

Public Document Pack

Committee Administrator
Sally Gabriel
Tel: 01884 234229
E-Mail: sgabriel@middevon.gov.uk

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, Tiverton on Wednesday, 7 September 2016 at 2.15 pm

The next ordinary meeting of the Committee will take place on Wednesday, 5 October 2016 at 2.15 pm in the Phoenix Chamber, Phoenix House, Tiverton

STEPHEN WALFORD

Chief Executive
30 August 2016

Councillors: Mrs H Bainbridge, Mrs F J Colthorpe, R J Dolley, P J Heal, D J Knowles, F W Letch, B A Moore, R F Radford, J D Squire, R L Stanley and Mrs C Collis

A G E N D A

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

1 APOLOGIES AND SUBSTITUTE MEMBERS

To receive any apologies for absence and notices of appointment of substitute.

2 PUBLIC QUESTION TIME

To receive any questions relating to items on the Agenda from members of the public and replies thereto.

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

3 MINUTES OF THE PREVIOUS MEETING *(Pages 5 - 22)*

To receive the minutes of the previous meeting.

4 CHAIRMAN'S ANNOUNCEMENTS

To receive any announcements the Chairman may wish to make.

5 ENFORCEMENT LIST *(Pages 23 - 34)*

To consider the items contained in the Enforcement List.

6 DEFERRALS FROM THE PLANS LIST

To report any items appearing in the Plans List which have been deferred.

7 THE PLANS LIST (Pages 35 - 52)

To consider the planning applications contained in the list.

8 THE DELEGATED LIST (Pages 53 - 76)

To be noted.

9 MAJOR APPLICATIONS WITH NO DECISION (Pages 77 - 78)

List attached for consideration of major applications and potential site visits.

10 APPEAL DECISIONS (Pages 79 - 82)

To receive for information a list of recent appeal decisions.

11 APPLICATION 14/01332/MOUT - OUTLINE FOR A MIXED USE DEVELOPMENT COMPRISING OF A PRIMARY SCHOOL AND PRE-SCHOOL WITH ANCILLARY FACILITIES INCLUDING SPORTS PITCH AND PARKING AND TURNING AREA; ERECTION OF UP TO 25 DWELLINGS WITH PARKING AND OPEN SPACE AT LAND AT NGR 288080 0982230 - EAST OF STATION ROAD, NEWTON ST CYRES (Pages 83 - 96)

To receive a report of the Head of Planning and Regeneration regarding this application.

12 APPLICATION 16/00180/FULL - ERECTION OF 2 DWELLINGS FOLLOWING DEMOLITION OF EXISTING DWELLING (REVISED SCHEME) AT 19 EXETER ROAD, SILVERTON (Pages 97 - 112)

To receive an implications report of the Head of Planning and Regeneration as at a previous meeting Members had been minded to refuse the application.

13 APPLICATION 16/00465/OUT - OUTLINE FOR THE ERECTION OF 4 DWELLINGS (REVISED SCHEME) AT LAND AND BUILDINGS AT NGR 294162 107150 (SITE ADJACENT TO BICKLEIGH CHURCH), BICKLEIGH (Pages 113 - 136)

To receive a report of the Head of Planning and Regeneration deferred from the previous meeting for a site visit by the Planning Working Group.

14 **APPLICATION 16/00918/MOUT - OUTLINE FOR THE ERECTION OF 22 DWELLINGS AT LAND AT NGR 313224 113301 (WEST OF CONIGAR CLOSE), CULMSTOCK, HEMYOCK** *(Pages 137 - 166)*

To receive a report of the Head of Planning and Regeneration regarding this application.

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

Anyone wishing to film part or all of the proceedings may do so unless the press and public are excluded for that part of the meeting or there is good reason not to do so, as directed by the Chairman. Any filming must be done as unobtrusively as possible from a single fixed position without the use of any additional lighting; focusing only on those actively participating in the meeting and having regard also to the wishes of any member of the public present who may not wish to be filmed. As a matter of courtesy, anyone wishing to film proceedings is asked to advise the Chairman or the Member Services Officer in attendance so that all those present may be made aware that is happening.

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

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

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

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

Tel: 01884 234229

Fax:

E-Mail: sgabriel@middevon.gov.uk

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 3 August 2016 at 2.15 pm

Present Councillors

Mrs H Bainbridge, Mrs C Collis, R J Dolley,
P J Heal, D J Knowles, F W Letch,
B A Moore, R F Radford and R L Stanley

Apologies Councillor(s)

Mrs F J Colthorpe and J D Squire

Also Present Councillor(s)

N V Davey, R M Deed and Mrs M E Squires

Present Officers:

Jenny Clifford (Head of Planning and Regeneration), Tina Maryan (Area Planning Officer), Simon Trafford (Area Planning Officer), Jo Cavill (Enforcement Officer), Christie McCombe (Area Planning Officer), Keith Palmer (Senior Enforcement Officer), Dean Titchener (Principal Forward Planning Officer), Amy Tregellas (Head of Communities and Governance and Monitoring Officer), Joanna Williams (Enforcement Officer) and Sally Gabriel (Member Services Manager)

51 **APOLOGIES AND SUBSTITUTE MEMBERS**

Apologies were received from Cllr Mrs F J Colthorpe (the Vice Chairman, Cllr P J Heal in the Chair) and Cllr J D Squire.

52 **VICE CHAIRMAN**

In the absence of the Chairman, the Vice Chairman took the Chair and requested that a Member of Committee act as the Vice Chairman for the meeting.

It was **AGREED** that Cllr Mrs H Bainbridge take the role of Vice Chairman for the meeting.

53 **PUBLIC QUESTION TIME (00-04-20)**

Mr Cook referring to Item 11 (Chettiscombe Estate) on the agenda asked the following questions:

1. In April 2015 this Committee resolved that planning permission be granted for Chettiscombe Trust's outline application subject to their signing the Conditions set out in the Officer's report presented to you on that day. They were not draft Conditions as suggested to you in the Officer's report before you today and so, should not be negotiable.

Very sound reasons for the Conditions were provided by the Officer in the same Report. These Conditions and the reasons for them are as valid today as they were then and should not be changed.

Does the Officer now believe that these reasons, including the interests of all users of the adjoining highway involving a traffic calmed Blundell's Road, are invalid?

2. The MDDC's Masterplan and subsequently during Planning Committee meetings, residents have been assured by MDDC Planners supported by DCC Highways and confirmed by this Committee that no Chettiscombe Trust development will be commenced before the delivery of a functioning new LILO junction with the A361 through to Blundell's Road.

Common sense dictates that construction traffic serving building sites allocated for a total of 600 properties including the 330 properties already allowed to Waddeton Park, should not be allowed to use a 'calmed' Blundell's Road. The Conditions that this Committee already approved are in accord both with the requirement of the MDDC's Masterplan, the National Planning Policy Framework and importantly, will help to protect public safety during the largest urban development programme this town has ever seen.

The Conditions as originally presented provide as clear and solid a case as there could be for this Committee to decide against this application so, will this Committee please stand by its Resolution in April last year and re-affirm the absolute necessity of Conditions 10 and 11 in the Officer's original report?

3. Because of the poor siting of the LILO, DCC Highways have only recently discovered from their more detailed design work, that an additional £1 million and more is required for its proper construction.

Is this the real reason that Planners now want to backslide on Conditions that are essential to the safety of the public?

Mr Salter (on behalf of Tiverton Civic Society) again referring to Item 11 on the agenda (Chettiscombe Estate) had provided the following questions and requested that the Chairman read them on his behalf:

Councils are well aware that, unless they can demonstrate a five- year housing supply, owners of land outside allocated boundaries are likely to submit opportunistic planning applications. Developers, or, as in this case, landowners, who have already submitted applications, and are backed by expert legal teams, are increasingly using this situation to their advantage to wrest concessions from overstretched and under-resourced Local Councils. These required concessions include the removal or modification of conditions, as well as the threat not to sign S106 agreements unless these changes are made.

(‘We’re entering the perfect storm – the South West planning policy position is vulnerable. There’s a proven oversupply of employment sites, a very limited robust five-year housing land supply, and there’s a national policy push for housing. This provides developers with a great opportunity to go in there and be ambitious about what they are trying to achieve – identifying sites slightly outside of the box, and pushing them through the planning process.) Jo Davis, Senior Director, GVA

Question 1.

A key objective of the phasing, set out in the Masterplan, was that ‘all major infrastructure should be in place before development in the Tiverton Eastern Urban Extension commence’ and, specifically, that ‘prior to any development a Left in / Left out junction to the A361 and highway link between this junction and Blundell’s Road will be constructed’. As a result of developers’/landowners’ demands this is now clearly redundant: the Left-In/Left-Out junction will no longer be constructed and it is very possible that up to 600 houses will now be built and occupied prior to the construction of the main A361 junction, meaning that all major construction traffic related to this will be channelled along Blundell’s Road. In addition, the Chettiscombe Trust are, amongst other demands, seeking the removal of a number of planning conditions, including those relating to the planning and delivery of Green Infrastructure and the attenuation of surface water drainage, as well as requiring the imposition of considerable extra access costs on the development of Area B. (and we have not even reached the Reserved Matters Stage yet!)

‘It will be impossible to develop a more detailed strategy ...until the phasing of the development has been settled’ Caroline Waller, Clarke Willmott, for the Chettiscombe Trust, 15/6/16.

Have the general public, including the large number who attended consultation meetings, have any reason to feel confidence that the remainder of the Masterplan for Area A has any validity, or will landowners or developers, as seems increasingly likely in this application, themselves be allowed to decide exactly what is built, when, and where?

Question 2.

‘With DCC aiming to get the junction delivered by 2018 subject to getting all the funding required, there is unlikely to be more than 200 dwellings on the EUE site before the junction is completed, meaning that the initial DCC suggested trigger point of 300 dwellings before a connection to the A361 is required would still be met.’ Dave Black, Devon CC Senior Transport Officer

There appears to be a mismatch between Devon County Council’s projected date of completion of the full A361 junction in September 2018 and the date when the Chettiscombe Trust can provide their full £3.7 million S106 contribution for this. The figures given for the rate of estimated house completions in 4.4.6 suggest that, once building starts, it would take at least six years, or until 2023, for 270 houses to be built, and, therefore, for this funding, and the equivalent in match-funding, to become fully available.

Assuming that agreement on the Chettiscombe Trust’s demands can be reached and that the S106 Agreement is eventually signed, will MDDC be taking out a loan,

subsequently rechargeable to the developers with indexation, so that this infrastructure can be paid for and delivered according to the time scale envisaged by Devon County Council?

Cllr R M Deed again referring to Item 11 on the agenda (Chettiscombe Estate)

Could you please explain in English ‘no employment floor space over and above the amount (square metres) equivalent to the occupation of 270 dwellings (equivalent in terms of traffic generation numbers)’? How many square metres equates to one dwelling for example?

To give some context to the question, in view of the fact that MDDC were considering moving their Waste Disposal & Recycling operation to the employment site to the North West of the development, would such a move be allowed before the completion of a full A361 road junction or not?

‘What about the impact on Residents’? Do they not count as they only pay Council Tax to support both the operation of Devon County Council and MDDC who, one might think, give no consideration to them?

Therefore, why are you, Members of the Committee, considering reducing the affordable renting units further?

In your papers at 4.4.3, funding to deliver the full A361 road junction is proposed at 15.5 million pounds. What is the estimated costs of completing the works? If it is only 15.5 million pounds, why has the cost reduced over the last 12 months?

Members – why should you roll over to this dilution of this original proposal, which as some might think, with sufficient financial acumen, should have been seen coming from the outset.

Miss Coffin referring to Plans List item 4 (Menchine Farm) stated asked if she could raise the following questions which reflect the considerable concerns that have been raised by her Parish Council as well as a growing number of Mid Devon residents. Given the overwhelming number of piecemeal and retrospective planning applications that have been approved and are still being submitted to this and other council’s across the whole of the South West, by the so called Renewable and Sustainable CAD Industry, as well as Industrial (indoor only) chicken farms – is there any point whatsoever in having a Council Planning Department or indeed (with respect) a Planning Committee. It would appear to the general public that under this Government’s amended Planning and Conditions Guidelines you have been made at best ineffective and at worst irrelevant; particularly when it appears that the same developer can repeatedly, again and again, put forward duplicitous and erroneous applications, or worse deliberately build contrary to the confines of Approved Applications – confident in the knowledge that Councillors feel impelled to grant retrospective approval.

Neil Parish MP recently stated in the 12th July edition of the Gazette that everything must be done to protect and enhance our tourism and its normal pursuits of walking, cycling and driving around our beautiful countryside; do Councillors appreciate that having to share or fight for space on our rural lanes and highways with enormous tractors and implements that do not fit within the white lines, even when they are present, can only have a detrimental effect on the South West’s major industry of Tourism. After all our hotels/shops and holiday attractions pay business rates unlike

the so-called farmers exploiting the present and possibly designated loopholes in the Government's proclaimed Green Energy policy.

Add to this the apparent inability to propose meaningful and enforceable conditions to ensure compliance with approved applications – and one might ask exactly how this implements the government's proclaimed "new clarity and openness" for the Planning system.

Mrs Peters referring to Item 2 on the Plans List (land adjacent to Bickleigh Church) stated that Architects Harris Mc Millan have shown the massive visual impact these 4 houses would have on important views into Bickleigh's historic core. They have used the drawings provided by the applicant to produce this to scale. Can the Committee members confirm that they have seen this document?

Mrs Brownlow again referring to Item 2 on the Plans List stated that Historic England say that the Heritage Statement supplied by the applicant does not assess significant views and the relationships between open spaces and buildings. Why has this assessment not been carried out by the applicant and can an informed decision be made without this information?

Mrs Smythe referring to Item 4 on the Plans List (Menchine Farm) stated: stated, in relation to the application for the newly laid track and in the light of recently supplied, dubious information regarding traffic movements for feedstock in and digestate out of Menchine Farm I would like to ask the Planning Authority the following questions:

Is this track really necessary other than to enable the applicant to falsely claim saved journeys through Nomansland when in accurate figures have been submitted in the second quarter records to the Planning Authority and has the Highway Authority carried out an assessment of the traffic movements on the road from Nomansland to the track as it is the least used in the hamlet because of parked vehicles for the 8 houses on it with no off road parking?

Seventy acres of fodder beet which we believe has been tilled to the south of Menchine could be transported to the farm via this track. However, it has to be cleaned to go through the digester and disposal of the debris, tops and tails plus waste water is a major concern for the Environment Agency. Where is this washing to be carried out as it will determine which roads are used for the feedstock to reach Menchine?

In view of the excessive feedstock being imported and the lack of information to calculate the amount of power likely to be produced, has there been any visit from an Enforcement Officer to ensure that the approved production of 500kw is not being exceeded and has it been established why an electricity cable from Menchine Farm to Edgeworthy has been installed?

There is currently no way of monitoring just what goes over the weighbridge so how will the Committee members ensure that approving this track will not increase the productive capacity of this 500kw plant in view of the already installed 2nd CHP. Will this track enable the applicant to continue importing higher than declared feedstocks with the potential to produce more power to be sold to sources other than the grid?

Mr Welchman referring to Item 11 on the agenda (Chettiscombe Estate) stated that it appeared to him that this committee and its officers are incapable of dealing with developers who consistently run rings around them. The Crown Hill AD plant was a good example where in my opinion a deliberate deception was perpetrated. Now, the first development in the Eastern Urban Extension is in my view going exactly the same way. You appear to be willing to drop the key condition of a new link road junction thus creating traffic chaos in Post Hill, Blundells Road and Halberton. I see only three explanations for this, naivety, incompetence or collusion. Do you have any other explanations? Oh, there might be a fourth actually, the totally arrogant and condescending disregard of local public opinion which has already caused resignations from the Committee and of which there are examples.

The Chairman indicated that answers to questions would be given when the items were debated.

54 **MINUTES OF THE PREVIOUS MEETING (00-30-24)**

The minutes of the meeting held on 6 July 2016 were approved as a correct record and signed by the Chairman.

55 **CHAIRMAN'S ANNOUNCEMENTS (00-31-01)**

The Chairman had the following announcements to make:

- (i) Dean Titchener (Principal Forward Planning Officer) would be leaving the authority and he wished him well for the future.
- (ii) Item 12 on the agenda had been deferred to allow for further discussion to take place with the Highway Authority.

56 **ENFORCEMENT LIST (00-32-15)**

Consideration was given to the cases in the Enforcement List *.

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

Arising thereon:

- a) No. 1 in the Enforcement List (***Enforcement Case ENF/14/00128/LIS – Without Listed Building Consent the execution of works for the alteration (“the Works” to the listed building namely the removal of timber windows and doors in the façade and inserting uPVC windows and door – the thatched terrace of dwellings, listed Grade II, 18, 19 and 22 Exeter Road, Crediton).***

The Enforcement Officer outlined the contents of the report highlighting the alleged breach and the site descriptions of the listed properties, it was his opinion that the authorised works adversely affected the character of the listed buildings and should be reversed; he explained the works required to comply with the listings. An extended compliance period was proposed to allow the properties owners time to be able to fund the works proposed.

Consideration was given to whether the proposed windows would soundproof the noise from Exeter Road.

RESOLVED that the Legal Services Manager be authorised to take any appropriate legal action including the service of a Notice or Notices to reflect the recommendation as set out in the report and summarised. In addition, in the event of a failure to comply with any Notice served, authorisation for prosecution, direct action and/or authority to seek a court injunction.

(Proposed by Cllr Mrs H Bainbridge and seconded by Cllr B A Moore)

Note: Within the requirements for compliance all new timber windows to be amended to state “to be glazed with profile double glazing”.

b) No. 2 in the Enforcement List (***Enforcement Case ENF/16/00098/UCU – Without planning permission, the erection of a residential/domestic use building – Barn Orchard, Higher Furzeland, Coppleshole***).

The Enforcement Officer outlined the contents of the report by way of presentation highlighting the partial demolition and rebuild that had taken place without consent. Members viewed original and recent photographs and noted that 5 bays were now in place instead of the original 3. A 2 bedroom flat had been created and it was felt that these changes had affected the heritage asset.

Discussion took place with regard to the circumstances that had led to the conversion and the landowners plans for the future. Consideration was also given to the bats on site.

RESOLVED that consideration of any enforcement action be deferred for 3 months to allow the landowner time to submit a planning application.

(Proposed by Cllr R L Stanley and seconded by Cllr R J Dolley)

(c) No. 3 in the Enforcement List (***Enforcement Case ENF/16/00154/BRE - alleged breach of Condition 5 Planning Permission 00/01665/FULL; The building hereby approved shall only be used for agricultural purposes reasonably necessary on the holding to which it relates. On its becoming redundant for such purposes, it shall be demolished and all resultant materials removed from the site within 3 months of redundancy – Sky End, Templeton – formally land and buildings at NGR 288977 115989 (Mayfield House)***).

The Enforcement Officer outlined the contents of the report explaining the history behind the alleged breach, the original planning permission of 2000 and the prior notification of change of use received in May 2014 under the new legislation regarding permitted development rights. Issues had arisen with regard to the interpretation of the new legislation at that time and the implications of the legislation on the application. The developer had acted in good faith with regard to the permissions granted and therefore it was proposed that no further action take place.

Consideration was given to the interpretation of legislation regarding permitted development rights.

RESOLVED that no further action be taken in respect of this matter.

(Proposed by Cllr R L Stanley and seconded by Cllr B A Moore)

57 **DEFERRALS FROM THE PLANS LIST**

There were no deferrals from the Plans List.

58 **THE PLANS LIST (1-14-22)**

The Committee considered the applications in the plans list *.

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

(a) Applications dealt with without debate.

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

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

(i) No 3 on the Plans List (**16/00549/FULL – Erection of an agricultural livestock building – land and buildings at NGR 277081 96434 (Shortacombe Farm) Yeoford**) be approved subject to conditions as recommended by the Head of Planning and Regeneration.

(Proposed by the Chairman)

Note: Cllrs Mrs H Bainbridge, Mrs C Collis, R J Dolley, P J Heal, D J Knowles, F W Letch, B A Moore, R F Radford and R L Stanley declared personal interests as the applicant was known to them.

(ii) No 6 on the Plans List (**16/00920/FULL – Installation of 10 replacement timber windows and 4 replacement timber doors with uPVC – Morebath Cricket Club, Morebath**) be approved subject to conditions as recommended by the Head of Planning and Regeneration.

(Proposed by the Chairman)

Note: Cllr R J Dolley declared a personal interest as the Chairman of the cricket club was known to him.

(b) No 1 on the Plans List (**16/00458/FULL – Erection of 3 dwellings and associated infrastructure following removal of bursary building – Action for Children, Crediton Area Children’s Home, Newcombes, Crediton**).

The Area Planning Officer outlined the contents of the report by way of presentation, highlighting the site layout, the proposed elevations, proposed floor plans, sections across the site, the fenestration pattern and contemporary design which was compared with other dwellings in the area and photographs from various aspects of the site.

Consideration was given to design and access issues and the concerns of the Town Council.

RESOLVED that the application be deferred to allow further discussion to take place between the applicant, the Town Council and Ward Members with regard to design and access issues onto Jockey Hill and traffic generation.

(Proposed by Cllr F W Letch and seconded by Cllr B A Moore)

Notes:

- (i) Cllr F W Letch declared a personal interest as the Chairman of Crediton Town Council;
- (ii) Mr Field (Agent) spoke;
- (iii) Cllr F W Letch spoke as Ward Member;
- (iv) The following late information was reported - Pages 54 -55 - various edits to the conditions as follows.

4. add the following sentence to the condition as drafted in the report:
Thereafter the development shall only be completed in accordance with the approved details, and thereafter retained.

7. add the following sentence to the condition as drafted in the report: The approved details shall be retained as such thereafter.

8. replace the condition as drafted in the report with the following drafting:
Prior to the commencement of any work relating to the construction of the dwellings hereby approved, the site access shall be hardened and surfaced for a distance of not less than 6.0 metres back from it's junction with the public highway and drained, in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority.

9. add the following sentence to the condition as drafted in the report: The approved details shall be retained as such thereafter.

(c) No 2 on the Plans List (***16/00465/FULL – Outline for the erection of 4 dwellings (Revised Scheme) – land and buildings at NGR 294162 107150 – site adjacent to Bickleigh Church, Bickleigh.***)

The Principal Planning Officer outlined the contents of the report by way of presentation highlighting an aerial shot of the site, the site location plan, the layout plan identified in the centre of the conservation area, the listed buildings in close proximity to the site, the trees on the southern boundary, floor plans of the proposal, the roof plan identifying the thatched roofs, proposed section drawings and photographs from various aspects of the site.

The officer answered the questions posed in Public Question Time: Members had seen the document provided by the architects mentioned. With regard to the historic aspect, Historic England, the Devon County Council Archaeological Officer and the Local Planning Authority's Conservation Officer had all been consulted more than once on the application. Historic England had expressed their disappointment that the initial analysis provided by the applicant did not go into the depth they had sought. However, unlike the previous refused scheme, the historic environment consultees were not recommending refusal on the basis there was insufficient evidence on which to assess the acceptability of the development.

Consideration was given to:

- Whether the design was in keeping with the Conservation Area
- Issues regarding the trees
- The impact of the proposal on the visual amenity of the village
- Access on to the narrow steep lane
- Concerns about the protected green
- The substantial level of objection within the village to the proposal
- Whether 4 dwellings would impact on the level of land supply required

RESOLVED that the application be deferred for a site visit by the Planning Working Group to consider:

- (i) The relationship between the development and its historic context including the Conservation Area
- (ii) The sustainability of the site
- (iii) The impact of the loss of the hedgerow, trees and the impact on local ecology.

(Proposed by Cllr Mrs H Bainbridge and seconded by Cllr B A Moore)

Notes:

- (i) Cllr Cllrs Mrs H Bainbridge, Mrs C Collis, R J Dolley, P J Heal, D J Knowles, F W Letch, B A Moore, R F Radford 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;
- (ii) Cllr R J Dolley declared a personal interest as he knew several of the objectors;
- (iii) Ms Anning (agent) spoke;
- (iv) Mrs Hetherington spoke on behalf of the objectors to the application;
- (v) Cllr Batt spoke on behalf of the Parish Council;
- (vi) Cllr R M Deed (Ward Member) spoke;
- (vii) The following late information was reported: Amendments to conditions 5, 8, 12 and 14:

- Condition 5, add at end 'and maintained thereafter.'
- Condition 8, add at end 'and be so retained.'
- Condition 12, add at end 'The development shall be carried out in accordance with the approved Construction Management Plan.'
- Condition 14, remove 'thereafter to the satisfaction of the Local Planning Authority' and add at end 'in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority.'

Revised plans indicating which trees were to be removed as a result of the application were also uploaded to public access yesterday. A new front sheet to the application form has been uploaded to public access today clarifying which matters are for consideration at outline stage and which at reserved matters.

(d) No 4 on the Plans List (***16/00564/FULL – Retention of an agricultural access track – land at NGR 283282 113369 (Menchine Farm) Nomansland***).

The Area Planning Officer outlined the contents of the report highlighting the applicant's information with regard to how the track had been constructed and would be used, the visibility splay and access was identified and Members viewed photographs from various aspects of the site. He informed the meeting that Condition 6 had been amended to request the provision of the number of vehicles entering and leaving the site by this entrance.

He offered answers to questions posed within Public Question Time, Miss Coffin's address was more of a statement with regard to previous application and therefore no answers were necessary. The second set of questions were in relation of the operation of the AD Plan and the number of traffic movements, it was suggested that the amended Condition 6 would address the concerns raised.

Consideration was given to:

- Whether the track would reduce the amount of traffic going through Nomansland
- Concerns that the figures provided were incorrect
- Lack of monitoring to vehicles entering the site through the new entrance
- Whether the amended Condition 6 was enforceable
- A possible hidden agenda
- Whether a weighbridge at the end of the track should be requested and the possible requirement for additional vehicle monitoring equipment

RESOLVED that planning permission be granted subject to conditions as recommended by the Head of Planning and Regeneration with amendments to conditions as follows: Condition 3 - Revise the last sentence in the condition to the following wording: The approved details shall be implemented by 3rd December 2016 and all planted materials shall be maintained for five years and any trees or plants removed, dying, being severely damaged or becoming seriously diseased within 5 years of planting shall be replaced with others of similar size and species to those originally required to be planted.

Condition 4. Within 3 months of the date of this decision the site access road shall be hardened, surfaced, drained for a distance of not less than 6.0 metres back from its junction with the public highway and in accordance with details that shall have previously been submitted to and approved in writing by the Local Planning Authority. The approved details shall be retained as such thereafter.

Page 91: Replace condition 6 as drafted with revised wording as set out below:

As part of the completion of the records to satisfy condition 7 pursuant to planning permission ref: 14/00575/MFUL the number of vehicles which enter or leave the site via the access hereby approved shall be recorded separately from those vehicles which enter or leave the site via the access via the B3137. These records shall include the size, type and load details, as well as the vehicles point of origin or destination. These records shall be made available to the local planning authority on request.

(Proposed by Cllr Mrs H Bainbridge and seconded by Cllr Mrs C Collis)

(Vote 4 for: 3 against)

Notes:

- (i) Cllr R F Radford declared a personal interest and chose to leave the meeting during the discussion thereon as he was a fellow chicken farmer.
- (ii) Cllrs R J Dolley, D J Knowles, B A Moore, Mrs M E Squires and R L Stanley declared personal interests as a number of the objectors to the application were known to them;
- (iii) Mr Cole (Applicant) spoke;
- (iv) Mr Govett (Objector) spoke;
- (v) Cllr Mrs M E Squires spoke as Ward Member.

(e) No 5 on the Plans List (***16/00693/MOUT – Outline for the erection of 13 dwellings – land at NGR 310280 114261 Hunters Hill, Culmstock***).

The Area Planning Officer outlined the contents of the report stating that the majority of the site was proposed to be allocated within the emerging Local Plan Review under policy CL2 for 10 dwellings. The allocation was released for development when it had been agreed to bring forward several emerging local plan allocations (with no objection) in order to increase housing land supply. Although the application was partly a departure from policy no objection from local residents had been received.

She highlighted the proposed layout of the application, the drainage system, new boundary hedge, visual montages taken from several vantage points and photographs from various aspects of the site.

Consideration was given to the attenuation ponds and drainage issues.

RESOLVED that planning permission be granted subject to the provision of a S106 agreement in respect of:

- Provision of 4 affordable dwellings (2 x 2 bed and 2 x 3 bed) on site;
- A financial contribution of £15,665 towards Phase 2 of the improvements to Culmstock Playing Fields; and
- A financial contribution of £41,744 towards additional secondary education infrastructure and secondary education transport costs.

With conditions as recommended by the Head of Planning and Regeneration with amendments to conditions 6 and 7:

Condition 6 should read “Should the report required by condition 5....”

Condition 7 should read “The remediation scheme approved under condition 6....”

An additional conditions stating that: No development shall begin until a temporary surface water drainage management plan, to demonstrate how surface water runoff generated during the construction phase will be managed, has been submitted to and approved in writing by the Local Planning Authority. The plan must also include details of how eroded sediment will be managed to prevent it from entering the permanent surface water drainage management system and include a timetable for the implementation of the management plan. Once approved the management plan shall be implemented in accordance with the approved details.

Reason:

To minimise flood risk and provide sustainable drainage on site in accordance with policies COR11 of the Mid Devon Core Strategy (Local Plan Part 1) and DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies) and in accordance with guidance contained within the DEFRA document ‘Non-statutory technical standards for sustainable drainage systems’.

Condition 11 should read:

“The occupation of any dwelling shall not take place until the following works have been carried out in accordance with the details approved under condition 11”.....

Condition 12 should read:

“.....shall be completed in accordance with the details approved under condition 11 and thereafter retained and maintained.”

Condition 14 – addition of the word “retained” as follows:

“.....Once provided such Sustainable Urban Drainage System shall be *retained*, managed and maintained.....”

(Proposed by Cllr B A Moore and seconded by Cllr R L Stanley)

Notes: the following late information was reported: 26th July 2016 - Landscape Impact Photos Addendum V1 submitted. (see Public Access)

59 **THE DELEGATED LIST (3-32-00)**

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

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

60 **MAJOR APPLICATIONS WITH NO DECISION (3-33-00)**

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

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

61 **APPEAL DECISIONS (3-33-18)**

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

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

62 **APPLICATION 14/00881/MOUT - OUTLINE APPLICATION 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 AT LAND EAST OF TIVERTON, SOUTH OF A361, AND BOTH NORTH AND SOUTH OF BLUNDELLS ROAD, UPLOWMAN ROAD, TIVERTON (3-35-00)**

The Committee had before it a * report of the Head of Planning and Regeneration regarding the above application.

She outlined the contents of the report reminding Members of the previous resolution to grant permission with a S106 agreement dated April 2015 which included funding towards the new junction on the A361. Following changes in circumstances, it was proposed to amend some of the conditions within that decision. She highlighted the area of land allocated for the Eastern Urban Extension, the trigger points for construction and the site boundary, the road junction on the A361 and the phasing of construction that had been agreed. She stated that the Highway Authority now proposed to construct the junction in one go with a 'T' junction onto Blundells Road. This was proposed to be changed to a roundabout as part of the Chettiscombe Trust application. No construction had taken place at Waddeton Park although permission for 330 dwellings had been permitted and that no reserved matters applications had been received. It was therefore felt that as the delivery of houses had been delayed, there would be less traffic generated in advance of the delivery of the junction than initially expected. Financial contributions from development were needed to fund the

A361 junction, yet at present the development was prevented from coming forward in advance of the junction, making such payments difficult to achieve from a developer cashflow perspective. By amending conditions it was hoped that this impasse could be avoided and that the project could move forward.

Addressing questions posed in Public Question Time: with regard to a further spur at the Gornhay Junction, the land was unavailable and such a junction undeliverable. Employment floorspace in Area A, the Masterplan showed employment and residential development in this area, no details on the type of employment space has been submitted to date, which would affect traffic generation figures. It was therefore not possible to be more specific at this time and the proposed condition change expresses this as an equivalent floorspace in traffic generation terms.

Negotiations had taken place with the Housing Service who had no objection to the amendment to the tenure of the affordable housing. With regard to the different types of junction and the impact on local residents, yes of course the residents counted and accordingly the rate of delivery of housing associated traffic generation had been considered carefully. There was also a need to look at the pace of delivery of the development and to secure junction contributions

With regard to the financial implications of developing the junction, the finance was proposed to come from different sources, there would be a contribution from the developers of Area B and the contribution from Chettiscombe Trust would be phased, Devon County Council may choose to borrow against phased receipts. Officers felt that the amendments to the permissions would help to deliver the development. The remainder of the masterplan was still a material consideration but that there was a need to adapt the plan.

Consideration was given to:

- The masterplanning process and concerns regarding the infrastructure
- Concerns that the Masterplan would be diluted further
- The concerns of Blundells School with regard to the safety of their students
- Access to the site via narrow lanes for construction traffic
- The number of houses proposed to be built in the first year of development
- Vehicles accessing the site via Sampford Peverell and Halberton
- Funding issues for the new junction
- The need for the masterplan to provide a structure for development
- The affordability and deliverability of the development

RESOLVED that: recommendations to amend Condition 10 and 11 be refused for the following reasons: that the proposed changes would be likely to lead to an unacceptable increase in traffic on Blundell's Road and through Halberton and Sampford Peverell in advance of the new highway junction.

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

Further **RESOLVED** that the draft S106 agreement be amended to allow a change in the mix of affordable housing tenure; to allow 60% affordable rent units and 40% intermediate units. Previous committee resolution to be amended as follows: 22.5% affordable housing on site to be provided for occupation on a 60% affordable rent and 40% intermediate tenure mix.

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

Notes-:

- (i) Cllr D J Knowles declared a personal interest as some of the objectors and the landowners were known to him and that he was a Member of the Civic Society;
- (ii) Cllrs Mrs H Bainbridge, Mrs C Collis, N V Davey, R J Dolley, R F Radford and R L Stanley declared personal interests as many of the objectors were known to them;
- (iii) Cllrs N V Davey and D J Knowles spoke as Ward Members;
- (iv) The following late information was reported: Late Objection received 02.08.2016

Blundell's School object to the proposed changes to the intended junction.

In the absence of an assessment of the impact of the revised junction phasing, the School objects as before. The objection is based upon the increased volume of traffic; Heavy Goods Vehicles travelling through the School campus on Blundells Road; and potential damage to the Environmental Enhancement scheme from this traffic.

There is also the point that the Environmental Enhancement was Road Safety Audited on the basis of the previous junction phasing. It has not been re-assessed based on what is now proposed. This now poses an unknown risk to the safety of students which hasn't been quantified. Our concerns, particularly following an accident this year where a student was knocked over at the school crossing are compounded because the volume increase is not risk assessed;

There is the reported possibility that the full junction does not come forward at all, and we are left with the unmitigated impact of the first phase of development.

- (v) * Report previously circulated, copy attached to minutes.

63 APPLICATION 14/01332/MOUT - OUTLINE APPLICATION FOR A MIXED USE DEVELOPMENT COMPRISING OF A PRIMARY SCHOOL AND PRE-SCHOOL WITH ANCILLARY FACILITIES INCLUDING SPORTS PITCH AND PARKING AND TURNING AREA; ERECTION OF UP TO 25 DWELLINGS WITH PARKING AND OPEN SPACE - LAND AT NGR 288080 098230 EAST OF STATION ROAD, NEWTON ST CYRES

This item had been deferred as explained earlier in the meeting.

