. Its aim is to steer new development to areas with the lowest probability of flooding – Flood Zone 1. Where there are no reasonably available sites in Flood Zone 1 decision makers should consider development in higher probability Flood Zones, with regards to the flood risk vulnerability of the proposed development. The application site is situated in Flood Zone 3 and the proposed development of the hotel is classed as more vulnerable under Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance (PPG). The Council have considered whether there are other available sites within Tiverton town centre or on the edge of the town centre that could accommodate a hotel of this size. No alternative sites that are within a similar distance to the town centre, able to provide the same level of accommodation, that have a lower risk of flooding or that have the same sustainability credentials as the proposed site have been identified. In addition to this the planning application supporting evidence has identified the economic and social benefits of the proposed development. These economic and social benefits added to ability to make the development “safe” without increasing flood risk elsewhere is considered to be sufficient to conclude that the Exception Test has been passed in accordance with the NPPF and the Planning Practice Guidance.

Flood modelling has indicated that the site would not be affected by a 1 in 100 flood event but would be affected in extreme conditions by an overland flood route upstream, which passes between the Mid Devon District Council Offices and retail premises to the north east. The depth of flood water passing through the site would be between 0.6m and 0.8m in a 1 in 100 event, increasing to between 0.8m and 1.5m for a 1 in 1000 event.

To ensure the development would be safe and to ensure no increase in fluvial flood risk to the site and or neighbouring sites as a result of the development the following measures have been proposed:

- Void at lower ground level used to provide undercroft parking, would allow flood waters to pass uninterrupted under the building;
- Any lower ground floor development is contained within the footprint of the existing multi storey car park ensuring no displacement of flood flows (when compared to existing situation);
- No raising of ground levels within the application site;
- More vulnerable* functions within the development are not on the lower ground floor and therefore raised substantially above flood levels;
- Flood measures to be incorporated in to the design at lower ground floor level where these areas have potential to be affected by flooding;
- Flood plan proposed to ensure lower ground floor area is evacuated if a flood warning is received from the EA;
- Safe access/egress route to land outside the floodplain will be available from the upper ground floor/first floor level;
- Sewers that run beneath the multi storey car park are to be diverted.

As a result of implementing the flood management measures detailed in the flood risk assessment and listed above, it is considered that the development can be occupied and operated safely with there being no increase in the level of flood risk to the site or neighbouring sites. This conclusion is shared by the Environment Agency who have commented that the form and layout of the proposal is sympathetic to the risks and way flood waters affect the area and the development will not adversely affect the function of the river system.

As the development has passed the Exception test and has been determined to be safe without increasing the risk of flooding of properties elsewhere the development is considered to be in accordance with policies COR11 and COR13 (h) (Mid Devon Core Strategy) and acceptable in terms of flood risk.

## 7. Surface water drainage and waste water

The Lead Local Flood Authority (Devon County Council Flood and Coastal Risk Management Team) have not raised any objection to the proposed development. they note that there is limited space for surface water management and they note that underground attenuation crates cannot be considered a truly sustainable means of drainage as they do not provide water quality benefits, public amenity or biodiversity benefits that underpin the principles of SuDS.

Policy DM2 (f) requires development to demonstrate appropriate drainage including sustainable drainage systems and connection of foul drainage to a mains sewer. The surface water runoff from the development is proposed to be discharged to the River Lowman to the south. In order to do so it is necessary to control and attenuate excess

volumes of surface water runoff. Surface water runoff will be stored in a below ground geocellular storage tank storage tank for gradual release. The discharge to the River Lowman will be via an existing outfall which is fitted with a non-return flap valve to prevent river flows from entering the surface water drainage system when at high levels. The surface water strategy is acceptable and considered to be in accordance with policy DM2 (f).

The development would be connected to a mains sewer in line with the requirements of policy DM2 (f).

## 8. Ecology

An ecological appraisal was submitted with the application. It concluded that the site was of low ecological value. As there is some ornamental planting and scattered trees on the site there is some potential for these to support nesting birds. The report makes recommendations regarding the timing of works to remove his vegetation and landscaping. In addition to this a small number of cotoneaster pants were identified within the existing landscaping. This is currently considered to be an invasive species under the relevant legislation and recommendations are made to minimise the risk of spreading the species. The report concludes with recommendations to improve the biodiversity value of the site including the planting of native shrubs and providing nesting opportunities for birds.

## 9. Planning balance and summary

The assessment of the planning application has identified that the visual impact of the development will result in some harm to the visual amenity and appearance of the area surrounding the development including the character, appearance and setting of the conservation area together with its significance. This harm, although considered to be less than substantial harm to the conservation area, is undesirable and the merits of the proposal would be improved if this harm was reduced. In this respect there is some conflict with Policies DM2, DM24 and DM27. However, having considered the economic benefits to Tiverton and Mid Devon as a result of the development (as detailed in the material considerations discussion) it is concluded that the economic benefits outweigh the harm that would be created. In balancing the material considerations that have been taken into account in assessment of the application it is noted that the development is in a sustainable location, it will not increase flood risk to the site or surrounding buildings, surface water run off can be adequately controlled, there are no harmful environmental impacts, there are no ecological impacts, and satisfactory access arrangements can be achieved. As a result it is concluded that the development represents an opportunity for sustainable economic growth and job creation in Mid Devon. Having weighed the impacts of the development against its benefits, it is on balance considered that planning permission should be granted. The proposal is considered to be in accordance with Policies COR1, COR6, COR7, COR9, COR11 and COR13 Mid Devon Core Strategy (Local Plan Part 1), Policies DM1, DM2 (part), DM3, DM4, DM6, DM7, DM8, DM17, DM24 (part) and DM27 (part) of the Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework..

## 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 other part of the development hereby approved shall be commenced until access amendments to the multi storey car parking facilities including commercial vehicle loading/unloading area, visibility splays, turning area and access drainage have been provided in accordance with details submitted to and approved in writing by the Local Planning Authority. Once provided these car parking facilities shall be permanently retained and maintained for that purpose at all times.
4. Prior to the commencement of the construction of the building hereby approved samples of the materials to be used for all the external surfaces and finishes of the building(s), including the external surface of the undercroft pillars and walls, shall be submitted to and approved in writing by the Local Planning Authority. The approved materials and finishes shall be so used and retained.
5. Prior to their installation, working details of the new external doors/door frames/windows, including sections, mouldings and profiles, finishes and glazing shall be submitted to, and approved in writing by, the Local Planning Authority. Installation of the doors/doorframes/windows shall be in accordance with these approved details, and be so retained.
6. The external doors, door frames and windows hereby approved shall be recessed into the walls in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The approved doors and windows shall be installed in accordance with the approved details and be so retained.
7. A management plan, setting out the long term management responsibilities and maintenance schedules for the Sustainable Urban Drainage Systems (SUDS) including pipes, detention areas, and associated flow control devices, shall be submitted to, and approved in writing by, the Local Planning Authority prior to the hotel first coming into use. The SUDS approved shall thereafter be managed and maintained in accordance with the agreed details.
8. No development shall be commenced until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved Management Plan at all times during the construction phase of the development. The management plan will include the following details:
  - (a) the timetable of the works;
  - (b) daily hours of construction;
  - (c) any road closure;
  - (d) hours during which delivery and construction traffic will travel to and from the site;
  - (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
  - (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;

- (g) 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;
  - (h) hours during which no construction traffic will be present at the site;
  - (i) the means of enclosure of the site during construction works; and
  - (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
  - (k) details of wheel washing facilities and obligations
  - (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work.
9. The light source of any floodlighting installed as part of the development shall not be directly visible to drivers of vehicles using the public highway. Details of external lighting shall be submitted to and approved in writing by the Local Planning Authority prior to their first installation.
10. Prior to the commencement of development, a planting and planting management plan for the north east boundary of the site shall be submitted to and approved in writing by the Local Planning Authority. Such plan shall include details of any additional planting together with management measures for planning along the north east boundary of the site. Any additional planting specified in the approved plan shall be carried out in the first planting season following the commencement of the development and be retained. Any trees or plants which within a period of five years from the first use 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. Planting and management of planting shall be carried out in accordance with the approved plan.
11. Prior to the first use or occupation of the hotel and restaurant hereby approved, a flood plan detailing the evacuation procedure from the building during a flood event, shall be submitted to and approved in writing by the Local Planning Authority. The approved flood plan shall be adhered to during a flood event that affects the hotel/restaurant building.
12. The Travel Plan submitted with the application and hereby approved shall be implemented, monitored and reviewed in accordance with the agreed Travel Plan Targets.

## 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. To ensure that adequate facilities are available for the traffic attracted to the site.
4. To ensure the use of materials appropriate to the development in order to safeguard the visual amenities of the area and the setting and views out of the conservation area in accordance with Mid Devon Core Strategy (Local Plan Part 1) Policy COR2, Local Plan Part 3: (Development Management Policies) DM2 and DM27 and the National Planning Policy Framework.
5. To ensure the use of materials appropriate to the development in order to safeguard the external appearance of the development and the visual amenities of the area in accordance with Mid Devon Core Strategy (Local Plan Part 1) Policy COR2 and Local Plan Part 3: (Development Management Policies) DM2 and DM27 and the National Planning Policy Framework.
6. To ensure detailing appropriate to the development in order to safeguard the external appearance of the hotel and restaurant and the visual amenities of the area in accordance with Mid Devon Core Strategy (Local Plan Part 1) Policy COR2 and Local Plan Part 3: (Development Management Policies) DM2 and DM27 and the National Planning Policy Framework.
7. To ensure appropriate measures are taken to manage surface water in accordance with Policies DM2, DM7 and DM22 of the Mid Devon Local Plan Part 3 (Development Management Policies).
8. To ensure an appropriate access to and from the site for use by heavy goods vehicles, in accordance with Policies COR9 of the Mid Devon Core Strategy (Local Plan Part 1), DM6 and DM22 of the Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.
9. To ensure that the floodlighting associated with the development does not result in detriment to the safety of drivers using the public highway in accordance with the

National Planning Policy Framework and to safeguard the visual amenities of the area.

10. To safeguard the amenities of the local area in accordance with Policy DM2 of the Local Plan Part 3 (Development Management Policies).

11. To ensure the safe access and egress from the development should a flood warning be issued by the Environment Agency in accordance with Policy COR11 of the Mid Devon Core Strategy (Local Plan Part 1).

12. In order to deliver sustainable transport objectives including single occupancy car journeys, and the increased use of public transport, walking and cycling, in accordance with Policy COR9 of the Mid Devon Core Strategy (Local Plan Part 1) and Policy DM6 of the Local Plan Part 3 (Development Management Policies).

**Contact for any more information**

Lucy Hodgson, Area Planning Officer  
01884 234905

**Background Papers**

None relevant

**File Reference**

16/00015/MFUL

**Circulation of the Report**

Cllrs Richard Chesterton  
Members of Planning Committee

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## PLANNING COMMITTEE

DATE: 11<sup>TH</sup> MAY 2016

## REPORT OF JENNY CLIFFORD, THE HEAD OF PLANNING AND REGENERATION

### PLANNING PERFORMANCE AGREEMENTS

**Cabinet Holder** Cllr Richard Chesterton  
**Responsible Officer** Jenny Clifford

**Reason for Report:** To advise Members on the proposed use of planning performance agreements for major applications and for associated changes to be made to pre-application advice guidance.

#### RECOMMENDATION:

1. That the intention to enter into planning performance agreements for major applications be noted.
2. That pre-application advice guidance be amended to refer to this and that delegated authority be granted to the Head of Planning and Regeneration to make these changes.

**Relationship to Corporate Plan:** Planning decision making is relevant to key objectives within the Corporate Plan of thriving economy, better homes, empowering our communities and caring for our environment.

**Financial Implications:** The provision of pre application advice is a discretionary customer service that also acts as an income stream for the Planning Service. Planning performance agreements act as a project management tool and may establish funding for the Council to resource the contents of the agreement.

**Legal Implications:** Entering into a planning performance agreement is not a guarantee that a particular decision will be made. The existence of an agreement does not fetter the Council as a planning authority, prejudice the outcome of the planning application or the impartiality of the Council. Such agreements are not legally enforceable.

**Risk Assessment: Planning performance agreements set out expectations in terms of project managements, resources and timescale.** The Planning Service needs to be able to resource this level of service in order to ensure the success of the scheme and comply with the spirit of the agreement. If service levels are not met, applicant expectations will not be met and it will have a detrimental effect on the working relationship with agents and applicants.

#### 1.0 INTRODUCTION

1.1 A system for prospective developers to gain pre-application planning advice incorporating a charge was introduced several years ago together with the detail of standards of service. It was most recently reviewed in 2015.

1.2 To date Mid Devon has not been active in entering into planning performance agreements with prospective applicants at a pre-application stage. It is proposed to do so for major applications.

#### 2.0 PLANNING PERFORMANCE AGREEMENTS.

2.1 National planning practice guidance provides information on planning performance agreements:

This is a project management tool which the local planning authorities and applicants can use to agree timescales, actions and resources for handling particular applications. It should cover the pre-application and application stages but may also extend through to the post-application stage. Planning performance agreements can be particularly useful in setting out an efficient and transparent process for determining large and/or complex planning applications. They encourage joint working between the applicant and local planning authority, and can also help to bring together other parties such as statutory consultees. A planning performance agreement is agreed voluntarily between the applicant and the local planning authority prior to the application being submitted, and can be a useful focus of pre-application discussions about the issues that will need to be addressed.

In addition the guidance clarifies that in the case of large or complex schemes the agreement may also provide a basis for any voluntary contributions which the applicant has offered to pay to assist with abnormal costs of processing the application. The parties will want to ensure that such payments do not exceed the cost of the additional work involved, are not seen to have any implications for the decision on the application, and do not deflect resources from processing other cases; any additional resource provided in this way needs to be used for additional capacity that is genuinely required to ensure a timely and effective service.

Planning performance agreements are intended to be agreed in the spirit of a 'memorandum of understanding'. They are not intended to be a legally binding contract, unless the parties wish to approach it in this way. It is helpful to be clear about its status in the planning performance agreement itself. The parties are encouraged to make the existence and content of a planning performance agreement publicly available, so that the agreed process and timescale are transparent.

### 3. THE PROPOSAL

3.1 It is intended to seek to enter into such planning performance agreements with applicants on major developments and for this to take place at a pre-application stage. The Local Planning Authority will also look to negotiate with developers the financing of the resources the Council will need to spend on servicing the proposal and meeting the project timescales to be agreed within the planning performance agreement.

3.2 It will be made clear that the existence of the agreement does not fetter the Council as a planning authority, prejudice the outcome of the planning application or the impartiality of the Council.

<b>Contact for any more information</b>	Head of Planning and Regeneration (Mrs Jenny Clifford) 01884 234346
<b>Background Papers</b>	Planning Committee 6th January and 31st March 2010, 6th November 2013, 5 <sup>th</sup> March 2014, December 2015
<b>File Reference</b>	None.
<b>Circulation of the Report</b>	Members of Planning Committee, Cllr Richard Chesterton.

## AGENDA ITEM

### PLANNING COMMITTEE

DATE: 11<sup>TH</sup> MAY 2016

### REPORT OF JENNY CLIFFORD, THE HEAD OF PLANNING AND REGENERATION

### COMMITTEE DECISIONS 2015/16 WHICH WERE NOT IN AGREEMENT WITH OFFICER RECOMMENDATION.

**Cabinet Holder** Cllr Richard Chesterton  
**Responsible Officer** Jenny Clifford

**Reason for Report:** To provide information where the Planning Committee has made decisions not in agreement with officer recommendation.

**RECOMMENDATION:** That the report be noted.

**Relationship to Corporate Plan:** Planning decision making is relevant to achieving corporate priorities: thriving economy, better homes, empowering our communities and caring for our environment.

**Financial Implications:** Risk of award of costs against the Council at appeal. See below.

**Legal Implications:** Planning authorities are not bound to accept the recommendations of their officers. However if officer's professional or technical advice is not followed, authorities need to show reasonable planning grounds for taking a contrary decision and produce relevant evidence on appeal to support the decision in all respects. If they fail to do so, costs may be awarded against the authority at appeal.

**Risk Assessment:** Risks associated with decisions proposed to be made contrary to officer recommendation are set out in an implications report that is brought before Planning Committee before the final decision is made. Local Planning Authority decision making by both officers under delegated authority and by Planning Committee must be robust, justified and capable of being defended at appeal.

- 1.0 Attached at **Appendix 1** is a summary of applications where the Planning Committee have made decisions not in agreement with officer recommendations. The report covers the period from 1<sup>st</sup> April 2015. Please note that whilst this report concentrates upon the 15/16 financial year, the attachment also includes a further 3 applications decided against officer advice at Planning Committee meetings on the 6<sup>th</sup> and 20<sup>th</sup> of April 2016. They are not included in the table below, being decided beyond the 15/16 financial year. (Please note that several applications also appear more than once on the attached list).
- 2.0 The number of cases during the 15/16 financial year was 7, 5 of which were Ward Member call ins. Comparison with the figures for previous years is as follows:

2009	2010	2011	2012	2013	2014	2015/16
8	10	6	11	12	3	7

4 were granted planning permission with conditions and 3 were refused permission contrary to officer recommendation. All 3 refusals have been appealed with 1 allowed, 1 dismissed and 1 currently under consideration by the Planning Inspectorate.

- 3.0 In accordance with the agreed protocol cases where Members wish to make a decision contrary to Officer recommendation requires a deferral of the item for the receipt of a report setting out the implications of the proposed decision and the reasons given with Members indicating the decision that they are minded to make. At the last meeting on 20<sup>th</sup> April 2016, Members indicated that this deferral for an implications report is to only apply where Planning Committee indicate a wish to refuse planning permission.

<b>Contact for any more information</b>	Head of Planning and Regeneration (Mrs Jenny Clifford) 01884 234346
<b>Background Papers</b>	Planning Committee agendas and minutes 2015 - 2016
<b>File Reference</b>	None.
<b>Circulation of the Report</b>	Members of Planning Committee, Cllr Richard Chesterton.