(The meeting ended at 6.56 pm)

CHAIRMAN

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PLANNING COMMITTEE AGENDA - 7th September 2016

Enforcement List

<u>Item No.</u>	Description
1.	16/00131/AGTIE - Non compliance with agricultural tie imposed by planning permission 88/01786/OUT - Nethercott, Brithem Bottom, Cullompton.
2.	09/00048/LIS - Unauthorised works to a Listed Building - uPVC replacement windows and door installed - 5 Dukes Cottages, Bow, Crediton.

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Case No. ENF/16/00131/AGTIE

Grid Ref: 300832 110224

Address:

Nethercott, Brithem Bottom, Cullompton, Devon

Alleged Breach:

Breach of condition (f) of planning permission 88/1726/OUT which states: the occupation of the dwelling shall be limited to a person solely or mainly employed, or last employed in the locality in agriculture, as defined in section 290(1) of Town and Country Planning Act 1971 (including any dependants of such person residing with him or her) or a widow or widower of such a person.

Recommendations:

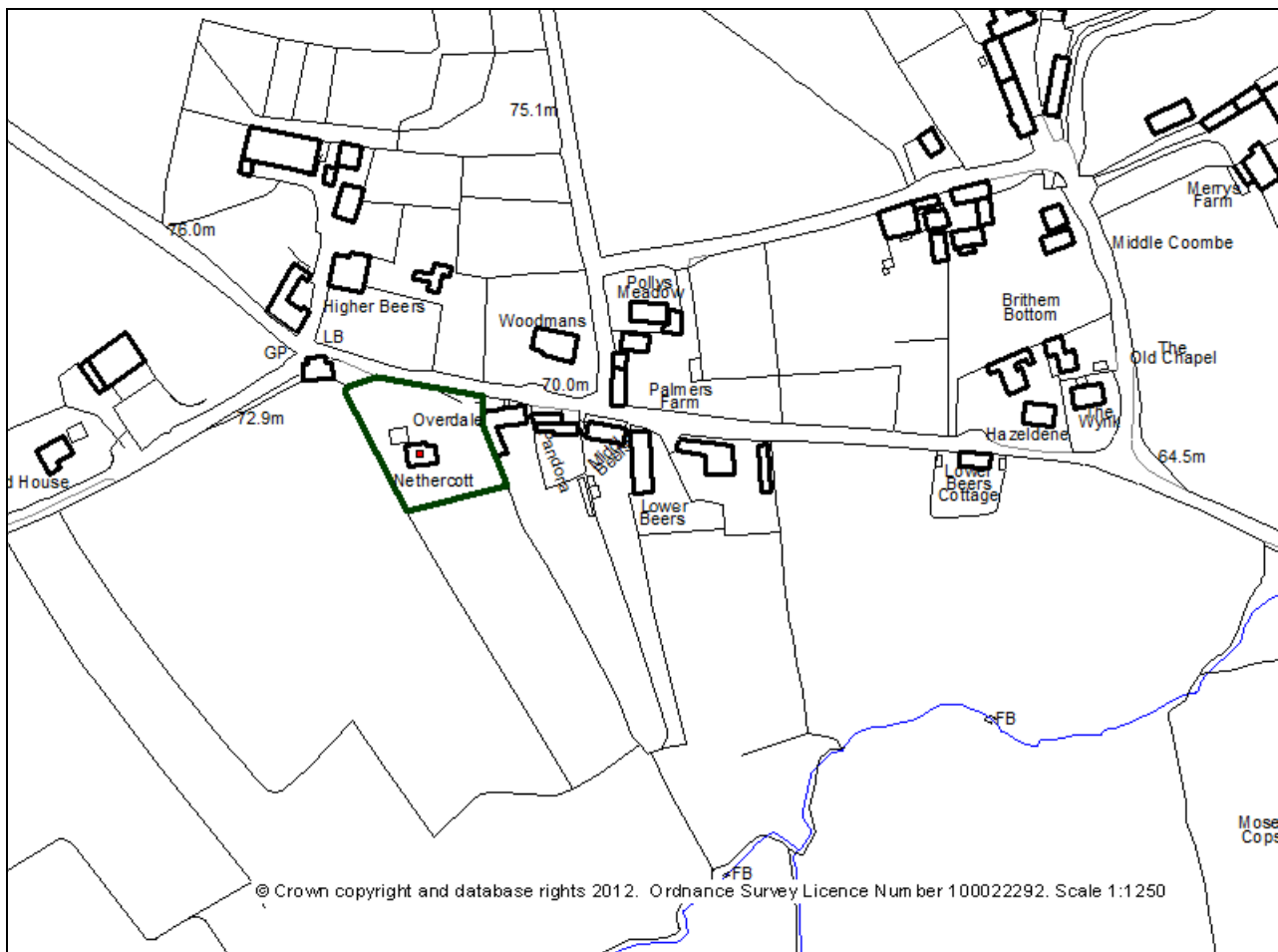
That Members, having regard to the provisions of the Mid Devon Development Plan and all other material planning considerations in accordance with Section 172 of the Town and Country Planning Act 1990 (as amended) shall grant authority to the Legal Services Manager to issue a breach of condition enforcement notice. In addition, that authority be given to the Legal Services Manager to take any legal action deemed appropriate including prosecution in the event of non-compliance with the notice.

Site Description:

Nethercott, Brithem Bottom, Cullompton, Devon

Nethercott is a modern three bedroomed detached house with a separate double garage, situated within the hamlet of Brithem Bottom.

Site Plan:



Site History:

87/00700/OUT	Outline for the erection of a dwelling, garage and construction of vehicular access	REFUSE
88/00360/OUT	Outline for the erection of dwelling, garage and access	WD
88/01786/OUT	Outline for the erection of an agricultural workers dwelling and alterations to vehicular access	PERMIT
89/00934/ARM	Detailed drawings for the erection of an agricultural dwelling and garage and alterations to vehicular access	PERMIT
15/01660/FULL	Removal of Condition (f) (agricultural occupancy), of planning permission 88/01786/OUT	REFUSE

Development Plan Policies:

National Planning Policy Framework

Mid Devon Core Strategy (Local Plan 1)

Policy COR 18

Mid Devon Local Plan Part 3 (Development Management Policies)

Policy DM10

National Planning Policy Framework - paragraph 55

National Planning Policy Framework - Decision-taking "Effective enforcement is important as a means of maintaining confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control.

Reasons/Material Considerations:

The current owners of the property sought to vary condition (f) of planning permission 88/01786/OUT which restricts the use to agricultural occupancy. This was refused for the following reason in December 2015;

The application site is in the countryside where planning policies restrict the provision of isolated dwellings unless there are special circumstances such as the essential need for a rural worker to live at or near their place of employment. In the opinion of the Local Planning Authority, insufficient evidence has been submitted to demonstrate that the property is no longer required for an agricultural worker. No evidence has been provided to demonstrate that the property has been marketed for sale in an appropriate way for an appropriate period of time or at an appropriate price. No information has been received regarding any offers on the property or details of interest in the property since it has been marketed for sale or to let, and no substantive evidence has been submitted to indicate that there is no need for the agricultural occupancy condition on this agricultural workers dwelling.

In addition at the time of a site visit the house was currently let to an agricultural worker. The application is therefore considered to be contrary to policy COR18 Mid Devon Core Strategy (Local Plan Part 1) and policy DM10 Local Plan Part 3 (Development Management Policies).

No appeal against the refusal to vary this condition has been submitted, and the time limit for doing so has now passed. When the property was visited in relation to the planning application last year, the occupier indicated to the planning officer that he was employed in agriculture.

A complaint was made to the enforcement team in May 2016 that the property has been re-let and was no longer being occupied in accordance with the agricultural occupancy condition. A planning contravention notice has been served on the owner to ascertain whether this was the case, and based on the information provided it appears that the current occupation is in breach despite the owners of the property being aware of the planning restriction. Furthermore, the current tenancy on the property was prepared by Stags, who also acted as agent for the refused application to vary the condition.

The Council has established its position in relation to the property by the refusal to vary the agricultural occupancy condition under the recent application, and there has been no material change in circumstances since then. Officer opinion is that in order to maintain confidence in the planning system and the decisions made by Mid Devon District Council, the most appropriate way forward is to serve a breach of condition enforcement notice in relation to this matter, requiring the cessation of the occupation by those who do not meet the requirement of the condition. The occupiers of the property have been advised of the position, and a long compliance period is proposed to enable them to source alternative accommodation.

Human Rights and Equality Issues:

The expediency of Enforcement action has been assessed with reference to guidance contained in the National Planning Policy Framework (NPPF). Expediency has also been assessed with regard to the statutory Development Plan, comprising the Core Strategy 2026 (July 2007), the Allocations and Infrastructure Development Plan Policies (January 2011) the Local Plan Part 3 Development Management Policies (October 2013).

When making their decision, Members must have regard to all relevant planning legislation, regulations, guidance, circulars and Council policies. This will enable them to make an informed decision in respect of an application.

In addition, Members should note that the Human Rights Act 1998 (HRA 1998) makes it unlawful for the Council to act incompatibly with Convention rights. Decisions by the Committee must take account of the HRA 1998. Therefore, Members need to be aware of the fact that the HRA 1998 makes the European Convention on Human Rights (the Convention) directly applicable to the actions of public bodies in England and Wales. The specific parts of the Convention relevant to planning matters are Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

Article 6 deals with procedural fairness. If normal committee procedures are followed, it is unlikely that this article will be breached.

Article 1 of the First Protocol and Article 8 are not absolute rights and infringements of these rights protected under these are allowed in certain defined circumstances, for example where required by law. However any infringement must be proportionate, which means it must achieve a fair balance between the public interest and the private interest infringed and must not go beyond what is needed to achieve its objective.

Article 14 states that the rights under the Convention shall be secured without discrimination on grounds of 'sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status'.

The power to issue an Enforcement Notice is discretionary and should only be used where the Local Planning Authority are satisfied that there has been a breach or breaches of planning control. It must also be satisfied that it is expedient to issue the Notice having regard to the provisions of the Development Plan and to any other material considerations. Consequently the Council must decide based on the particular circumstances of each individual case the question of expediency. The decision to take enforcement action must be reasonable and not based on irrational factors or taken without proper consideration of the relevant facts and planning issues or based on non-planning grounds.

Options for action or remedy:

The list of options available is as follows:

Take no action:

Officers consider that this is not appropriate in this instance as permission has recently been refused for the removal of the agricultural occupancy condition.

Invite a planning application

As permission has already been refused, this is not considered to be appropriate.

Recommendation: Issue an Enforcement Notice

For the reasons set out in this report, that Members, having regard to the provisions of the Mid Devon Development Plan and all other material planning considerations in accordance with Section 172 of the Town and Country Planning Act 1990 (as amended) shall grant authority to the Legal Services Manager to issue a breach of condition enforcement notice. In addition, that authority be given to the Legal Services Manager to take any legal action deemed appropriate including prosecution in the event of non-compliance with the notice.

Reasons for Decision:

The property is in the countryside where planning policies restrict the provision of isolated dwellings unless there are special circumstances such as the essential need for a rural worker to live at or near their place of employment.

The property is currently occupied by persons who are not employed as agricultural workers, which is a breach of condition (f) of planning permission 88/1726/OUT, and which is also considered to be contrary to policy COR18 Mid Devon Core Strategy (Local Plan Part 1) and policy DM10 Local Plan Part 3 (Development Management Policies).

Steps Required:

Discontinue the occupation of the dwellinghouse by a person or persons who are not solely or mainly employed, or last employed in the locality in agriculture, as defined in section 290(1) of Town and Country Planning Act 1971 (including any dependants of such person residing with him or her) or a widow or widower of such a person.

Period for Compliance:

Six months from the date that the Notice takes effect.

Case No. ENF/09/00048/LIS**Grid Ref:** 272435 101712**Address:**

5 Dukes Cottages, Bow, Crediton, Devon

Alleged Breach:

Without listed building consent the execution of Works for the alteration ("the Works") to the listed building namely the removal of timber windows and doors in the façade and inserting uPVC windows and a door.

Recommendations:

That Members, having regard to the provisions of the Mid Devon Development Plan comprising the Mid Devon Core Strategy Local Plan Part 1), the Mid Devon Local Plan Part 3 (Development Management Policies) and all other material planning considerations in accordance with Section 38, Planning (Listed Building and Conservation Areas) Act 1990, should grant authority for the issuing of Enforcement Notices in respect of the following breaches of planning control;

That the Legal Services Manager be authorised to take any appropriate legal action including the service of a Notice or Notices to reflect the recommendation as set out in the report and summarised above. In addition, in the event of a failure to comply with any Notice served, authorisation for prosecution, direct action and/or authority to seek a court injunction.

Site Description:

5 Dukes Cottages, Bow, Crediton, Devon

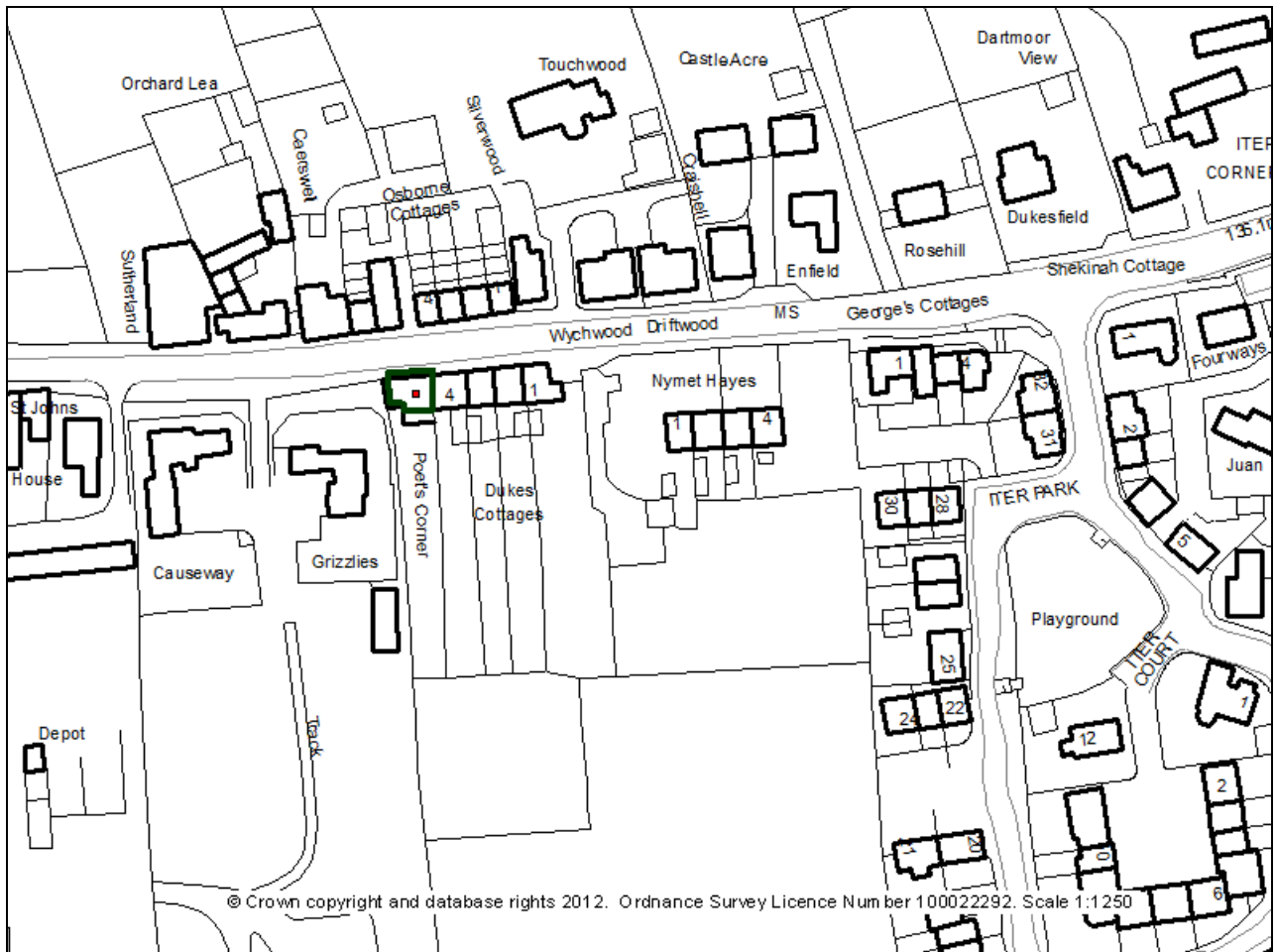
Numbers is a terrace of five plastered cob cottages under a thatched roof. On 2 November 1986, they were entered onto the list of buildings of special architectural or historic interest.

The dwellings are described in the list as:

"5 cottages. Probably late C16-early C17, much rebuilt in C18. Plastered cob on rubble footings; stone rubble stacks topped with C20 brick; thatch roof. Row of 5 1-room plan cottages facing north under continuous roof. No. 1 at left (east) end was renovated circa 1984 with new slate-roofed extension on end recessed from front. Nos. 1 and 2 share axial stack in party wall which serves back-to-back fireplaces. No. 3 has left end axial stack and Nos. 4 and 5 have right end stacks, the latter projecting from end. 2 storeys. Irregular overall 8-window front of various C19 and C20 casements most with glazing bars. No. 1 has 1-window front of circa 1984 PVC casements and left of 2 ground floor window occupies site of original door which was blocked and moved to extension in circa 1984. Nos. 2, 3, and 4 have C19 doors in the original positions. No. 4 has exposed rubble footings.

No. 5 has a 2-window front and first floor right 3-light casement has rectangular panes of leaded glass in outer panes and may be as old as late C18. Left of 2 ground floor casements in position of original doorway. Present doorway in C20 corrugated iron roofed outshot on the end. Roof is half-hipped at each end. Interiors show mainly plain carpentry detail but some late C16-early C17 timbers are exposed. For instance both No. 4 and 5 have chamfered and step stopped crossbeams, both with later oak scarfed onto rear end. Possibly these timbers are reused. Roof not inspected but bases of principals suggest C18 A-frame trusses surviving. The row was formerly known as The Barracks and the tradition that they were used to house Napoleonic prisoners-of-war was confirmed by discovery of several coat buttons in rear gardens."

Site Plan:



Site History:

None.

Development Plan Policies:

National Planning Policy Framework

Mid Devon Core Strategy (Local Plan 1)

National Planning Policy Framework

NPPF, Chapter 12: Conserving and Enhancing the Historic Environment. Of which paragraph 132 states: "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting."

NPPF, Decision-taking - "Effective enforcement is important as a means of maintaining confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control.

Mid Devon Core Strategy (Local Plan Part 1)

COR2 - Local Distinctiveness

Allocations and Infrastructure Development Plan

Mid Devon Local Plan Part 3 (Development Management Policies)

Policy DM27 - Development affecting heritage assets

Policy DM31 - Planning enforcement

Reasons/Material Considerations:

Our records show that in April 2009, it came to our attention that works had been undertaken, without listed building consent to number 5 Dukes Cottages. The unauthorised works included the removal of the timber windows and the entrance door from the façade.

When, in 2009, the owners of 5 Dukes Cottages were interviewed they explained that the cottage had been owned by their father and had been left to them when he died. Both claimed that they had no idea that the cottage was a listed building but agreed to remove the uPVC fenestration and door and reinstate timber copies of those removed without consent as soon as possible. However the remedial works were not undertaken.

When on 27 June 2016, the owners were asked why they had not undertaken the remedial works they merely prevaricated. Consequently, they were advised that unless the uPVC windows and door was removed within 28 days, that a report would be submitted to the Planning Committee seeking authority to issue an enforcement notice requiring the windows and door to be replaced with timber to match, as far as is reasonably practicable, those currently at numbers 2 & 3 Dukes Cottages. That advice was not heeded.

Officer opinion is that the unauthorised works adversely affect the character of the listed building and should be reversed.

Conservation of our heritage assets does not mean freezing a building in its present state for perpetuity, but it does mean that all alterations must be carefully justified beforehand, taking into account not only the effect of the works in the short term but also their consequences for the building, its character and its historic interest. Windows manufactured in uPVC, fail to match the appearance of old windows: they invariably have larger, heavier sections than timber windows; black rubber gaskets are visible around the glass; and fine glazing bars cannot be incorporated convincingly. As a consequence, uPVC fenestration and uPVC doors adversely affects the character as buildings of special architectural or historic interest.

The uPVC windows and uPVC door installed in the façade of numbers 5 Dukes Cottages affects the character of the row of five cottages, as a building of special architectural or historic interest. Members are therefore requested to authorise the issue of a Listed Building Enforcement Notice directing that the unauthorised works at 5 is corrected.

The Conservation Officer has been consulted and agrees with both the recommended course of action to alleviate the harm and the suggested steps required by the Listed Building Enforcement Notice.

Human Rights and Equality Issues:

The expediency of Enforcement action has been assessed with reference to guidance contained in the National Planning Policy Framework (NPPF). Expediency has also been assessed with regard to the statutory Development Plan, comprising the Mid Devon Core Strategy (Local Plan Part 1), the Allocations and Infrastructure Development Plan Policies (January 2011) the Mid Devon Local Plan Part 3 (Development Management Policies).

When making their decision, Members must have regard to all relevant planning legislation, regulations, guidance, circulars and Council policies. This will enable them to make an informed decision in respect of an application.

In addition, Members should note that the Human Rights Act 1998 (HRA 1998) makes it unlawful for the Council to act incompatibly with Convention rights. Decisions by the Committee must take account of the HRA 1998. Therefore, Members need to be aware of the fact that the HRA 1998 makes the European Convention on Human Rights (the Convention) directly applicable to the actions of public bodies in England and Wales. The specific parts of the Convention relevant to planning matters are Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

Article 6 deals with procedural fairness. If normal committee procedures are followed, it is unlikely that this article will be breached.

Article 1 of the First Protocol and Article 8 are not absolute rights and infringements of these rights protected under these are allowed in certain defined circumstances, for example where required by law. However any infringement must be proportionate, which means it must achieve a fair balance between the public interest and the private interest infringed and must not go beyond what is needed to achieve its objective.

Article 14 states that the rights under the Convention shall be secured without discrimination on grounds of 'sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status'.

The power to issue an Enforcement Notice is discretionary and should only be used where the Local Planning Authority are satisfied that there has been a breach or breaches of planning control.

It must also be satisfied that it is expedient to issue the Notice having regard to the provisions of the Development Plan and to any other material considerations. Consequently the Council must decide based on the particular circumstances of each individual case the question of expediency. The decision to take enforcement action must be reasonable and not based on irrational factors or taken without proper consideration of the relevant facts and planning issues or based on non-planning grounds.

Options for action or remedy:

The list of options available is as follows:

Take no action:

The list of options available is as follows:

Take no action - This would not be appropriate as it would allow the unauthorised uPVC and windows and door to remain in situ adversely affecting the character of row of cottages.

Invite an application to grant consent to regularise the change of use - This again would not be appropriate for the reasons outlined in the body of the report.

Recommendation:

That Members, having regard to the provisions of the Mid Devon Development Plan and all other material planning considerations in accordance with Section 38, Planning (Listed Building and Conservation Areas) Act 1990, ("the Act") should grant authority to the Legal Services Manager to issue Listed Building Enforcement Notice in respect of the alleged breaches, which adversely affects the character the building as one of special architectural or historic interest, and also to take any legal action deemed appropriate including prosecution or Direct Action in the event of non-compliance with the notice.

Listed Building Enforcement Notices:

In order to alleviate the effect of the works which have been carried out without listed building consent:

- (a) Remove all uPVC windows installed on the façade at both ground floor level and first floor level.
- (b) Remove the uPVC entrance door installed in the façade.
- (c) Install timber framed 'cottage style' casement windows, in the apertures vacated by the unauthorised uPVC windows. The new window to match as far as is reasonably practicable the style of those currently installed in numbers 2 and 3 Dukes Cottages. All windows to be set back so as to provide a minimum 100mm external reveal.
- (d) Install a planked timber door. The door to match as far as is reasonably practicable the door currently installed in number 3 Dukes Cottages.
- (e) All new timber windows to be glazed with slim profile double glazing.

Reasons for Decision:

The Works relate to a building included on the Statutory List of Buildings of Special architectural Interest (Grade II)

The Works constitute unsympathetic and inappropriate alterations which adversely affect the character and appearance of the building. Consequently, the Works are contrary to the advice contained in paragraphs 126 - 141 of the NPPF, Policy COR2 of the Mid Devon Core Strategy (Local Plan Part 1), and Policies DM27 & DM31 of the Mid Devon Local Plan Part 3 (Development Management Policies).

Period for Compliance:

Three (3) months after the notice takes effect.

PLANNING COMMITTEE AGENDA - 7th September 2016

Applications of a non-delegated nature

- | <u>Item No.</u> | Description |
|-----------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. | 16/00817/FULL - Construction of an all-weather riding arena at Land at NGR 311229 111913 (Hayden End), Blackborough, Devon.
RECOMMENDATION
Grant permission subject to conditions. |
| 2. | 16/01007/FULL - Variation of condition (7) of planning permission 00/01534/FULL to allow the holiday lodge to be used as a dwelling from September to April inclusive and remain as a holiday let at all other times at Gilberts Lodge, Morebath, Tiverton.
RECOMMENDATION
Grant permission subject to conditions. |
| 3. | 16/01090/FULL - Installation of 2 replacement windows with doors at Tiverton Library & Learning Centre, Phoenix House, Phoenix Lane.
RECOMMENDATION
Grant permission subject to conditions. |

Application No. 16/00817/FULL

Plans List No. 1

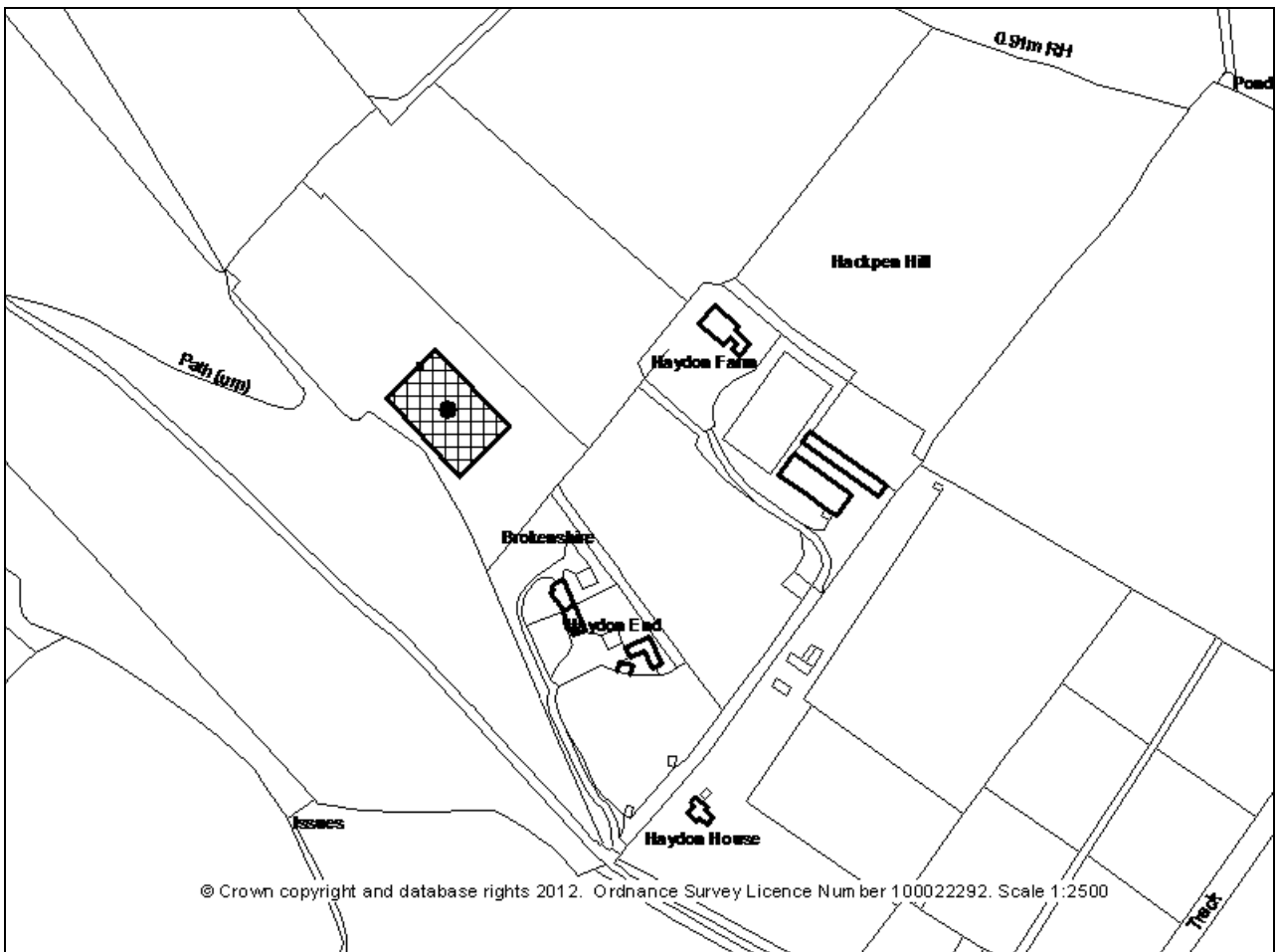
Grid Ref: 311230 : 111913

Applicant: Mrs F Bentley

Location: Land at NGR 311229
111913 (Hayden End)
Blackborough Devon

Proposal: Construction of an all-
weather riding arena

Date Valid: 23rd May 2016



Application No. 16/00817/FULL

RECOMMENDATION

Grant permission subject to conditions.

CLLR GLANMOUR HUGHES HAS REQUESTED THAT THIS APPLICATION BE DETERMINED BY THE PLANNING COMMITTEE FOR THE FOLLOWING REASON:

To assess the impacts of the site drainage on the amenity of the occupiers of the neighbouring property.

PROPOSED DEVELOPMENT

Proposed is the construction of an all-weather riding area at Land at NGR 311229 111913 (Hayden End) Blackborough. The proposed arena will measure 45 metres in length and 30 metres in width. The arena will have timber post and rail fenced boundary treatment at a height of 1.2 metres and will have a sand and fibre surface.

APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement
Site location plan, block plan, section plan, drainage plan, landscaping plan
Ground Percolation Test results
Supporting letters and statements
Photographs

PLANNING HISTORY

None.

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR2 - Local Distinctiveness
COR18 - Countryside

Mid Devon Local Plan Part 3 (Development Management Policies)

DM2 - High quality design
DM23 - Equestrian development
DM27 - Development affecting heritage assets
DM29 - Protected landscapes

CONSULTATIONS

UFFCULME PARISH COUNCIL - 9th June 2016

In principle the Council has no objections to this application, however we understand neighbouring properties to have concern in respect of location and the impact this will have on the privacy of the neighbouring property. The impact on reduced privacy should be addressed when considering the planning application.

HIGHWAY AUTHORITY - 25th May 2016 - Standing advice applies please see Devon County Council document <http://www.devon.gov.uk/highways-standingadvice.pdf>

HISTORIC ENVIRONMENT SERVICE - 13th June 2016

I refer to the above application. The proposed development lies in an area where iron ore extraction pits were noted in the late 18th century. This industry has its origins in the early Roman period and was active on the plateaux of the Blackdown Hills until the medieval period. The construction of the proposed all-weather riding arena involves cut and fill to create a level area for the arena's surface. As such, these groundworks have the potential to expose and destroy archaeological and artefactual deposits associated with the known iron extractive industry here.

For this reason and in accordance with paragraph 141 of the National Planning Policy Framework (2012) I would advise that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95, whereby:

'No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'

The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the District Planning Authority.

Reason

'To ensure, in accordance with paragraph 141 of the National Planning Policy Framework (2012) and the supporting text in paragraph 5.3 of the Mid Devon Local Plan Part 3: Development Management Policy DM27 (2013) that an appropriate record is made of archaeological evidence that may be affected by the development.'

I would envisage a suitable programme of work as taking the form of the archaeological monitoring and recording of all groundworks associated with the proposed development to allow for the identification, investigation and recording of any exposed archaeological or artefactual deposits. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report.

I will be happy to discuss this further with you, the applicant or their agent. We can provide the applicant with advice of the scope of the works required, as well as contact details for archaeological contractors who would be able to undertake this work.

REPRESENTATIONS

Six objections have been received in relation to the application, they are summarised as follows:

- An enormous all weather arena placed next to the public footpath would have a significant detrimental visual impact for the footpath users and impact on wildlife.
- Create an eyesore for footpath users and the neighbouring property
- Concern uses of footpath would spook horses in the arena, fear of liability for this.
- Loss of privacy for neighbouring property, overlooking as a result of the arena. Existing deciduous bank screening means there is an open view between the arena and the neighbouring properties private garden most of the year, resulting in a significant loss of privacy and a negative impact on quality of environment. Due to glazing on the property, those using the arena will see into the garden, living room, dining room and downstairs bedroom of the neighbouring property.
- The proposed arena will generate a greater use of the back access track (vehicular and animals) increasing disturbance.
- Unacceptable to plant Leyland cypress trees in the AONB to screen the arena, they would add to the eyesore from 2 Haydon End and from the public footpath adjacent to the field. This is not in keeping with the natural environment as they are not a native species and are known to cause problems between neighbours
- There are numerous arenas in the area none of which are as large or in close proximity to a neighbours house or garden.
- Object to a commercial sized area within close proximity of a neighbouring property.

Need for an arena of this size is questioned.

- Drainage concerns. The neighbouring property has had problems with excess water run off. Standing water in the corner of the field flowed onto the public footpath and onto the highway.
- Issue with the water table levels and saturation of the neighbouring garden area, prohibiting the drains, septic tank and soak-away for the 2 Haydon End from functioning and rendering the house unusable. A processing plant and higher level soakaway has been installed next to the bank adjacent to the proposed arena site. Object to an arena sited in close proximity due to rainwater dispersed from the arena soakaway potentially saturating the neighbouring garden and soakaway with excess water, particularly as the garden is at a lower level than the arena site, with the land sloping towards the garden.
- The arena could be relocated to the field south of the applicants house if a smaller arena was proposed but they state this isn't possible due to size, cost and visual impact in this area, this reasoning is invalid, this alternate location is preferable.
- Concern over potential damage to the drainage system of the neighbouring property
- Concern the arena may be covered in the future
- Applicants currently use an arena within 100 metres of their property
- Concern over use of floodlights
- Concern over commercial use such as equestrian clinics

Seven letters of support have been received in relation to this application, they are summarised as follows:

- Hackpen Hill is dangerous for walkers, cyclists, riders and traffic due to its daily use by large lorries and farming vehicles. The applicants property adjoins the hill at a sharp blind bend, safety concerns for applicants exercising their horses on the road and when leaving the property with a horse trailer.
- There are a number of arenas in the area that vary in size and position.
- The applicant is an amateur competitor and a larger arena is required to train her three large horses for dressage and showing. Without an arena on site the applicant is unable to enjoy riding to the full and train as much as she would like.
- It is appreciated the site is within the AONB but screening will ensure it is sympathetic to the environment.
- Currently the applicant uses the site of the proposed arena for training and has done so since moving to the property 12 years ago, but this can only be done during the summer when the ground is dry enough.
- The field is in a secluded position and is not accessible or visible from the road.
- The field is only visible from the footpath in a couple of places due to the height of the tall bank running alongside it.
- Assured that the arena will be for private use only, this can be controlled by planning condition.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

- 1. Principle of development**
- 2. Impact on the privacy and amenity of the neighbouring property**
- 3. Impact on the character and appearance Area of Outstanding Natural Beauty**
- 4. Drainage**

- 1. Principle of development**

Policy COR 2 of the Mid Devon Core Strategy (Local Plan Part 1) seeks to ensure high quality sustainable design which preserves and enhances the qualities of the natural landscape within Mid Devon, including protected landscape areas and the historic environment. In addition, Policy COR18 of the Mid Devon Core Strategy (Local Plan Part 1)) seeks to control development outside defined settlement boundaries but permits appropriately scaled rural uses.