## Decision Against Officer Recommendation from 01/04/2015

Date of Planning Committee	Application No.	Description	Location	HOP Recom'd	Planning Committee Decision	Member Call-in	Appeal Status
01/04/2015	14/02077/FULL	Erection of a dwelling with parking and associated access (Revised scheme) (APPEAL ALLOWED WITH CONDITIONS 12.1.16)	11 Uplowman Road Tiverton Devon EX16 4LU	Grant permission subject to conditions.	Refuse permission	Yes	Allow with Conditions
01/04/2015	15/00011/FULL	Erection of dwelling following demolition of existing partially demolished barns	The Old Forge (Adjacent To Hill View Farm) New Buildings Sandford Crediton EX17 4PW	Refuse permission	Grant permission	Yes	
01/04/2015	15/00197/FULL	Erection of extension to front, side and rear elevations; conversion of part garage to form additional living accommodation with room above and provision of hardstanding for the parking of vehicles (Revised scheme)	52 Oak Close Tiverton Devon EX16 6ET	Refuse permission	Grant permission		
01/04/2015	15/00197/FULL	Erection of extension to front, side and rear elevations; conversion of part garage to form additional living accommodation with room above and provision of hardstanding for the parking of vehicles (Revised scheme)	52 Oak Close Tiverton Devon EX16 6ET	Refuse permission	Grant permission		
03/06/2015	15/00352/FULL	Conversion of redundant barn to residential dwelling	Land and Buildings at NGR 304595 116820 Goldsmoor House Westleigh Devon	Refuse permission	Grant permission	Yes	
29/07/2015	15/00771/FULL	Formation of layby for parking of vehicles/access to woodland (APPEAL DISMISSED 04.02.16)	Land at NGR 268282 111909 (North Of Higher Ford House) Chawleigh Devon	Grant permission subject to conditions.	Refuse permission	Yes	Appeal Dismissed
02/12/2015	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	Grant permission subject to conditions.	Refuse permission		Appeal In Progress

Date of Planning Committee	Application No.	Description	Location	HOP Recom'd	Planning Committee Decision	Member Call-in	Appeal Status
09/03/2016	15/01871/FULL	Erection of a two storey extension	1 Aspen Way Tiverton Devon EX16 6UJ	Refuse permission	Grant permission	Yes	
06/04/2016	15/01822/MFUL	Erection of 45 Extracare apartments and provision of associated communal facilities, car parking and landscaping, renovation of Alexandra Lodge following demolition of former stable block and extensions	Alexandra Lodge 5 Old Road Tiverton Devon EX16 4HQ	Refuse permission	Permitted with Conditions to Discharge		
06/04/2016	15/01822/MFUL	Erection of 45 Extracare apartments and provision of associated communal facilities, car parking and landscaping, renovation of Alexandra Lodge following demolition of former stable block and extensions	Alexandra Lodge 5 Old Road Tiverton Devon EX16 4HQ	Refuse permission	Permitted with Conditions to Discharge		
06/04/2016	15/01824/LBC	Listed Building Consent for the erection of 45 Extracare apartments and provision of associated communal facilities, car parking and landscaping, renovation of Alexandra Lodge following demolition of former stable block and extensions	Alexandra Lodge 5 Old Road Tiverton Devon EX16 4HQ	Refuse Listed Building Consent	Permitted with Conditions to Discharge		
06/04/2016	15/01824/LBC	Listed Building Consent for the erection of 45 Extracare apartments and provision of associated communal facilities, car parking and landscaping, renovation of Alexandra Lodge following demolition of former stable block and extensions	Alexandra Lodge 5 Old Road Tiverton Devon EX16 4HQ	Refuse Listed Building Consent	Permitted with Conditions to Discharge		
20/04/2016	15/01604/MFUL	Erection of 5 poultry units (5040 sq. m) and biomass boiler unit; formation of attenuation pond, access track, and hardstanding; landscaping; and associated infrastructure	Land at NGR 288027 116786 (Gibbett Moor Farm) Templeton Devon	Grant permission subject to conditions.	Refuse permission	Yes	

**PLANNING COMMITTEE**

**DATE: 11<sup>TH</sup> MAY 2016**

**REPORT OF JENNY CLIFFORD, THE HEAD OF PLANNING AND REGENERATION**

**APPEAL DECISIONS 15/16**

**Portfolio Holder** Cllr R J Chesterton  
**Responsible Officer** Head of Planning and Regeneration

**Reason for Report:** To provide information on the outcome of planning appeals for the financial year 15/16.

**RECOMMENDATION: That the report be noted.**

**Relationship to Corporate Plan:** Planning decision making is relevant to achieving corporate priorities: thriving economy, better homes, empowering our communities and caring for our environment.

**Financial Implications:**

Planning appeals can prove expensive to the Council in terms of: Staff resources both within the Planning Service and other sections such as Legal, Financially if specialist consultant assistance, expert witnesses and external legal advocacy are required. This is more likely at public inquiry. There are also financial implications for the Council at appeal if an appellant can prove the Council has acted unreasonably. If so, the Planning Inspectorate can require that the Council pay the appellant's appeal costs.

**Legal Implications:**

By their nature appeals involve independent assessment by the Planning Inspectorate of the case and the Council's decision. The Council needs to ensure that its planning decision making is robust in order to reduce risk of challenge, maximise appeal success and reduce the impact of appeals on budgets.

**Risk Assessment:**

Appeal statistics provide a useful check on decision making by comparing appeal outcomes with those nationally, the number of appeals and outcomes with previous years and whether any costs have been awarded against the council on the basis of unreasonable behaviour. A risk to the Council are the increasingly tight thresholds that the Government is seeking to apply over appeal performance as an indicator of the quality of planning application decision making. Whilst existing thresholds are being met, they are proposed to be tightened, thereby increasing risk of designation as underperforming.

**Consultation carried out with:**

None.

## 1.0 APPEAL PERFORMANCE AND NATIONAL COMPARISON.

1.1 Attached at **Appendix 1** is a summary of planning appeals determined between 1<sup>st</sup> April 2015 – 31<sup>st</sup> March 2016. 34 appeals were determined within that period.

0		Withdrawn
10	(29%)	Allowed
24	(71%)	Dismissed

1.2 The total number of appeals is similar with the last few years. Planning Inspectorate statistics for the whole of the financial year 2015/16 are not yet available. Those issued to date (quarters 1, 2 and 3) of this financial year indicate the percentage of all appeals allowed nationally (England) at an average of between 32% - 34%. The figure for all appeals in Mid Devon over the whole of 2015/16 was 29%. This indicates the appeal performance is broadly aligned with that for England as a whole.

## 2.0 ALLOWED APPEALS.

2.1 Of the 10 appeals allowed, 2 of these were refused by Planning Committee contrary to officer recommendation:

- 14/01452/MFUL Installation of a solar energy farm on 13.34ha of land to generate 5.5 megawatts of energy (Revised scheme) – Land east of Bowdens Lane, Shillingford.
- 14/02077/FULL Erection of a dwelling with parking and associated access(revised scheme) – 11 Uplowman Road, Tiverton.

2.2 The other allowed appeals:

- 1 was for a solar PV farm at Stoneshill Farm, Willand Road, Cullompton, recommended for refusal by officers and refused by Planning Committee.
- 7 were determined by officers under delegated authority: 2 were prior notifications for the change of use of agricultural buildings under class MB, 1 for the felling of a TPO tree, 4 were for a range of other development proposals.

## 3.0 DISMISSED APPEALS.

3.1 Of the 24 dismissed appeals, 4 were determined or considered by Planning Committee:

15/00771/FULL formation of layby for parking of vehicles /access to Woodland, north of Higher ford House, Chawleigh – Inspector supported

decision of Planning Committee to refuse permission contrary to officer recommendation.

14/01915/FULL Variation of condition to increase installed capacity of AD plant to 1,00Kw, Menchine Farm, Nomansland (non-determination appeal).

13/0076/NUCU appeal against the issue of an enforcement notice at Hackpen Hill, Blackborough.

15/0033/FULL Change of use of residential garage /workshop to dwelling, Ravensdale, Blackborough.

- 3.2 20 were considered by officers under delegated powers. Of these, 5 related to prior notifications for the change of use of agricultural buildings to dwellings under classes MB or Q.

#### **4.0 COSTS**

- 4.1 Over the period covered by this report, a cost award against the Council was sought by the appellant in relation to unreasonable behaviour on 2 cases.

- 4.2 A partial award of costs against the Council was made by the Planning Inspectorate in 1 of these cases (solar farm at Bowden's lane, Shillingford). The financial claim against the Council has not yet been established.

#### **5.0 COMPARISON WITH PREVIOUS PERIODS.**

- 5.1 Comparison with the last reports on this subject giving appeal figures recorded is as follows:

1<sup>st</sup> January - 31<sup>st</sup> December 2009 37 appeals, 23 (62%) dismissed.  
1<sup>st</sup> January - 31<sup>st</sup> December 2010 28 appeals, 22 (78%) dismissed.  
1<sup>st</sup> January – 31<sup>st</sup> December 2011 37 appeals, 22 (60%) dismissed  
1<sup>st</sup> January – 31<sup>st</sup> December 2012 33 appeals, 16 (48.5%) dismissed  
1<sup>st</sup> January – 31<sup>st</sup> December 2013 37 appeals, 20 (54%) dismissed  
1<sup>st</sup> January – 31<sup>st</sup> December 2014 42 appeals, 27 (64%) dismissed  
1<sup>st</sup> April 2015 – 31 March 2016 34 appeals, 24 (71%) dismissed

The percentage of appeals dismissed has returned to levels a couple of years ago having dipped in 2012 and 2013.

#### **6.0 GOVERNMENT TARGETS FOR APPEAL PERFORMANCE.**

- 6.1 The Government seeks to improve the speed and quality of planning decision making. In the event that the Secretary of State views that a Local Planning Authority is not adequately performing its function of determining applications it will be designated as underperforming and special measures applied. The performance of each authority in terms of speed and quality of decision making is monitored. The measure to be used to assess the quality of decision making is the average percentage of decisions on applications for all

major development that have been overturned on appeal. The threshold for inadequate performance by a Local Planning Authority is currently 20% or more major application decisions made over the previous two years being overturned at appeal. The Council's performance against this as at the end of March 2016 was 10%, thus exceeding the Government's current quality of decision indicator.

- 6.2 The 'Technical consultation on implementation of planning changes' issued by the Department for Communities and Local Government in February 2016 reviews this quality of decisions threshold. As also indicated in the Autumn Statement, the Government has indicated an intention to reduce the threshold referred to in 7.1 above from 20% to 10% in order to drive improvement and safeguard against poor performance. This represents a service risk going forward and reinforces the need for robust decision making that can be successfully defended. The same document also consults on whether to introduce an additional measure for the quality of decision making: 10 - 20% or more non-major application decisions made over the previous two years being overturned at appeal.
- 6.3 For Members information where a Local Planning Authority is designated as underperforming it is required to produce an action plan to address areas of weakness. It also grants applicants for major development a choice over whom to submit their application to. It introduces the ability to apply for planning permission directly to the Planning Inspectorate as an alternative to applying to the Local Planning Authority. Application assessment and decision making is therefore removed from the local level. In these circumstances the Local Planning Authority does not receive an application fee, but is still responsible for certain administration functions associated with the applications.
- 6.4 3 appeal decisions between 1<sup>st</sup> April 2015 and 31<sup>st</sup> March 2016 related to major applications. Of those 2 were allowed and 1 dismissed.

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

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

**List of Background Papers:** Planning Committee agendas and minutes 2015/16.  
DCLG Improving planning performance – Criteria for designation. June 2014  
DCLG Planning performance and the planning guarantee –Government response to consultation. June 2013  
DCLG Technical consultation on implementation of planning changes February 2016  
Growth and Infrastructure Act 2013

Planning Inspectorate Statistical Report: England  
2015/16, Quarters 1, 2 and 3

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# LIST OF APPEAL DECISIONS FROM 1 April 2015 to 31 March 2016

Application No	Description	Location	Officer Recommendation	Committee or Delegated	Decision	Appeal Type	Inspector Decision
13/00076/NUCU	Appeal against enforcement notice	Land and Buildings at NGR 311505 111709 (Hackpen Hill) Hackpen Stables Blackborough Devon EX15 2HX				Enf Public Inquiry	Appeal Dismissed

## Summary of Inspectors Comments

The Inspector concluded that it was not clear from the evidence produced when the activity that was the subject of the notice commenced, as there was contradictions between information provided by the appellant and the neighbour. However, he concluded that that he was satisfied that there was not evidence of the the required ten year period of continuous use for the appeal to succeed.

13/00387/FULL	Retention of a multi-purpose timber frame agricultural building (Revised scheme)	Land and Buildings at NGR 301416 115145 (The Beeches, Crosses Farm) Uplowman Devon	Refuse permission	Delegated Decision	Refuse permission	Written Representations	Appeal Dismissed
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## Summary of Inspectors Comments

The land holding amounts to 1ha but 17% of this is domestic garden. The remainder includes a stable, access track and three paddocks. At the time of the appeal site visit there were hay bales and agricultural implements in the building but the Planning Officer's delegated report stat that during their site visit there was 'No evidence of any active agricultural activity on the land' and the Parish Council consider the land is used solely for horses. The Inspector found there to be an absence of a clear and cogent explanation of the existing and/or intended agricultural activities which meant there was no necessity for a building of this size and the development conflicts with policy DM22. Additionally, the Inspector found the justification for the thermal insulation of the building to be unconvincing, adding to the concerns regarding the necessity of the building. The Inspector found that the design and appearance of the building erodes the pleasing open qualities of this part of the countryside, also conflicting with policy DM22.

Application No	Description	Location	Officer Recommendation	Committee or Delegated	Decision	Appeal Type	Inspector Decision
14/00766/FULL	Erection of a dwelling	9 Longmeadows Credton Devon EX17 1DU	Refuse permission	Delegated Decision	Refuse permission	Written Representations	Appeal Dismissed

### Summary of Inspectors Comments

The Inspector considered that the main issues to be considered related to the effect of the proposed development on the character and appearance of the area and on the living conditions of neighbours and future residents. It was noted that the proposed house would be set into a slope such that the ridge would be lower than properties on the opposite corner. Nevertheless it would present the elevation of a building that would be taller than usual in the area. This, together with its elevation above road level and prominent location would result, the Inspector opined, in an incongruous development, despite its limited footprint. It would detract from the openness of the junction and result in a sense of enclosure in the vicinity. Whilst it was recognised that it is not uncommon to have a building of different design on a corner plot, or at a focal point, in this case the proposal would disrupt the immediate surroundings without having a compensating beneficial effect. In terms of living conditions, it was concluded that whilst the proposal would have little effect on the living conditions of neighbours in terms of an overbearing relationship, there would nonetheless be a detrimental effect on the living conditions of such neighbours and unsatisfactory provision of living conditions for future residents in terms of privacy. As such the proposals would be contrary to the provisions of the Mid Devon Core Strategy Policy COR2 and policies DM2, DM14 of the Local Plan Part 3, Development Management Policies. These policies promote high quality design which reinforces the character of the built environment, protect privacy and set standards for the design of new houses. For these reasons, the Appeal was dismissed.

14/01057/PNCOU	Prior notification for the change of use of agricultural building to dwelling house under Class MB(a) and (b) to Class C3	Land and Buildings at NGR 266078 109598(Great Close) Wembworthy Devon	Refusal of Change of Use	Delegated Decision	Refuse permission	Written Representations	Appeal Dismissed
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### Summary of Inspectors Comments

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

Application No	Description	Location	Officer Recommendation	Committee or Delegated	Decision	Appeal Type	Inspector Decision
14/01452/MFUL	Installation of solar energy farm on 13.34 ha of land to generate 5.5 megawatts of energy (Revised scheme)	Land at NGR 299298 125070 (East of Bowdens Lane) Shillingford Devon	Grant permission subject to conditions.	Committee Decision	Allowed on appeal	Written Representations	A llow with Conditions

### Summary of Inspectors Comments

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

14/00733/FULL	Erection of a dwelling (85.72 m2) with employment space (85.72 m2) and erection of a forge	Sycamore Farm Hemyock Cullompton Devon EX15 3RR	Refuse permission		Refuse permission	Informal Hearing	Allow with Conditions
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### Summary of Inspectors Comments

The Inspector noted the main issue related to whether or not there would be any circumstances justifying the proposed live-work unit and forge as an exception to local and national planning policies, that generally seek to restrict development in the countryside. This assessment was based upon the evidence of need (including supporting statement from the applicant and agent), whether this need could be sustained (financial figures submitted by an external consultant), whether there would be other available accommodation as well as a review of the size and scale of the proposed development.

Having considered the supporting information, the Inspector concluded that the nature and scale of the rural business is tantamount to requiring a full time worker and that there are clear and genuine rural workers reasons to justify a new dwelling in this countryside location for the worker to live at the farm on a permanent basis. This rural business need would also be likely to be sustained in the long term and the need for housing cannot be met within a nearby settlement, by existing housing on or near the site, or by converting existing buildings.

The Inspector concluded that proposal would accord with the requirements of the development plan, in terms of DMP Policy DM10 outlined above. The proposal was also found to accord with the policy set out in the Framework regarding new homes in the countryside and would also contribute to new economic growth in a rural area which is also supported by the Framework.

An appeal for costs was made against the appellant by MDDC. This was dismissed by the Inspector who found that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, had not been demonstrated.

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

### Summary of Inspectors Comments

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

14/00518/FULL	Erection of a single storey dwelling and workshop following demolition of existing nissen hut and barn (Revised scheme)	Sunshine Corner Oakford Tiverton Devon EX16 9HD	Refuse permission	Delegated Decision	Refuse permission	Public Inquiry	Allow with Conditions
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### Summary of Inspectors Comments

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

Application No	Description	Location	Officer Recommendation	Committee or Delegated	Decision	Appeal Type	Inspector Decision
14/01915/FULL	Variation of Condition 10 of Planning Permission 14/00575/MFUL to allow for the erection of an Anaerobic Digestion (1,000Kw installed capacity) Facility	Land at NGR 283096 113579 (Menchine Farm) Nomansland Devon	Refuse permission	Committee Decision		Informal Hearing	Appeal Dismissed

### Summary of Inspectors Comments

Planning permission was granted for the AD plant to operate from the site at Menchine Farm back in 2103, when an appeal to the Secretary of State was positively determined on the basis that the plant would operate using some 3,000 tonnes of poultry litter and 6,545 tonnes of maize/grass silage as the feedstock. This was all to be transported from within a 6km radius of Menchine Farm and would allow an output of up to 500kW using a single Combined Heat and Power unit (CHP).