More specifically, policy DM23 of the Local Plan Part 3 (Development Management Policies) provides policy support for equestrian facilities where they are will integrated with their surroundings, being of an appropriate location, scale, design and material so as not to harm the character and landscape of the rural area or the amenity of nearby residents. In addition, equestrian development must not result in an unacceptable increase in traffic on the local highway network.

It is not considered there will be an unacceptable increase in traffic on the local highway network, it is submitted by the applicant that at present she transports her horses on a regular basis to use other arenas for training, this will not be necessary as a result of the proposed development therefore it is likely there will be a decrease in traffic movements. The Highway Authority have made no objections to the proposal.

A number of letters of objection have been submitted in relation to the application concerning the size of the proposed arena; in particular that it is a commercial size and the need for this is questioned. The applicants state the proposed arena is for personal use only and will limit their need to exercise their horses on the dangerous lanes surrounding the site which are subject to heavy traffic use. A planning condition is recommended to restrict any commercial use of the arena and to ensure that it is used for private domestic equestrian purposes only, this is considered sufficient to address concerns that the arena will be used commercially. Additionally, although the size of the arena is relatively large, it is not uncommon to have an arena of this size, or indeed much larger for training, particularly for training large horses. The standard 20x40 metre arena is the smallest size of arena used for equestrian purposes, it is often desirable to have a larger arena and in this instance it is considered the proposed arena is of an appropriate scale for its purpose in accordance with this element of policy DM29.

The other policy tests contained in DM29 are considered in detail in the sections below.

2. Impact on the privacy of the neighbouring property

Policy DM29 requires that equestrian facilities are designed so as not to harm the amenity of nearby residents. A number of objections have been received in relation to this application concerning the loss of privacy to the neighbouring property, along with concerns about site drainage detrimentally impacting upon the neighbouring properties drainage system.

The objections to privacy and amenity have been raised by the occupiers and in relation to 2 Haydon End, a semi-detached property which is bounded to the north, east and south by the applicants land. These concerns are also supported by the Parish Council. At present, due to the semi-detached nature of the properties, 2 Haydon End is not entirely private, there is some overlooking between the properties, particularly at the front due to the low fence between the properties respective gardens, allowing views into each of the garden areas. As such, the proposal must be assessed in the context of the existing situation.

In addition, the applicant's state that for the 12 years they have occupied the site, they have always used the field to the north of 2 Haydon End to ride and school their horses. Whilst it is appreciated an arena in this location would increase the frequency of the use of this area, as it is currently only possible to ride in the field when ground conditions permit (summer months) it establishes that to an extent the neighbouring property is already overlooked from this viewpoint.

It is accepted that there is some impact on the neighbouring property as a result of the proposal; however, following negotiation changes have been made to the proposal in order to mitigate the impact on the neighbouring property. These changes include a revised location for the arena and additional screen planting. The new location of the arena is at its closest point approximately 30 metres from the boundary of the neighbouring property, and is approximately 60 metres from the property itself. The separation distance is considered to be reasonable and significantly reduces any overlooking impact.

In addition, on the boundary between the properties there is a planted bank, this provides a very good level of screening at present during the summer months, but due to the deciduous nature of the trees the level of screening decreases during the winter. In order to mitigate this it is proposed to plant the bank with mixed native species to infill the existing gaps. This planting will comprise of 9 Holly, 14 Beech and 8 Hawthorn, totalling 31 plants. This additional planting will provide increased visual screening between the properties, particularly during the winter months particularly as Holly is evergreen.

As a further screen, the south eastern boundary of the arena will be planted with a Beech hedge screen which will retain its leaves during the winter months, this will be a single row of 600 centres planted with 300mm sets. The screening proposed and the separation distance between the properties is considered to adequately mitigate any impact on the privacy of the occupiers of 2 Haydon End.

3. Site Drainage and impact on the Amenity of the Neighbouring Property

When considering the amenity of the neighbouring property, concern has been raised about the proposed drainage and its adequacy, in particular this is due to the problems experienced by the occupiers of 2 Haydon End, who state they have had issues with drainage and the functioning of their septic tank and soakaway, which last year rendered their house unusable. It is submitted that these issues were due to the high water table in this area, and as a result a new higher level soakaway has been installed in the garden area of number 2 next to the bank adjacent to the site of the arena. The objections raise concerns about increased water runoff as a result of the arena and the impact this could have on the new soakaway system serving number 2.

Policy COR2 requires a clear understanding of the characteristics of the site and the provision of appropriate site drainage. A percolation test has been submitted in conjunction with this application; the test was carried out in accordance with BRE Digest 365, and included excavating a trial pit of a sufficient size to represent a section of the designed soakaway. The pit was filled in quick succession and monitored for water infiltration. After an hour there was no drop in the water levels and so the test was abandoned. The results of the test show there is no effective infiltration into the sub-soil and therefore the ground is unsuitable for a conventional soakaway drainage system. However, the test demonstrated reasonable porosity in the top soil to a depth of 300mm.

The proposed drainage scheme has been amended as a result of the test results; it is no longer proposed to provide a series of pipes below the arena that would be directed to a soakaway. Instead, it is proposed that below the arena surface of sand a fibre there will be a needle punched non-woven geotextile membrane, the membrane will lay on top of a clean stone compacted sub base, and below the sub base will be a geotextile permeable membrane. In addition, the arena base will be laid to a shallow gradient of 1:200, falling south easterly. The design of the arena is such that the surface and base will be permeable; therefore there will be no increase in impermeable area that would increase surface water runoff. It is considered that the existing situation will not worsen as a result of the proposal, and it is submitted the arena will likely slow down surface water runoff, mitigating the existing situation. The slope of the arena base will allow any excess surface water to drain into the porous topsoil on the south east edge, the ground in this location falls in a south westerly direction away from the neighbouring property. Due to the change in the arenas position there is a large area for any excess surface water to drain into the porous topsoil, and will ultimately be directed away from the neighbouring property due to the topography and the bank boundary.

4. Impact on the character and appearance Area of Outstanding Natural Beauty

Policy DM23 of the Local Plan Part 3 (Development Management Policies) provides policy support for equestrian facilities where they are will integrated with their surroundings, being of an appropriate location, scale, design and material so as not to harm the character and landscape of the rural area. The site is located within the Blackdown Hills Area of Outstanding Natural Beauty (AONB), policy DM29 further sets out that development proposals in the AONB must demonstrate that the cultural heritage, character, appearance, setting and other special qualities of the landscape will be conserved or where possible enhanced.

The proposed arena will require some ground levelling works, however this location has been chosen due to its relatively flat nature, limiting the amount of works required. The ground will be levelled using a cut and fill method as demonstrated on the proposed section drawings. Devon County Council Archaeology have provided comments in relation to the application which state the site may have archaeological and artefactual deposits that the ground works associated with the arena could expose and destroy; as such, in accordance with their recommendation a condition to secure the implementation of a programme of archaeological work in accordance with a written scheme of investigation is recommended, in accordance with policy DM27 and paragraph 141 of the National Planning Policy Framework.

The proposed arena is in a well screened location by virtue of the mature trees and hedgebank surrounding the site. The letters of objection raise concerns that the Uffculme Footpath 29 runs adjacent to the sites south west boundary on the other side of the hedgebank, and that the arena would negatively impact upon this. However due to the significant screening views from the footpath are limited.

The objection letters raise further concerns about flood lights and future covering of the arena, it is not appropriate or relevant to consider speculative future application to cover the arena in the determination of this application. In relation to floodlights, a condition is recommended to ensure no lighting is installed unless approved by the Local Planning Authority; in general, arena flood lighting is not considered appropriate in the AONB, in order to protect the landscape and dark skies of the AONB.

Furthermore, the objection letters suggest the arena could be relocated to the field to the south of the applicants dwelling, the reasoning for not siting the arena in this position includes that significant ground levelling works would be required on this site. In addition, this site is much more visible within the surrounding area, due to the proximity to the highway and the lack of screening. It is considered an arena in this alternative location would have a greater impact on the character and landscape of the rural area and the AONB.

Overall, it is not uncommon for equestrian arenas to be located in the countryside; due to the significant existing and proposed additional screening, along with the proposed conditions, it is not considered that the proposed arena will harm the character and landscape of this rural area, and is considered the character, setting and other special qualities of the AONB will be conserved.

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority. The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the District Planning Authority.
4. The arena hereby approved shall be used for private domestic equestrian purposes only, in association with the property currently known as Hayden End, Blackborough, EX15 2HX and shall not be sold, let or otherwise used for any commercial use. On becoming redundant for such purposes, the all-weather arena shall be removed, and all materials resulting from the removal shall be removed from the site within 3 years.
5. No external lighting shall be installed on the site unless details have been previously submitted to and approved in writing by the Local Planning Authority.
6. Within the first planting season following the date of this decision notice and by 31st March 2017, the hedge planting shown on the proposed landscaping plan numbered GH/Bentley/03 Rev B and received by the Local Planning Authority on the 16th of August 2016 shall be provided and be so retained thereafter. 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.

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, in accordance with paragraph 141 of the National Planning Policy Framework (2012) and the supporting text in paragraph 5.3 of the Mid Devon Local Plan Part 3: Development Management Policy DM27 (2013), that an appropriate record is made of archaeological evidence that may be affected by the development.
4. To restrict the traffic generation caused by this site in the open countryside.
5. In order to protect the landscape and dark sky qualities of the AONB in accordance with policy DM29 of the Mid Devon Local Plan Part 3 (Development Management Policies).
6. To ensure the development does not result in an unacceptably adverse impact on the privacy and amenity of the occupiers of the neighbouring property and to ensure the development makes a positive contribution to the rural character of the area in accordance with policies DM2 and DM22 of the Mid Devon Local Plan Part 3 (Development Management Policies).

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The proposed arena is considered to be acceptable in policy terms, subject to the proposed conditions. The arena is considered to be of an appropriate scale, design and materials for its use and is appropriately located so as not to harm the character and appearance of the rural area and the special qualities of the AONB. The proposed screening and drainage is considered to sufficiently protect the privacy and amenity of the occupiers of the neighbouring property number 2 Haydon End. The proposed development is for personal domestic equestrian use only and is not considered to result in an unacceptable increase in traffic on the local highway network. Overall, the proposal is considered to be in accordance with policies COR2 and COR18 of the Mid Devon Core Strategy (Local Plan Part 1), DM2, DM23, DM27 and DM29 of the Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.

Application No. 16/01007/FULL

Plans List No. 2

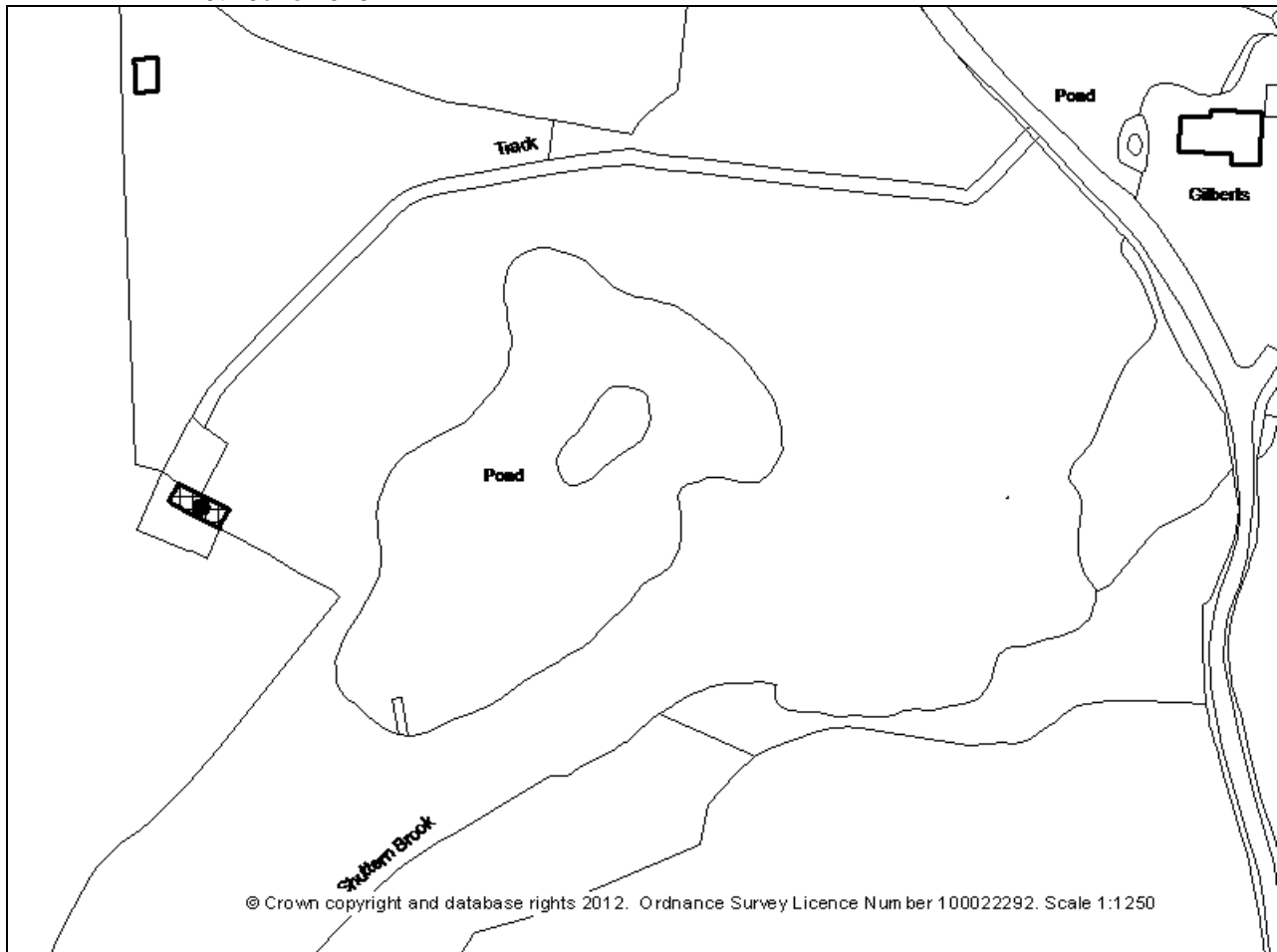
Grid Ref: 295002 : 125471

Applicant: Mr Moore

Location: Gilberts Lodge
Morebath Tiverton
Devon

Proposal: Variation of condition
(7) of planning
permission
00/01534/FULL to
allow the holiday lodge
to be used as a
dwelling from
September to April
inclusive and remain
as a holiday let at all
other times

Date Valid: 29th June 2016



Application No. 16/01007/FULL

RECOMMENDATION

Grant permission subject to conditions.

PROPOSED DEVELOPMENT

Variation of condition (7) of planning permission 00/01534/FULL to allow the holiday lodge to be used as a dwelling from September to April inclusive and remain as a holiday let at all other times

APPLICANT'S SUPPORTING INFORMATION

Lettings records

PLANNING HISTORY

90/01198/FULL Formation of one acre lake and conversion of redundant agricultural building to angling and wildlife lodge and construction of vehicular access - PERMIT - 05.03.91

95/01840/FULL Conversion of redundant agricultural building to dwelling and construction of vehicular access - REFUSE - 09.02.96

96/00252/FULL Renewal of p.p. 4/36/90/1198 - formation of one acre lake and conversion of redundant agricultural building to angling and wildlife lodge and construction of vehicular access - PERMIT - 26.03.96

00/01534/FULL Renewal of planning permission reference number 4/36/96/252/R, for the formation of a one acre lake and conversion of redundant agricultural building to angling and wildlife lodge and construction of vehicular access - PERMIT - 07.12.00

03/05398/FULL Formation of vehicular access to serve proposed fishing lake and lodge (revised location) - PERMIT - 01.12.03

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR2 - Local Distinctiveness

COR18 - Countryside

Mid Devon Local Plan Part 3 (Development Management Policies)

DM2 - High quality design

DM8 - Parking

DM24 - Tourism and leisure development

CONSULTATIONS

HIGHWAY AUTHORITY - 14th July 2016 - Standing advice applies please see Devon County Council document <http://www.devon.gov.uk/highways-standingadvice.pdf>

The building already has an established access and has been in use. This application does not alter the access and whilst a residential dwelling for part of the year may increase the use of the access, it would not be so significant so as to result in a negative impact on highway safety.

REPRESENTATIONS

None.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The application is to amend the holiday occupancy condition attached to planning permission 00/01534/FULL. The building was formerly a barn which was converted into an angling and wildlife lodge holiday let following the 2000 planning permission.

The application seeks to amend the following occupancy restriction:

"The occupation of the converted building shall be restricted to bona fide holidaymakers for individual periods not exceeding four weeks in total in any period of twelve weeks, and shall not be used as a permanent dwelling".

The applicant wishes to retain the building as a holiday let during the summer months but have the flexibility to let the property on a short term residential let over the winter months when there is no demand for the holiday accommodation.

COR18 of the Mid Devon Core Strategy (Local Plan Part 1) seeks to restrict new dwellings in the countryside without justification, for example for a rural worker to live at or near his or her place of work, but permits tourism development. The National Planning Policy Framework similarly restricts new open market dwellings in the countryside without similar justification, although it allows residential barn conversions. Policy DM24 permits tourism accommodation in rural areas.

Whilst the conversion of the barn to residential may be policy compliant if it was redundant and there would be an enhancement to its setting, it has been operated as a holiday let since it was converted and therefore is not a building that would comply with policy DM11 of the Mid Devon Local Plan Part 3 (Development Management Policies). Your officers would therefore expect to see adequate justification for removal of the condition. This is expected to take the form of demonstrating that the holiday let is not viable and, if appropriate, also that the property has been marketed for sale for a period of approximately 18 months. This period of time is in line with similar periods expected for marketing employment land under policy DM21 and DM10 of the Mid Devon Local Plan Part 3 (Development Management Policies) expected for the removal of an agricultural occupancy condition.

The applicant has provided marketing information from 2010 to 2014 to demonstrate that there have been few bookings during the winter months and your officers accept that the holiday let is therefore not viable as a business during this period. However, the holiday let is in a good location for tourist accommodation being close to Exmoor National Park and there appears to be no reason why the building cannot be retained as a holiday let during the summer months.

The applicant has not let the building as a holiday let since 2014 and since that time the building has been occupied by friends and family. The applicant has also taken the gap in letting to complete some redecoration and update various fittings. The applicant's intention is to undertake some limited holiday let use in the summers going forward.

The application proposes to amend the condition to reflect a holiday use in the summer months and a holiday let/short term residential let use during the winter months. Your officers consider this to be acceptable and it is recommended that the revised condition is also updated to reflect the current standard holiday let restriction wording.

CONDITIONS

1. The date of commencement of this development shall be taken as 29th June 2016, the date the application was registered by the Local Planning Authority.

2. a) During the period 1st May to 31st August in any year, the building shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main place of residence. The owners/operators shall maintain an up-to-date register of occupiers of the building, including their names, arrival and departure dates and their main home addresses and shall make this information available at all reasonable times to the Local Planning Authority.

b) During the period 1st September to 30th April in any year, occupation of the building shall be restricted to either holiday occupation as defined by a) above or to occupation under short term lets.
3. Notwithstanding the provisions of the Town and Country Planning (General Development) (England) Order 2015 (as amended) (or any Order revoking or re-enacting that Order with or without modification), no development of the types referred to in Classes A, B, C, D or E of Part 2 of Schedule 2 relating to alterations or additions to the building or its roof or to buildings and structures within the site, shall be undertaken without the Local Planning Authority first granting planning permission.

REASONS FOR CONDITIONS

1. In order to establish a legal commencement date for the development to enable the development to be monitored by the Local Planning Authority.
2. An isolated permanent dwelling in the countryside would be contrary to policy COR18 of the Mid Devon Core Strategy (Local Plan Part 1) and the National Planning Policy Framework which seek to direct development to the most sustainable locations, and the Local Planning Authority wishes to ensure that the accommodation is available for tourism during the summer months.
3. To protect the character and appearance of the original barn conversion and the visual amenities of the rural area in accordance with policies COR2 of the Mid Devon Core Strategy (Local Plan Part 1) and DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The proposed development is acceptable in that the applicant has demonstrated that the building is only viable as a holiday let during the summer months. The use of the building for short term lets during the winter months would enable the building be utilised all year round and to remain available for tourist occupation during the summer months. The development is considered to be in accordance with the National Planning Policy Framework and DM24 of the Mid Devon Local Plan Part 3 (Development Management Policies).

Application No. 16/01090/FULL

Plans List No. 3

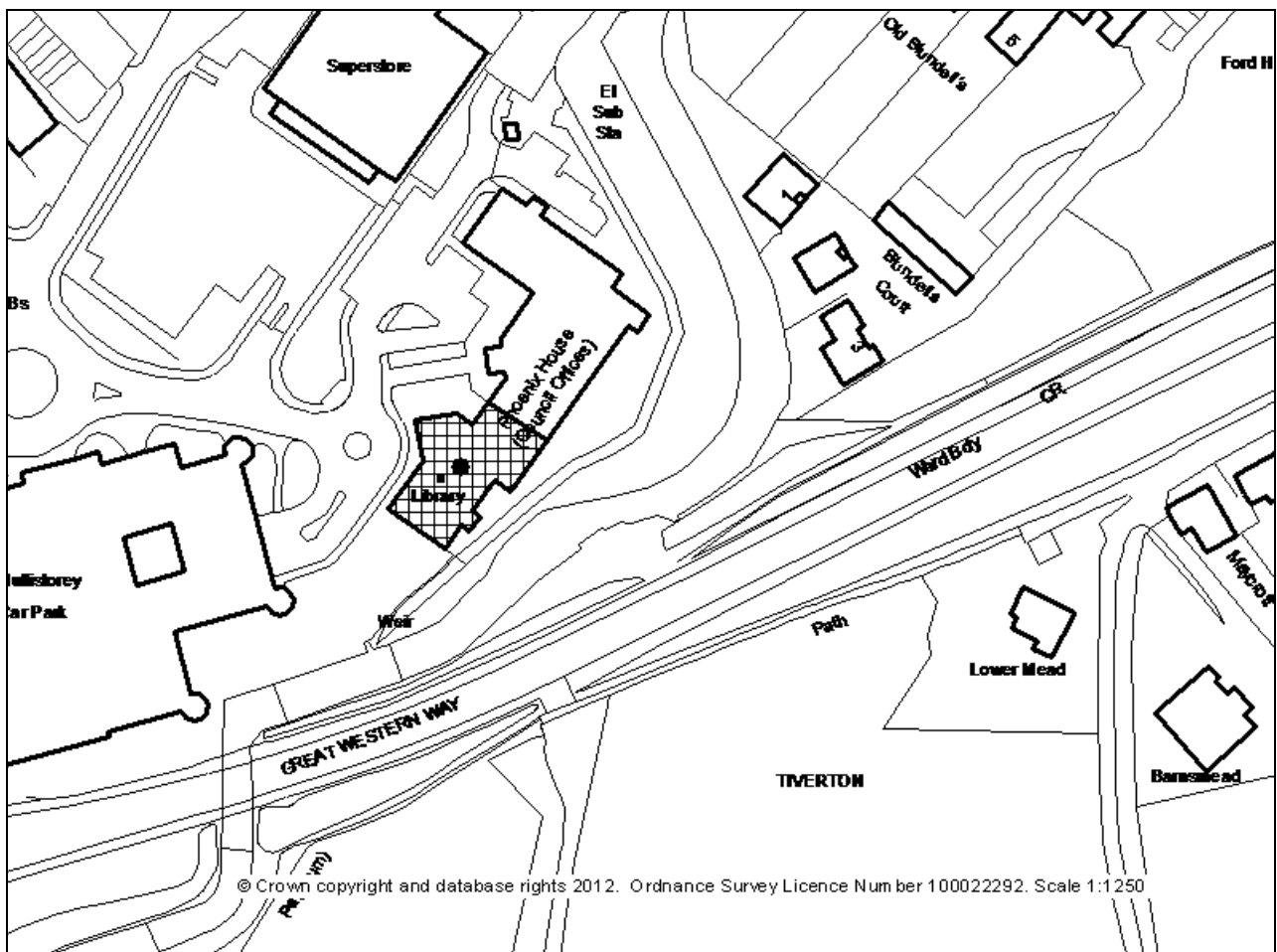
Grid Ref: 295668 : 112378

Applicant: Mr A Busby, Mid
Devon District Council

Location: Tiverton Library &
Learning Centre
Phoenix House
Phoenix Lane Tiverton

Proposal: Installation of 2
replacement windows
with doors

Date Valid: 18th July 2016



Application No. 16/01090/FULL

RECOMMENDATION

Grant permission subject to conditions.

PROPOSED DEVELOPMENT

This application seeks planning permission for the replacement of two existing windows with doors within the Library at Phoenix House, Tiverton, EX16 6PP.

The reason for the application is to provide weekend access to the Library (including a fire escape), without requiring the entire council building to be unlocked.

The proposed doors have been designed to be similar in appearance to the existing fenestration within Phoenix House, and will be constructed from grey aluminium, and glazed infill panels. A new level access and automated entry system will also be included with the front door to provide disabled access.

The proposed doors will measure approximately 1.5metres x 2.3metres and will utilise existing window openings within the building.

APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement
Flood Risk Assessment

PLANNING HISTORY

None.

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR2 - Local Distinctiveness
COR11 - Flooding

Mid Devon Local Plan Part 3 (Development Management Policies)

DM2 - High quality design
DM25 - Community facilities

CONSULTATIONS

HIGHWAY AUTHORITY - 8th August 2016 -
No Comments

TIVERTON TOWN COUNCIL - 2nd August 2016
Support.

ENVIRONMENTAL HEALTH - 8th August 2016
Contaminated Land - N/A
Air Quality - N/A
Environmental - N/A
Drainage - N/A
Noise and Other Nuisances - No Objections
Housing Standards - N/A

Licensing -No Comments
Food Hygiene - N/A
Private Water Supplier - N/A
Health and Safety - No Objections

REPRESENTATIONS

No letters of objection were received on the date of officer report (17/08/2016)

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The existing building is a well-used community facility within the centre of Tiverton. The building is prominent from the surrounding area, and its design is modern. The proposed fire exit will be well screened from any public vantage points; however, the proposed front entrance will be prominent to the users of Phoenix House.

The main material considerations in respect of this proposal are:

- 1) Impacts on the existing community facility**
- 2) Design and impact on the character and appearance of the surrounding area and existing building**
- 3) Flood risk**
- 4) Other**

1) Impacts on the existing community facility

Policy DM25 of the Local Plan Part 3 (Development Management Policies) specifically deals with the development and/or redevelopment of community facilities. Policy DM25 supports the redevelopment of existing community facilities where the development enables them to modernise, remain viable and continue to be retained for the benefit of the community.

In this case the proposal to replace two windows with two doors will allow the building to function more efficiently. In particular the proposal will enable the council offices to be locked at the weekends whilst still allowing the Library to remain open. Considering the above points, the Local Planning Authority deems the proposal to have policy support from DM25 of the Local Plan Part 3 (Community Facilities).

2) Design and impact on the character and appearance of the area and existing building

Policy COR2 of the Mid Devon Core Strategy (Local Plan Part 1) and policy DM2 of the Local Plan Part 3 (Development Management Policies) require new development to be of high quality design to ensure that visually attractive places are produced and conserved.

The proposed doors are not dissimilar to the windows they are replacing, and are considered to retain the high quality design/ attractiveness of the existing building. It is anticipated that directional signage will be required for the new entrance to avoid confusion over which entrance to use. No information has been provided to show this. A condition is recommended requiring details of any directional signage to be submitted for approval by the local planning authority prior to the use of the new entrance; the reason for this is to avoid any inappropriate signage being used.

Taking into account the above points, the Local Planning Authority consider that the proposal is in accordance with policy DM2 of the Local Plan Part 3 (Development Management Policies), COR2 of the Mid Devon Core Strategy (Local Plan Part 1), and guidance in the National Planning Policy Framework.

3) Potential flood risk

The proposal to add two additional doorways into the existing building without changing the use or creating any additional floor space, is not considered to increase the risk of flooding to properties elsewhere or the risk to life or property. COR11 of the Mid Devon Core Strategy is considered to be satisfied.

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

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. Prior to the first public use of the new front doorway, labelled as 'point 1' on drawing no 7426-05 rev A, details of proposed directional signage shall be submitted to and approved in writing by the local planning authority. Once provided the directional signage shall be maintained and be so retained.

REASONS FOR CONDITIONS

1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of proper planning.
3. To avoid the use of inappropriate signage in accordance with policy DM2 of the Local Plan Part 3 (Development Management Policies).

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The proposed doors are considered to be an acceptable design and will not compromise the functions of the existing community facility in accordance with the policy requirements of COR2 and COR18 of the Mid Devon Core Strategy (Local Plan Part 1), and DM2 and DM25 of the Local Plan Part 3 (Development Management Policies). The proposal is considered to be in accordance with relevant planning policies and has been recommended for approval.

Mrs Jenny Clifford
Head of Planning and Regeneration

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DELEGATED APPLICATIONS AS AT - 25 August 2016

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

PURPOSE OF REPORT

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

RECOMMENDATION

That the report be noted.

DETAILS OF DECISIONS

DATE RECEIVED	DATE DETERMINED/ DECISION	REF NUMBER	APPLICANT PROPOSED DEVELOPMENT	PARISH/AREA
29.06.2007	23.08.2016 Grant permission	16/01011/HOUSE	Mr & Mrs Templeton-Smith Land and Buildings at NGR 277975 96430 (Higher Town Barn) Woodland Head Installation of an air source heat pump and erection of timber plant room	Crediton Hamlets 19
04.09.2015	03.08.2016 Grant permission	15/01419/FULL	Mr D Carr Broadi Park House Cheriton Fitzpaine Erection of an agricultural worker's dwelling and garage/store	Cheriton Fitzpaine 12

19.11.2015	01.08.2016 Grant permission	15/01873/FULL	Mr Chris Tidball Land at NGR 290825 114058 (Calverleigh Cross to Withleigh Cross) Calverleigh Change of use from agricultural to mixed (agricultural,dog walking and training) and erection of a building and 4 parking spaces	Tiverton 52
09.12.2015	27.07.2016 Refuse permission	15/01951/FULL	Mr C & Mrs S Southwell Sharon Hele Road Erection of dwelling following demolition of garage	Bradninch 04
01.02.2016	26.07.2016 Permitted with Conditions to Discharge	16/00179/FULL	Mrs Pauline Farr First Floor 60 Bampton Street Change of Use of first floor storage area to flat and storage area for janitorial equipment	Tiverton 52
07.03.2016	01.08.2016 Permitted with Conditions to Discharge	16/00363/FULL	Mr J Whittaker 2A Angel Hill Tiverton Conversion of existing flat on 1st, 2nd and 3rd floors to form 4 flats	Tiverton 52
24.03.2016	27.07.2016 Grant permission	16/00476/FULL	Mr David Thorne Agricultural Building at NGR 271981 104233 Zeal Monachorum Change of use of part existing agricultural building as ancillary storage space to existing B1 workshop	Zeal Monachorum 61
11.04.2016	03.08.2016 Permitted with Conditions to	16/00547/FULL	Mr M Peters Okefield House Deep Lane Erection of 3 dwellings	Crediton Town 18

	Discharge			
15.04.2016	05.08.2016 Grant permission	16/00655/HOUSE	Mr M Winterbourne 12 Church Street Tiverton Extension to existing pitched roof at first floor level	Tiverton 52
15.04.2016	05.08.2016 Grant permission	16/00656/LBC	Mr M Winterbourne 12 Church Street Tiverton Listed Building Consent for extension to existing pitched roof at first floor level, internal alterations at first and second floor levels to include the installation of a new staircase	Tiverton 52
19.04.2016	29.07.2016 Refuse permission	16/00604/ADVERT	Mr M Fryer, The Works 20 - 22 Fore Street Tiverton Advertisement consent to display 1 externally illuminated fascia sign and 1 externally illuminated projecting sign	Tiverton 52
20.04.2016	29.07.2016 Grant permission	16/00608/FULL	Mr S Beard Victor House Greenham Business Park Erection of extension to create additional storage area (Class B2)	Holcombe Rogus 29
28.04.2016	28.07.2016 Grant permission	16/00662/LBC	Mr R Platts Smithy Cottage East Leigh Listed Building Consent for installation of new stairway to existing loft area and insertion of 1 window and 3 rooflights	Coldridge 16
03.05.2016	06.06.2016 No Objection	16/00667/CAT	Mr M Janes Manderley 10B Lower Town	Halberton 25

			Notification of intention to fell 3 Silver Birch trees within the Conservation Area	
03.05.2016	08.08.2016 Refuse permission	16/00680/HOUSE	Mr & Mrs T Fernbank Bluebell Cottage 3 Hillcrest Erection of single storey side and rear extension	Willand 59
03.05.2016	04.08.2016 Permitted with Conditions to Discharge	16/00684/LBC	Mrs A Rickard & Mr B Minhinnock Land and Buildings at NGR 288485 115831 (Middle North Coombe) Templeton Listed Building Consent for internal and external works to convert 3 holiday lets and workshop to 2 dwellings	Templeton 49
09.05.2016	06.06.2016 No Objection	16/00714/CAT	Mrs A Jerreat 1 Queen Square Cullompton Notification of intention to remove 2 Leylandii within the Conservation Area	Cullompton 21
10.05.2016	25.07.2016 Grant permission	16/00728/FULL	Ms J Haywood Meadwell Green Cheriton Bishop Erection of a stable block	Cheriton Bishop 11
11.05.2016	21.07.2016 Permitted with Conditions to Discharge	16/00732/FULL	Mr & Mrs A Hendy 54 Bampton Street Tiverton Change of use of redundant office space to 3 flats	Tiverton 52
13.05.2016	01.08.2016 Permitted with Conditions to Discharge	16/00759/FULL	Mr & Mrs R Pollard 41 Spurway Road Tiverton Erection of a detached bungalow incorporating detached garage	Tiverton 52

17.05.2016	20.06.2016 No Objection	16/00764/CAT	Mrs Y Cottrell Land at NGR 306803 112530 Markers Notification of intention to reduce branches by up to 4 m of 3 Maples and 1 Small Leaf Maple within the Conservation Area	Uffculme 53
17.05.2016	27.07.2016 Permitted with Conditions to Discharge	16/00768/FULL	Mr P & Mrs E Kingsland Westcott Barn Witheridge Variation of condition 2 of planning permission 06/02131/FULL to allow substitute plans in respect of change of design	Thelbridge 50
18.05.2016	12.08.2016 Development Acceptance	16/00770/PNCOU	Mrs J Verity Land and Buildings at NGR 285994 122522 (West Barn, Lower Swineham Farm) Prior notification for the change of use of agricultural building to dwelling under Class Q	Oakford 39
18.05.2016	02.08.2016 Grant permission	16/00777/FULL	Mr D Maynard Pre-school Willand Primary School Erection of single storey extension	Willand 59
20.05.2016	25.07.2016 Refusal of Prior Approval	16/00790/PNCOU	Miss K Hawke Stud Thorne Farm Prior notification for the change of use of agricultural building to 3 dwellings under Class Q	Stoodleigh 48
20.05.2016	03.08.2016 Refuse permission	16/00797/HOUSE	Mr G Davey 21 South View Close Willand Erection of two-storey extension	Willand 59