A subsequent application to remove the operating restriction was applied for in November 2014, and which was appealed by the applicant following after 13 weeks. The effect of this change would have been to increase the traffic movements associated with the operation, and had the application remained under the jurisdiction of the LPA it would have been refused for the following reason:

In the opinion of the Local Planning Authority it is considered that there is insufficient information available to be able to accurately predict, and subsequently control, the likely increase in movements on the highway that would arise, and the nature of the vehicles involved in the transportation process to and from the application site, and how it would affect the environmental amenity of near properties and the local environment (in terms of noise, congestion and general disturbance). On this basis the application proposals are considered to be contrary to policies: DM1, DM2, DM5 and DM7 of Mid Devon Local Plan Part 3 (Development Management Policies).

determining not to grant planning permission the Inspector reached the following conclusions:

13. The appellant's main argument is that the use of larger load sizes would enable the larger output to be achieved without significant additional traffic movements over and above those considered in the 2013 appeal, notwithstanding that no consideration is given to the local amenity impact of using larger load sizes. Regardless, the appropriate comparison, in my view is with the current operation, the true impact of which will not be evident until the required crop rotations enable the plant feedstock to be sourced from within the 6km radius zone. The 6km zone is also proposed to be used for the larger requirement, and the efficiency requirements required to keep the additional feedstock requirements to the projected 68.67% are no more than theoretical at this stage. Given that the larger load sizes are already in use, the addition feedstock requirement, and resultant digestate spreading, is likely to result in a proportionate increase in traffic movements on the rural lanes throughout the 6km zone. Failure to achieve the projected plant efficiency could result in up to a doubling of traffic by comparison with the current operation. Either scenario has the potential to significantly adversely affect local residential amenity in terms of noise and disturbance.

14. From the evidence before me I am not satisfied that I could reasonably conclude that no such harm would arise. As such, varying the condition as proposed would conflict with policies DM1, DM2, DM5 and DM7 of the Mid-Devon Local Plan Part 3 Development Management Policies (LP). LP Policy DM5 promotes renewable and low carbon energy, and the promotion of renewable energy projects and tackling the effects of climate change are key Government objectives. However, as LP Policy DM5 makes clear, adverse impacts must be satisfactorily addressed. In my view the appeal proposal does not adequately address the potential for harm to local amenity.

Application No	Description	Location	Officer Recommendation	Committee or Delegated	Decision	Appeal Type	Inspector Decision
14/01144/PNCOU	Prior notification for the change of use of barn to dwelling under class MB(a)	Land and Buildings at NGR 282238 99968 Elston Meadow Westwood Devon	Refusal of Prior Approval	Delegated Decision	Refusal of Prior Approval	Written Representations	Allow with Conditions

### Summary of Inspectors Comments

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

14/01501/MFUL	Installation of a ground-mounted photovoltaic solar farm to generate 4.45MW of power (site area 8.08ha) with access track, fencing, 3 inverter/transformer cabins and substation	Land and Building at NGR 295155 101916 Stumpy Cross Silverton Devon	Refuse permission	Delegated Decision	Refuse permission	Written Representations	Appeal Dismissed
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### Summary of Inspectors Comments

The application was refused on the use of best and most versatile agricultural land. The appeal Inspector commented that considerable weight should be given to the benefits of the appeal scheme and it would not result in a significant loss of BMV agricultural land or harm agricultural industry - this weighs in favour of approval and the Inspector considered there was compelling evidence for the use of BMV land. However, he found there was harm to the character and appearance of the area and harm to the settings of important designated heritage assets. He considered that notwithstanding the temporary nature of the development, when all matters are weighed together, the balance tips against approval. The proposal would conflict with policy DM5 and would not amount to sustainable development. Even if there is the most compelling evidence for a solar farm on this BMV land, this would not outweigh the harm identified or negate the special regard that must be given to the desirability of preserving the settings of listed buildings.

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

### Summary of Inspectors Comments

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

14/00073/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 Cottages) Copplestone Devon	Refusal of Change of Use	Delegated Decision	Refusal of Change of Use	Written Representations	Appeal Dismissed
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Application No	Description	Location	Officer Recommendation	Committee or Delegated	Decision	Appeal Type	Inspector Decision
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**Summary of Inspectors Comments**

The 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. 14 m 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

15/00031/FULL	Conversion of barn to dwelling	Land and Buildings at NGR 273746 95383 (East Church Farm Cottage) Hittisleigh Devon	Refuse permission	Delegated Decision	Refuse permission	Written Representations	Appeal Dismissed
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**Summary of Inspectors Comments**

The appeals concerns a proposal to convert a redundant agricultural barn to dwelling both planning permission and listed building consent. The barn falls within the setting of listed building, and therefore both planning permission and listed building consent was required. The main issue in the determination of the appeals was the effect of the proposals on the setting of East Church Farmhouse and adjoining Cottage, a Grade II\* listed building, and on the special architectural and historic interest of the barn, a curtilage listed building.

Given the scope of works (extensive and overly domestic in appearance) and the inclusion of a large domestic curtilage the Inspector agreed with your officers that the scheme would detract from its original agricultural character and from its historic character and appearance and the contribution it makes to the significance of the historic farmstead.

On this basis the Inspector concluded that the proposals would harm the setting of the listed building and the substantial alterations and extension would harm the architectural and historical interest of the building and the group of buildings that form the farmstead. The scale of the extensions would conflict with policies COR 2 and COR 18 in the CS and DM 2 and DM11 in the DMP.

Application No	Description	Location	Officer Recommendation	Committee or Delegated	Decision	Appeal Type	Inspector Decision
15/00032/LBC	Listed Building Consent for the conversion of barn to dwelling	Land and Buildings at NGR 273746 95383(East Church Farm Cottage) Hittisleigh Devon	Refuse Listed Building Consent	Delegated Decision	Refuse permission	Written Representations	Appeal Dismissed

### Summary of Inspectors Comments

The appeals concerns a proposal to convert a redundant agricultural barn to dwelling both planning permission and listed building consent. The barn falls within the setting of listed building, and therefore both planning permission and listed building consent was required . The main issue in the determination of the appeals was the effect of the proposals on the setting of East Church Farmhouse and adjoining Cottage, a Grade II\* listed building, and on the special architectural and historic interest of the barn, a curtilage listed building.

Given the scope of works (extensive and overly domestic in appearance) and the inclusion of a large domestic curtilage the Inspector agreed with your officers that the scheme would detract from its original agricultural character and from its historic character and appearance and the contribution it makes to the significance of the historic farmstead.

On this basis the Inspector concluded that the proposals would harm the setting of the listed building and the substantial alterations and extension would harm the architectural and historical interest of the building and the group of buildings that form the farmstead. The scale of the extensions would conflict with policies COR 2 and COR 18 in the CS and DM2 and DM11 in the MP.

14/01611/PNCOU	Prior notification for the change of use of agricultural building to dwelling under Class MB (a)	Land at NGR 290419 107840 (The Barn) Cadeleigh Devon	Not Permitted Development	Delegated Decision	Not Permitted Development	Written Representations	Appeal Dismissed
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### Summary of Inspectors Comments

The Planning Inspector noted procedurally it is not possible to apply separately for class Q(a) and Q(b). The Inspector was unable to conclude the development would be permitted development due to insufficient information regarding the use of the building. The council had claimed the building was used for the stabling of horses and produced photographic evidence of this, however the applicant had argued this was not on the 20th March 2013.

The inspector made no other comments on the councils reasons for refusal, as he could not tell if it would be permitted development (and therefore wasn't). Appeal dismissed.

Application No	Description	Location	Officer Recommendation	Committee or Delegated	Decision	Appeal Type	Inspector Decision
14/01650/CLU	Certificate of Lawfulness for the existing use of land for residential purposes and the siting of 1 caravan	The Caravan Woodclose Burlescombe Tiverton Devon EX16 7JU	Grant Certificate of Lawful Use	Delegated Decision	Grant permission	Public Inquiry	Appeal Dismissed

### Summary of Inspectors Comments

The appeal was in respect of refusal of a certificate of lawfulness for residential use of land associated with a mobile home. A certificate of lawfulness was granted for the mobile home but this did not include the entire site, which was a former horticultural nursery with glasshouses still apparent on the site. The main issue in determination of this appeal was the extent of the planning unit and its established use, and whether the appellant was entitled to site the mobile home anywhere on the site and use the site wholly for residential purposes. The Inspector sets out a number of arguments and case law in this respect and concludes that the entire site is one planning unit in mixed use for agriculture and the stationing of a caravan/mobile home. The Inspector concluded that Mid Devon was correct to refuse the application on the basis that the entire site was not in residential use.

15/00354/FULL	Erection of dormer window to rear	Orchard Lea Hemyock Cullompton Devon EX15 3RN	Refuse permission	Delegated Decision	Refuse permission	Householder Appeal	Appeal Dismissed
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### Summary of Inspectors Comments

When approaching the site from the west on the B3391, compared to the fairly modest size of the dormer that it would replace, the proposed dormer would be seen from the road as a significantly larger and more bulky addition that would dominate, and jar with, the more characteristic hipped roof of the existing dwelling, appearing as an incongruous addition which in turn would have a jarring effect in the context of the appearance of the group of three dwellings. The proposed development would cause unacceptable harm to the character and appearance of the existing dwelling and surrounding area, including the AONB. As such, it would be contrary to Policies DM2, DM13 and DM29 of the Mid Devon District Council Local Plan Part 3 Development management policies and Policies COR2 and COR18 of the Mid Devon Local Development Framework Core Strategy 2026. The benefits in extending the loft to meet regulations and be more energy efficient are insufficient to outweigh the unacceptable harm that would be caused to the character and appearance of the existing dwelling and surrounding area, including the AONB.

Application No	Description	Location	Officer Recommendation	Committee or Delegated	Decision	Appeal Type	Inspector Decision
15/00756/TPO	Application to fell 1 Cedar tree protected by Tree Preservation Order 08/00003/TPO	Land at Portway Willand Old Village Willand Cullompton Devon EX15 2SE	Refuse consent	Delegated Decision	Refuse permission	Written Representations	Appeal Dismissed

### Summary of Inspectors Comments

The inspector concluded that the tree contributes to the setting of Willand and is visible from Willand Old Village and from Harpits Close. The tree is located to the side garden close but separate from the flank wall, which only contains one secondary window. The tree will cause some shading to the garden but no significant shading to the dwelling. There is scope to improve the relationship of the tree, but there is no compelling, support to fell the tree.

Concludes there is insufficient reasons presented in support of the proposal to outweigh the impact of the proposal and therefore the appeal is dismissed

15/00403/FULL	Erection of replacement extension and alterations to garden levels including new retaining walls and removal of decking	48 Cottey Brook Tiverton Devon EX16 5BR	Refuse permission	Delegated Decision	Refuse permission	Householder Appeal	Appeal Dismissed
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### Summary of Inspectors Comments

The appeal was dismissed for the following reasons:

The size and scale of the proposal, including the size and restricted nature of the rear gardens are such there would be an increase in the sense of enclosure and creation of an overbearing outlook, which would have an unacceptable adverse impact on the living conditions of the occupiers of No. 49, contrary to local plan policy DM13.

The loss of one parking space would lead to increased pressure on the limited capacity for on-street parking in the area, and would be harmful to highway safety and contrary to local plan policy DM8.

\*Note\*

This application included the re-grading of the back garden following an outstanding enforcement request for the removal of decking. The inspector concluded this would reduce the present degree of overlooking and is acceptable, although the sloping nature of this and the neighbouring gardens inevitably already results in unavoidable overlooking to a greater or lesser degree.

Application No	Description	Location	Officer Recommendation	Committee or Delegated	Decision	Appeal Type	Inspector Decision
15/00442/PNCOU	Prior notification for the change of use of agricultural building to dwelling under Class Q	Foxlands Farm Hockworthy Wellington Devon TA21 0NP	Refusal of Prior Approval	Delegated Decision	Refusal of Prior Approval	Written Representations	Appeal Dismissed

### Summary of Inspectors Comments

- The inspector considered a procedural matter, and concluded although the consideration of Q(a) can be made without Q(b) they are not separate stages of prior approval. Therefore any prior approval must include building operations.

- The inspector concluded that the building works proposed fail the tests of Q.1.(i)(i) (aa) of the 2015 GPDO, which requires that the replacement of the roof and exterior walls would not exceed that reasonably necessary for the building to function as a dwelling house. It would also fail the tests of Q.1.(ii), in that the partial demolition would be likely to exceed that reasonably necessary to carry out the building operations.

It was considered insufficient information was submitted regarding the structural capability of the new building.

The inspector did not consider the Q.2 conditions, as it was found the proposal was not permitted development.

15/00610/FULL	Construction of vehicle access and hardstanding and part removal of garden wall	14 Peter Street Bradninch Exeter Devon EX5 4NX	Refuse permission	Delegated Decision	Refuse permission	Householder Appeal	Allow with Conditions
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### Summary of Inspectors Comments

The inspector considered the main issue to be whether the proposed development would preserve or enhance the character or appearance of the Bradninch Conservation Area (the CA). The Inspector noted that the CA comprises a variety of designs of buildings and of varying density and age. The nearby former market place on Fore Street is a key focal point and Peter Street is a fairly narrow road leading onto to that space. Within Peter Street and the adjacent eastern end of Beacon Road the development pattern generally consists of terraced properties positioned very close to the road providing an intimate character with a strong sense of enclosure. 14 Peter Street was deemed to be an exception in the sense that it is a detached dwelling at the junction between those two roads, and between it and No 1 on the eastern side of Peter Street are garden walls associated with those two properties. It was considered that although those walls maintain the sense of enclosure to the street to some degree, it is not to the same extent as is the case at the southern end of the street with its two storey buildings on both sides. Furthermore the gates would be vertically boarded timber and so would maintain solidity to that frontage when closed and the vehicular access was not deemed to be an alien feature in the street scene as there are already two others nearby. For the above reasons, the proposed development would preserve the character and appearance of the CA. As such, it would accord with Policies DM2 and DM27 of the Mid Devon District Council Local Plan Part 3 Development Management Policies. The Inspector had regard to the loss of parking on the road as a result of the new access although there was no substantive evidence that the proposal would exacerbate any existing parking or traffic flow problems or that there would be difficulty accessing and exiting the site due to the narrowness of the street. The appeal was allowed on this basis.

Application No	Description	Location	Officer Recommendation	Committee or Delegated	Decision	Appeal Type	Inspector Decision
14/02122/FULL	Conversion of redundant building to dwelling (Revised scheme)	Dairy Cottage Crazelowman Tiverton Devon EX16 7DG	Refuse permission	Delegated Decision	Refuse permission	Written Representations	Allow with Conditions

### Summary of Inspectors Comments

- The main issue in this application is whether adequate information has been provided to assess the likely effect upon bats.
- The 2015 Bat Survey report noted a bat licence and further surveys would be required before any development could commence
- Mid Devons arguement was appropriate mitigation could not be provided without these surveys first being completed
- The inspector concluded adequate information had been provided to assess to likely effect on bats and the appeal was allowed subject to condition

15/00898/TPO	Application to fell 1 Monterey Pine tree protected by Tree Preservation Order 08/00001/TPO	Beeches Dukes Orchard Bradninch Exeter EX5 4RA	Refuse permission	Delegated Decision	Refuse permission	Written Representations	Appeal Dismissed
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### Summary of Inspectors Comments

- The tree contributes to the appearance and setting of the conservation area
- The relationship of the tree to the garden and dwellings of beeches is satisfactory
- There is no major evidence to suggest the tree is at risk of falling
- The tree has ceased growth height, however, will continue to grow in the crown
- The proposal would cause harm to the amenity of the local area and is unjustified.

Application No	Description	Location	Officer Recommendation	Committee or Delegated	Decision	Appeal Type	Inspector Decision
15/00450/FULL	Installation of balcony and access ramp	Yellow Hammer Brewing Limited Hanlons Brewery Hill Farm Newton St Cyres Devon	Refuse permission	Delegated Decision	Refuse permission	Written Representations	Appeal Dismissed

### Summary of Inspectors Comments

The appeal decision relates to the installation of a balcony and external access ramp that would effectively provide an extension to the existing function room area. The main issue is the effect of the proposal on the living conditions of the occupiers of neighbouring properties. The inspector noted the presence of the trees, shrubs and the close boarded fence at the boundary of the site. However he still found that there would be a clear line of sight between the proposed balcony and significant parts of the garden of the neighbouring property that would give rise to an unacceptable loss of privacy for the occupiers of that property. The inspector found that it had not been adequately demonstrated that there would not be an unacceptable amount of noise that would affect the occupiers of the neighbouring property. The inspector concluded that the proposal would be likely to give rise to an unacceptable degree of harm to the living conditions of the occupiers of the neighbouring properties in terms of noise and loss of privacy that would be contrary to guidance in the National Planning Policy Framework and policy DM2 Local Plan Part 3 (Development Management Policies). The appeal is dismissed.

14/02077/FULL	Erection of a dwelling with parking and associated access (Revised scheme)	11 Uplowman Road Tiverton Devon EX16 4LU	Grant permission subject to conditions.	Committee Decision	Refuse permission	Written Representations	Allow with Conditions
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### Summary of Inspectors Comments

The main issue is the effect of the proposal on the character and appearance of the surrounding area. The Inspector stated that the proposal would not appear unduly cramped compared with the character of surrounding properties. Although it would have a smaller plot size than is typical of nearby properties and reduce the plot size for No 11, this would neither be particularly apparent from the public realm nor result in unacceptably small plots for future occupants. The scale, design and set back from the road would be broadly consistent with the appearance of properties on Pomeroy Road and would not appear incongruous or detrimental to the street scene. Subject to conditions in respect of obscure glazing on the western elevation and landscaping, the proposal is not considered to harm the privacy and amenity of neighbouring occupants. Conditions are required in respect of the access, parking and turning areas however the Inspector did not consider it necessary to improve visibility along the frontage of No 11.

Application No	Description	Location	Officer Recommendation	Committee or Delegated	Decision	Appeal Type	Inspector Decision
14/01947/FULL	Replacement of existing wooden single glazed windows and doors with uPVC double glazed units	West End Hall 5 West End Road Bradninch Exeter Devon EX5 4QW	Refuse permission	Delegated Decision	Refuse permission	Written Representations	Appeal Dismissed

### Summary of Inspectors Comments

- o The inspector agreed with the local planning authority (LPA), that the hall contributed positively to the conservation area, and has historic significance.
- o The inspector recognised the existing windows are in a relatively poor state of repair, however were of a fine classical design.
- o The inspector noted the use of uPVC units would introduce a very visually apparent, modern and out-of-character material to the existing largely coherent historic appearance of West End Hall, and thereby harm the positive contribution made by the Hall to the character and appearance of the Conservation Area.
- o This harm was not considered to be outweighed by a significant public benefit and is therefore contrary to policy DM27 of the Local Plan Part 3 (Development Management Policies) and the NPPF.