20.05.2016	22.07.2016 Grant permission	16/00799/HOUSE	Mr & Mrs Coffey 5 Rackenford Road Tiverton Erection of single storey extension and re-positioning of main entrance door to North elevation	Tiverton 52
20.05.2016	27.07.2016 Grant permission	16/00801/LBC	Mr T Edwards Drews Farm Ashill Listed Building Consent for alterations to roof structure, part demolition of barn wall and internal alterations	Uffculme 53
20.05.2016	22.07.2016 Permitted with Conditions to Discharge	16/00802/LBC	Mr & Mrs Coffey 5 Rackenford Road Tiverton Listed Building Consent for erection of single storey extension, re-positioning of main entrance door to North elevation, and internal alterations	Tiverton 52
23.05.2016	21.07.2016 Grant permission	16/00804/HOUSE	Mr Mackintosh The Old School West Town Road Conversion of outbuilding to gym, utility and shower room, erection of extension to form entrance lobby to link conversion to main house and demolition of existing lean-to shed/utility	Newton St Cyres 37
23.05.2016	22.07.2016 Permitted with Conditions to Discharge	16/00805/FULL	Mr & Mrs C Kekwick Windwhistle Copse (Lower Burrow Coombe) Widening of existing access and formation of visibility splay	Stockleigh Pomeroy 47
23.05.2016	03.08.2016 Grant permission	16/00815/LBC	Mr R Wilshire 1 Church Street Crediton Listed Building Consent for	Crediton Town 18

			installation of 5 replacement windows, replacement lintels, and erection and re-positioning of replacement gate pillar	
23.05.2016	29.07.2016 Permitted with Conditions to Discharge	16/00818/FULL	Dr J Treweer Land at NGR 309279 107981 (Chancery Cottage) Kentisbeare Construction of an all-weather riding arena	Kentisbeare 32
24.05.2016	03.08.2016 Refuse permission	16/00816/FULL	Mr P Burt 69 High Street Halberton Erection of dwelling	Halberton 25
24.05.2016	22.07.2016 Grant permission	16/00819/FULL	Mrs J Hodgson Land and Buildings at NGR 294500 119610 (Hazels Farm) Construction of a manege	Stoodleigh 48
25.05.2016	25.07.2016 Grant permission	16/00820/FULL	Mr A Gilbert Mount Lodge Bampton Erection of a two storey garage/hobby room with gym, shower room and guest bedroom above	Bampton 01
25.05.2016	21.07.2016 Grant permission	16/00822/FULL	Mole Avon Trading Ltd Land at NGR 284608 99421 (Wellparks) Joseph Locke Way Reconfiguration of access and associated works	Crediton Town 18
26.05.2016	22.07.2016 Grant permission	16/00831/LBC	Mr S Radmore The Old Lodge 5A Fore Street Listed Building Consent for internal alterations, installation of new	Silverton 45

			staircase and installation of replacement rooflights	
26.05.2016	22.07.2016 Grant permission	16/00835/HOUSE	Mrs A Thomas 37 Withy Close Tiverton Erection of decking to rear	Tiverton 52
27.05.2016	08.08.2016 Grant permission	16/00840/FULL	Mr G Evans Land at NGR 301860 104609 (Westcott) Westcott Erection of an agricultural storage building and formation of pond	Cullompton 21
27.05.2016	09.08.2016 Permitted with Conditions to Discharge	16/00841/FULL	Mr T Andrews Mill View Clayhidon Erection of an agricultural building following demolition of 2 existing agricultural buildings	Clayhidon 15
31.05.2016	02.08.2016 Permitted with Conditions to Discharge	16/00838/FULL	Mr & Mrs Bennett Old School House Ashill Erection of two-storey extension, detached garage and change of use of agricultural land to domestic garden	Uffculme 53
31.05.2016	25.07.2016 Permitted with Conditions to Discharge	16/00843/FULL	Mr Richard Sanders Land and Buildings at NGR 307104 113338 (East of Ashley Close) Uffculme Retention of vehicular access	Uffculme 53
31.05.2016	28.07.2016 Development Acceptance	16/00844/PNCOU	Mrs O M Vickery Higher Down Nursery Mutterton Prior Notification for the change of use of agricultural building to 1 dwelling under Class Q	Cullompton 21

31.05.2016	25.07.2016 Grant permission	16/00845/HOUSE	Ms H Walker Old Church Cove Erection of garden shed and timber store	Tiverton 52
31.05.2016	25.07.2016 Grant permission	16/00846/LBC	Ms H Walker Old Church Cove Listed Building Consent for the erection of boundary fencing	Tiverton 52
01.06.2016	04.08.2016 Grant permission	16/00850/FULL	Westward Housing Newport House Newport Street Erection of replacement door canopies	Tiverton 52
01.06.2016	04.08.2016 Grant permission	16/00852/FULL	Mr S Preece Boggles Bit Marchweeke Farm Retention of change of use to dwelling	Thelbridge 50
02.06.2016	29.07.2016 Grant permission	16/00853/HOUSE	Mr K Evans Beechfield Horn Road Erection of cloakroom/utility following removal of existing porch/wc	Kentisbeare 32
02.06.2016	25.07.2016 Grant permission	16/00854/HOUSE	Mr P Sims 10 Butt Parks Crediton Erection of single storey extension	Crediton Town 18
02.06.2016	08.08.2016 Permitted with Conditions to Discharge	16/00860/FULL	Mr T Aspden Uffculme School Chapel Hill Erection of a 400 seat performance theatre and extension to existing catering hall after demolition of part of existing theatre and associated highway and access alterations (Revised Scheme)	Uffculme 53

03.06.2016	25.07.2016 Grant permission	16/00866/CLU	Mr Bryan Waterworth 18 Jasmine Close Tiverton Certificate of lawfulness for the existing single storey lean-to extension to rear elevation	Tiverton 52
06.06.2016	26.07.2016 Grant permission	16/00863/HOUSE	Mr & Mrs P Goff 47 Rackenford Road Tiverton Erection of detached double garage	Tiverton 52
06.06.2016	02.08.2016 Approval of Prior Approval	16/00865/PNCOU	Mr Stephen Lethbridge Land at NGR 270064 105299 (Meadow View Farm) Prior notification for the change of use of agricultural building to 2 dwellings under Class Q	Coldridge 16
06.06.2016	29.07.2016 Grant permission	16/00868/HOUSE	Mrs M Phillips 31 Swan Avenue Tiverton Erection of decking	Tiverton 52
06.06.2016	03.08.2016 Refuse permission	16/00870/LBC	Ms H L Hillman Laurel Cottage Black Dog Listed Building Consent to re-thatch south elevation with water reed	Washford Pyne 57
07.06.2016	21.07.2016 Grant permission	16/00869/FULL	Mr D Bannister Land at NGR 291799 121761 (Hamslade Farm) Bampton Retention of storage cabin (Revised scheme)	Oakford 39
08.06.2016	03.08.2016 Permitted with Conditions to Discharge	16/00872/HOUSE	Mr James Scott Bridge House 19 Oakfields Removal of 2m parapet wall, install dropped kerb to create new vehicle	Tiverton 52

			access and construction of new driveway	
08.06.2016	18.08.2016 Grant permission	16/00875/HOUSE	Mr D Lisle 14 Harding Crescent Tiverton Erection of single storey extension	Tiverton 52
08.06.2016	26.07.2016 Grant permission	16/00876/ADVERT	Mr M Haines, Mole Avon Trading Limited Land at NGR 284541 99503 (Wellparks) Joseph Locke Way Advertisement consent to display 1 non-illuminated pole mounted sign	Crediton Town 18
08.06.2016	03.08.2016 Grant permission	16/00879/HOUSE	Mrs D Luffman, C/O XL Planning & Design Ltd Nibbs Washfield Erection of two storey extension	Washfield 56
08.06.2016	03.08.2016 Permitted with Conditions to Discharge	16/00880/FULL	Mrs S Waddington Land and Buildings at NGR 291990 114565 (Patrona) Calverleigh Retention of change of use of agricultural land to domestic garden, retaining wall and fence	Loxbeare 34
09.06.2016	12.08.2016 Grant permission	16/00881/FULL	Miss D Jenks Flat 2 16 Park Street Replacement of 4 timber sash windows with PVCu tilt sash windows	Tiverton 52
09.06.2016	08.08.2016 Grant permission	16/00884/FULL	Mrs J Hill Land at NGR 300589 107384 (Rear of 1 Heathaller Cottages) Knowle Change of use of agricultural land to form vehicular access to dwelling	Cullompton 21

09.06.2016	28.07.2016 Grant permission	16/00886/FULL	Mr R J Shere New Gorwell Farm Hemyock Erection of roof to form covered yard	Clayhidon 15
09.06.2016	08.08.2016 Grant permission	16/00889/HOUSE	Mr Terry Edwards Drews Farm Ashill Alterations to raise height of chimney	Uffculme 53
09.06.2016	08.08.2016 Grant permission	16/00890/LBC	Mr Terry Edwards Drews Farm Ashill Listed Building Consent for alterations to raise height of chimney	Uffculme 53
09.06.2016	26.07.2016 Grant permission	16/00891/HOUSE	Mrs Jennifer Bussell 24 Park Road Tiverton Erection of two storey rear extension	Tiverton 52
10.06.2016	04.08.2016 Grant permission	16/00895/FULL	Mr J Dobin Cheriton Farm Cheriton Bishop Erection of extension to existing livestock building (Revised scheme)	Cheriton Bishop 11
13.06.2016	05.08.2016 Permitted with Conditions to Discharge	16/00898/HOUSE	Mrs F David The Old Forge Town Hill Conversion of workshop/store room to kitchen/diner, erection of small rear extension to form bathroom and replacement of bay window	Culmstock 22
13.06.2016	04.08.2016 Grant permission	16/00900/HOUSE	Mr H Dalzell 1 Town Hill Culmstock Erection of single storey extension to rear (Revised scheme)	Culmstock 22
13.06.2016	04.08.2016 Grant permission	16/00901/HOUSE	Mr D Burt 19 Aspen Way Tiverton Erection of a conservatory	Tiverton 52

13.06.2016	01.08.2016 Grant permission	16/00904/TPO	Mr J Knight 7A Butterleigh Drive Tiverton Application to crown lift and crown reduce by 1-2 metres 1 Silver Birch tree protected by Tree Preservation Order 95/00011/TPO	Tiverton 52
13.06.2016	04.08.2016 Permitted with Conditions to Discharge	16/00907/FULL	Mr L Stocks Pondground Cottage Holcombe Rogus Change of use of land from paddock to equestrian all weather turn out area	Holcombe Rogus 29
13.06.2016	05.08.2016 Permitted with Conditions to Discharge	16/00911/HOUSE	Mr & Mrs N Hoare Queen Anne House 5D Fore Street Erection of rear extension with roof garden	Silverton 45
14.06.2016	08.08.2016 Permitted with Conditions to Discharge	16/00893/LBC	Mr David Brandreth Brambles 25 Hookway Listed Building Consent for the removal of existing porch and replacement with enclosed porch	Crediton Hamlets 19
14.06.2016	04.08.2016 Grant permission	16/00902/TPO	Mr James Land and Buildings at NGR 296606 112858 (Adjacent 1 Redlands) Blundells Road Application to cut back overhanging branch by 5-6m protected by Tree Preservation Order 83/00002/TPO	Tiverton 52
14.06.2016	08.08.2016 Grant permission	16/00914/HOUSE	Mrs C Nicholson Larkhill Washfield Erection of a conservatory on front of	Washfield 56

			property	
14.06.2016	04.08.2016 Grant permission	16/00915/HOUSE	Mr Dan Euesden 3 High Bullen Silverton Erection of a porch extension	Silverton 45
15.06.2016	22.08.2016 Permitted with Conditions to Discharge	16/00916/HOUSE	Mr A Branch Annexe East Eastington Conversion of barn to self-contained ancillary accommodation	Lapford 33
15.06.2016	22.08.2016 Permitted with Conditions to Discharge	16/00917/LBC	Mr A Branch Annexe East Eastington Listed Building Consent for conversion of barn to self-contained ancillary accommodation	Lapford 33
15.06.2016	01.08.2016 Grant permission	16/00923/LBC	Mrs Susan Rouillard 11 Fore Street Bradninch Listed Building Consent for the replacement of 4 rear windows with wooden casement windows	Bradninch 04
16.06.2016	04.08.2016 Refuse permission	16/00926/ADVERT	Mr A Pangotra Tiverton Dental Centre 62 Bampton Street Advertisement Consent to display 1 externally illuminated fascia sign	Tiverton 52
16.06.2016	05.08.2016 Grant permission	16/00930/HOUSE	Mr & Mrs D Colman 31 Lime Tree Mead Tiverton Erection of first floor extension and alterations to front garden and drive	Tiverton 52
17.06.2016	08.08.2016 Grant permission	16/00937/HOUSE	Mr M James 5 Upcott Mead Road Tiverton	Tiverton 52

			Erection of garden workshop	
20.06.2016	08.08.2016 Grant permission	16/00941/HOUSE	Mr N J Hobbs 59 Boobery Sampford Peverell Erection of two-storey side extension, front porch and formation of access and hardstanding for the parking of vehicles (Revised scheme)	Sampford Peverell 42
20.06.2016	29.07.2016 No Objection	16/00945/CAT	Mr & Mrs P Drew 16 Turnpike Sampford Peverell Notification of intention to fell 1 conifer tree and a group of elder trees within a conservation area	Sampford Peverell 42
20.06.2016	10.08.2016 Grant permission	16/00952/FULL	Mr R Cornish Land and Buildings at NGR 304049 117364 (Butteridge Farm) Erection of cover over existing dung store	Sampford Peverell 42
20.06.2016	08.08.2016 Grant permission	16/00961/HOUSE	Mr C Rowcliffe 62 Canal Hill Tiverton Erection of extension and alterations including dormers for loft conversion	Tiverton 52
21.06.2016	08.08.2016 Grant permission	16/00942/FULL	Mr R Hayes Land and Building at NGR 280132 112090 (Woodford) Erection of an agricultural building	Thelbridge 50
21.06.2016	28.07.2016 Grant permission	16/00943/FULL	Mr J Gibson Land at NGR 282167 113726 (West Middlewick Farm) Erection of an agricultural building	Thelbridge 50

21.06.2016	24.08.2016 Grant permission	16/00947/FULL	Mr C Carr Orchardhayes Farm Cheriton Fitzpaine Erection of agricultural building	Cheriton Fitzpaine 12
21.06.2016	28.07.2016 Grant permission	16/00949/TPO	Mr Dan Snell 3 Southfield Drive Crediton Application to crown lift and remove 4 lower branches overhanging garden from one Oak tree protected by Tree Preservation Order 4/18/99/TP7	Crediton Town 18
21.06.2016	28.07.2016 No Objection	16/00954/CAT	Mr Richard Southward Beech Tree House Huntsham Notification of intention to remove one Cupressocyparis Leylandii tree within a Conservation Area	Huntsham 30
21.06.2016	28.07.2016 No Objection	16/00955/CAT	Mr S Mundy Court Hall Hockworthy Notification of intention to fell 2 Scots Pine trees within a Conservation Area	Hockworthy 28
21.06.2016	08.08.2016 Grant permission	16/00962/HOUSE	Mr M Rock-Evans Nut Tree Barn Uffculme Erection of a greenhouse	Uffculme 53
21.06.2016	19.08.2016 Permitted with Conditions to Discharge	16/00966/FULL	Mr G Barley Gidley Coach House St John Court Conversion of former St John's Ambulance Station into artist's studio, workshop, and first floor dwelling, and removal of asbestos lean-to roof	Cullompton 21
21.06.2016	08.08.2016 Grant permission	16/00976/FULL	Mr Watson, Bradfords Building Supplies Old Mole Depot South View Road	Willand 59

			Retention of 2.4m high galvanised palisade fence and gates on north boundary and 2m high galvanised palisade fences on east and west boundaries; and re-location of 3m high racking from north to west boundary	
22.06.2016	03.08.2016 Development Acceptance	16/00953/PNHH	Mr & Mrs Bulgin 4 Follett Road Tiverton Prior Notification for the erection of an extension, extending 4.3m to the rear, maximum height of 4m, eaves height of 2.5m	Tiverton 52
22.06.2016	17.08.2016 Grant permission	16/00986/HOUSE	Mr & Mrs Brown Hackland Manor Cullompton Erection of single storey & two storey extension to include garage, indoor swimming pool & entertainment area	Cullompton 21
23.06.2016	01.08.2016 Grant permission	16/00963/CLP	Ms Gitting 25 Court Orchard Newton St Cyres Certificate of lawfulness for the proposed erection of a conservatory	Newton St Cyres 37
23.06.2016	08.08.2016 Grant permission	16/00978/HOUSE	Mr Derek Hall 4 Victoria Close Willand Erection of a garage	Willand 59
27.06.2016	28.07.2016 Grant permission	16/00992/FULL	Mr R Moore Land at NGR 278789 109033 (East Of Orchard End) Erection of a polytunnel	Morchard Bishop 35

27.06.2016	08.08.2016 Grant permission	16/00997/HOUSE	Ms Belinda Tordini 53 Chapel Street Tiverton Erection of a rear balcony	Tiverton 52
28.06.2016	28.07.2016 Grant permission	15/00938/FULL/NMA	Mr R Ottery Land at NGR 290544 107699 (Farleigh Back Road) Cadeleigh Conversion of agricultural storage building to dwelling and erection of an extension - Non-Material Amendment to include roof overhang to form porch on lean-to extension	Cadeleigh 09
28.06.2016	08.08.2016 Development Acceptance	16/00977/PNCOU	Mr Adrian Miles First Floor and Second Floor 12 Fore Street Prior Notification for Change of Use of Offices to 1 Dwelling Under Class O	Tiverton 52
28.06.2016	09.08.2016 Grant permission	16/00983/TPO	Mr Stewart Turner Land at NGR 284218 100950 Creedy Manor Application to reduce 1 Oak tree (reduce crown over highway by 3 - 3.5 m & reduce overall canopy by 3 - 3.5m) protected by Tree Preservation Order 10/00005/TPO	Sandford 43
28.06.2016	24.08.2016 Permitted with Conditions to Discharge	16/00995/FULL	Mr J Cooney Land at NGR 302666 114116 (West of Pullet) Turnpike Erection of 4 dwellings with garages and alterations to access (Revised Scheme)	Sampford Peverell 42

28.06.2016	08.08.2016 Grant permission	16/00999/ADVERT	Morrisons Supermarket Plc Morrisons Store & Filling Station Mountbatten Road Advertisement Consent to display 8 internally illuminated and 7 non-illuminated signs (1 totem, 1 motif and 13 various fascia signs)	Tiverton 52
29.06.2016	08.08.2016 Grant permission	16/01000/LBC	Mr Charles Beeden Court Grove Brook Street Listed Building Consent for the conversion of existing Cider Barn to a kitchen with internal and external alterations	Bampton 01
01.07.2016	27.07.2016 No Objection	16/01009/CAT	Mrs R Grant Redland Corner Lane Notification of intention to remove 1 Fir tree within the Conservation Area	Halberton 25
04.07.2016	28.07.2016 Development Acceptance	16/01012/PNAG	M. M. Gollop & Sons Land and Buildings at NGR 301825 113748 (Noble Hindrance Farm) Halberton Prior Notification for the erection of agricultural storage building	Halberton 25
04.07.2016	28.07.2016 Development Acceptance	16/01022/PNAG	Mr T Browne Land at NGR 286436 98739 (Smallbrook Farm) Newton St Cyres Prior Notification for the erection of agricultural storage building	Newton St Cyres 37
04.07.2016	15.08.2016 Grant permission	16/01028/HOUSE	Mr & Mrs Richard Gowen 20 Upcott Mead Road Tiverton Erection of an extension (Revised Scheme)	Tiverton 52

04.07.2016	10.08.2016 Grant permission	16/01029/FULL	Mr J Halton (Estates Bursar) Land at NGR 297000 113049 (Blundells School) Blundells Road Erection of school shop building, retention and relocation of 3 recycling containers, and alterations to layout of adjacent car park	Tiverton 52
04.07.2016	18.08.2016 Grant permission	16/01039/HOUSE	Mr & Mrs B Scott 41 Rackenford Road Tiverton Erection of single storey rear extension	Tiverton 52
05.07.2016	27.07.2016 No Objection	16/01027/CAT	Mr C R Barns The Retreat St John Court Notification of intention to fell 1 Sycamore tree and 1 Walnut tree within the Conservation Area	Cullompton 21
05.07.2016	08.08.2016 Development Acceptance	16/01043/PNAG	Mr R Cole Land and Buildings at NGR 285829 122409 Swineham Farm Prior notification for the erection of an agricultural building for the storage of farm machinery and equipment	Oakford 39
06.07.2016	08.08.2016 Development Acceptance	16/01034/PNAG	Mr C Burnell Land and Buildings at NGR 270262 110941 (East Hilltown Farm) Chawleigh Prior Notification for the erection of an agricultural storage building	Chawleigh 10
06.07.2016	08.08.2016 No Objection	16/01046/CAT	Mr P Machin 1 Coleman Close Tiverton Notification of intention to fell 1 Beech	Tiverton 52

			tree and carry out works to 1 Holm Oak tree within the Conservation Area	
06.07.2016	16.08.2016 Grant permission	16/01052/FULL	Mr G Strong Land at NGR 297524 124069 (Four Winds) Retention of an agricultural livestock building	Morebath 36
06.07.2016	22.08.2016 Grant permission	16/01054/HOUSE	Mr John Saunders 24 Wellbrook Street Tiverton Erection of an extension	Tiverton 52
07.07.2016	22.08.2016 Grant permission	16/01049/HOUSE	Mr Edward Creagh-Osborne Raddon Hill Farm Thorverton Erection of single storey and first floor extensions	Thorverton 51
07.07.2016	17.08.2016 Grant permission	16/01063/HOUSE	Mr & Mrs P Boax Acacia Cottage Sampford Peverell Alteration to existing dormer windows and porch roof, and installation of balcony	Halberton 25
08.07.2016	08.08.2016 No Objection	16/01057/CAT	Mr Alan Miller Timewells House Holcombe Rogus Notification of intention to fell one Leyland Cypress tree within a conservation area	Holcombe Rogus 29
08.07.2016	16.08.2016 Grant permission	16/01068/HOUSE	Mr M Townsend Poole Cottage Cheriton Fitzpaine Installation of glass doors to enclose existing verandah to become part of existing kitchen	Cheriton Fitzpaine 12

11.07.2016	22.08.2016 No Objection	16/01062/CAT	Mr Ben Brook QE Academy Trust Western Road Notification of intention to fell 1 Horse Chestnut tree, removal of multi-stemmed group of Sycamore trees and carry out works to 3 Cherry, 1 Malus, 1 Lime and 1 Acer tree within the Conservation Area	Crediton Town 18
11.07.2016	04.08.2016 Development Acceptance	16/01073/PNAG	Mr Adam Short Land at NGR 288662 113870 (Townville) Templeton Prior notification for the erection of an agricultural storage building	Templeton 49
12.07.2016	24.08.2016 Grant permission	16/01070/HRN	Mr Roger Lee Land at NGR 282944 104884 (Dowrich Farm, East of Dowrich Cross) Sandford Hedgerow Removal Notice for the removal of 2 x 8m of hedgerow	Sandford 43
14.07.2016	17.08.2016 Grant permission	16/01084/FULL	Mr Mark Sugden 5 Tamarind Willand Change of use of amenity land to domestic garden and repositioning of existing boundary wall	Willand 59
15.07.2016	16.08.2016 No Objection	16/01106/CAT	Mr J Halton Sports Field at NGR 297262 112990 Blundells School Notification of intention to fell 1 Elm tree within the Conservation Area	Tiverton 52
18.07.2016	10.08.2016 Development Acceptance	16/01109/PNAG	Mr M Watson Land at NGR 290166 116022 (Deepaller Farm) Loxbeare	Tiverton 52

			Prior Notification for the erection of an agricultural storage barn	
20.07.2016	16.08.2016 Grant permission	16/011111/TELCOM	EE Ltd & Hutchison 36 UK Ltd Land at NGR 284555 100215 (Roadside Verge) Commonmarsh Lane Prior Notification for the removal of existing column and cabinet and installation of a 12.50m Phase 5 Column and a new Cobra cabinet	Crediton Town 18
22.07.2016	17.08.2016 Development Acceptance	16/01129/PNHH	Mr & Mrs A Braund 30 Pinnex Moor Road Tiverton Prior Notification for the erection of a replacement conservatory, extending 5m to the rear, maximum height of 2.9m, eaves height of 2.15 m	Tiverton 52
22.07.2016	18.08.2016 No Objection	16/01138/CAT	Mrs B Fowler Moxeys Cheriton Fitzpaine Notification of intention to fell 1 Flowering Cherry tree within the Conservation Area	Cheriton Fitzpaine 12
25.07.2016	16.08.2016 Development Acceptance	16/01137/PNAG	Mr Matthew Sanders Land and Buildings at NGR 298048 125496 (East Combe Farm) Shillingford Prior notification for the erection of an agricultural storage building	Morebath 36

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	1	14/11/2016	16/01140/MFUL	Erection of 3 industrial units	Land at NGR 303818 111567 (Plot 5, Mid Devon Business Park) Muxbeare Lane Willand Devon	Mr Daniel Rance	DEL	
2	4	25/10/2016	16/01053/MFUL	Retention of change of use of dwelling to a mixed use of dwelling and bed and breakfast accommodation; cider barn from additional living accommodation to function room; Shippen from redundant building to function room including bar, toilet, shower area; alterations to existing store; formation of car parking area	Muddifords Court Sampford Peverell Tiverton Devon EX15 2QG	Mrs Alison Fish	DEL	
	9	19/09/2016	16/00918/MOUT	Outline for the erection of 22 dwellings	Land at NGR 313224 113301 (West of Conigar Close) Culmstock Road Hemyock Devon	Ms Tina Maryan	COMM	COMM
	9	19/09/2016	16/00924/MOUT	Outline for the erection of approximately 60 dwellings, a Doctors' Surgery, and means of access	Land and Buildings at NGR 277744 102582 (East of Dulings Farm) Copplestone Devon	Mr Simon Trafford	COMM	COMM
	11	01/09/2016	16/00825/MFUL	Construction of an anaerobic digestion plant including vehicular access from Down End, provision of infrastructure works to support the plant including creating compensatory flood storage and regrading of land and landscaping and all associated works and development	Land at NGR 284938 100390 (Goosealler Marshes) Commonmarsh Lane Lords Meadow Industrial Estate Crediton Devon	Mr Simon Trafford	COMM	COMM
	15	09/08/2016	16/00693/MOUT	Outline for the erection of 13 dwellings	Land at NGR 310280 114261 Hunters Hill Culmstock Devon	Ms Tina Maryan	COMM	COMM
	20	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	

<i>Item No.</i>	<i>Weeks</i>	<i>TARGET DATE</i>	<i>REFVAL</i>	<i>PROPOSAL</i>	<i>LOCATION</i>	<i>NAME</i>	<i>Expected Decision Level</i>	
							<i>Delegated</i>	<i>Committee</i>
8	116	24/09/2014	14/00881/MOUT	Outline for a mixed use development comprising up to 700 dwellings, 22,000 square metres of B1/B8 employment land, care home, primary school and neighbourhood centre with associated access including a left in left out junction on the westbound A361 and access and egress onto Blundells Road	Land East of Tiverton, South of A361, and Both North and South of Blundells Road Uplowman Road Tiverton Devon	Mr Simon Trafford	COMM	COMM
9	121	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
10	175	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 20 JULY to 24 AUGUST 2016

Application No	Description	Location	Officer Recommendation	Committee or Delegated	Decision	Appeal Type	Inspector Decision
13/00654/FULL	Erection of a 50kW wind turbine with a maximum blade tip height of 34.2m and hub height of 24.6m, and associated infrastructure (Revised scheme)	Land at NGR 272259 114205 (Philham Farm) Chawleigh Devon	Refuse permission	Committee Decision	Refuse permission	Written Representations	Appeal Dismissed

Summary of Inspectors Comments

This case is unusual and significant in that it represents the first wind turbine appeal decision made in the Mid Devon District in the light of the Written Ministerial Statement (WMS) made by the Secretary of State on 18 June 2015 to be applied to all proposed wind energy developments so that local people have the final say on wind farm application'. This proposal involves the erection of a 50kW Endurance wind turbine on an organic dairy farm near Chawleigh. The hub height of the wind turbine would be 24.6m above ground level, and the blades 9.6m long. The height of the structure to the tip of the blades, in an upright position, would be 34.2m. The application presented a revised scheme following an earlier refusal by the Local Planning Authority for a similar scheme. The revised scheme sought to slightly re-position the proposed site from that previously submitted; it also proposed more limited infrastructure works, and also provided additional supporting information relating to potential landscape and noise and heritage asset impact impacts. The scheme was refused by the Local Planning Authority in December 2013 on the grounds of the considered detrimental landscape and visual impacts and its considered harm to the setting of heritage assets in the area. The Appeal was initially dealt with by a Government Planning Inspector who was also required to take into account the WMS of June 2015 and transitional arrangements to be applied. In his own decision the Inspector concluded that the proposal would not cause significant harm to the setting or significance of identified heritage assets or to the living conditions of local residents through visual impact or noise. Whilst it was recognised that the proposal would have a harmful impact on the landscape, such harm was adjudged, by the Inspector, to be not so significant as to outweigh the benefits to be brought through the generation of renewable energy or in assisting the economic performance of the rural enterprise. In his own specific consideration of the WMS, the Planning Inspector opined, given (in his view) the impacts of the scheme are, or could be, made acceptable (as required by the NPPF) that 'must mean that the planning impacts identified by local communities have been addressed' and on that basis, 'the WMS did not justify a decision that would run contrary to the development plan and the Framework'. The Inspector accordingly recommended that the appeal be allowed subject to conditions.

However, on 7 October 2015, in exercise of his powers under s79 and para. 3 of Schedule 6 of the Town and Country Planning Act 1990, the Secretary of State (SoS) directed that he would determine the appeal. In his statement the SoS has noted and accepted much of the Inspector's own conclusions regarding potential landscape, heritage and other impacts. However, with specific regard to consideration of the WMS, and the considerations to be made relating to local community concerns, the SoS concludes that the planning impacts as identified by affected local communities have not been addressed in the circumstances of the case. Accordingly, he considers that the transitional arrangements within the WMS have not been satisfied and he gives substantial weight to this conflict. Given this, the SoS does not agree with the Inspector's overall recommendation that the appeal should be allowed: Decision: Appeal dismissed by Secretary of State.

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.

15/00989/OUT	Outline for the erection of 8 dwellings	Land and Buildings at NGR 277638 93018 (East Of Hill View) Cheriton Bishop Devon	Refuse permission	Delegated Decision	Refuse permission	Written Representations	Appeal Dismissed
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Summary of Inspectors Comments

The planning application was refused by officers under delegated authority for 3 reasons summarised as follows: whether, with due regard to the development plan and national policy, there is a proven need for affordable housing which justifies the proposal in this location; the effect of the proposal on the character and appearance of the area; and whether sufficient information has been provided in respect of car parking and drainage.

The inspector agreed with the Local Planning Authorities decision on all matters, with confirmation that the applicant had not made any provisions to ensure that the affordable housing is made available as such in perpetuity.

Application No	Description	Location	Officer Recommendation	Committee or Delegated	Decision	Appeal Type	Inspector Decision
15/01194/MFUL	Erection of a solar farm 4.9MW, landscaping and associated infrastructure, access and underground cables	Land at NGR 285528 98874 (Dunscombe) Newton St Cyres Devon	Refuse permission	Delegated Decision	Refuse permission	Written Representations	Appeal Dismissed

Summary of Inspectors Comments

The planning application was refused by officers under delegated authority for 2 reasons summarised as follows. The second of the two reasons for refusal related to the absence of adequate archaeological information. This has subsequently been provided and confirmation has been given that a scheme of archaeological investigation could be a condition of any grant of planning permission. Therefore, the Inspector was left to determine if the proposal would be acceptable in terms of the impact on the character and appearance of the landscape and whether the benefits of the scheme would outweigh any identified adverse impacts.

The Inspector agreed with the Local Planning Authorities decision, and concluded that the proposed solar farm would introduce a large-scale discordant change into the landscape with closely experienced impacts on users of public rights of way who would be particularly sensitive to the effects of the development; and adverse impacts would remain after mitigation. The aggregation of the harm to the character and appearance of the landscape would not be outweighed by the acknowledged benefits of the project; and the proposal would conflict with the development plan and also with the Framework when read as a whole.

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1. A report was published for the Planning Committee meeting on the 3rd August regards matters relating to the proposed school and housing development at Newton St Cyres. The report sets out two recommendations regarding the scope of and programme for the completion of works to the highway required in order to make the development acceptable, in particular improvements to the junction of Station Road and the A377. The report follows on from this Update note, and the further comments below should be read in conjunction with the main body of the report.
2. The report was not considered by the Committee as a local resident questioned the information / evidence relevant to support recommendation 2, which required further input from the Highway Engineer at Devon County Council who was not able to respond in time for the matter to be considered at the meeting. The issue related to the consultation comments provided by the Highway Authority as set out on page 4 of the report, and a reference within the Stage 1 Highway Safety Audit (referred to hereafter as the Stage 1 report) that was mis-interpreted by a local resident. The section of the Stage 1 report that resulted in confusion is the statement at 2.2 of that report as is set out below. The mis- interpretation being that the conclusions of the Stage 1 report require the widening of the junction in order to support the school and the housing. Mr Sorenson from the Highway Authority has provided further comments as summarised below at point 3 below which explain the views of the Highway Authority in order to assist members consideration of the matter.
3. At the pre application stage it was accepted that the school could operate safely with a managed one –way priority system, although if full widening could be achieved it would be desirable. Contact was made with the owner of the land which would be required to deliver the full widening option and there was an indication at that stage that he may be willing to sell part of his land. A design was undertaken showing both the priority system and full width widening and were submitted to support the planning application submission. As part of that design , the Highway Authority designers raised concerns over forward visibility through the junction for any additional traffic and as such the desire to see the full width widening was advised for when the planning application was determined (refer to condition 10 of the planning approval).

During the section 106 negotiations the Highway Authority was approached by the applicants agents over the availability of the third party land and whether or not the priority system would be acceptable. The Highway Authority advised it would accept the advice of an independent safety audit. The stage 1 independent safety audit (*extracts referred to in italics below*) was undertaken and while it differentiated between the two options (i.e the managed one way priority system and the full widening) it did not raise a safety concern over the forward visibility at the junction, although it was recommended that hatch marking be undertaken.

2.1 Problem

Location – Junction Bellmouth.

Summary – The existing left turn into Station Road from the A377 subtends an angle of approx. 1150. There is a high rock face / stone wall on the nearside that hinders forward visibility into / out of Station Road. However, on site observation indicates that this 'natural' feature engenders a slow purposeful slow speed turn into Station Road. Collision data indicates that only one PIA has been recorded in the past 5 years (September 2012 - Slight).

The proposed priority working gives precedence to inbound vehicles (from the A377) with the Give Way line approx. 30m back from the A377 Stop Line.

The Auditors are concerned that vehicles on Station Road, approaching the A377 may have a reduced forward visibility distance possibly in the order of 18m / 20m to oncoming traffic as they make a decision to commit to passing the 'priority' Give Way line. This could lead to possible vehicle / vehicle conflict.