14/01949/MFUL	Change of use of land from agriculture to the installation and operation of a solar PV park to generate up to 5MW of power (site area 12.26 hectares) to include associated infrastructure (Revised Scheme)	Land at NGR 302663 109953 (Stoneshill Farm) Willand Road Cullompton Devon	Refuse permission	Committee Decision	Refuse permission	Written Representations	Allow with Conditions
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Application No	Description	Location	Officer Recommendation	Committee or Delegated	Decision	Appeal Type	Inspector Decision
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### Summary of Inspectors Comments

**Decision**  
 The appeal is allowed and planning permission granted for a 5MW solar array complete with inverter, substation, deer fencing, infra red CCTV, switch gear, landscaping and all necessary ancillary equipment at Stoneshill farm Willand.

The main issue is whether the benefits of the scheme outweighs any harmful effects, having particular regard to the impacts upon the best and most versatile agricultural land and the character and appearance of the area.

**Benefits**  
 Installed capacity of 5mw, equivalent to 1,250 homes, and reduce CO2 emissions by about 2,100 tonnes PA. It will assist tackling climate change, and help meet renewable energy obligations. Guaranteed farm income, and support local community. Substantial new hedge planting.

**Agricultural land**  
 The land is shown as grade 1 agricultural land, Following soil samples it has been established the land is Grade 3a and falls within available land. It is considered that significant in terms of development is triggered by 20ha for consulting purposes, and as this is 5mw it is on the cusp of classification of a large-scale solar farm. Therefore the assessment of significant depends of circumstances of the case.  
 Limited agricultural use would be continue.

**Character and Appearance**  
 Gently rolling hills with low lying flood plains, pastoral landscape and meadows. The appeal site is a large open field with some boundary hedges. Whilst not an unattractive rural area, urban influences are evident. There would be a marked change to the character of the area. Greatest impact would be from the B3131. There would be direct adverse visual impact. But this would be restricted to the local area. There would be no risk of flooding.

**Planning Balance**  
 The moderate adverse effects to the character and appearance of the area weighed against the benefits of tackling climate change, it is found on balance the proposal would satisfy the environmental dimension to sustainable development as defined in the framework., along with economic and social benefits. Therefore it is considered to be sustainable development.

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Application No	Description	Location	Officer Recommendation	Committee or Delegated	Decision	Appeal Type	Inspector Decision
15/01238/PNCOU	Prior notification for the change of use of an agricultural building to a dwellinghouse under class Q	Land and Buildings at NGR 291372 123742 (Lower Langridge Farm) Exebridge Devon	Not Permitted Development	Delegated Decision	Not Permitted Development	Written Representations	Appeal Dismissed

### Summary of Inspectors Comments

Reasons:

- o The proposal extends beyond the external dimensions of the existing building (in the form of a soil vent pipe)
- o The roof is raised, therefore extending beyond the external dimensions of the existing building
- o The application proposes a new concrete floor which will support the proposed walls, and therefore would be a new structural element

Summary: The proposal is not permitted development

15/00771/FULL	Formation of layby for parking of vehicles/access to woodland	Land at NGR 268282 111909 (North Of Higher Ford House) Chawleigh Devon	Grant permission subject to conditions.	Committee Decision	Refuse permission	Written Representations	Appeal Dismissed
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### Summary of Inspectors Comments

The inspector dismissed the appeal on the basis that the harm to the character and appearance of the area would be unacceptable. The site, by virtue of the lack of footways, well-vegetated low banks, extensive tree cover and general lack of visible development is described by the inspector as strongly secluded rural character. The inspector found that the harsh, engineered appearance of the layby would appear incongruous and an obviously man made feature in an otherwise largely undeveloped rural setting which would harm the character and appearance of the surrounding area. The inspector also noted that he was not convinced that the layby would be the only practicable means of accessing the woodland to undertake forestry works.

Application No	Description	Location	Officer Recommendation	Committee or Delegated	Decision	Appeal Type	Inspector Decision
15/00284/FULL	Removal of Condition 6 (occupancy condition) of Planning Permission 4/32/95/0274 to allow flexible use of the main house and annexe	Old Golden Lion Fore Street Kentisbeare Cullompton Devon EX15 2AD	Refuse permission	Delegated Decision	Refuse permission	Written Representations	Appeal Dismissed

### Summary of Inspectors Comments

In dismissing the appeal, the inspector concluded that although the courtyard could be divided to create separate private amenity spaces for the two dwellings that would be created by the removal of the ancillary occupation condition, the courtyard is small and it would be impractical for two properties to share this space. High fencing to divide this space would harm the setting of the listed building and the Conservation Area, as this courtyard has historically been an open functioning area connecting the house and its outbuildings, and would introduce an inappropriately suburban feature. The main house is a generously family home and would have no direct access to the large rear garden, the external amenity space of the main house would be confined to the courtyard, which would be shared with the occupiers of the ban and the associated vehicles for both dwellings; this would result in unacceptably poor living conditions in terms of amenity space and privacy for the occupiers of the principal listed building contrary to policies DM2 and DM14. The inspector considered that the removal of the condition would prejudice the long term viability of the listed building as a family home, its optimal use, due to the loss of its amenity space; the building is in good condition and the proposal could not be justified to supplement the cost of maintaining the building. The proposal was not considered to be in the best interest of the listed building and there was no public benefit recognised, contrary to DM27 and the NPPF.

15/00033/FULL	Change of use of residential garage/workshop to dwelling	Ravensdale Blackborough Cullompton Devon EX15 2HJ	Refuse permission	Committee Decision	Refuse permission	Written Representations	Appeal Dismissed
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### Summary of Inspectors Comments

15/00979/OUT	Outline for the erection of a dwelling	Little Chace Uplowman Tiverton Devon EX16 7DW	Refuse permission	Delegated Decision	Refuse permission	Written Representations	Appeal Dismissed
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### Summary of Inspectors Comments

- The proposal for a new dwelling within uplowman should be considered in accordance with COR18, i.e the proposal should be treated as being within the countryside
- The application has not provided adequate justification for a new dwelling within the countryside, and therefore the application is refused and the appeal is dismissed

Application No	Description	Location	Officer Recommendation	Committee or Delegated	Decision	Appeal Type	Inspector Decision
15/01348/OUT	Outline for the erection of 1 dwelling to replace redundant water storage tank	Reservoir at NGR 306411 112786 Adjacent 69 Highland Terrace Uffculme Devon	Refuse permission	Delegated Decision	Refuse permission	Written Representations	Appeal Dismissed

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### Summary of Inspectors Comments

The main issues in determination of this application were the effect of the proposed development on highway and pedestrian safety in the surrounding street and the living conditions of surrounding properties, and the effect of the proposed development on protected species. The Inspector concluded that the development, having no off-street parking and being in an area where parking is already constrained, would be likely to cause unacceptable competition for parking within a convenient distance of people's homes, particularly at peak times, and this would detract from the living conditions of residents. It was also likely to lead to unexpected vehicle movements on the street or obstruct footways forcing pedestrians into the street. The site has the potential to support reptile populations, however, no reptile surveys had been carried out and there is no certainty that adequate mitigation in respect of protected species could be achieved. A condition to secure such surveys would not be appropriate or reasonable.

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## PLANNING COMMITTEE

DATE: 11<sup>TH</sup> MAY 2016

## REPORT OF JENNY CLIFFORD, THE HEAD OF PLANNING AND REGENERATION

### PLANNING PERFORMANCE 2015/16

#### **RECOMMENDATION:**

For information and discussion.

#### **REASON FOR REPORT:**

To provide the Committee with information on the performance of Planning Services for the quarter 4 and the full 2015-16 financial year

#### **MATTERS FOR CONSIDERATION:**

Performance against targets, Government proposals to implement further changes to the planning system and resources within the Planning Service.

#### **RELATIONSHIP TO CORPORATE PLAN:**

The Planning Service is central to achieving priorities in the Corporate Plan.

**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. Through the issue of planning permissions for new dwellings the Service enables the award of New Homes Bonus money to the Council.

**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 underperforming with special measures applied that allow applicants for major development 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 new target of more than 50% has been met. 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 (10%). However the Government proposes to tighten performance requirements.

**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. However this risk is increasing with the Government having identified through the Autumn Statement and subsequent technical consultation on planning changes the intention to tighten existing measures and introduce new ones.

### 1.0 PLANNING PERFORMANCE

Set out below are the Planning Service performance figures for quarter 4 from 1<sup>st</sup> January – 31<sup>st</sup> March 2016 together with the performance figures for the whole of the 15/16 financial year.