Recommendation

It is recommended that the designer investigates the possibility of providing a 'new' left hand turn radius channel line and hatching to move vehicles closer to the junction centre line and subsequently increasing the available forward visibility distance.

2.2 Residential Development and School

No discernible safety issues observed but would recommend that within the Phase 2 works that formalisation e.g. full height kerb or half height (450 kerb face) with overrun area of the recommendation at 2.1 could be implemented.

On the basis of the advice in the Stage 1 report the Highway Authority have accepted the recommendation that the hatch marking overcame the concern for the forward visibility and no longer had reasonable grounds to refuse the priority system for the full development. This interpretation has been subsequently justified by the stage 2 independent audit which has explicitly assessed the design with both the school and new housing in mind.

In summary the volume of traffic which would be generated by the development and the capacity of the road were not in question only the risk of conflict in the existing section of single lane carriageway. The layout and design of the improvements for the one way managed scheme (refer to Appendix B) minimises that impact and risk to an acceptable level given that the transport assessment indicates that a queue of 2 vehicles can be expected post development completion (based on proposed AM peak being 117 vehicles per hour).

Therefore the provision of only the priority system to serve the development is acceptable to the Highway Authority. The Highway Authority do not feel they could sustain a reason for refusal if the full width was not provided. The Full widening still remains a desire but would only be advisable to the applicant. The off- site works once completed will be subject to the stage 3 safety audit which may necessitate further works if deemed necessary and the works will be subject to a section 278 legal agreement to that effect.

4. The additional points as set out above in conjunction with the content of the main body of the report that follows are considered by your officers to justify Recommendation 2 as set out – to confirm agreement to the managed one way scheme.

REPORT OF THE HEAD OF PLANNING AND REGENERATION

**14/01332/MOUT - OUTLINE FOR A MIXED USE DEVELOPMENT
COMPRISING OF A PRIMARY SCHOOL AND PRE-SCHOOL WITH
ANCILLARY FACILITIES INCLUDING SPORTS PITCH AND
PARKING AND TURNING AREA; ERECTION OF UP TO 25
DWELLINGS WITH PARKING AND OPEN SPACE - LAND AT NGR
288080 098230 EAST OF STATION ROAD NEWTON ST CYRES
DEVON**

Reason for Report:

The approved scheme of development established by the outline planning consent permission was granted subject to a number of planning conditions. Of particular relevance to this report are conditions 6 and 10 as set out below:

6. The commencement of development of the new school building and associated facilities or the new housing hereby approved shall not be commenced until:
 - a) The access road has been laid out, kerbed, drained and constructed up to base course level for the first 20.00 metres back from its junction with the public highway
 - b) The ironwork has been set to base course level and the visibility splays required by this permission laid out
 - c) The footway on the public highway frontage required by this permission has been constructed up to base course level
 - d) A site compound and car park have been constructed to the written satisfaction of the Local Planning Authority

10. No development shall take place on site until the off-site highway works for the provision of a junction improvement scheme, at the junction of Station Road and the A377, inclusive of but not limited to road widening, signing and lining, and the enhancement of pedestrian crossing facilities has been approved in writing by the Local Planning Authority and has been constructed and made available for use.

Since the outline consent was granted work has been going on in the background by the landowners team and your officers have been engaged in pre-application discussions on the reserved matters details for both the new school and the new housing. As a result there are matters in relation to condition 6 and 10 that require further consideration by the Planning Committee.

RECOMMENDATION(S)

1. **Confirm agreement in principle (subject to the submission and resolution of a formal application – section 73A) that conditions 6 and 10 are amended so that they are not a pre-commencement conditions, with the trigger for the completion of the works covered by each condition set as.**

6. The first occupation of either the new school building and associated facilities or the new housing shall not take place until the following works have been completed.

a) The access road has been laid out, kerbed, drained and constructed up to base course level for the first 20.00 metres back from its junction with the public highway

b) The ironwork has been set to base course level and the visibility splays required by this permission laid out

c) The footway on the public highway frontage required by this permission has been constructed up to base course level

10. The first occupation of either the new school building and associated facilities or the new housing shall not take place until until the off-site highway works for the provision of a junction improvement scheme, at the junction of Station Road and the A377, inclusive of but not limited to road widening, Signing and lining, and the enhancement of pedestrian crossing facilities has been approved in writing by the Local planning Authority and has been constructed and made available for use.

2. Confirm agreement to the managed one way scheme at the junction of the A377 and Station Road which is now proposed to satisfy condition 10

Relationship to Corporate Plan: To ensure the delivery of key plans for Mid Devon including improving community facilities, better homes, empowering local communities and caring for the environment.

Financial Implications: None specific for MDDC, but with timing for the delivery of the off-site works as set by the conditions as currently drafted the current delivery programme for the new school would not be achieved which could threaten the availability of the funding package that is currently in place.

Legal Implications: To update the previous committee resolution to ensure compliance and avoid risk of legal challenge.

Risk Assessment: The risks are set out above and in the main body of the report.

Consultation carried out with:

1. Devon County Council – Highway Authority. Refer to email sent on 07/07 to case officer as set out:

The application offered two scenarios for the road improvements, one with the priority system, and one with the full widening. The preferred option for the Highway Authority would be the full widening. The owner of the third party land had indicated he would be willing to sell the land and so there is a presumption that the full widening can be achieved in planning terms.

The applicant, I am led to believe approached the third party land owner who would only accept "Key" ransom value for the land. The applicant approached the Highway Authority about reverting to the priority scheme, and was advised that if it passed independent Safety Audit, the Highway Authority would not be able to insist on the full widening. The applicant undertook to appoint an independent Auditor who identified the forward visibility and

recommended a white line hatching as mitigation. Such a hatching is included in the design attached to the section 106 agreement with Devon County Council and the Highway Authority would not be able to support a recommendation of refusal as it complies to the audit recommendations and would be unreasonable in an appeal situation.

It should be noted that the independent nature of the auditor is paramount to their business and their integrity would not be compromised by who commissioned the report. Indeed in this particular instance one of the Auditors was a former County Safety Auditor with considerable experience.

Therefore while the plan does not provide the desired full widening, It would not be reasonable to refuse the application given the transport statements and the independent Audit. However should the applicant negotiate the delivery of the widening subsequent to the planning approval of the priority the highway Authority would be happy to receive such a proposal.

The independent Auditor will carry out a stage 2 audit at detail design stage, a stage 3 audit at completion on site, and a stage 4 audit 12 months after being brought into use and any recommendations at each stage will need to be taken into account.

2. Education Funding Agency - Priority School Building Programme (PSPB) Capital Team. Refer to email sent on 12/07 to case officer as set out:

Further to our conversation yesterday please note that on behalf of Elliot's the contractor for the New School at St Cyres we are requesting a formal variation to the conditions as outlined in the Outline Planning Consent (Reserved Matters). We request that all pre start conditions associated with the school are varied to become a condition of the School occupation i.e. school open. The justification is that the off-site works being delivered by a third party pursuant to the outline consent, are unlikely to progress in sufficient time to enable the EFA to meet the delivery programme for the new school.

1.0 Implications of revising the wording of conditions 6 and 10.

- 1.1 Notwithstanding if the Committee indicate a favourable response to this issue, the applicant(s) would need to submit a formal application. However as stated above in the response from EFA, the timescales for delivery of the off- site works as currently required would prejudice the delivery of the new school as in order to meet the projected opening date, as the works on site will need to commence in quarter 4 of 2016. At the time of writing given the design work phase/ Section 278 process (agreement with the Highway Authority to complete works on the highway) remain ongoing, the off-site highway works as required by condition 6 and 10 will not be completed in time to enable an on-site start in quarter 4 of 2016.
- 1.2 The alternative wording as drafted in the recommendation section of this report will enable the commencement of development of both the school and new houses, but does not enable occupation of first use until the agreed offsite highway works have been delivered.
- 1.3 Your officers consider that this revision to the timing of the delivery of the works required under condition 6 and 10 (as now revised) will still ensure that adequate on site facilities are available for all traffic attracted to the site during the operational phase and to protect the interests of the safety of all users of the adjoining public highway and to protect the amenities of the adjoining residents.

- 1.4 Members will note that the proposed revision to condition 6 does not apply to the site compound and car park. (criteria d) These aspects, and other works, are required to manage the impact of the construction phase and can still be adequately controlled and managed under the terms of Condition 8 which requires a construction management plan to be submitted as follows:

No development shall take place until a Construction Management Scheme has been submitted to and approved in writing by the County Planning Authority. The statement shall provide details of:

- a) Timetable/programme of works
- b) Measures for traffic management [including routing of vehicles to and from the site, details of the number/frequency and sizes of vehicles]
- c) Days and hours of construction and deliveries
- d) Location of loading, unloading and storage of plant and materials
- e) Location of contractor compound and facilities
- f) Provision of boundary fencing/hoarding
- g) Parking of vehicles of site personnel, operatives and visitors.
- h) Wheel washing
- i) Dust control

The development shall be implemented in accordance with the approved scheme.

At the time of writing this report the precise details of the Construction Management plan have not been submitted for approval, but the scope of details to be agreed is comprehensive with criterion B providing flexibility to secure off site initiative in terms of temporary requirements during the construction phase.

- 1.5 Conditions 9 and 14 of the outline planning permission are also drafted as pre-commencement conditions but these conditions relate to Sustainable Urban Drainage (SUDs) details and archaeological monitoring. It is not considered that there is any flexibility in amending the wording of these conditions given the reasons for imposing them.

2..0 Implications of confirming agreement to the managed one way scheme at the junction of the A377 and Station Road which is now proposed to satisfy condition 10.

- 2.1 Members considered the application for the outline application at the Planning Committee meeting on 22 October 2014, and the relevant extracts from the committee report regards the scope of the off-site highway works at the are set out as below (2.1.2 and 2.1.3) The comments reflect the details submitted on drawing 4058 B which is an approved drawing pursuant to the outline planning permission. **Please refer to Appendix A.**

2.1.2 The applicant has indicated in their transport assessment that the junction of Station Road with A377 will run at under capacity and the figures identified would confirm this, however, the Highway Authority has a concern in terms of Highway Safety and forward visibility through the left turn from the A377 into Station Road onto the narrow section of the road. The Highway Authority would wish to see a highway improvement to overcome this concern. In addition when approaching the junction from the West the eye is drawn passed the junction to the highway network further to the east, in particular the junction with West Town Road and signage for the village hall/public car park. A scheme to highlight the junction should also be provided.

- 2.1.3 The Highway Authority is minded to recommend conditions on the application, but would seek an amendment to the application to allow further discussion and negotiation with third party land owners by the applicant to **facilitate the full highway scheme** and with this in mind would consider it appropriate for the access arrangements to be considered as part of the reserved matters application and withdrawn from this application. Alternatively a Grampian Style condition requiring the applicant to submit for written approval and the delivery of a highway junction improvement to the satisfaction of the Local Planning Authority could be imposed.
- 2.2 As part of preliminary design work for the junction works, representatives for the land owner and Highway Authority have established an agreeable scope of works, reflecting on land availability issues and which is different to the scheme indicated on the appendix A plan. This revised scheme is shown on drawing 4058 Rev D (**attached as Appendix B**) as attached at Appendix B. The detail on this plan shows a traffic management arrangement, a widened highway corridor, improvements to visibility splay to the east and additional signage to assist with movements onto and off the highway. As stated above the Highway Authority have confirmed that this revised scope of works is acceptable in terms of managing the impact of the development on the safety and operation of the highway network. These works will be completed as part of the delivery of the project, in addition to improvements to the pedestrian crossing facilities across the A377 that have recently been completed by DCC.
- 2.3 On this basis although a formal submission to discharge the terms of condition 10 has not been made to MDDC, taking into account the comments from the Highway Authority the scheme of works as shown on drawing 4058 Rev D, would satisfy the requirements of Condition 10 in terms of highway safety and capacity considerations.
- 2.4 A number of local residents in Newton St Cyres have contact your officers to confirm that they do not agree that a managed one way system could be acceptable to satisfy the requirements of condition 10, given that the Committee resolved to grant outline planning permission subject to the details as shown on drawing 4058 Rev B (**Appendix A**), and on the comments from Highway Authority as set out in the Committee report (copied at 2.1.2 and 2.1.3 above). Therefore it is suggested that the Committee's decision to grant planning permission would have been on the basis of a two way system being delivered at the junction and not a managed one way system. Furthermore it is alleged that no meaningful discussions have been undertaken regards securing the additional land (currently in private ownership) that would be required to deliver a two way scheme. (refer to appendix A).
- 2.5 With regards to this latter point an agent working for the developers team has advised that early discussions regards securing the additional land have taken place but have not been successful. This is because in order to release it, the current owner has been advised by his land agent that the value should be based on a share of the uplifted value of it given the scope of the planning permission and not based on a compensation level reflective of loss in value plus costs. On this basis the developer's agent advises that this approach would put the whole project at risk from a viability and delivery point of view.
- 2.6 Notwithstanding the comments as referred to at 2.4- 2.5 above, taking into account the advice of the Highway Authority, regarding the acceptability of the proposed managed one way scheme and other works shown on drawing 4058 Rev D (**Appendix B**) in highway safety and capacity terms, it is not considered by your officers that there would be any policy reasons not to support it, and or conclude that it is not development plan policy compliant (COR 9, DM25, DM14).

- 2.7 If Members agree with the officer recommendation on this issue regarding the acceptability of the managed on way system, then when the section 73a application is made to vary the conditions of the outline consent (key issue 1) then a further revision to condition 10 is recommended as set out below:
- 2.8 The first occupation of either the new school building and associated facilities or the new housing shall not take place until the off-site highway works for the provision of a junction improvement scheme, at the junction of Station Road and the A377 as shown on drawing number 4058 rev D hereby approved have been constructed and made available for use.

Contact for any more information

Simon Trafford
01884 234369

Background Papers

1401332/MOUT

File Reference

Circulation of the Report

Cllrs Richard Chesterton
Cllr Peter Hare Scott.

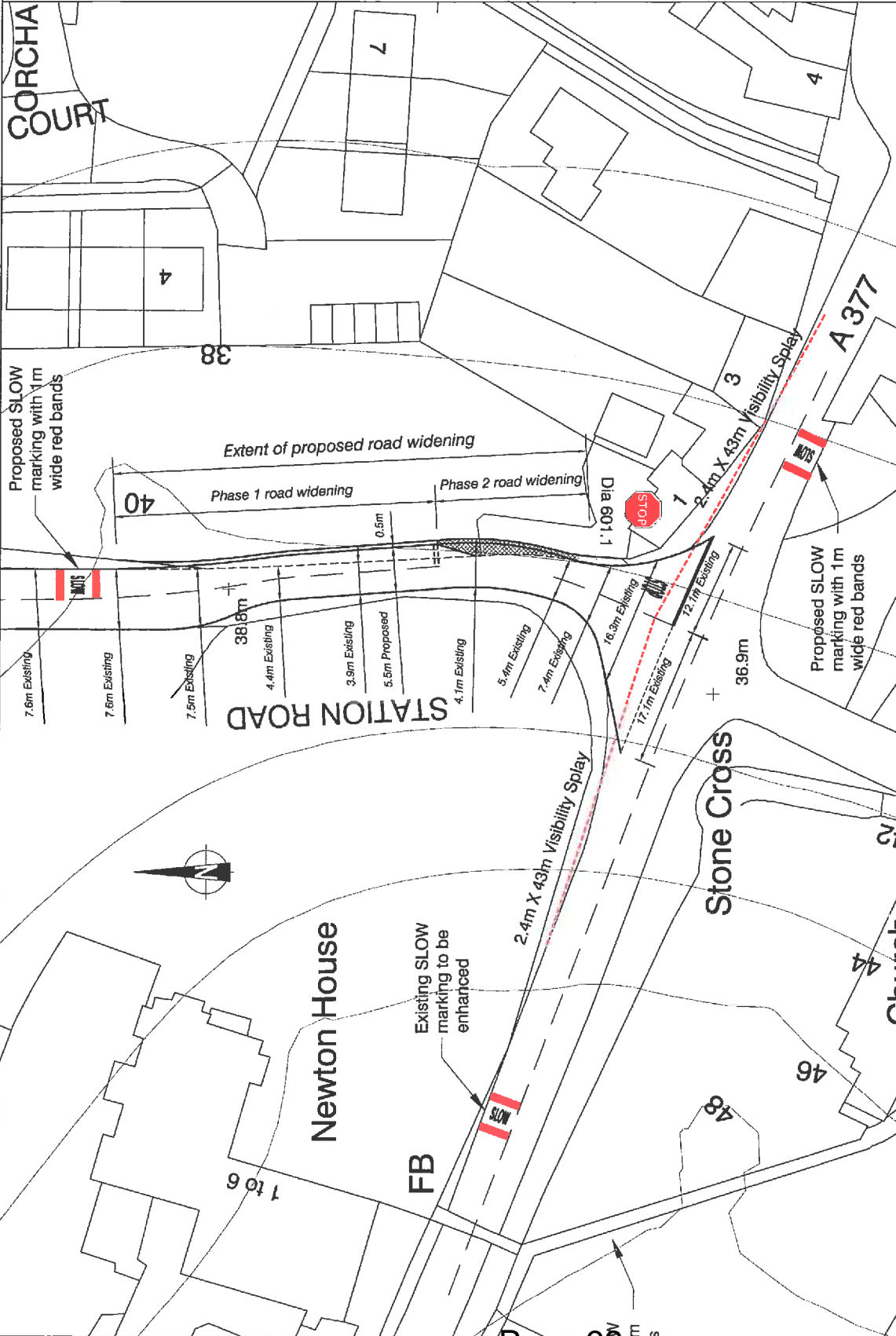
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APPENDIX A

Proposed Road Widening
Road to be widened to 5.5m with additional 0.5m hardstrip in two phases.

Phase 1
Existing embankment to be cut back and retaining wall realigned accordingly.

Phase 2
Works subject to agreement with third party. Existing retaining wall realigned to suite proposed road widening.



**NEWTON ST CYRES
STATION ROAD
A377 JUNCTION**

FIGURE 01

1st FLOOR UNIT 3 SILVERDOWN OFFICE PARK
FAIR OAK CLOSE CLYST HONITON, EXETER, EX5 2UX
TEL: 01392 363 812 FAX: 01392 363 805
Web: www.pcltransportplanning.co.uk



REVISION

REV	DATE	DETAILS
B	26.09.14	Road widening scheme
A	24.07.14	First Issue

DRAWING NUMBER
4058

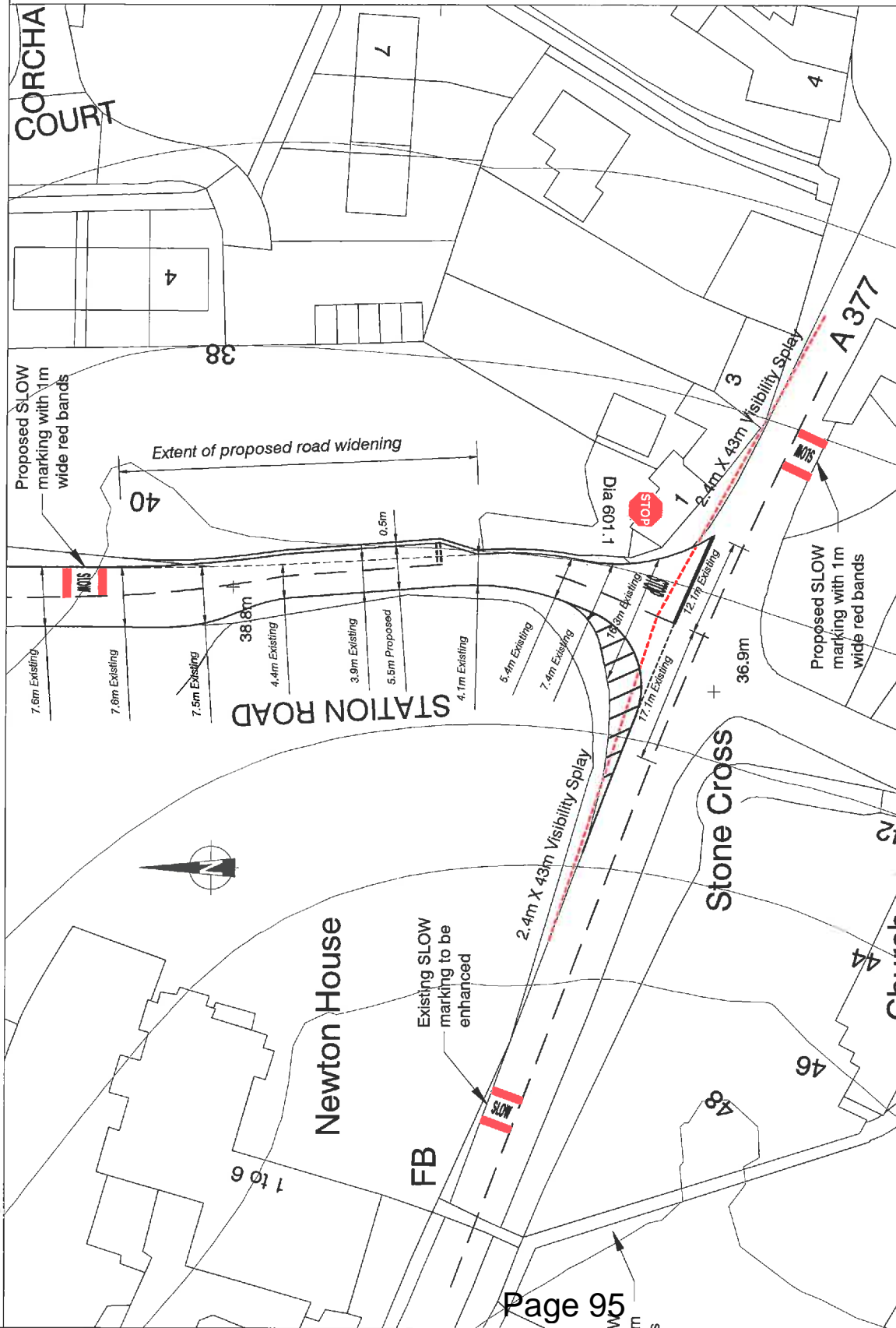
REVISION
B

Scale 1/500 @ A3

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Appendix B

Proposed Road Widening
 Road to be widened to 5.5m with additional 0.5m hardstrip.
 Existing embankment to be cut back and retaining wall realigned accordingly.



REVISION

C	16.07.15	Left hand radius reduced using white lining
B	26.09.14	Road widening scheme
D	20.01.16	Extent of Works Amended
REV	DATE	DETAILS
DRAWING NUMBER		REVISION
4058		D

**NEWTON ST CYRES
 STATION ROAD
 A377 JUNCTION**

FIGURE 01

Scale 1/500 @ A3

1st FLOOR UNIT 3 SIL VERDOWN OFFICE PARK
 FAIR OAK CLOSE, CLYST HONITON, EXETER, EX5 2UX
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Agenda Item 12

Application No. 16/00180/FULL

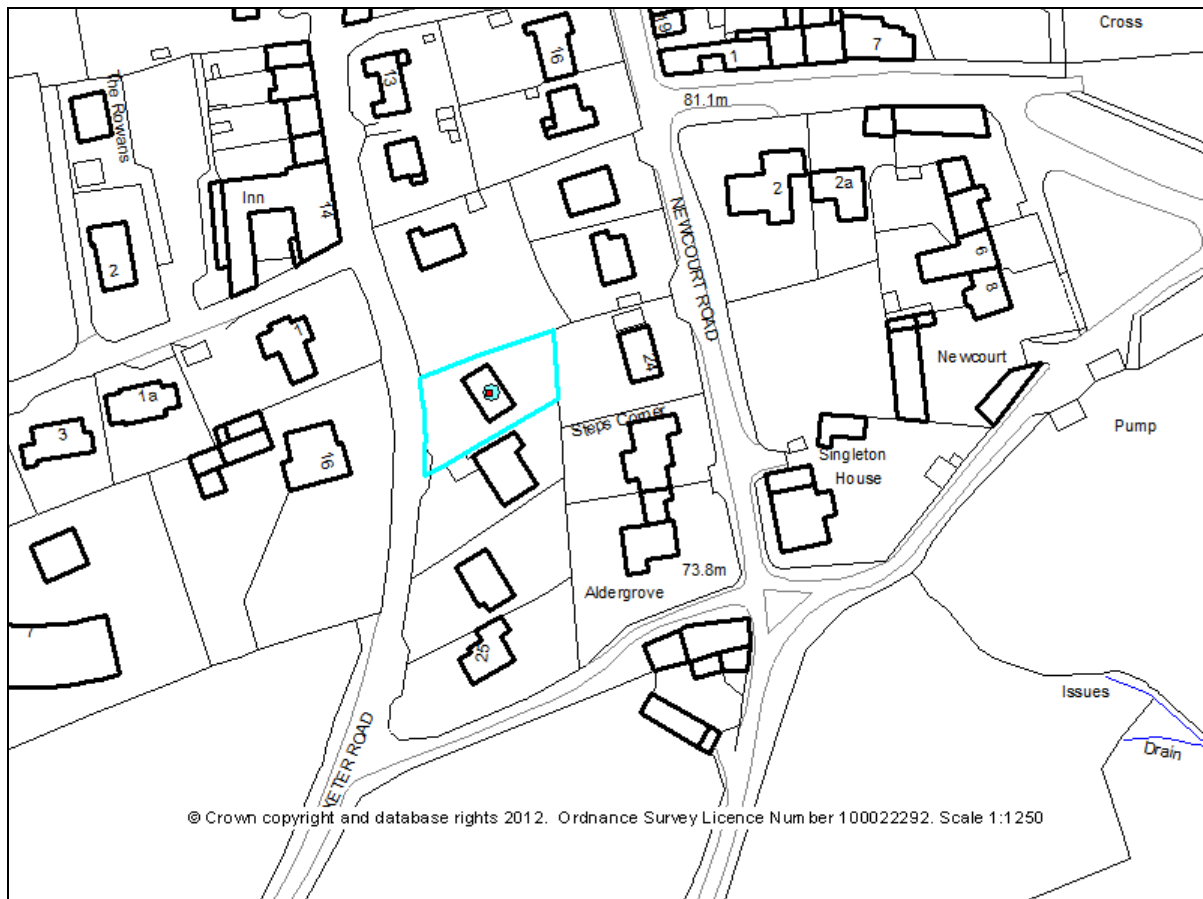
Grid Ref: 102696 : 295541

Applicant: Mr D Wright

Location: 19 Exeter Road
Silverton Exeter EX5
4HX

Proposal: Erection of 2 dwellings following demolition of existing dwelling (Revised Scheme)

Date Valid: 1st February 2016



REPORT OF THE HEAD OF PLANNING AND REGENERATION

**16/00180/FULL - ERECTION OF 2 DWELLINGS FOLLOWING
DEMOLITION OF EXISTING DWELLING (REVISED SCHEME)
- 19 EXETER ROAD SILVERTON EXETER EX5 4HX**

Reason for Report:

Members at Planning Committee on 6 July 2016 were minded to refuse planning consent contrary to Officer's recommendation. The application was therefore deferred for a further report setting out the implications of the proposed reasons for refusal. The reasons for refusal related to:

- Overdevelopment of the site.
- The development was not in keeping with the street scene.
- The impact of the development on the setting of the conservation area.
- Parking arrangements were insufficient.

RECOMMENDATION

That Members consider the revised drawings submitted 15th July 2016 for approval. If Members are minded to refuse the application as presented to Planning Committee on 6th July 2016 and the revised drawings dated 15 July 2016, it is recommended that Members refuse the application for the two reasons suggested below.

Relationship to Corporate Plan:

None.

Financial Implications:

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

Legal Implications:

None.

Risk Assessment:

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

Consultation carried out with:

1. Highway Authority
2. Silverton Parish Council
3. Environment Agency

4. MDDC Environmental Health
5. MDDC Conservation Officer

REASONS FOR REFUSAL AND IMPLICATIONS

It was resolved at Planning Committee that Members were minded to refuse the application for the following reasons:

- Overdevelopment of the site.
- That the development was not in keeping with the street scene.
- The impact of the development on the setting of the conservation area.
- Parking arrangements were insufficient.

Suggested wording for reasons for refusal

Your Officers suggest the following wording:

REFUSE for the following reasons:

- 1) *The proposal is contrary to Section 7 of the NPPF, Policy COR2 of the Adopted Core Strategy and Policies DM2 (a, c, ei, eii and eiv) and DM14(a) of the Local Plan Part 3 because by virtue of its siting, scale, massing and detailed design the proposal represents over development of the site having a detrimental impact on the character of the street scene and in the absence of any means to turn vehicles within the site would introduce additional risk to all road users of Exeter Road.*
- 2) *The proposal is contrary to Policy DM27(b) of the Local Plan Part 3 because by virtue of its siting, scale, massing and detailed design the proposal would neither preserve or enhance the character of the adjacent conservation area.*

Implications: reason for refusal 1

Your Officers identified in their report to Planning Committee on 6 July 2016 that the proposed dwellings will sit within the forward and rear building lines of the neighbouring property (No.21) and as such reflect the established (staggered) building line along Exeter Road. Revisions to the drawings as presented at Planning Committee on 6 July 2016 have reduced the overall size of the footprint of each dwelling allowing a larger gap between the proposed dwellings as well as an increase in the size of the gap between the 'South House' and No.21. This better supports the character of the street, being one of a transition from open countryside to the denser housing of the historic core. Revisions have also improved the height relationship with No 21 ensuring the ridge and eaves heights of the two proposed dwellings have been reduced to a height comparable to No. 21. The detailed design relating to the provision of two parking spaces per dwelling complies with Policy DM8. Entry / egress is provided to the satisfaction of the Highway Authority.

Members reflected on these changes yet considered the proposal overdevelopment of the site, not in keeping with the street scene and that parking arrangements were insufficient.

It is acknowledged that the introduction of two, two storey dwellings will introduce a change to the established form of development within the street. The site abuts the conservation area. The near neighbours within the conservation area have strong boundary treatments on to Exeter Road. These boundary treatments take the form of walls and/or mature planting of considerable height. As such, these properties, that tend to be two storey in height, are largely concealed from view. The remainder of Exeter Road has an open aspect – principally associated with low rise single storey properties that allow sight of the distant hills over and between the properties and relatively low boundaries along their frontage (compared with those within the conservation area). It is this part of Exeter Road that the site tends to take its reference from for its setting, form and detailed design.

Clearly, the introduction of two, two storey, properties will introduce a change to this part of Exeter Road that the proposal takes its reference from. Whilst, there are a number of neighbouring two storey properties (albeit concealed from public view) it is acknowledged that they and the neighbouring single story properties sit within relatively large plots. The introduction of two properties within the development site introduces some change to the established urban grain. However, as detailed in the report presented to Members at Planning Committee on 6th July, the proposal provides adequate internal accommodation and external amenity space, the dwellings are comparable in height to those neighbouring and reflect the established building line. An acceptable distance between the properties proposed and those neighbouring is provided and will not result in unacceptable overlooking, loss of privacy or light. Members had concern relating to the proposal not being in keeping with the street scene. As detailed above, the proposal, by nature of the existing forms of development and boundary treatments takes its reference from the single storey properties. The loss of boundary treatment to facilitate access results in a frontage that is more 'open' in character. In so doing, views of the proposed dwellings will be more visible with the perception that they maybe 'dominating'. Whilst there is sympathy for those concerned about its impact on the 'country lane ambience' and the neighbouring conservation area it's noted that there is some opportunity to introduce landscaping (including trees / shrubs on the frontage) and retention of natural stone materials within the new boundary treatments. The proposed parking arrangements are to the satisfaction of the Highway Authority.

Your Officer's weighed the harm of the proposal, in terms of overdevelopment of the site, parking arrangements and its impact on the character of the street scene against the benefits of the scheme and concluded that the balance weighed in favour of the development. Members are advised to carry out the same balancing act and consider the impact of the proposal on the character of the wider street scene and highway safety.

Implications: reason for refusal 2

The Officer report made reference to the site's close proximity to the conservation area. Whilst sympathy was expressed in the report for the 'country lane ambience' and the impact of the proposal on the adjacent conservation area, it was considered that on balance the proposal was acceptable. An element of enclosure to the street would be retained on the frontage, provided by the retaining walls to the front gardens. Early discussions also indicated an intention to retain the existing natural stone on the front boundary for reuse in boundary walls. The Conservation Officer expressed concern relating to loss of enclosure and likely dominating impact of the dwellings on the street and conservation area.

Members reflected on the impact of the proposal on the conservation area and the comments received from the Conservation Officer and considered the proposal by virtue of its siting, scale, massing and detailed design harmful to the character of the adjacent conservation area. As detailed above, the site abuts the conservation area whose property boundaries provide a strong sense of enclosure on to Exeter Road. The proposal will introduce a relatively open frontage in contrast to that of the conservation area, where properties are largely concealed behind boundary walls and mature hedgerows. This in turn makes the design, height and change in urban grain more apparent.

However, for the reasons detailed in the Reasons for Refusal 1, namely the established building lines, reduced footprint, increased gaps between buildings and reduction in the height of the proposed dwellings and the potential to introduce some planting within the front gardens, the Planning Officer weighed in favour of development. Members are advised to carry out the same detailed consideration.

Judgment

The proposed siting, scale, massing and detailed design provided in the application detailed at Planning Committee on 6 July 2016 could, if minded by the Committee, form reasons for refusal as set out above.

Revised Drawings

It is drawn to Members attention that revised drawings have been submitted (dated 15 July 2016) in an effort by the applicant to respond to the concerns raised by Members at Planning Committee. Officer's feel it is their duty to draw Members attention to these revised drawings.

The design of the dwellings, their elevations and floorplans remain unaltered in these revised drawings. However, the dwellings have been pushed back into the plot (away from the road) by approx. 0.9m for South House and 1.2m for North House. Sufficient garden area to the rear to facilitate family sized accommodation is retained. The access and parking arrangements to the front has been revised to allow for a narrower, centrally positioned access off the road with stone and earth bank along the remaining road frontage on either side. The 2 parking spaces per dwelling are re-orientated with room to turn on site.

An analysis of these revised drawings indicates improved enclosure to the street with the introduction of the stone and earth bank between 900mm and 1.5m in height. The reorientation of the parking spaces with shared turning area facilitates landscaping that further enhances the sense of enclosure to the benefit of the overall scheme. Setting the properties back within the plot goes some way to minimise Member concerns related to the properties dominating the street scene. The retention of the staggered building line reflects that established in the street scene. The 'South House' continues to sit within the forward and rear building lines of No.21. This minimises any adverse impact of the proposal on the quality of amenity currently enjoyed by No.21. Setting the North House back within the plot by an additional 1.2m maintains sufficient separation distance from the dwellings to the rear. The introduction of brick onto the front elevation softens the overall design. Brick is not a prevalent material in this part of Silverton – although is present elsewhere within the village.

Following receipt of the revised drawings, a period of consultation has been undertaken on them. The following responses have been received:

Consultations of the Revised Drawings

Highway Authority: 8th August 2016 - No Objections. Standing advice applies please see Devon County Council document <http://www.devon.gov.uk/highways-standingadvice.pdf>

MDDC Conservation: My previous comments expressed concerns about the boundary treatment and removal of the low hedge bank to create an open frontage with a tarmac hard surface. The new design shows the retention of the boundary to a great extent – this does therefore improve the scheme and how it relates to the road. Negative visual impacts when approaching the village are much reduced because the sense of enclosure is retained.

The houses have also been pushed very slightly further back into the plot (1m) to create the front car parking arrangement. This will very slightly reduce the impact of the gable front design however there will still be a distinctly busier and denser development appearance to the plot.

The impact on Orchard Jeffreys remains the same as in my previous comments.

Whereas my previous recommendation was for refusal based on harm to the setting of the conservation area, this scheme is less harmful. I remain unconvinced that the conservation area's setting is being 'preserved or enhanced' but I think that a refusal based on less than substantial harm to heritage assets would now be much harder to sustain at appeal.

Representations on the Revised Drawings

7 letters of objection have been received, the main points relating:

- to overdevelopment of the site;
- a design that is not in keeping with this part of the village;
- the proposed dwellings are too high and will dominate;
- loss of hedgebank / means of enclosure to the street;
- negative impact on the setting of the conservation area and street scene;
- loss of privacy to properties on Newcourt Road;
- poor internal accommodation;
- moving the North House 1.2m and the South House 0.9m has an insignificant impact on overcoming the impact on the street scene;
- the slight adjustment detailed in the revised drawings does not overcome the reasons for objection previously expressed.
- Acceptance of the revised drawings is contrary to the Planning Committee Resolution.

2 letters of support have also been received. The main points relating to:

- development of a pre-existing site is preferable than greenfield; and
- the proposal represents well considered family dwellings that serve a housing need in this location.

Judgement on the Revised Drawings

Significantly, the change to the access and parking arrangements has satisfied concerns relating to the ability to leave the site in a forwards direction whilst also allowing an improved sense of enclosure to Exeter Road through the introduction of an extended boundary treatment. Setting the properties further back into the plot provides marginal improvement in terms of the properties dominating the street scene. It is your Officers recommendation that the revised drawings improve the overall scheme. Further, the Conservation Officer now considers a refusal based on less than substantial harm to the heritage asset would be much harder to sustain at appeal with the revisions. Should Members feel satisfied that the more recent revisions to the drawings (submitted 15 July 2018) overcome their concerns then it is advised that the application should be approved with conditions as previously detailed in the report dated 6 July 2016.

Contact for any more information

Christie McCombe 01884 234277

File Reference

16/00180/FULL

Circulation of the Report

Cllrs Richard Chesterton
Members of Planning Committee

Application No. 16/00180/FULL

Plans List No. 1

Grid Ref: 295541 : 102696

Applicant: Mr D Wright

Location: 19 Exeter Road
Silverton Exeter EX5
4HX

Proposal: Erection of 2
dwellings following
demolition of existing
dwelling (Revised
Scheme)

Date Valid: 1st February 2016



Application No. 16/00180/FULL

RECOMMENDATION

Subject to the provision of a Section 106 Agreement to secure a financial contribution of £1,442 towards off site public open space provision grant permission.

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

To consider:

1. The adverse impact on neighbours and overdevelopment of the plot.
2. If the design is inappropriate given the existing street scene.
3. Highway issues given the narrow road, lack of parking in this area and the village as a whole.

PROPOSED DEVELOPMENT

Planning consent is sought for the erection of 2 dwellings following the demolition of an existing bungalow. This application represents a revised scheme following the withdrawal of an application in December 2015 following Officer concerns relating to over development of the site. Pre-application advice had been received prior to the submission of that application indicating that 'it (was) likely that the demolition of the existing bungalow including the construction of two new dwellings on the site (could) be supported'. That Officer advice made specific reference to the neighbouring conservation area and the need to reduce any negative impact on it and neighbouring properties.

The existing bungalow is constructed using panelled render/concrete, with brown roof tiles and UPVC fenestration. The site abuts the Silverton conservation area to the west, and includes off-street parking in the form of a driveway. The application is within the settlement boundary of Silverton. Whilst the surrounding land is not significantly undulating, the dwellings to the east are built on a significantly lower ground level. The site is within flood zone one, and the proposal is unlikely to affect a listed building.

APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement: outlining the detailed design and layout of the proposed including background information and policy support.

PLANNING HISTORY

99/02798/FULL Erection of conservatory on front of property - PERMIT

15/01691/FULL Erection of 2 dwellings after demolition of existing dwelling and alteration to existing access - WDN

16/00180/FULL Erection of 2 dwellings following demolition of existing dwelling (Revised Scheme) - PCO

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR1 - Sustainable Communities

COR2 - Local Distinctiveness

COR9 - Access

COR17 - Villages

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

AL/IN/3 - Public Open Space

Mid Devon Local Plan Part 3 (Development Management Policies)

DM1 - Presumption in favour of sustainable development

DM2 - High quality design

DM3 - Sustainable design

DM8 - Parking

DM14 - Design of housing

DM15 - Dwelling sizes

CONSULTATIONS

HIGHWAY AUTHORITY - 10th February 2016 - Standing advice applies please see Devon County Council document <http://www.devon.gov.uk/highways-standingadvice.pdf>

SILVERTON PARISH COUNCIL - 4th April 2016

The Parish Council has carried out a site visit relating to the above application and would recommend refusal of the above application on the grounds of overdevelopment of the site and it is felt the proposed development is not in keeping with the surrounding area.

The Parish Council would also ask that, prior to the District Council making a decision on the application, that the Applicant be asked to provide a Wildlife Survey in relation to the pond.

ENVIRONMENTAL HEALTH - 16th February 2016

Contaminated Land - The proposed development will involve the demolition of existing premises or structures, which may contain hazardous liquid or solid materials (including asbestos). Therefore, the following condition is recommended if permission is granted

Demolition should be carried out in such a manner as to minimise the potential for airborne nuisance, additional land contamination and/or the creation of additional contamination pathways either on the site or at adjacent properties/other sensitive receptors.

Prior to demolition commencing, a works plan and risk assessment shall be submitted for approval to the Local Planning Authority for consultation with Environmental Health Services. This plan and assessment should identify and risk-assess any potential hazardous material in above or below ground structures that will be removed or disturbed during demolition and measures to deal with these safely. All potential hazardous materials should be assessed.

Reason: In the interests of public health and protection of the environment.

Air Quality - no objections to this proposal

Environmental Permitting - N/A

Drainage - no objections to this proposal

Noise & other nuisances - recommend approval with conditions:

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

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

Housing Standards - no objections 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 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

At the time of writing the report, 9 objections have been received relating to the initial drawings submitted.

The main points raised are summarised below:

- Out of character with area, too large and too high;
- Two dwellings on the plot represents over development;
- Scale and character out of keeping while loss of hedgebank takes away the country lane ambience;
- Poor provision of outdoor amenity space;
- Too close to the boundary of neighbouring properties;
- Loss of privacy;
- Represents 'garden grabbing';
- No topographical survey provided, floor levels have been raised;
- Footprint is substantially greater than the existing dwelling;
- Garages should be restricted for use as parking only;
- Does not acknowledge neighbouring Conservation Area and listed buildings;
- Traffic reversing on to Exeter Road is a hazard;
- Too close to existing properties;
- Pre application comments provided by the Planning Officer have not been addressed.
- An wildlife report relating to the pond should be undertaken

Following the submission of revised drawings, 4 objections received. The main points being:

- All previous comments remain relevant;
- The south house is set off the boundary with No. 21 but the north house is almost touching the boundary;
- Internal circulation is improved but the two bedrooms are cramped;
- Rounded corners soften the outline;
- Parking provision has been reduced (3 to 2) and will result in additional on street parking;
- Loss of historic wall.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main determining factors in this application are:

1) Policy

The NPPF states that full weight may be given to relevant policies adopted since 2004 (and in accordance with the Planning and Compulsory Purchase Act 2004) even if there is a limited degree of conflict with the NPPF.

The policies detailed in the following paragraphs have all been adopted since 2004. In relation to this proposal, the Development Plan has limited conflict with the NPPF and full weight is given to the relevant policies produced by Mid Devon District Council.

The site is located within the settlement limit of Silverton where policies COR1 and COR17 seek to encourage development in locations which are sustainable. The principle of developing the site for more than one dwelling (as existing) is in accordance with requirements of policy COR17. The existing bungalow is of no special architectural merit and is vacant. The site, on inspection, was rather overgrown but not to an extent to warrant a Wildlife Survey. The demolition of the bungalow will not in itself have an adverse impact on the character or appearance of Exeter Road. The site is not in a conservation area, although it is located adjacent to it.

2) Detailed Design and Layout

Parking

The proposed two storey, 3 bedroom, detached houses, are designed as a mirror image of one another. Following an Officer recommendation, the integral garages have been removed but with two parking spaces to the front of each dwelling retained.

Concern has been raised that the loss of garaging (a previously proposed) will result in on-street parking causing a hazard to users. Policy DM8 requires two spaces per property and the proposal meets this requirement. The visibility splay allows for ease of entry / egress to the satisfaction of the Highway Authority. More recent concerns received relating to the very recent removal of the hedgerow on the frontage of the property are noted. However, a site inspection indicates that the existing boundary / stone wall adjacent to the road has been retained and that the removal of the hedgerow is clearance of the over grown front garden. Whilst there is sympathy for those concerned about its impact on the 'country lane ambience' and the neighbouring conservation area, planning / hedgerow removal consent would not have been required. Early discussions regarding the scheme with the Officer have indicated an intention for the retention of the stone wall and any removed stone would be retained and reinstated to define the new visibility splay should planning consent be forthcoming.

The drive will be surfaced with porous tarmac to prevent the discharge of surface water on to the highway. The surface material will provide an aesthetically acceptable appearance. As such, the application is in accordance with the requirements of policies DM2 and DM8 Local Plan Part 3 (Development Management Policies).

3) Layout

All development must seek to include high quality design (NPPF, Chapter 7) which respects the character in which it is located. This is supported by policies DM1, DM2, and DM3 of the Local Plan Part 3 which seeks high quality sustainable design and DM14 (design of housing). Policy DM15 provides a policy basis upon which the National Technical (Internal Space) Guidelines can be applied.

The proposed dwellings reflect the established building line along Exeter Road. They will be set further forward than the existing bungalow, but staggered. Their depth ensure that they sit within the forward and rear building lines of the neighbouring property to the south (No.21). Although the footprint of the properties do not match the staggered building line of those on Exeter Road exactly, they reflect it to the satisfaction of the Planning Authority. Since the dwellings reflect the existing building line they have no detrimental impact on the street scene in this regard. Although the street scene will be changed as a result of demolition of the existing dwelling and the erection of the 2 proposed dwellings, this change is not considered to detriment or to justify refusal. Both of the dwellings have reasonable sized rear gardens with adequate space and access for the storage of refuse/recycling bins and cycle storage to suit family accommodation.

The proposed dwellings will come closer to the northern and southern boundaries of the site than the existing bungalow. As such, the 'south house' will be between 2.2m and 3.4m from the nearest dwelling (No. 21). The revised drawings have removed the internal garage allowing the overall width of each house to be reduced by 450mm. This allowed for a larger gap between each building, an increase of approx. 900mm. This also allowed a little flexibility such that the gap between the 'south house' and No. 21 (measured from the mid point on the south house elevation) is now 2.9m (an increase of 1050mm) from the original submission. It is acknowledged that the proposed dwellings will be within relatively close proximity to one another (1.2m) but is sufficient for access to the rear of the property.

The proposed properties have a separation distance of 22m from the dwellings to the rear. The first floor windows on the rear elevation of each property are limited to one bedroom window (Bedroom 1) and to two velux roof lights (Bedroom 2). It is considered that the development will not result in unacceptable overlooking or loss of privacy to the neighbouring properties.

Side windows on each of the dwellings serve en-suite / ground floor wcs. While the en-suite windows

are very small it is not considered unreasonable to condition them to ensure they are fixed and obscure glazed. With the provision of obscure glazing to the en-suite bathrooms and the development of the houses in accordance with the approved plans, it is considered that the dwellings will not have an unacceptably adverse impact on the amenity of the occupiers of neighbouring properties in accordance with the requirements of policy DM2 of Local Plan Part 3 (Development Management Policies).

Revisions to the drawings have sought to improve the height relationship with No.21. Ground works have ensured that both dwellings sit lower in the site - removing the need for the stepped access into the properties thus helping to meet requirement M1 of the Building Regulations 2010. Further, the ridge line and eaves heights of the two dwellings have been reduced to a height comparable to No. 21. Topographically the dwellings sit more comfortably within the site and will not be overbearing on the surrounding properties nor when viewed from the street within the wider site context.

While the dwellings will be higher than the existing bungalow, their siting within the forward and rear building lines of No.21 and the separation distance from the properties to the rear ensure the development will not result in a significant loss of light to either the neighbouring properties or their gardens.

The external materials will sit comfortably alongside the mix of materials currently used on properties in Exeter Road. There are multiple architectural styles evident along the road and while it is not considered necessary to match styles and materials, the contemporary design and choice of materials complements the existing properties in the road. As such the proposal sits comfortably next to the Conservation Area and neighbouring Listed Building. The development is in accordance with policy DM14 Local Plan Part 3.

Policy DM15 provides a policy basis upon which the National Technical (Internal Space) Guidelines can be applied. The Internal Space Guidelines seek to provide dwellings with suitably sized rooms and overall floorspace with adequate storage and movement within the building. Within a 2 storey (3 bed 5 person) property, a minimum floorspace of 93sqm is required. Each of the two properties provide in excess of this (approx. 125 sqm). For the reasons outlined above the proposal is not considered to be out of character with the area. Revisions to the drawings provide a scheme reduced in height, scale and massing. Distances between neighbouring properties have been eased and each property provides adequate internal and external amenity standards. As such, the proposal is not considered over development of the site.

4) Drainage

Foul sewage is to be connected to the main sewer. Permeable surface materials on the drive assist in the appropriate disposal of surface water.

5) Public Open Space

Mid Devon adopted policy requires that all new dwellings are subject to the necessary infrastructure payments relating to POS.

Should planning consent be forthcoming the applicant will be required to pay a financial contribution of £1442.00 towards off site public open space and play area provision at School Lane War Memorial, Silverton in accordance with the requirements of policy AL/IN/3 of the Allocations and Infrastructure Development Plan Document (Local Plan Part 2) and the SPD Funding Public Open Space through development.

At the time of writing this report the contribution has not been received. Should planning consent be forthcoming, consent will only be issued on receipt of the POS payment.

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. Prior to the occupation of either dwelling hereby approved, the first floor en suite bathroom window shall be glazed with translucent glass and be fixed so to be non-opening. Once provided the translucent non-opening glazing shall be so retained.
4. 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. These works shall be carried out in accordance with the approved details and be so retained.
5. Notwithstanding the provisions of Article 3 of The Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) Amendment (No.2) Order 2008 (or any Order revoking and re-enacting that Order with or without modification) no development of the types referred to in Classes B, C of Part 1 of Schedule 2, relating to the enlargement of a dwelling consisting of an addition or alteration to its roof, shall be undertaken within the application site without the Local Planning Authority first granting planning permission.
6. Notwithstanding the provisions of Article 3 of The Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) Amendment (No.2) Order 2008 (or any Order revoking and re-enacting that Order with or without modification) no new windows or doors shall be installed in the north facing elevation of the dwelling on the northern part of the site, or in the south facing elevation of the dwelling on the southern part of the site, without the Local Planning Authority first having granted planning permission.
7. No work shall be carried out on the site on any Sunday, Christmas Day or Bank Holiday or other than between the hours of 0730 and 1900 hours on Monday to Fridays and 0730 and 1300 on Saturdays.
8. Details of the boundary treatments including walls and fences and their materials shall be submitted to, and approved in writing by, the Local Planning Authority. Installation shall be in accordance with the approved details and shall be so retained.
9. Prior to the use of any above ground materials first being used on site, details/samples of the materials (including colour of render, brick, stone, mortar and paintwork) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details/samples and be so retained.

REASONS FOR CONDITIONS

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

3. To safeguard the privacy of the future residents of the properties and existing residents to No. 21 Exeter Road in accordance with Policy DM2 of the Local Plan Part 3: (Development Management Policies).
4. To safeguard the character and amenities of the area in accordance with Policy DM2 of the Local Plan Part 3: (Development Management Policies).
5. To ensure the use of materials and detailing appropriate to the development in order to safeguard the visual amenities of the area in accordance with Policy COR2 of the Mid Devon Core Strategy (Local Plan Part 1) and Policy DM2 of the Local Plan Part 3: (Development Management Policies).
6. To safeguard the residential amenities of neighbouring residents in accordance with Policy DM2 of the Local Plan Part 3: (Development Management Policies).
7. To safeguard the residential amenity of neighbouring residents during the construction period in accordance with Policy DM2 of the Local Plan Part 3: (Development Management Policies).
8. To ensure the details are appropriate to the development in order to safeguard the visual amenities of the area in accordance with Policy COR2 of the Mid Devon Core Strategy (Local Plan Part 1) and Policy DM2 of the Local Plan Part 3 (Development Management Policies).
9. To ensure the use of materials are appropriate to the development/works in order to safeguard the visual amenity of the area in accordance with Policy COR2 of the Mid Devon Core Strategy (Local Plan Part 1) and Policy DM2 of the Local Plan Part 3 (Development Management Policies).

INFORMATIVE NOTE

1. Survey Information on the existing dwelling's structure
There is a lack of information e.g. structural survey. You are advised that there is a foreseeable risk of asbestos being present in these types of structure. A Refurbishment and Demolition Survey following HSG264 available at 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.

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The demolition of the bungalow and erection of two dwellings is in accordance with Policy COR17 of the Mid Devon Core Strategy (Local Plan Part 1) as the site is within the defined settlement limit of Silverton. The dwellings will not have a detrimental impact on the street scene and neither will they have an overbearing impact on the amenity of the occupiers of neighbouring properties in accordance with Policy COR2 of the Mid Devon Core Strategy (Local Plan Part 1) and Policy DM2 of the Local Plan Part 3 (Development Management Policies). The design will sit comfortably alongside existing properties in Exeter Road and both dwellings have reasonable sized gardens and parking provision. The size of the dwellings are in accordance with national policy guidance. The development is in accordance with Policies COR2, COR9 and COR17 Mid Devon Core Strategy (Local Plan Part 1) and Policies DM2, DM8 and DM14 of the Local Plan Part 3 (Development Management Policies). A financial contribution has been secured towards the off site provision of public open space in accordance with Policy AL/IN/3 of the Allocations and Infrastructure Development Plan Document (Local Plan Part 2).

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Application No. 16/00465/OUT

PLANNING WORKING GROUP – 16 August 2016

Application 16//00465/OUT - 4 dwellings – site adjacent to Bickleigh Church, Bickleigh

There were 7 members of Planning Working Group present.

Also present – the applicant, one objector, a representative of the Parish Council and the Ward Member

The Chairman indicated that the Planning Working Group had been requested to visit the site to consider the relationship between the development and its historic context including the Conservation Area, the sustainability of the site and the loss of hedgerow and the impact on local ecology

The Case Officer outlined the plans for the proposed development highlighting the location of the proposed cottages, the proposed parking and public open space, the level of the site and the fact that the proposed building would be dug into the site to reduce the height and the impact on neighbouring properties. He identified the Grade II* listed church and the listed cottages and their relationship to the site. The group of 7 trees identified at the committee meeting were highlighted, he explained that the trees would need to be removed because of the impact on the 4th property, however the application proposed mitigation plans in lieu of their removal.

The Applicant addressed the Group outlining the history of the site and previous proposals he had made, he felt that the revised scheme was now appropriate for the site and that there was a need for such development in the village; it would make good use of unused land.

The Objector raised concern regarding the loss of the tress which she felt were prominent from not only parts of the village, but from Bickleigh Castle and the Crediton Road. She felt that the proposed development would have a big impact on the village and that the site was very visible. She voiced concerns regarding the wildlife that inhabited the site, the development would impact on the conservation area and there could be an issue of light pollution.

A representative from the Parish Council outlined the history of the site and the fact that the village had always wanted to buy the land to make it into a village green. He explained that through the Local Plan process, the land had been put forward for green space. Little consultation had taken place with regard to what the villagers would like on the site and the land was valued by the community.

The Ward Member questioned the reduction in levels of the site to accommodate the development and the height of the roofline in relation to the listed cottages.

The Group walked to various places in the vicinity of the development site: the proposed access, the church yard, outside the listed cottages and through the footpath to the lower side of the village.

Consideration was given to:

- The removal of the tress and the hedgerow
- The view from the castle (the case officer to clarify the distance from the site to the castle)
- Possible screening of the site
- Whether the visibility splay could be reduced therefore limiting the impact on the hedgerow (the Case Officer to check with DCC Highways)
- Parking issues, specifically with regard to the school
- The vegetation between the church yard and the site
- The views of the Conservation Officer

- The possible loss of a view from the listed cottages
- The bungalow would be shielded by vegetation – which would be retained
- The trees on the site that would be retained

The Group agreed that they would voice their views regarding the application at the next meeting of the Planning Committee.

RECOMMENDATION

Grant permission subject to conditions.

CLLR R DEED HAS REQUESTED THAT THIS APPLICATION BE DETERMINED BY THE PLANNING COMMITTEE FOR THE FOLLOWING REASON:

To consider the impact on the historic environment given the proposal's location within Bickleigh Conservation Area and proximity to a number of listed buildings.

PROPOSED DEVELOPMENT

Outline for the erection of 4 dwellings (Revised Scheme)

This application proposes the construction of 4 dwellings on a site in the village of Bickleigh. The site currently comprises tin sheds which adjoin the eastern boundary which would be demolished; the remainder of the site has no buildings. The dwellings are proposed as two pairs of semi-detached properties in the eastern part of the site with gardens to rear and eight parking spaces to the front. The remainder of the site is proposed as public open space. The site lies within the Bickleigh Conservation Area and a number of listed buildings surround the site including the grade II* Church of St. Mary to the north east. This is an outline application which considers access, appearance, layout and scale; landscaping is the only reserved matter for later determination.

APPLICANT'S SUPPORTING INFORMATION

Overview to application and planning statement

Design and Access Statement

Heritage Statement

Ecology Report

Transport technical note

Letter to Mid Devon District Council re proposed designation as Heritage Asset and Local Green Space

Results of an Archaeological Trial Trench Evaluation

PLANNING HISTORY

84/01244/FULL Erection of garage - PERMIT – September 1984

02/00366/OTHER Conservation Area Consent for the demolition of garages - Deemed Withdrawn - October 2002

05/02060/FULL Erection of 2 no. dwellings with detached garages, alteration of existing vehicular access, and formation of new vehicular access - Withdrawn – November 2005

07/00166/CAT Notification of intention to fell 1 Eucalyptus and 1 Ash tree within a conservation area - PERMIT – March 2007

12/01684/OUT Outline for the erection of 4 dwellings and associated access and communal parking Withdrawn – January 2013

15/00109/OUT Outline for the erection of 4 dwellings and associated access and communal parking (Revised Scheme) - REFUSED – March 2015

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR2 - Local Distinctiveness
COR3 - Meeting Housing Needs
COR11 - Flooding
COR18 - Countryside

Mid Devon Local Plan Part 3 (Development Management Policies)

DM1 - Presumption in favour of sustainable development
DM2 - High quality design
DM14 - Design of housing
DM15 - Dwelling sizes
DM27 - Development affecting heritage assets
DM26 - Protection of recreational land and buildings

CONSULTATIONS

HIGHWAY AUTHORITY - 15th June 2016

Thank you for the recent amended plans notification.

The Highway Authority conditions still remain. However, the pedestrian access from the development to the public highway Opposite Thatches will also require a visibility splay of similar distances along the road therefore a splay measuring 1.5m back along the centre of the footpath and extending to a point 25m either side with no obstruction greater than 600mm should be provided in a similar manor to that of the access visibility.

HIGHWAY AUTHORITY - 11th April 2016

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

1. Visibility splays shall be provided, laid out and maintained for that purpose at the site access where the visibility splays provide intervisibility between any points on the X and Y axes at a height of 0.60 metres above the adjacent) carriageway/drive level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be 2.40 metres and the visibility distances along the nearer edge of the carriageway of the public highway (identified as Y) shall be 25.00 metres in both directions.

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

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

REASON: To prevent mud and other debris being carried onto the public highway 3. In accordance with details that shall previously have been submitted to, and approved by, the Local Planning Authority, provision shall be made within the site for the disposal

of surface water so that none drains on to any County Highway.

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

4. 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, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am

to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;

(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

(l) The proposed route of all construction traffic exceeding 7.5 tonnes.

(m) Details of the amount and location of construction worker parking.

(n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;

ENVIRONMENTAL HEALTH - 18th April 2016

Contaminated Land - no objections to this proposal

Air Quality - no objections to this proposal

Environmental Permitting - N/A

Drainage - no objections to this proposal

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

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

Housing Standards - no objections to this proposal

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, 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.

If mains water is to be used in connection with this proposal, I would have no comment.

Health and Safety - No objections to this proposal enforced by HSE

BICKLEIGH PARISH COUNCIL - 28th June 2016

We refer to your letter of the 14 June 2016 in connection with the above application which this Parish Council remains strongly opposed to.

Firstly, we refer to the new sections:- The E-W section on drawing no.1429/PL/06C, drawn as it is, gives a false impression of the relationship between the proposed 'new' buildings and the existing surrounding buildings. Both the Yew tree and the Church Tower appear to have been drawn disproportionately high. The tree is shown as some 18m tall but is nowhere near that height in reality. Similarly, the Church Tower is shown as approximately 25m high whereas in fact it actually measures 19.3m. The N-S section on drawing no. 1429/PL/01C is similarly misleading as not only are the heights incorrect as above but they have also been shown in the same plane as the cross section which gives an incorrect impression of perspective. These drawings give a totally misleading impression of what is an intrusive development right in the centre of this conservation area.

Secondly, we refer to the Highways Officers requirements:- He states that a visibility splay of 25m in both directions at a height 0.60m above the carriageway at each entrance to the site is required. At the North entrance, where the access road meets the highway, this is not possible to the east as it would encroach into land belonging to another property and to the west it would destroy a substantial proportion of the ancient hedgerow. Likewise with the entrance to the newly added footpath where it meets the highway on the western boundary. To the south the splay again encroaches into another property and to the north it would destroy most of the bank back to the road junction and in this respect we would again draw your attention to the fact that this is a conservation area. There is also no mention of the taking on of the responsibility of keeping the 'visibility' section of hedgerow cut to 0.60m in height.

Thirdly, we wish to raise strong objection to the inclusion of this new footpath across the site. There is a perfectly adequate existing footpath just a few metres away. This addition is neither required nor wanted and we refer you to the previous paragraph with regard to the damage its installation would cause. In a practical sense, the proposed footpath is ineffective, with a number of steps at the western end which would present difficulties to both parents with pushchairs and people with mobility issues. Fourthly, could we please have clarification as to the meaning of the term on the drawings where it is stated that the existing historic footpath should be "restored". With regard to the Government's drive to more local democracy, we would again draw your attention to the fact that all the letters of objection are from parishioners, in other words, local people, whereas the letters of support, apart from the fact that many seem to bear the same surname, are from outside of the parish - Collumpton, Tiverton, Cadeleigh, Bradninch, Bolham, Calverly, Thorverton, Lapford, Puddington, Exeter, Nr. South Molton, and even as far afield as Bournemouth. Hardly 'local' representation. Not one letter of support actually from Bickleigh Parish. We understand that the Church representatives have stated that so far as they are concerned, the offer of 'parking spaces' for 'Church use' is a non-starter and would also draw your attention to the fact that no plans have been put in place to cover the maintenance of the 'Public' areas of the site, post completion. The PC have already stated that they will not become involved, so it imperative that such a scheme be included along with the necessary funding, preferably by means of some form of Trust, to cover its future costs. So far as we are able to ascertain, no Conservation Area Appraisal has been carried out for Bickleigh Parish since 1984. Our Local History Group are carrying out just such an exercise along the lines of MDDC's recent appraisal for Thorverton Parish. This will be forwarded to you under separate cover.

BICKLEIGH PARISH COUNCIL - 9th May 2016

Please note that this Parish Council unanimously object strongly to this proposal and recommend in no uncertain terms that it be refused. Apart from the handing of the two pairs of dwellings, this application is identical to the previous application and as far as the planning criteria are concerned, apart from the site being - for the time being - removed from the Heritage Asset list, little has changed from MDDC's refusal of the previous application in 2015. Our decision is reached on the following grounds:-

1. The development does not accord with the requirements of the National Planning Policy Framework, also MDDC's Devon Structure Plan 2001-2016, the Adopted Mid Devon Local Plan, Mid Devon Core Strategy (Local Plan) and particularly, the Mid Devon Local Plan Part 3 (Development Management Policies) - DM27 - Development affecting Heritage Assets - to this Parish, the site is a Heritage Asset.

2. Creation of additional traffic movements on narrow Village roads and all that this entails, bearing in mind that at various times of the day, because there is a Primary school in the village, one finds young school children milling around.

3. There is already a problem with run-off from the west - or lower - side of this site in periods of rain. Laying tarmac or concrete over a substantial area will only serve to exacerbate the problem and increase the possibility of surplus surface rainwater ingress to the vulnerable listed properties opposite. Provision of soakaways would only help alleviate this for a relatively short period of time.

4. This site is within a conservation area and the historic core of the village.

5. This site, is a registered green space because of its historical importance to the Village - it could be the site of the then Saxon manor house and then for many years, agricultural land and subsequently residential. It has never been used for any type of commercial or industrial purposes. It is not a brownfield site.

6. Presumably the two smaller houses are supposed to be 'affordable houses' whilst they may be slightly cheaper, they could not be classified as affordable to first time buyers, simply because Bickleigh, because of it's still relatively unspoilt character is a sought after area and commands premium prices.

7. From the point of view that there is a reasonably constant availability of properties for rent or purchase there is little requirement for further development. As it happens there are currently three properties for sale in the village which have been on the market for quite some time.

8. There is a significant degree of local opposition to any development of this site on the basis that it would have a detrimental effect upon the character of what is the old centre of the village and the surrounding plethora of listed properties including the Church... In this respect particularly, there are few villages left in this county that have not been spoilt and indeed had the heart ripped out of them by what, certainly in hindsight, is totally inappropriate development.

Bickleigh is still one village that is reasonably still in tact. One has, over time, gleaned from comments made by a substantial numbers of visitors that this is the one thing that particularly attracts them to the area and it is primarily these visitors that maintain the few businesses that still remain.

A survey carried out in the Parish a while ago determined that some 90% of the high proportion of respondents was opposed to any further development in this Village - MDDC are in possession of this information.

9. It is important that where possible, the County's heritage is not entirely lost or swamped by what some may euphemistically refer to as progress.

10. Local service supplies - sewerage, electricity supply and water supply are, one is given to understand, currently running at their capacity.

12. Further development will do nothing to improve the quality of the built, "natural and historic environment".

13. Referring to the documents submitted by the applicant entitled 'OVERVIEW TO APPLICATION AND PLANNING STATEMENT', headed up 'MID DEVON DISTRICT COUNCIL', together with the 'HERITAGE STATEMENT' we would refer you to the attached detailed analyses which clearly show the adverse impacts of these documents outweigh any benefits to the area - see NPPF para's. 14 and 17. We would, however, take the opportunity to, at the risk of duplicating statements in the attached, make particular references to the "public car parking provision" provided for in the application and the claimed "support for the previous application". Firstly, the additional five car parking spaces are purely a sop. They will be of no benefit to the School Children's parents, a) they never come that far up the road and b) the School themselves operate a successful shuttle service down to a pick-up point in the DCC car park near the Mill in order to save the parents from having to drive into the Village, attendance at the Church is minimal and declining and is confined primarily to Sundays when there are no problems with 'on road parking' and there is of course little doubt that they will at some stage get used by the residents of the proposed new homes as these days, three cars or more per family is not uncommon.

Secondly, the letters of 'support' for the previous application emanated from here there and everywhere, except from this locality, as indeed have the letters of support thus far received for this current application.

This is not a development either supported or wanted by the residents of this Parish, as is evident from both the survey which we recently carried out and of which you have a copy and the multitude of Parish based representations against the previous application and, one has no doubt, will manifest themselves against this one. Whilst on the subject of this 'document', we would draw your attention to the photograph of the field contained therein. This is not church Green, it a photograph of another field in the Village.

14. One is given to understand that it has been suggested that the 'landscaped and parking areas' within this application could or should be donated to the Parish upon completion of the project.

Please be fully aware that this Parish Council will not accept this, nor will the responsibility for future maintenance costs be taken on board.

NATURAL ENGLAND - 22nd June 2016 - No comments.

NATURAL ENGLAND - 7th April 2016

Natural England has previously commented on this proposal and made comments to the authority in our letter dated 4th February 2015.

The advice provided in our previous response applies equally to this application although we made no objection to the original proposal.

The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

CENTRAL AREA CONSERVATION OFFICER - 21st April 2016

This site lies in the historic core of Bickleigh, within Bickleigh conservation area and with various listed buildings in the vicinity including the grade II* Bickleigh church.

Proposal

Erection of 4 dwellings with associated parking, parking for the church and an area of green open space for use by the community

Impact on the listed building and/or conservation area.

Preliminary comments - please could I request some additional information to inform the assessment of the application. I think it would be useful to have:

1. Sections through the site (as proposed) and beyond to be able to see relative heights and relationships between structures (both north/south and east/west). This will also allow us to understand more easily what part of the proposed housing will be seen from the churchyard etc.
2. Whilst the application does show previous thoughts about layout within the site, it would be useful for a little more information on why the houses have been located in the 'centre' of the site - layouts of housing in Bickleigh vary hugely but in general tend to be either front on or gable on to the road. Is this not possible for the site? If not, why not?
3. There are some elements of the design that I would suggest should be 'tweaked' if the application is allowed but I will comment more fully on those at a later date - these relate to the house design details and their very close semi-detached layout.
4. Is pedestrian access to the community space not possible without going through the car parking area, for example? I realise that this would create a break in the hedge and bank and that levels are very different but it would be more centrally accessible.
5. The heritage report is better than previously - it does mention a little about the relationship (if any) between Bickleigh Castle complex and Bickleigh village. Could the archaeologist confirm if Bickleigh Castle was researched in terms of any written evidence of relationship between the village and the castle - I would like to check that any evidence of inter-relationship is identified, if it exists.
6. Whilst the heritage report has been submitted I find it interesting to note that DM27 is not discussed at all in the policy section of the submission. The heritage statement does not replace this and I feel that it is an odd omission.

Summary

Further information please so that the heritage impact can be appropriately assessed.

HISTORIC ENGLAND - 6th July 2016 - We do not wish to comment in detail, but offer the following general observations.

Historic England Advice

In our previous letter we made comments on the layout and orientation of the proposed new dwellings and suggested possible amendments that would better reflect the character of the conservation area. No change has been made in that respect, so our previous comments still stand.

We also requested that site sections were provided to confirm the relative heights of the proposed new dwellings in relation to nearby listed buildings, and the parish church in particular.

A drawing has now been submitted to clarify that relationship which illustrates the new dwellings as being set well below the platform on which the church is constructed, and of diminutive size in comparison to it. This suggests that there will be no visual competition between the new houses and the church, but since the height of the church tower is estimated only, we would advise your Authority to satisfy itself on the accuracy of the relative heights depicted.

Since one of the stated intentions of the scheme is to retain a sense of open green space on the site, we would hope that its natural hedgerow boundaries can be maintained as close to their existing appearance as possible and the impact of new accesses to the site - whether vehicle or pedestrian - can be kept to a minimum.

Recommendation

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

HISTORIC ENGLAND - 28th April 2016 - We have twice commented on similar previous applications for this site, most recently in 2015, when we did not consider development of this village centre site to be inherently unacceptable, given the lack of evidence of its archaeological or historical significance. However, we questioned the position and orientation of the houses within the site and their relationship to the overall character of Bickleigh conservation area, together with the lack of a clear rationale for this within the application.