Performance data is published quarterly on the Council's website at <https://new.middevon.gov.uk/planning/performance-standards/>

Performance by year and 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	2014/15	2015/16				2015/16
			Q1	Q2	Q3	Q4	
Major applications determined within 13 weeks	60%	64	*57	*50	*75	*33	47%
Minor applications determined within 8 weeks	65%	67	68	73	74	64	68%
Other applications determined within 8 weeks	80%	78	91	85	75	89	86%
Householder applications determined in 8 weeks	85%	90	92	97	95	88	93%
Listed Building Consents	80%	70	70	67	85	70	71%
Enforcement site visits undertaken within 15 days of complaint receipt	87%	94	100	94	89	91	89%
Delegated decisions	90%	95	94	93	94	94	94%
No of applications over 13 weeks old without a decision	Less than 45 applications	36	25	26	36	40	40
Major applications determined within 13 weeks (over last 2 years)	More than 50%	50	51	58	56	53	53%
Major applications overturned at appeal as % of all major decisions in last 2 years	Less than 20%	14%					10%
Determine all applications within 26 weeks or with an extension of time (per annum –Government planning guarantee)	100%	95	97	96	94	99	99%
Building Regulations Applications examined within 3 weeks	95%	74	70	70	76	67	72%
Building Regulation Full Plan applications determined in 2 months	95%	98	99	98	97	87	97%

\*Important note on major application statistic reporting: The 53% statistic for major applications determined within 13 weeks reported above includes all major applications and does not take into account any extensions of time agreed with the applicant or planning performance agreements (PPAs) that have been entered into. Government instructions to Councils over this performance target remove reporting applications with extensions of time or PPAs from this target as they are reported separately. Once these have been removed 87% of major applications were determined within 13 weeks compared with the target 60%. This performance target has therefore been met.

#### **Application processing- Development Management.**

The Government sets a range of additional performance targets for planning authorities in order to drive performance. Those for major planning application decision making are

currently used by the Government as indicators of performance in terms of both speed and quality of decision making as follows:

**Speed:** More than 50% of major applications determined within 13 weeks. MDDC 15/16 85% excluding those with extensions of time (see note \* above).

**Quality:** Of major applications determined over a 2 year period, no more than 20% of decisions to be overturned at appeal. MDDC currently 10%.

Authorities not meeting these targets risk being designated as underperforming, resulting in the application of special measures. Some of these are set out in more detail in the accompanying report on appeal performance for 15/16.

The Autumn Statement and 'Technical consultation on implementation of planning changes' issued by the Department for Communities and Local Government in February 2016 indicate that it is the intention of the Government to tighten these performance measures and add to them. Through the Housing and Planning Bill this performance approach is to be extended for applications for non-major development. The Government is consulting on tightening the quality of decision making target to no more than 10% of major applications determined over a 2 year period to be overturned at appeal.

New non-major application performance targets currently being consulted upon are more than 60-70% of such applications to be determined within the required time including any agreed extension of time. Furthermore that as a quality of decision indicator there be no more than 10 – 20% of decisions on non-major applications overturned at appeal.

During 15/16 the Planning Service determined 1008 planning applications including 26 majors, 127 prior notifications, 85 certificates of lawful use and 49 notifications. Work in addition to this included pre-application advice requests as well as general advice and queries.

### **Planning enforcement.**

Activity within the enforcement part of the Planning Service by quarter is as follows:

<b>Enforcement 2015/16</b>	<b>Qu 1</b>	<b>Qu 2</b>	<b>Qu 3</b>	<b>Qu 4</b>
New enforcement cases registered	14	71	54	To follow
Enforcement cases closed	47	53	39	To follow
Committee authorisations sought	3	2	1	2
Planning contravention notices served	Data available from Qu 2	9	5	10
Breach of condition notices served	0	1	0	0
Enforcement notices served	2	1	0	3

Statistics for the number of enforcement cases closed are an indication of there either not being a breach of control, or that the breach was resolved without formal action. Resolution of breaches may take significant work that is by its nature not clearly reflected in statistics. A report will shortly come before Scrutiny Committee with the results of benchmarking performance in enforcement against other authorities in the area. This benchmarking is currently underway. In addition, the establishment of more meaningful and measureable performance indicators for the planning enforcement is being progressed.

Staffing in enforcement was below the 2.5 FTE posts towards the beginning of the 2015/16 financial year. One Enforcement Officer post will be vacant at the time of the consideration of this report. Recruitment is underway and a temporary resource is proposed to assist the team during this period.

### **Building Control.**

Building Control performance in plan checking has not met the local performance target over the last financial year. The Building Control team has seen significant changes over 2015/16 with the legacy following the redundancy of the previous Building Control Manager at the end of 2014. This previous Manager acted as an Inspector over part of the District and managed a caseload of applications. With the reduction in the size of the team the time taken for certain activities has increased. Staff levels have been low for part of this period following the departure of 2 Building Control Officers. The service has been restructured to replace them with Building Surveyors and appointments have been made to these posts. The new post holders are due to start work within approximately one month. Arrangements have been put in place to manage and cover plan checking during this period of reduced staffing. A review of the Building Control service including workloads and level of staffing has also been undertaken within 15/16 and there is now a Building Control Manager in place on a shared basis with North Devon Council. Authority has been given by Cabinet to develop a framework for future delivery of the service in partnership with North Devon Council.

### **Planning policy – Forward Planning.**

Planning policy production targets reported in 2015 are as follows together with the updated position:

<b>Document</b>	<b>2015 position</b>	<b>Current position</b>
Local Plan Review	Pre-submission consultation in progress until 27th April 2015	In progress (see below for more detail)
CIL Draft charging schedule	Pre-submission consultation in progress until 27th April 2015	Draft charging schedule prepared. Consultation responses assessed. Awaits Local Plan Review due to proposed joint examination.
Annual Monitoring Report	2014 AMR presented to Cabinet February 2015	2015 AMR agreed under delegated powers
Cullompton Article 4 Review	Consultation completed December 2014, target to Cabinet 4th June 2015	Completed
Conservation Area Appraisals and Management Plans: Thorverton Morchard Bishop Newton St Cyres Cheriton Fitzpaine Silverton	In preparation Consultation completed mid March	Completed
Solar & Wind Landscape Sensitivity SPD	In preparation	Solar landscape sensitively to Cabinet June 2015
Self Build guidance / SPD	In preparation	Self build register requirements met
Open Space SPD	In preparation	No longer required.

The latest version of the Local Development Scheme (October 2015) indicates Local Plan Review timescale as follows:

- Sustainability appraisal scoping: May 2013 (completed)
- Preparation stage consultation : January 2014 (completed)
- Publication stage consultation: February - April 2015 (completed)
- Submission: June 2016
- Hearings: September 2016

- Adoption: January 2017
- Revision: 2020

Since the Local Development Scheme was prepared, further technical work in respect of flood modelling and highway infrastructure design at junction 28 of the M5 at Cullompton has been commissioned and is currently taking place. The outcomes of this technical work are expected in June / July. The latest estimate for Local Plan submission to the Inspectorate assuming no major modifications is August 2016.

At the meeting of Council on 27<sup>th</sup> April 2016 it was agreed that the outcomes of the Local Plan pre-submission consultation and subsequent technical work be considered by Council and Cabinet. It is likely that this will be via special meetings in August 2016. Plan submission now also expected August 2016 (assuming no major modification is made).

The Government has set out the expectation that Councils should have a local plan in place and that they should be kept up to date. It proposes to publish league tables setting out local plan progress and intervening where no local plan has been produced by early 2017. A new delivery test is also to be introduced to ensure delivery against the number of homes set out in local plans. The Government has indicated that priority for intervention will be Councils without a local plan in place and those that have not kept policies in local plans up to date.

The priority for the Forward Planning Team is currently the Local Plan Review and associated tasks. An interim Team Leader was secured in 2015 to supplement staffing and will cover a further period of maternity leave in 2016. Further resources have been secured via consultancy in order to ensure sufficient staff resources are in place to complete the Local Plan Review process through examination and to adoption.

Other current planning policy related work streams are as follows:

- Review of the Statement of Community Involvement
- Waste storage SPD
- Sustainable Urban Drainage Systems SPD
- Brownfield land register
- Strategic planning work
- Tiverton town centre masterplan
- Area B Tiverton Eastern Urban Extension masterplan
- Neighbourhood planning screening and support as resources allow

Over 15/16 the Planning Service has also produced a Tiverton Eastern Urban Extension design guide following the adoption of the Area A masterplan and adopted a masterplan SPD for the Cullompton NW Urban Extension.

Performance for 2015/16 shows that in the majority of instances targets are being met or exceeded. However there remain areas of concern, particularly given the ever tightening performance environment.

Planning Service staffing continues to still not be at full strength due to the maternity leave of several senior staff. This continues to have knock-on effects in terms of associated arrangements for cover and redeployment of staff into different roles and is expected to continue to do so into the first half of this financial year. Not all posts have been backfilled, but are being kept under review. The performance of the service in meeting the majority of targets over 15/16 represents a significant achievement, particularly in light of the challenges over this financial year referred to above.

Planning Service workload is expected to rise in 2016 due to the Local Plan Review and other emerging policy work, largescale major applications expected in Tiverton and Cullompton associated with urban extensions, the programmed submission of a planning

application for development at J27 and the implementation of further changes to the planning system.

Planning performance continues to be closely monitored. The performance of the planning service against targets is increasingly important, requires resourcing and presents an ongoing risk to the authority both financially and reputationally. 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.

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

**List of Background Papers:** PS1 and PS2 returns  
DCLG Improving planning performance – Criteria for designation. June 2014  
DCLG Planning performance and the planning guarantee –Government response to consultation. June 2013  
HM Treasury ‘Fixing the foundations – creating a more prosperous nation’ July 2015  
Department of Communities and Local Government – Technical consultation on implementation of planning changes. February 2016

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