This application retains essentially the same scheme, but with an expanded Heritage Statement, which is intended to address those issues and provide more evidence regarding the history and significance of the site. It is slightly disappointing that it does not address the site context and relationship to conservation area character in the depth we had requested. (Our previous recommendation was for an assessment to be undertaken of the "grain of development within the village, spatial relationships between buildings, streets and open areas, significant views and the disposition/orientation of houses within the conservation area").

The Design and Access Statement illustrates some alternative layouts that had been considered, but we are not entirely convinced by its rationale for the configuration and location of the development within the site, or that alternatives don't exist which could provide more of a street frontage. Siting the houses end-on to the highway and the footpath do not, in our view, create frontages which have an active relationship with those public routes. It might have been possible, however, to have a dwelling fronting onto the road at the north-east corner of the site (as shown in options that were rejected), which then returned as a row running N-S. This would be more in keeping with the general disposition of pre-1900 dwellings in the village and give a better relationship between the development and the existing 'grain' of traditional houses which provide the context for this site.

In terms of understanding the potential impact of this development on the setting of the grade II* listed church, as well as other listed buildings, it would be helpful if cross-sectional drawings of the proposed scheme were provided showing it in relation to the church, other adjacent buildings and vegetation.

This would be particularly helpful given the raised levels of land within the site in relation to adjacent roads, which are noted within the planning documents, which might increase the overall visual impact of the dwellings.

Recommendation

We would urge you to address the above issues, and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice. If you would like further advice please contact us to explain your request.

HISTORIC ENVIRONMENT SERVICE - 22nd June 2016

With regard to the putative enclosure that has been suggested to be centred on the parish church of St Mary, suggested by the field boundaries on the north side of the road where it runs around and encloses The Rectory and the orchard to the north of Exeland Cottage. I visited site with Catherine Marlow (MDDC Conservation Officer) on the 2nd June 2016 to examine the site and in the light of this site visit have the following comments:

1. To the north of the road the field boundary that forms the north-western arc of the enclosure around The Rectory has been created by raising ground level to create a level driveway at the front of the building and is likely to date from the construction of the Rectory or its later gentrification in the 18th/19th century. There may be an earlier field boundary on this alignment sealed beneath the extant boundary, but there is no evidence for this and the extant boundary is definitely of post-medieval date and is not associated with an earlier medieval enclosure.
2. To the north of the road the field boundary that forms the north-eastern arc of the putative enclosure, to the north of Exeland Cottage, defines an area of historic quarrying that was later planted up as an orchard. It seems likely that this boundary simply defines the area of quarrying rather than being part of a medieval enclosure. The roadside dwellings here have also been terraced into the hillside here.
3. The downward slope of the land from east to west has meant that many of the historic extant buildings and their gardens, including the church, The Rectory and Exeland Cottage have been terraced in the slope, and I would regard this east-west slope sufficient enough to cast doubt upon the likely presence of a manorial enclosure centred on the parish church here.

In the light of our site inspection and the results of the archaeological evaluation of the site, I do not regard there to be sufficient evidence for the assertion that the proposed development site lies within a medieval enclosure centred on the parish church.

In addition, as stated previously, the proposed development site lies in an area where previous archaeological investigations have demonstrated the survival of a lower soil horizon that has yielded 12-13th century pottery. However, these investigations did not indicate any settlement or other intensive use of the site from this or earlier periods. Nevertheless, groundworks for the construction of the proposed development have the potential to expose further artefactual material from the medieval period as well as any small archaeological features (pits and post-holes) that may be present on the site.

For this reason and in accordance with paragraph 141 of the National Planning Policy Framework (2012) I would advise that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95, whereby:

'No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'

The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the District Planning Authority.

Reason

'To ensure, in accordance with paragraph 141 of the National Planning Policy Framework (2012) and the supporting text in paragraph 5.3 of the Mid Devon Local Plan Part 3: Development Management Policy DM27 (2013) that an appropriate record is made of archaeological evidence that may be affected by the development.'

I would envisage a suitable programme of work as taking the form of the archaeological supervision of all groundworks associated with the construction of the proposed development to allow for the identification, investigation and recording of any exposed archaeological or artefactual deposits. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report.

Reason

'To ensure, in accordance with paragraph 141 of the National Planning Policy Framework (2012) and the supporting text in paragraph 5.3 of the Mid Devon Local Plan Part 3: Development Management Policy DM27 (2013) that an appropriate record is made of archaeological evidence that may be affected by the development.'

I would envisage a suitable programme of work as taking the form of the archaeological supervision of all groundworks associated with the construction of the proposed development to allow for the identification, investigation and recording of any exposed archaeological or artefactual deposits. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report.

HISTORIC ENVIRONMENT SERVICE - 13th April 2016

The proposed development site lies in an area where previous archaeological investigations have demonstrated the survival of a lower soil horizon that has yielded 12-13th century pottery. However, these investigations did not indicate any settlement or other intensive use of the site from this or earlier periods. Nevertheless, groundworks for the construction of the proposed development have the potential to expose further artefactual material from the medieval period as well as any small archaeological features (pits and post-holes) that may be present on the site.

For this reason and in accordance with paragraph 141 of the National Planning Policy Framework (2012) I would advise that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95, whereby:

'No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'

The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the District Planning Authority.

REPRESENTATIONS

80 representations have been received, 30 in support, 46 in objection, and 4 making 'neutral' comments. These are summarised below:

Support:

1. Archaeological investigation has found no evidence of historic settlement on site
2. Questions evidence of location of manor at site given distance from chapel, castle and water source
3. Site has not been built on primarily been in private hands since 1800s unlike other Glebe lands
4. Design is in keeping
5. Sympathetically designed new thatched properties have been achieved elsewhere
6. Site was untidy and overgrown when purchased/has always been under-used/will be an improvement
7. Site is not on the Mid Devon Local Heritage Assets Register
8. Land is unused at present but could now be enjoyed by community
9. Absence of settlement limit does not mean no development acceptable
10. Unclear whether objectors believe there is a lack of or ample parking
11. Parking can be an issue at the church at present
12. Development will allow families an opportunity to settle in the village/housing needed in the village
13. Concern that objections are nimbyism
14. Supports but notes maintenance issues associated with thatch and requests use of other materials
15. Parish had opportunity to purchase site
16. It is possible to build new properties in old style to match existing - as has taken place with the fire-damaged School House

Objection:

1. Application not materially different from refused scheme
2. Revised plans do nothing to make development acceptable
3. Development not wanted by local community
4. Development is outside defined settlement limit and not in conformity with national and local planning policies
5. Development would be harmful to character and appearance of conservation area
6. Historic core of village needs protection
7. Will ruin beautiful Devon village
8. Evidence that site of great historic importance - possible location for Anglo-Saxon hunting lodge - site straddles an earthwork that may represent an enclosure associated with the lodge
9. Conservation Area Appraisal undertaken by Bickleigh Local History Group, which considers important views, character and open spaces
10. Site is on Mid Devon list of local heritage assets
11. Views in and out of site positively contribute to character and appearance of conservation area
12. Volume of traffic within village during rush hours given poor junctions is unsafe/road infrastructure cannot support additional housing

13. Proposal will block views across site, including across Exe Valley
 14. Proposal will obscure views of adjacent listed building School House and Church Green Cottage within immediate area and wider landscape
 15. Location not sustainable - no employment opportunities in village or farm shop as stated in application paperwork
 16. Proposal will result in invasion of privacy of neighbouring properties
 17. Damage to Devon hedgebank - more being removed than suggested by applicant
 18. Too high density for location
 19. This is not a brownfield site
 20. Proposal does not accord with village development pattern
 21. Application area includes land in objector's ownership which is not available for development
 22. Works could cause subsidence
 23. How many properties will be affordable?
 24. Site deliberately left untidy and overgrown by landowner
 25. Development will cause light pollution and air pollution
 26. Dwellings will look new and be out of keeping with surrounding listed properties
 27. Height of Church tower in drawings exaggerated - impact therefore greater
 28. Development will affect trees - these are incorrectly located on plans
 29. Footpath through site not wanted - who will maintain it?
 30. Footpath not suitable for mothers with pushchairs or those with mobility issues
 31. Site is registered as Local Green Space within Local Plan Review
 32. No plan for maintenance of parking spaces - Church has confirmed it will not take these on
 33. Development against wishes of Bickleigh community
 34. Developing site will encourage other infill applications
 35. Criteria for sustainable development not met - there is no shop in Bickleigh
 36. Historic England advice to move houses within plot has been ignored
 37. Water run-off will cause problems for properties below site
 38. Supporters are not local; objectors are parishioners
 39. Site would ruin habitats and affect wildlife
 40. Proposed community parking would only off-set loss once visibility splay put in place prevents parking on road
 41. No provision for turning facility within parking
 42. No capacity at Bickleigh Primary School
 43. Site should be purchasable to villagers and returned to village green
- Neutral:
44. Church does not have funds to take on management of parking
 45. If granted arrangements for maintenance of proposed public open space must be put in place to avoid neglect

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

- 1. Policy & principle of development**
- 2. Heritage impact**
- 3. Design**
- 4. Highways and transport**
- 5. Biodiversity**
- 6. Public open space and other considerations**
- 7. Planning balance and recommendation**

1. Policy & principle of development

Mid Devon District Council's Local Plan consists of the Core Strategy (Local Plan Part 1), Allocations and Infrastructure Development Plan Document (2010) and the Local Plan Part 3: Development Management Policies (2013). The central strategy for development within the district is set out within the Core Strategy, the Allocations and Infrastructure DPD contains development allocations to meet the need identified in the Core Strategy, and the Local Plan Part 3 provides a range of policies for the consideration of planning applications.

Policy COR3 establishes the existence of housing need within Mid Devon across the period 2006-2026. This application is located within the village of Bickleigh, and therefore Policy COR18 'Countryside' is also relevant. This policy states that residential development in areas defined as 'countryside' is strictly controlled and is limited to:

'Affordable housing to meet local needs, gypsy accommodation, replacement dwellings, housing essential to accommodate an agricultural or forestry worker and accommodation ancillary to a dwelling.'

The proposal is for 4no. market dwellings, the site falling below the Government-defined threshold for affordable housing provision. There is no policy support within COR18 for a scheme for 100% market dwellings; the scheme is therefore contrary to policy.

However, the Council's five year land supply position and the outcome of a recent appeal decision are material considerations in the determination of this application. The 'Land to the west of Uffculme' (ref APP/Y1138/W/15/3025120) appeal inspector concluded that the Council could not demonstrate a five year supply of deliverable housing sites as required by the National Planning Policy Framework (NPPF). He moved on to conclude that as a result, policies COR3, COR17 and COR18 of the Core Strategy were out of date. Paragraph 14 of the NPPF states that 'where the development plan is absent, silent or relevant policies are out-of-date, permission should only be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.' Since the appeal was heard, the Council has been internally updating the five year land supply calculation with the latest year's monitoring data. However, the final figures are still being prepared but it is understood that these will confirm that the Council is still unable to demonstrate a five year land supply as required.

As such the current application is required to be determined in accordance with paragraph 14 of the NPPF, applying the presumption in favour of sustainable development. The presumption has two tests: one, is the development sustainable when assessed against the framework as a whole, and two if there is any harm, does it significantly and demonstrably outweigh the benefits. The appeal inspector noted the presumption in favour of sustainable development was at the heart of the NPPF, it being comprised of three dimensions to this: economic, social and environmental. These roles being mutually dependent and should be jointly sought to achieve sustainable development. He also concluded that a proposal on a greenfield site was in itself not necessarily harmful, and that elsewhere the Council was reliant on the release of greenfield sites to meet its housing need. The application site has some existing tin sheds along its eastern boundary, which has been in situ for many years. This part of the site would meet the definition of 'previously developed land' within the NPPF. The remainder has not been built upon and should be considered greenfield. The NPPF encourages the use of previously developed land (brownfield land), provided that it is not of high environmental value. The site is a mixture of both brownfield and greenfield, the NPPF giving support to the former, and in the context of Mid Devon, the appeal inspector to the latter.

To assess the locational sustainability of the site the NPPF has the following to say:

Paragraph 17: Planning should 'actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.'

Paragraph 30: '...local planning authorities should therefore support a pattern of development which, where reasonable to do so, facilitates the use of sustainable modes of transport.'

Paragraph 34: 'Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable modes can be maximised. However this needs to take account of policies set out elsewhere in this Framework, particularly in rural areas.'

The Core Strategy Policy COR17 permits minor development proposals within a list of approximately 20 villages. These villages were selected on the basis that they have sufficient services and facilities, along with public transport provision. Due to the provision of these requirements, these villages have been determined to be sustainable locations for limited development.

The minimum requirement for inclusion within the policy was that the settlement must have a school, shop, pub and daily transport service. Bickleigh has a primary school, two pubs and a daily transport service. It does not have a shop however, though the Bickleigh Mill tourist attraction does contain craft shops and a restaurant (though no shop that would perform the function of a village shop). It therefore has three of the four criteria required for inclusion on the list of villages where limited development is acceptable in principle. The settlement also has a village hall.

The proposal is centrally located within the village and all services/facilities are within walking distance - though to access the two pubs requires crossing the historic bridge over the River Exe which has no footways. The village is located just off the A396, the main road between Tiverton & Exeter/Crediton, which is served by regular bus services on weekdays and Saturdays at a 30 minute frequency. Whilst employment opportunities will be very limited within the village itself, the provision of a regular bus service towards the principal employment centres of Tiverton and Exeter means that the option of using public transport is a realistic one. It is acknowledged that many people will still choose to make use of private motor vehicles, but this is not untypical for Mid Devon in general being a very rural district. The proposal is not considered to be incompatible with paragraph 30 of the NPPF - 'a pattern of development which facilitates the use of sustainable modes of transport.' The scale of the proposal would also not give rise to a significant increase in movement, paragraph 34 of the NPPF also noting that account needs to be given to policies regarding rural areas, particularly given that public transport provision is considerably less extensive than in urban areas.

Reason for refusal 1 in the 2015 scheme was founded on the basis of the scheme's location outside settlement limits. Given the appeal decision, this refusal reason can no longer be attributed the same weight. Instead, in assessing the locational sustainability of the proposal, the provision of a range of services and facilities combined with a frequent public transport service weigh positively in the scheme's favour, and it is not considered that a reason for refusal on the same grounds as previously can be substantiated.

2. Heritage impact

Core Strategy Policy COR2 'Local Distinctiveness' requires development to sustain the distinctive quality, character and diversity of Mid Devon's environmental assets. Local Plan Part 3 (Development Management Policies) Policy DM27 'development affecting heritage assets' requires proposals to consider their effect on setting, significance, character and local distinctiveness of heritage assets and weigh harm against benefits.

The proposal site lies within a sensitive location, being within the Bickleigh Conservation Area, and surrounded by a number of listed buildings. In closest proximity to the proposed dwellings are situated the grade II* Church of St. Mary (to the north east); the grade II School House and adjoining Church Green Cottage (to the east) and The Rectory and The Old School (to the north/north-east respectively). Other listed buildings are located within the settlement whilst Bickleigh Castle (grade I and a conservation area) is approximately 1.5 km to the south west on the other side of the River Exe.

Impact on the historic environment formed the second of the two reasons for refusal in the 2015 scheme. The refusal concluded the following:

The site is designated as a heritage asset on the local list

The site's development would affect the setting of the church and several nearby listed buildings and affect important views into the area.

It has not been demonstrated that the effect on these heritage assets would be acceptable

In regard to the first bullet point, in November 2015 the inclusion of the site on the heritage assets register was reconsidered. The site was reassessed against the Historic England criteria used to determine whether sites should be included or excluded on the local list. These assessment criteria included age, rarity, aesthetic value, group value, evidential value, historic association, archaeological interest, designated landscapes, landmark status and social and communal value. As a result of the reassessment and with the information available at that point it was concluded that the plot was 'an interesting, substantially undeveloped plot in the centre of the conservation area with very important setting and view implications for the church and Bickleigh Castle (as well as other listed buildings) but that there is insufficient evidence that it was a 'green'.

Therefore it does not meet the criteria for local heritage asset status and should be removed from the register.' Following the removal of the site from the register, this element of the previous refusal reason would fall away.

The issues set out in the two bullet points from the previous reason for refusal require consideration. Policy DM27 'development affecting heritage assets' requires development proposals likely to affect heritage assets and their settings to consider their significance, character, setting and local distinctiveness, and the opportunities to enhance them. The application is accompanied by a range of information about the historic environment and an assessment of the impact of the scheme. This primarily includes a report on the results of Archaeological Trial Trenching and a Heritage Statement. The latter examines the legislative, national and local policy requirements associated with the assessment of the impact of development upon heritage assets, an identification of known heritage, assessment of documentary sources, appraisal of the site and environs, and consideration of impact.

Having taken account of the assessment criteria and relevant considerations the Heritage Statement makes a number of conclusions. Firstly that following archaeological evaluation evidence indicates that the site has not been developed historically, but has been used for a range of activities. It states that the absence of structural remains neither proves nor disproves that the manor has always been located at Bickleigh Castle. It states no further archaeological work is required to support a planning decision. The report notes that the proposal would not have any direct impact on significant heritage features on site, the only structure on site being of no architectural or historical interest and that there would be a beneficial impact associated with its removal. It continues that the conservation area and listed buildings are all of heritage significance and considers the indirect impact. Screening between the building listed buildings and the site through, landform, built form and vegetation limit impact, whilst the use of traditional architectural features reflective of those present within the conservation area, including thatch and white walls, and a typical style, scale and massing, are sympathetic and help preserve the character and appearance of the area. It finally concludes that the nationally significant buildings and conservation at Bickleigh Castle would not be adversely affected by proposals as the sympathetic design of buildings and surrounding areas will reinforce the rural landscape.

Historic England, Mid Devon District Council's Conservation Officer and Devon County Council Historic Environment Service have all responded to the consultation on this application. Historic England commented that they did not consider development of the site to be unacceptable and noted that the application was now accompanied by further evidence intended to address issues of history and significance of the site. Historic England however has raised queries about the intended layout, particularly as the alternative options within the applicant's Design and Access Statement would provide more of a street frontage, creating an active relationship with the public routes. Historic England asked for cross-sectional drawings of the proposed scheme to show the relationship to the church, other adjacent buildings and vegetation. North-South and East-West sectional drawings have subsequently been provided by the applicant. Historic England has commented on these drawings, noting that they clarify the relationship between the new dwellings and the church, the proposed development being set well below the platform on which the church is constructed and of diminutive size in comparison to it. They conclude this suggests that there would be no visual competition between the new houses and the church, but requests the local planning authority satisfy itself as to the height of the church tower depicted, given it is based on estimates only.

Mid Devon's Conservation Officer has also commented twice on the application. The response notes that whilst the scheme is clearly contentious, as is clear from local opposition, that it must be assessed on the basis of policies, national guidance and evidence. Neither, is it acknowledged, does conservation area status prohibit change - but development should preserve or enhance the conservation area. Views to and from the site, church and listed building have been assessed and it is noted that there will be change, but the development pattern and setting of listed buildings will not be substantially harmed. With regard to the cross-sectional drawings provided, the Conservation Officer has considered the potential for error in the drawings, but considers that in relation to other properties and topography considers them to be accurate - the heights are in proportion to other buildings and do not appear excessive. Overall, the advice of the conservation officer is that the development will not enhance the character of Bickleigh, but despite the less than substantial harm (arising from some loss of hedge bank and associated impact on views) the overall character and significance will be preserved.

The less than substantial harm will need to be weighed against public benefit (a requirement of national and local policy). The response concludes that a heritage related reason for refusal would not be sustainable at appeal. It should also be noted that the Conservation Officer took note of the draft Bickleigh Conservation Area Appraisal, produced and supplied by Bickleigh Local History Group. However the document had not been subject to any public consultation, and though interesting, cannot be given any weight in considering the current planning proposal.

In relation to the historic value and previous uses of the site, Bickleigh Local History Group have commissioned and submitted a report by SW Archaeology. This desk-based assessment indicates that the site has not been developed in modern times and that any proposed development is likely to disturb archaeological deposits or remains of varying levels of significance. The report notes that there is evidence to suggest the original manor of Bickleigh was located close to the site - possibly including the site itself - as indicated by the presence of potential earthworks from aerial photographs. A further report written and submitted by medieval historian Duncan Probert of Kings College London discusses the possibility that Bickleigh was the meeting place of the West Saxon royal council at a hunting lodge in 904. The report concludes that the most viable location for the hunting lodge was at Bickleigh (as opposed to another Bickleigh near Plymouth). It is stated that evidence suggests the original focal point for the manor lay near the centre of the village, most probably within areas marked as the churchyard, parsonage, Church Green and adjacent orchard, and that the hunting lodge would be likely in same area. A possible enclosure demarking the same area may add weight to the identification.

Devon County Council's Archaeologist has visited the site and commented three times on the application. The comments address the notion of a putative enclosure suggested to be centred on the parish church of St Mary. It is the view of the county archaeologist that many of the suggested boundaries of the enclosure are of significantly later creation. The field boundary that forms the north-western arc of the enclosure at the Rectory has been created through raising ground to create a level driveway at the front of the building and is likely to date from the 18th/19th century. The north-eastern boundary defines an area of historic quarrying that was later planted up as an orchard. The presence of a downward slope across the land is considered sufficient to cast doubt upon the likely presence of a manorial enclosure centred on the parish church. As a result of the site inspection and previous archaeological evaluation of the site, it is not considered that there is sufficient evidence for the assertion that the proposed development lies within a medieval enclosure centred on the parish church. Previous investigation has yielded 12th and 13th century pottery, but did not indicate any settlement or other intensive use of the site from an earlier period. However, groundworks could expose further artefactual material and an archaeological condition requiring a programme of works and written investigation is proposed.

The consultation responses from the three historic environment specialists do not raise an objection to the principle of development. At most it is noted that less than substantial harm will arise, and such harm is limited to the impact on views associated arising from some loss of hedgerow when seen to and from the church. At the least, suitable mitigation is proposed via condition to make the development acceptable to the consultees. Policy DM27 requires less than substantial harm to be weighed against the public benefits of the scheme. The scale of the harm is very limited in its scope, whilst there are benefits in relation to increasing housing supply associated with permitting the scheme. Accordingly it is considered that the issues set out in the previous refusal on heritage grounds have been addressed, and pursuing a refusal on those grounds is considered to be without merit and unable to be substantiated at appeal. The proposal is considered compliant with Policies COR2 and DM27.

3. Design

Though this is an outline application, the only reserved matter is landscaping - layout, appearance and scale are to be determined at this stage. The proposal is for 4.no dwellings, these being within two pairs of semi-detached dwellings. The dwellings principal elevation faces to the west, with gardens to the rear facing east. Local Plan Part 3 Policy DM2 'high quality design' states that new development must be of a high quality taking account of factors such as privacy and amenity amongst others. Policy DM14 'design of housing' sets more specific requirements in terms of dwelling requirements including size, private amenity space, daylight, sunlight and privacy amongst others.

A number of alternative layouts were considered and these are discussed within the applicant's Design and Access Statement. Alternatives included separating the dwellings, locating some in the west and eastern parts of the site. northern boundary creating an active frontage. However, the layout proposed is a simple one, allowing the greatest amount of land to be made available for the public open space in the western part of the site. Having more properties along the northern boundary would also require the loss of more hedgerow than is currently proposed. It is also noted that Bickleigh has no particular development pattern and that the proposal for a gable end of the northern property to be side on to the road is not uncommon within the village.

The size of the proposed dwellings is in compliance with the national space standards set by Government and is therefore in accordance with Policy DM15. The size of the gardens proposed is considered modest, but not unacceptable. Nearest neighbours are those living at the bungalow Court View, to the south, and School House/ Church Green Cottage to the east. The separation distance to Court View from the nearest proposed dwelling is approximately 14 metres. However, no windows are proposed in the second storey south elevation, giving rise to no concerns about the impact on privacy. The second storey windows on the east elevation will look towards School House/Church Green Cottage however the presence of intervening boundary walls and structures, a levels difference of approximately 4 metres and a separation distance at its shortest in excess of 20 metres are sufficient to conclude that any impact on the privacy and amenity of the occupants of the proposed or neighbouring dwellings is acceptable.

Given the historic context of the location the style of dwellings and materials proposed is significant to their suitability. It is proposed that the dwellings be of a traditional design, incorporating lime-based rendered walls and thatched roofs. No details of the design or style of windows and doors have been provided, so it is proposed that a condition be attached requiring these be approved via condition. Similarly appropriate style and materials for the thatch would also be conditioned to ensure these reflect the local vernacular. Subject to the imposition of the conditions, the proposal is considered to be compliant with Local Plan Part 3 policies DM2, DM14 and DM15.

4. Highways, transport and parking

Access to the site is proposed off the road which runs along the northern boundary. The road is a single carriageway rural lane where observed vehicle speeds are generally fairly low. An existing access is in place which is proposed to be widened in order to accommodate the appropriate size of visibility splay. Some loss of hedgerow would occur as a result (as has been highlighted above in regard to the impact on the character and appearance of the conservation area). Though there are no footways on the local road network, Devon County Council's Highways Officer raises no objection to the development. It is proposed that the size and provision of the visibility splay be controlled via condition. Other standard highways conditions are also proposed in terms of the provision of the site access and prevention of surface water drainage on to the highway. To ensure construction traffic does not have an unacceptable impact on the local road network and amenity of local residents a condition requiring submission of a Construction Management Plan will be imposed. Eight parking spaces are proposed for the use of residents which meets the minimum requirements set in local policy DM8.

5. Biodiversity

The ecological report which accompanied the application noted that there were no protected habitats on site and that habitat loss would be minimal should the proposals go ahead. The report highlighted a good breeding population of slow worms and low population of grass snakes. Both are protected under the Wildlife and Countryside Act 1981 and therefore it is proposed that a submission of a Reptile Mitigation Strategy be submitted as a pre-commencement condition. This strategy would demonstrate how the injuring of killing of such species would be avoided during the construction phases of the development. The survey indicated a low level of bat activity and cautions against the introduction of unacceptable light levels. However, no external lighting is proposed, the only lighting being that which would be associated with the provision of the dwellings. The report highlights the value of hedgerows as foraging locations for bats and that these be retained where possible. Though some hedgerow would be lost due to the provision of the visibility splay, the retention of all other hedgerows is proposed to be controlled via condition. It is also likely that the hedges, trees and bushes around the perimeter will be used by nesting birds.

The report recommends that the timing of works will need to avoid the nesting bird season. Again, this is proposed to be controlled via condition.

There is a small group of young oak and birch trees in the south east of the site that are in close proximity with the most southerly proposed dwelling. The applicant's arboriculturist and the Council's tree officer have confirmed that there would be conflict between the trees and the houses, which would only get worse given the young age of the trees. The consultant notes that the species are mediocre in terms of their quality although they do offer some visual amenity to the wider landscape, forming a distinct group aerodynamically. The consultant confirms that the trees need to be removed and replaced with new tree planting which would benefit the scheme and make a positive long-term contribution to the area. One tree would need to be removed prior to construction, the remainder prior to the occupation of the dwellings. The detailed proposals for the replacement planting would be determined as part of the landscaping reserved matters. The loss of the trees would be a negative impact of the proposal. However, the tree officer has stated that the trees are not of sufficient value to warrant being covered by a Tree Protection Order. As such, they applicant could separately apply to have them removed (consent required given they are in a conservation area) but the Council would be very unlikely to withhold permission. As such it is considered that there can be no basis for refusal on the grounds of tree loss, and the provision of alternative planting would act to mitigate the loss.

6. Public open space and drainage

The proposals include provision of on-site public open space which would be provided in the west part of the plot. This would be informal space, laid to lawn, with no play equipment or similar currently proposed. The size of the public open space is in excess of the minimum requirements set down in Policy AL/IN/3 and therefore no financial contributions are sought towards provision. The future management and maintenance arrangements of this space are yet to be determined. It is proposed that a scheme for its management and maintenance be conditioned which would need to be discharged prior to any commencement taking place. Potentially this could be discharged at the reserved matters stage when the remaining matter 'landscape' is assessed. This later submission would allow the applicant time to agree the management arrangements with third parties who may express an interest in taking on the site. If this cannot be agreed, the applicant would need to establish a management company to take on this role. Overall, the provision of the public open space is considered to be a beneficial outcome for the scheme, weighing positively in its favour.

It has been noted by representors that the site is allocated as Local Green Space (LGS). The LGS definition was introduced by the NPPF and sets criteria against which to determine whether a site can be allocated for this purpose. Policy DM24 of the Council's emerging plan, the Local Plan Review 2013-33, proposes that the site 'Church Green, Bickleigh' (i.e. the application site) be designated as a LGS. The Local Plan Review does not represent adopted policy yet, and therefore the weight which can be accorded to it is dependent on its stage of preparation, and the extent of unresolved objections. The plan is relatively far progressed in its preparation, but has not been submitted to the Secretary of State to begin the examination process - this limits the weight which can be attached. There are also unresolved objections to the designation of the site which could only be resolved through the examination process. Accordingly I can attribute no weight to the proposed designation. Should the site gain permission, the possibility of the public open space provided being designated as LGS would be a possibility - though this would be subject to the discretion of the Inspector overseeing the examination of the Local Plan Review.

Policy COR11 'flooding' requires proposals to taking account of climate change and flooding, whilst policy DM2 requires appropriate drainage including the provision of Sustainable Urban Drainage systems (SUDs). The application proposes that the foul sewer connect to the mains. Surface water will be controlled via a managed system, going first to attenuation tanks which would retain the water, particularly at times of significant rainfall, before discharging flows back to the main sewer. A drainage strategy setting out the detailed workings would be a pre-commencement requirement to be controlled via condition.

7. Planning balance and recommendation

There are a number of factors which need to be weighed in the balance before making a recommendation.

The proposal is outside a defined settlement and is in a location where residential development is strictly controlled. Such was the basis for one of the two previous reasons for refusal. However, given the Council cannot demonstrate a five year supply of land for housing the settlement limit cannot be given the same weight as it once could. There are a range of services and facilities within the village, generally more so than would be the case with other settlements located in the area designated 'countryside' under Policy COR18. A frequent bus service is available offering a viable alternative to the use of the private car. The Council also has to consider whether the adverse effects of the scheme significantly and demonstrably outweigh the harm. In the refused scheme the adverse effects were the impact on the historic buildings nearby and the character and appearance of the countryside. However, the heritage consultees no longer have an objection in principle and at most indicate that only less than substantial harm would arise associated with the loss of hedgerow and its associated impact on short views to and from the church. No other harm in relation to biodiversity, impact on privacy or amenity or transport has been identified which has not been addressed by good design or controlled via condition. It is not considered that the harm could be substantiated at an appeal as a reason for refusal. The scheme would provide benefits in the form of additional housing which will make a contribution towards district supply as well as public open space for the benefit of the village. Accordingly it is considered that the harm does not significantly and demonstrably outweigh the benefits and conditional planning permission is recommended.

CONDITIONS

1. No development shall begin until detailed drawings of the landscaping of the site (hereinafter called the Reserved Matters) have been submitted to and approved in writing by the Local Planning Authority.
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 development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the Reserved Matters which have been approved, whichever is the later.
4. As part of the landscaping reserved matters, detailed drawings shall show which existing trees and hedges are to be retained and the location of mitigation planting on the site as part of the development.
5. No development shall begin until a detailed surface water drainage scheme for the site (including Sustainable Urban Drainage systems including attenuation measures) has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
6. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority. The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the District Planning Authority.
7. No development shall begin until details of the materials to be used for all the external surfaces of the buildings have been submitted to and approved in writing by the Local Planning Authority. Such approved materials shall be so used and retained.
8. No thatching works shall begin until details of the style of thatching and the materials to be used to cover the roofs of the development have been submitted to, and approved in writing by the Local Planning Authority. The thatching shall be carried out in accordance with these approved details.
9. No development shall begin until a scheme for the management and maintenance of the public open space shown on the submitted plans has been submitted to, and been approved in writing by the local planning authority.

The approved scheme shall be implemented on completion of development and the open space area shall thereafter be permanently retained, managed and maintained in accordance with the approved scheme.

10. No development shall begin until a Reptile Mitigation Strategy, as recommended within the Blue Sky Ecology Report, dated October 2014, has been prepared by a qualified ecologist and submitted to, and approved in writing by the local planning authority. The development shall be carried out in accordance with the recommendations within the Reptile Mitigation Strategy.
11. If any works to hedges, trees or the existing buildings on site are programmed to take place in the main bird nesting season of March to August inclusive, a survey should be undertaken by a qualified ecologist and submitted to the Local Planning Authority. If evidence of nesting birds is found then works shall not commence until the ecologist has verified that the chicks have fledged.
12. 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, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
 - (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
 - (l) The proposed route of all construction traffic exceeding 7.5 tonnes.
 - (m) Details of the amount and location of construction worker parking.
 - (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work.
13. Visibility splays shall be provided, laid out and maintained for that purpose at the site access where the visibility splays provide intervisibility between any points on the X and Y axes at a height of 0.60 metres above the adjacent) carriageway/drive level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be 2.40 metres and the visibility distances along the nearer edge of the carriageway of the public highway (identified as Y) shall be 25.00 metres in both directions.
14. The site access road shall be hardened, surfaced, drained and maintained thereafter to the satisfaction of the Local Planning Authority for a distance of not less than 6.00 metres back from its junction with the public highway.
15. In accordance with details that shall previously have been submitted to, and approved by, the Local Planning Authority, provision shall be made within the site for the disposal of surface water so that none drains on to any County Highway.

REASONS FOR CONDITIONS

1. The application was submitted as an outline application in accordance with the provisions of Articles 4 and 5 of The Town and Country Planning (Development Management) Order 2010.
2. For the avoidance of doubt and in the interests of proper planning.
3. In accordance with the provisions of Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
4. In the interest of visual amenity of the area in accordance with policy DM2 of the Local Plan Part 3 (Development Management Policies).
5. To ensure appropriate measures are taken to manage surface water in accordance with policies DM2 of the Local Plan Part 3 (Development Management Policies) (2013) and Mid Devon Core Strategy (Local Plan Part 1) Policy COR11.
6. To ensure, in accordance with paragraph 141 of the National Planning Policy Framework (2012) and the supporting text in paragraph 5.3 of the Mid Devon Local Plan Part 3: Development Management Policy DM27 (2013), that an appropriate record is made of archaeological evidence that may be affected by the development.
7. To ensure the use of materials appropriate to the development in order to safeguard the character and appearance of the conservation area in accordance with Mid Devon Core Strategy Policy COR2 and Local Plan Part 3 (Development Management Policies) Policy DM27.
8. To ensure the use of materials/detailing appropriate to the character and appearance of the building in accordance with Mid Devon Core Strategy Policy COR2 and Local Plan Part 3 (Development Management Policies) Policy DM27.
9. To safeguard the character and amenities of the area in accordance with Policy DM2 of the Local Plan Part 3 (Development Management Policies).
10. To ensure protected species are not killed or injured during the construction phase of development.
11. To ensure that the wild birds are not killed or injured during the construction phase of development in accordance the requirements of the Wildlife and Countryside Act 1981.
12. To minimise the impact of the development on the highway network.
13. To provide adequate visibility from and of emerging vehicles.
14. To prevent mud and other debris being carried onto the public highway.
15. In the interest of public safety and to prevent damage to the highway.

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The proposed development for the erection of four dwellings and provision of public open space is not policy compliant with the development plan given the location of the development outside a defined settlement limit. However, the absence of a five year supply of deliverable housing land is a material consideration which requires the proposal to be approved unless the harm significantly and demonstrably outweighs the benefits, or that other policies within the National Planning Policy Framework indicate otherwise. The range of services and facilities at Bickleigh, is greater than within most locations which are outside defined settlement limits, whilst the provision of a frequent bus service along the adjoining main road from Tiverton to Exeter/Crediton means there is a viable alternative for residents seeking access to employment opportunities and other facilities in those locations.

The proposal is also considered acceptable in relation to its impact on the historic environment with at most only less than substantial harm having been identified associated with the impact on short views to and from the church linked to the removal of some hedgerow. The harm arising is not considered to significantly and demonstrably outweigh the benefits associated with the provision of additional housing. The proposed development is considered to have an acceptable impact in terms of highways, design, appearance and ecology and to comply with Mid Devon Core Strategy (Local Plan Part 1) Policy COR2, COR3 and COR11, Allocations and Infrastructure Development Plan Document (2010) Policy AL/IN/3 and Local Plan Part 3: Development Management Policies (2013) policies DM2, DM8, DM14, DM15 and DM27.

Application No. 16/00918/MOUT

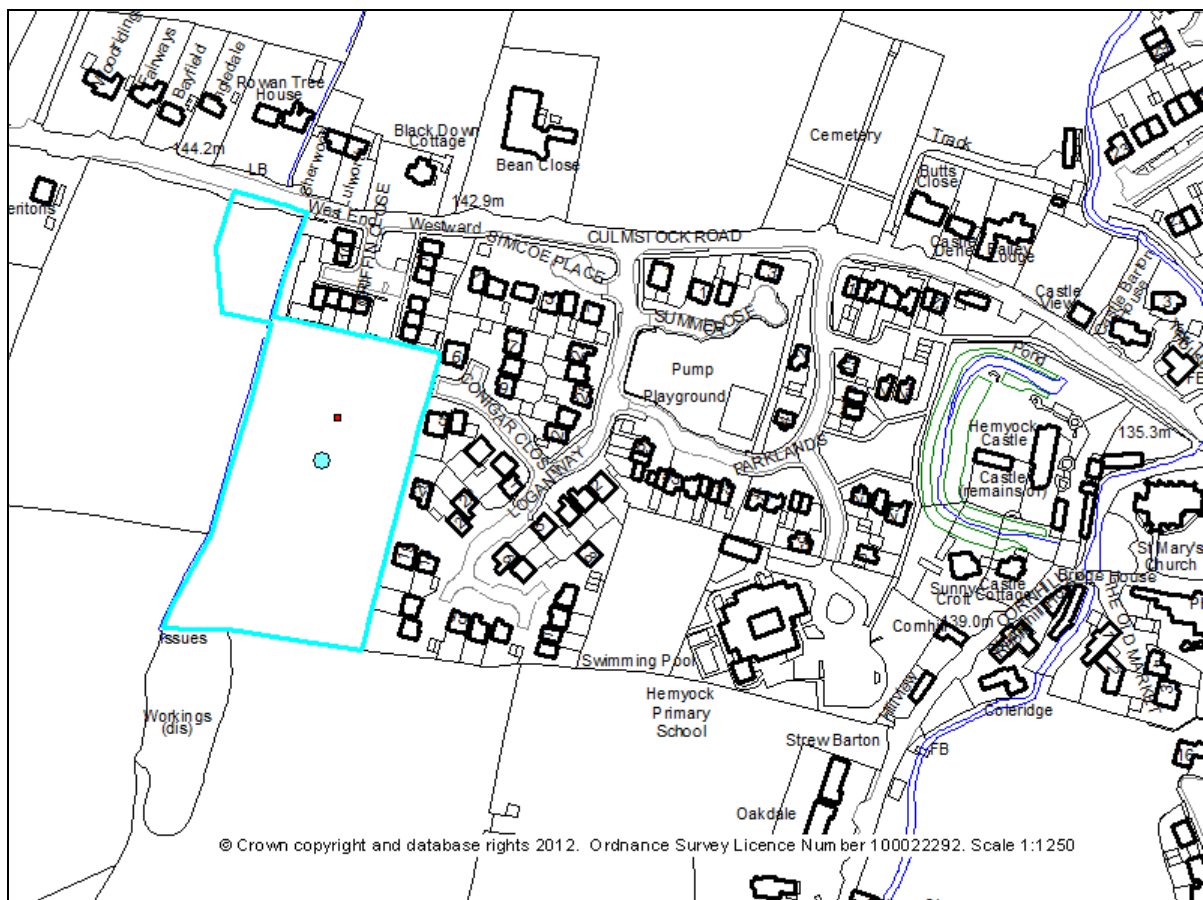
Grid Ref: 113301 : 313224

Applicant: Upper Culm
Community Land
Trust Ltd &

Location: Land at NGR 313224
113301 (West of
Conigar Close)
Culmstock Road
Hemyock Devon

Proposal: Outline for the
erection of 22
dwellings

Date Valid: 20th June 2016



REPORT OF THE HEAD OF PLANNING AND REGENERATION

**16/00918/MOUT - OUTLINE FOR THE ERECTION OF 22 DWELLINGS
- LAND AT NGR 313224 113301 (WEST OF CONIGAR CLOSE)
CULMSTOCK ROAD HEMYOCK DEVON**

Reason for Report:

To determine the planning application.

RECOMMENDATION(S)

Grant subject to conditions and S106 in respect of:

1. the provision of 8 affordable dwellings on site;
2. a financial contribution of £26,510 towards improvements to Higher and Lower Millhayes open spaces; and
3. a financial contribution of £73,495 towards additional secondary education infrastructure and secondary education transport costs

Relationship to Corporate Plan:

The Corporate Plan priorities: homes, economy, community and environment.

Financial Implications:

None.

Legal Implications:

None.

Risk Assessment:

None identified.

Consultation carried out with:

1. Environmental Health
2. DCC Archaeology
3. Devon and Cornwall Police
4. Devon County Education
5. MDDC Tree Officer
6. Natural England
7. Devon County Flood Risk Management

8. Blackdown Hills AONB
9. Hemyock Parish Council
10. Highway Authority

1.0 PROPOSED DEVELOPMENT

The application seeks outline permission for the erection of 22 dwellings (14 market and 8 affordable) on 1.23 hectares of agricultural and to the west of Conigar Close and to the north of a recently completed development at Griffin Way, off Culmstock Road, Hemyock. Access and layout are to be determined under this application with scale, appearance and landscaping being reserved to be determined at a later date under reserved matters application(s).

The site is a greenfield site on the edge of the village, outside the defined settlement boundary and within the Blackdown Hills AONB. The development is described by the applicant as being “Phase 2” of the existing Community Land Trust development at Griffin Close (12 dwellings, 100% affordable) which is now totally occupied.

The proposal is to provide 22 dwellings (8 affordable), the dwelling mix to be 3, 4 and 5 bed market housing and 1, 2 and 3 bed affordable housing. Each dwelling is to have 2 parking spaces (excluding garages) and private amenity space.

Access is to be via an existing turning head in Conigar Close. Dwellings are to be arranged around the central access road with a turning head at the southern end of the site. The site slopes up to the south from the rear of Griffin Close. The site has strong boundary hedges and trees which are to be retained. The layout also provides for a pedestrian footpath which will lead from Culmstock Road through Griffin Close and the proposed site to connect into Conigar Close.

A SUDS system will be provided for surface water drainage which includes an attenuation pond with maintenance access off Culmstock Road.

2.0 APPLICANTS SUPPORTING INFORMATION

Planning statement
Preliminary ecological appraisal
Tree report
Flood risk assessment and drainage strategy report
Transport statement
Archaeological survey
Carbon reduction statement
Heads of terms
Landscape and visual assessment

3.0 PLANNING HISTORY

The site is an undeveloped agricultural field and is not allocated for housing. The parcel of land to the immediate north of the site was granted planning permission for 12 affordable dwellings under planning permission reference 12/01334/MFUL and is described by the applicant as “Phase 1” of the development, the current application forming “Phase 2”.

4.0 DEVELOPMENT PLAN DOCUMENTS

Mid Devon Core Strategy (Local Plan Part 1) - COR1, COR2, COR3, COR9, COR17, COR18

Allocations and Infrastructure Plan Document (Local Plan Part 2)

AL/DE/2, AL/DE/3, AL/DE/4, AL/DE/5, AL/DE/6, AL/IN/3

Mid Devon Local Plan Part 3 (Development Management Policies) - DM1, DM2, DM8, DM29

National Planning Policy Guidance

SPD on parking

SPD on public open space

SPD on meeting housing needs

5.0 CONSULTATION RESPONSES

Environmental Health - 12th July 2016

Contaminated land - Due to the proximity of a disused area of quarrying in the adjacent field the following conditions will need to be included:

1. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency’s ‘Model Procedures for the Management of Land Contamination, CLR 11’.

2. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

3. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

DCC Archaeology - 5th July 2016

The proposed development site lies in an area of archaeological potential to the south of an area where recent archaeological investigations have revealed the presence of an 8th century AD iron smelting site. The undertaken geophysical survey of the application area has not identified any archaeological deposits associated with the nearby iron smelting site and, as such, no further archaeological work is required to support and inform this planning application. However, there is the potential for the site to contain archaeological and artefactual deposits associated with the known iron extractive and pottery industries that operated in Hemyock in the medieval and post-medieval periods, and any such deposits will be affected by the development of the site.

For this reason and in accordance with paragraph 141 of the National Planning Policy Framework (2012) I would advise that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95, whereby:

'No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'

The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the District Planning Authority.

Reason

'To ensure, in accordance with paragraph 141 of the National Planning Policy Framework (2012) and the supporting text in paragraph 5.3 of the Mid Devon Local Plan Part 3: Development Management Policy DM27 (2013), that an appropriate record is made of archaeological evidence that may be affected by the development.'

I would envisage a suitable programme of work as taking the form of a staged programme of archaeological works, commencing with the excavation of a series of evaluative trenches to determine the presence and significance of any heritage assets with archaeological interest that will be affected by the development. Based on the results of this initial stage of works the requirement and scope of any further archaeological mitigation can be determined and implemented either in advance of or during construction works. This archaeological mitigation work may take the form of full area excavation in advance of groundworks or the monitoring and recording of groundworks associated with the construction of the proposed development to allow for the identification, investigation and recording of any exposed archaeological or artefactual deposits. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report.

Devon and Cornwall Police - 22nd June 2016

The only concern if this is indicative of the actual layout that plots 15 and 17 should have some defensible space between the parking and their curtilage.

Weekends and school holidays could potentially cause community friction with ball games against these two dwellings.

Devon County Education - 8th July 2016 - Devon County Council would request an education contribution to mitigate its impact.

The proposed 22 family-type dwellings, will generate an additional 5.5 primary pupils and 3.3 secondary pupils.

There is currently capacity at the nearest primary likely to be generated by the proposed development and therefore a contribution towards improving primary education infrastructure would not be sought.

Devon County Council will however seek a contribution towards additional education infrastructure at the local secondary school that serves the address of the proposed development. The secondary contribution sought is £60,195 (based on the current DfE extension rate per pupil of £18,241) which will be used to provide education facilities at Uffculme School.

In addition, DCC require a contribution towards secondary school transport costs due to the development site being further than 2.25 miles from Uffculme School. The costs required are as follows: -

4.00 secondary pupils

£3.50 per day x 4 pupils x 190 academic days x 5 years = £13,300

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

MDDC Tree Officer - 25th July 2016

- 1) The Tree Schedule has not included Trees 13 and 14, they are shown on the plan but not mentioned in the schedule. They are both good Oaks.
- 2) Plots 16 and 17 will end up with 2 large Oak trees at the back of a relatively small garden so this might need re thinking. Plots 8, 9 and 10 will have large trees at the rear of the garden but the gardens themselves will be bigger. Perhaps the overall layout could be tweaked, the trees are all at the perimeter of the site.
- 3) Trees 1,2, 3, 4, 5 and 6 are in the adjacent field, 4, 5 and 6 have been adversely affected by the development of Griffin Close. It is important to minimise any soil damage to the west of these trees. T6 is an Oak in a state of decline. The plan show an attenuation pond, this should be created the correct distance from the trees to avoid creating anaerobic rooting conditions for the trees on this side. (not sure if the pond already exists. An access is also shown, this is existing as a field access. If this is to be enhanced, consideration needs to be given to trees 1, 2, 3 and 4.
- 4) It is shown that all the trees can have the full recommended RPA, and that there is no need to enter the RPA. The fencing must be erected as specified in the arboriculture method statement, although the protective fencing does not show the more usual scaffold supported fencing but a mesh security panel type suggested for use in moderate to low construction pressure, I wonder whether this site would benefit from the more default specification of scaffold framework with welded mesh fencing.
- 5) It is critical that all service runs, any excavation work etc. is kept outside of the RPA's. Once the fencing is up it should remain up until any construction is totally completed, drainage plans/service plans etc. should be closely checked to ensure they do not run through the RPA's.
- 6) There is a high probability that there is Ash dieback in this area, I saw some suspect trees in Hemyock and T9 on the site. I looked on the FC website and Hemyock is adjacent to a confirmed area but not actually marked yet.

Natural England - 27th June 2016

Landscape - further information advised

The proposal is within the Blackdown Hills Area of Outstanding Natural Beauty (AONB). From the information available Natural England is unable to advise on the potential significance of impacts on the AONB.

Given the location of the proposal, Natural England's advice is that more information, via a Landscape and Visual Impact Assessment (LVIA) or similar assessment, is necessary to understand the potential impacts of the proposal on the special qualities of the AONB and allow your Authority to make a properly informed decision.

Such an assessment should be based on good practice guidelines such as those produced jointly by the Landscape Institute/Institute of Environmental Assessment 20132. Landscape character assessment (LCA) provides a sound basis for guiding, informing and understanding the ability of any location to accommodate change, and to make positive proposals for conserving, enhancing or regenerating character, as detailed proposals are developed.

We would strongly advise you to seek the advice of the AONB Partnership. Their knowledge of the location and wider landscape setting of the development further informed by an LVIA will help to confirm whether or not it would impact significantly on the purposes of the AONB designation. They will also be able advise on whether the development accords with the aims and policies set out in the AONB management plan.

Natural England - 29th July 2016

Based on the submitted information and further to Natural England's advice of 27th June 2016 (ref: 188888), we have the following additional comments.

Landscape

The proposed development is within the Blackdown Hills Area of Outstanding Natural Beauty (AONB), a nationally designated landscape.

Based on the additional information available Natural England is unable to advise on the potential significance of impacts on the AONB. The Landscape and Visual Impact Assessment (LVIA) submitted (Peter Smith Design Service Ltd June 2016) does not appear to be based on good practice guidelines such as those produced jointly by the Landscape Institute/Institute of Environmental Assessment 20132.

We strongly advise that you consult and give weight to the Blackdown Hills AONB Partnership. Their knowledge of the site and its wider landscape setting, together with the aims and objectives of the AONB's statutory management plan, will be a valuable contribution to the planning decision.

Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to this type of development and its capacity to accommodate the proposed development.

Natural England also advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. The policy and statutory framework to guide your decision are explained below.

Your decision should be guided by paragraph 115 of the National Planning Policy Framework which gives the highest status of protection for the 'landscape and scenic beauty' of AONBs and National Parks. For major development proposals paragraph 116 sets out criteria to determine whether the development should exceptionally be permitted within the designated landscape. The presumption in favour of sustainable development does not apply within designated landscapes (NPPF paragraph 14 footnote 9).

Alongside national policy you should also apply landscape policies set out in your development plan, or appropriate saved policies.

The statutory purpose of the AONB is to conserve and enhance the area's natural beauty. You should assess the application carefully as to whether the proposed development would have a significant impact on or harm that statutory purpose. Relevant to this is the duty on public bodies to 'have regard' for that statutory purpose in carrying out their functions (S85 of the Countryside and Rights of Way Act, 2000).

Additional matters

In accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England expects to be consulted on any additional matters, as determined by Mid Devon District Council, that may arise as a result of, or are related to, the present proposal. This includes alterations to the application that could affect its impact on the natural environment. Natural England retains its statutory discretion to modify its present advice or opinion in view of any and all such additional matters or any additional information related to this consultation that may come to our attention.

Devon County Flood Risk Management - 11th July 2016

At this stage, we object to this planning application because we do not believe it satisfactorily conforms to Policy DM2, specifically part (f), of the Mid Devon Local Plan (Part 3) (Development Management Policies), which requires developments to include sustainable drainage systems. The applicant will therefore be required to submit additional information, as outlined below, to demonstrate that all aspects of the surface water drainage management plan have been considered.

The applicant has not provided sufficient information in relation to the disposal of surface water from the site to enable me to make observations on the proposal. Indeed, although section 11 of the Design and Access Statement makes brief reference to the surface water drainage, no further information has been provided in this regard. The applicant must therefore submit a surface water drainage management plan which demonstrates how surface water from the development will be disposed of in a manner that does not increase flood risk elsewhere, in accordance with the principles of Sustainable Drainage Systems.

The applicant is therefore advised to refer to Devon County Council's draft Sustainable Drainage Design Guidance, which can be found at the following address: <https://new.devon.gov.uk/floodriskmanagement/sustainable-drainage/>.

I would also note that the aforementioned document makes reference to underground storage. However, these underground 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. Consequently, above-ground attenuation features should be utilised unless the applicant can robustly demonstrate that they are not feasible; in almost all cases, above- and below-ground features can be used in combination where development area is limited.

For clarity, I would also note that for outline planning applications, we require the following information for review:

Description of the type of development;

Location plan at an appropriate scale with a grid reference, showing geographical features, street names, watercourses or other water bodies in the vicinity;

Site plan showing the red line boundary and any land under the applicants' control;

Site survey showing the existing topography;

Assessment of all existing flood risks to the site, including from sewer networks, groundwater, overland surface water flows, reservoirs, ponds, canals, and other watercourses;

Calculations of the current surface water runoff for the site;

Calculations of the proposed surface water runoff for the site;

Calculations of the surface water attenuation storage volume required for the 1 in 100 (+40% allowance for climate change) year rainfall event;

Evidence that the site has an agreed point of discharge;

Evidence that the drainage hierarchy has been followed, providing robust evidence as to the viability or otherwise of:

1. Discharge into the ground (infiltration);
2. Discharge to a surface water body (with written permission);
3. Discharge to a surface water sewer, highway drain, or other drainage system (with written permission);
4. Discharge to a combined sewer (with written permission).

Explanations of the proposed flood risk mitigation measures;

Non-technical summary of the proposed surface water drainage management system;

Plans of the proposed surface water drainage management system, demonstrating that the proposed system fits within the proposed site layout, and is practical and sustainable;

Outline operation and maintenance plan and timetable for the proposed surface water drainage management system over the entire lifetime of the development.

Devon County Flood Risk Management - 9th August 2016

Following my previous correspondence (FRM/746/2016, dated 11th July 2016), the applicant has submitted additional information in relation to the surface water drainage aspects of the above planning application, for which I am grateful.

Section 2.13 of the submitted Flood Risk Assessment and Drainage Strategy Report (Report No. FRA01, Rev. -, dated May 2016) states that information prepared in support of the Phase 1 development confirms that the use of infiltration techniques for discharging surface water is feasible. However, the applicant will be required to submit this information in order to justify the use of infiltration devices on this site.

Depending on the nature of this information, the applicant may be required to submit details of an alternative, purely attenuation-based, surface water drainage management system, which could be utilised if infiltration is later demonstrated as being unfeasible on this site.

Furthermore, section 6.7 of the aforementioned document states that the proposed surface water drainage management system will be designed to the 1 in 100 year (+30% allowance for climate change) rainfall event. However, following the publication of the Flood Risk Assessments: Climate Change Allowances document (dated 19th February 2016), the applicant will be required to use a climate change uplift value of 40%.

I would also note that it is proposed to discharge the highway surface water runoff to an attenuation pond, with an outfall to an existing ditch, as presented in the Drainage Strategy Plan (Drawing No, 2103/500, Rev. /, dated May 2016). The acceptability of this arrangement will need to be confirmed by my colleagues in Highways.

Blackdown Hills AONB - 19th July 2016

The Blackdown Hills AONB Management Plan 2014-19 is the agreed policy framework for conserving and enhancing the AONB and seeks to ensure that all development affecting the AONB is of the highest quality. It contains the following policies of particular relevance to this proposal:

PD 1/B Seek to ensure that any necessary new developments or conversions within the AONB or affecting its setting conserve and enhance natural beauty and special qualities, particularly by respecting the area's landscape character and the local character of the built environment, reinforce local distinctiveness and seek to enhance biodiversity.

PD 4/A

Support initiatives that provide affordable housing to meet identified needs for local people in locations with access to employment and local services, ensuring that developments conserve and enhance natural beauty, particularly by respecting landscape and settlement character and avoiding impacts on nature conservation and historic interests.

On the principle of development, Paragraph 115 of the NPPF confirms that great weight should be afforded to conserving landscape and scenic beauty in AONBs, which have the highest status of protection.

We would also consider this scheme to be major development in the local context and as such Paragraph 116 applies, which confirms that such developments should only be approved exceptionally, where it can be demonstrated as being in the public interest and subject to three 'tests'.

I note that the application material references the appeal case at Uffculme, and so we highlight that Footnote 9 of the NPPF relating to Paragraph 14 confirms that the presumption in favour of sustainable development does not automatically apply in this case due to the AONB designation.

Where significant housing development is proposed at villages in the AONB, we consider that it is best dealt with through a plan-led approach which ensures that impacts on the AONB can be properly considered and the relative merits of different sites around a settlement can be soundly assessed.

It does not appear that landscape and visual impact have been considered (although perhaps the entire site was assessed at the time of the Griffin Close application). One of the special qualities of the AONB is the way that settlements and buildings blend harmoniously with the surrounding landscape, and also long views are a particular characteristic of the AONB. The site rises southwards up from Culmstock Road and I am not convinced that this development will not be evident in the wider landscape, leading to a sense of the village expanding outwards along the Culmstock Road, changing the perception of Hemyock as a nucleated settlement.

We believe that where housing schemes such as this are developed in the AONB, they should be exemplars in achieving a high standard of design so that local character is reinforced and the natural beauty of the area is conserved and enhanced. Matters of detail therefore require careful consideration and the integration of the site with the village is essential.

Blackdown Hills AONB - 4th August 2016

Thank you for advising of additional information, in respect of landscape and visual assessment.

This application is a major development, outside settlement limits, in the AONB. As a general principle therefore we would expect an appropriate LVIA to help assess the impact of development on the AONB. This may be proportionate to the scale of development, but nevertheless should be based on good practice - i.e. Landscape Institute and Institute of Environmental Management and Assessment: Guidelines for Landscape and Visual Impact Assessment (2013, 3rd edition).

Concerning development in Hemyock a key consideration in terms of landscape and visual impact is the expansive views over the settlement from the north/higher ground (such as approaching the village down Combe hill) and the perception of the village expanding outwards along the Culmstock Road, as noted in our original response. It will be important to consider settlement character and street scene as well as landscape and visual impact in terms of impact on the AONB, its character and special qualities.

Blackdown Hills AONB – 12th August 2016

Earlier this week I discussed this application and the AONB comments with the applicant. This was specifically on the issue of whether there is a need for a further LVIA. I have also revisited the AONB response to the related application 12/01334/MFUL (Griffin Close). Being in Hemyock, I am familiar with the site and surroundings, as is the applicant. We discussed the fact that landscaping and detailed design are matters to be considered at the reserved matters stage.

With all this in mind I accepted that the landscape and visual impact of this development is not likely to be significant and can be addressed at full application stage through consideration of details such as use of materials (e.g. favouring stone/brick rather than render); retention of mature trees and boundary hedges; ground levels and heights of dwellings.

Therefore, if you are content that you have the information you need to determine the application, the AONB would not be pushing for any further landscape assessment. All other comments remain valid.

I hope this is helpful to your considerations.

Hemyock Parish Council - 21st July 2016

It voted not to support the application and makes the following comments:-

The application is not supported for the following reasons:- the development is outside of the village settlement limit, there are already issues with access to school, there would be an increase in traffic increasing the danger to children accessing the play area, it is on a green field site, construction traffic is a concern, no jobs are created and carbon emissions are increased, the public transport is limited to the No 20 bus which cannot get you to and from Taunton for normal working hours, the roads are narrow and winding, access to medical services will come under increased pressure, consultation with South West Water is vital as it is believed that the sewer cannot cope with any more development, ratio of open market to affordable contravenes policy DM9.

Highway Authority - 6th July 2016 - Observations:

The proposed development is an extension to an existing development and access and visibilities are acceptable to the Highway Authority. The Local planning Authority is advised of the need to get approval from the lead Flood Authority over the drainage proposals and their maintenance and suitability. However should consent be granted the following conditions should be imposed.

The Local planning Authority and the Applicant is advised of the limited pallet of materials acceptable to the Highway Authority and the use of Tarmac in both carriageway and footway is acceptable but that maintenance audits no longer support other materials without commuted sums.

Recommendation:

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

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

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

2. No part of the development hereby approved shall be commenced until:

A) The access road has been laid out, kerbed, drained and constructed up to base course level for the first 20 metres back from its junction with the public highway;

B) The ironwork has been set to base course level and the visibility splays required by this permission laid out;

C) The footway on the public highway frontage required by this permission has been constructed up to base course level;

D) A site compound and car park have been constructed to the written satisfaction of the Local Planning Authority

REASON: To ensure that adequate on site facilities are available for all traffic attracted to the site during the construction period, in the interest of the safety of all users of the adjoining public highway and to protect the amenities of the adjoining residents

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

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

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

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

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

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

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

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

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

4. Within twelve months of the first occupation of the first dwelling in an agreed phase of the development, all roads, footways, footpaths, drainage, statutory undertakers' mains and apparatus, junction, access, retaining wall and visibility splay works shall be completed to the written satisfaction of the Local Planning Authority.

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

5. No development shall take place until a surface water drainage scheme has been submitted to and approved in writing by the County Planning Authority. Unless it is demonstrated that it is unfeasible to do so, the scheme shall use appropriate Sustainable Urban Drainage Systems. The drainage scheme shall be designed so that there is no increase in the rate of surface water runoff from the site resulting from the development and so that storm water flows are attenuated. The development shall be carried out in accordance with the approved scheme.

REASON: To protect water quality and minimise flood risk in accordance with policy.

6.0 REPRESENTATIONS

7 objections (and 1 representation) summarised as follows:

- Concern regarding access roads, traffic and congestion
- Roads are in poor condition and badly maintained and there is little room for large vehicles to pass each other on the country lanes
- The development would increase traffic to unacceptable levels especially considering these roads are used to access the school and park
- Consideration should be given to improving the main roads and providing traffic calming in Logan Way and Conigar Close
- The development will exacerbate existing traffic problems at school time – there is already a well-known informal one-way system in operation on local roads to allow safe transport of children.
- The roads are not suitable for construction traffic
- The site is within the AONB where every effort should be made to protect the landscape
- The development will cause overlooking and loss of visual amenity for existing residents
- There is no up to date housing needs survey for the village, expressions of interest do not constitute a proven need
- Market housing on an exception site is not acceptable

- There is no need for additional housing in Hemyock – there are a number of houses for sale/rent in the village
- The development will affect infrastructure such as the doctor's surgery and education facilities
- There will be a loss of wildlife
- The proximity of the attenuation pond to housing makes it dangerous for young children

7.0 MATERIAL CONSIDERATIONS AND OBSERVATIONS

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in determining this application are:

1. Principle of development, including 5 year land supply
2. Layout and scale
3. Access and parking
4. Landscape and effect on the AONB
5. Ecology and trees
6. Heritage
7. Drainage
8. Effects on neighbouring residents
9. Section 106 and other financial considerations
10. Planning balance

1. Principle of development, including 5 year land supply

Policy COR17 provides a definition of villages with defined settlement limits and sets out the type and scale of development that is acceptable within defined settlement limits and permitted on allocations outside settlement limits. Policy COR18 seeks to control development outside defined settlement limits to appropriate rural uses, excluding new market housing.

The development is on agricultural land outside of the Hemyock defined settlement boundary. The site is not allocated and is not being proposed for 100% affordable housing. The proposal is therefore considered to be contrary to policies COR17 and COR18 of Mid Devon's adopted development plan.

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

Policy AL/DE/6 of the AIDPD permits development of 100% affordable housing to meet the needs of the local community on exception sites adjoining existing settlements.

Policy DM9 of the Local Plan 3 Development Management Policies permits cross-subsidy of affordable housing with market housing on exception sites where there is evidence of local need for affordable housing and the amount of market housing is lower than the affordable housing and at the lowest proportion that will ensure the delivery of significant affordable housing. The proposed development is not for 100% affordable housing.

The CLT carried out a housing needs consultation in February 2016, advertising in the parish magazine and sending a leaflet to 700 households in the village. 31 households expressed an interest in affordable housing, only 7 of which were on the previous register. The survey indicated that there was the following need:

Family of 6	1
Family of 5	4
Family of 4	4
Family of 3	7
Family of 2	2
Couple	7
Individual	6

This is a joint application between the Community Housing Land Trust that previously developed the adjacent 100% affordable housing development at Griffin Close, and a local developer. The applicant has set out in its planning statement the history behind the site coming forward in two phases, phase 1 being for 100% affordable housing and phase 2 including some market housing to cross-subsidise the affordable housing.

If the current application is considered to stand alone then the proportion of affordable housing to be provided stands at approximately 35%. This would accord with the requirement for 35% affordable housing under policy AL/DE/3 of the AIDPD, which would apply if the site was an open market housing site (e.g. within settlement boundary or allocated for market housing).

However, the applicant is arguing that the application should be considered as phase 2 of the Griffin Close development and that the 12 affordable dwellings already built should be added to the mix when calculating the percentage of affordable housing. The percentage would then be approximately 60% affordable dwellings, lower than the amount of market housing. No viability figures have been provided in order to support the cross-subsidy requirement for it to be demonstrated that the level of market housing is the lowest possible to ensure the delivery of the affordable housing over the two phases.

The development would therefore not accord with policy AL/DE/6 of the AIDPD.

However, Members will also be aware that Mid Devon has been found not to be able to demonstrate a 5 year housing land supply. The NPPF advises that where a five year land supply of deliverable housing sites cannot be demonstrated, policies on housing supply should not be considered up to date. This includes settlement limits identifying areas which are open countryside and those which are within defined settlements.

Paragraph 14 of the NPPF states that where development plan policies are considered to be out of date, planning permission should be granted unless adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the NPPF as a whole OR specific policies in the NPPF indicate development should be restricted. Housing applications need therefore to be considered in the context of sustainable development, unless specific policies indicate development should be restricted.

Policies COR17 and COR18 are directly relevant to the supply of housing in the District and are now considered to be out of date. This does not mean that Mid Devon's policies must be cast aside, but the weight given to them is proportionate to their consistency with the National Planning Policy Framework (NPPF).

The footnote to paragraph 14 of the NPPF gives examples of where development should be restricted, including within Areas of Outstanding Natural Beauty.

The NPPF contains a presumption in favour of sustainable development. It requires local authorities to "boost significantly the supply of housing" and to consider housing applications in the context of the presumption in favour of sustainable development. To promote development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. This is reflected in policy DM1 of the Local Plan 3 Development Management Policies which takes a positive approach to sustainable development, allowing development to be approved wherever possible. However, the NPPF also states that development should be restricted within AONBs and gives a number of criteria which need to be met (see Landscape and the effect on the AONB below).

Hemyock has a number of local services and facilities and is considered to be a village that is a sustainable location for the limited development of additional housing, albeit development being restricted by the need to preserve the special landscape qualities of the AONB.

The following paragraphs consider the impacts of the development and finally weigh in the balance the benefits of the proposal against identified harm.

2. Layout and scale

Layout and scale are to be determined through the current outline application. The proposal is for 22 dwellings set around a new estate road with turning head. Each dwelling will have two parking spaces and a private garden. The layout has been improved following discussions, however, your officers still have concerns about the proximity of plots 14 and 15 to two large Oak trees on the boundary which are to be retained, as these will shade the small gardens and there will be pressure to fell the trees in the future. Otherwise the layout is considered to be acceptable, with parking well-related to the houses and, for the most part, reasonable size gardens.

Scale, appearance and landscaping will be determined upon the submission of reserved matters. Concern has been raised in relation to the designs of the dwellings and the palette of materials, particularly in relation to the AONB. This will be considered as part of the reserved matters application(s).

3. Access and parking

Access is to be from an existing turning head in Conigar Close. Concern has been raised with regard to the suitability of local roads to take additional traffic, particularly as Conigar Close is off Logan Way which leads to the primary school. Concern has also been raised that access into Hemyock itself is restricted by the nature of the surrounding country lanes which are not suitable for additional traffic. Concern has also been raised regarding access for construction traffic.

A Transport Statement has been submitted and the Highway Authority has been consulted. The Highway Authority has commented that the proposed scheme is an extension to an existing development and access and visibilities are acceptable to them. They have recommended a number of conditions relating to construction of the estate road and drainage. Your officers also recommend a condition relating to compliance with a detailed construction management plan to control traffic during the construction period in order to minimise the impacts on existing residents during the construction period.

Whilst it is recognised that there are perceived problems with traffic flows at peak times, the Highway Authority has not recommended additional traffic calming or other road improvements in order to make the development acceptable. The proposed development is considered to be in accordance with policies COR9 of the Mid Devon Core Strategy (LP1) and DM2 of the Local Plan 3 Development Management Policies with regard to development in accessible locations and the provision of a suitable and safe access. The provision of a footpath from Griffin Close to Conigar Close will aid pedestrian movement, particularly from Griffin Close to the school.

The submitted layout plan shows the provision of 2 parking spaces per dwelling, with the exception of the 2 x 1 bed units where 1 parking space is provided. There are also 3 additional visitor spaces. The parking is well-related to the development and is considered to be in accordance with policy DM8 of the Local Plan 3 Development Management Policies and the SPD on parking.

4. Landscape and effect on the AONB

The site is within the Blackdown Hills AONB. Policy COR2 of the Mid Devon Core Strategy (LP1) requires development to preserve and enhance the distinctive qualities of Mid Devon's landscape and to protect the setting of the Blackdown Hills AONB. Policy DM2 of the Local Plan Part 3 Development Management Policies requires development to demonstrate a clear understanding of the characteristics of the site, its wider context and surrounding area and make a positive contribution to local character.

Policy DM29 of the Local Plan 3 Development Management Policies states that major developments within the AONB will only be permitted in exceptional cases. This policy reflects the NPPF which states that the highest status of protection should be given for the landscape and scenic beauty of AONBs. Great weight should be given to conserving landscape and scenic beauty in these areas. The application is for major development and Members will need to consider whether the proposal is in the public interest and is exceptional enough to warrant granting permission.

Paragraph 16 of the NPPF states that planning permission should be refused for major development in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration of such applications should include an assessment of:

- the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy
- the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way, and
- any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

Taking these criteria in turn:

Need for the development

A need for additional affordable housing in the village has been identified through the CLT's survey and it is expected that the market housing will also be in demand as there has been limited development in the village in the past.

Whilst approving or refusing the application would not have a significant impact on the local economy, there are clearly some economic benefits to be had through the construction work and the occupation of the dwellings would provide support for local business and services.

As far as national considerations are concerned, the NPPF seeks to "boost significantly the supply of housing". Mid Devon's lack of a 5 year housing land supply is considered to be a material consideration carrying significant weight in determining the application. However, in your officer's opinion, significant weight can also be given to paragraph 16 of the NPPF restricting development in the AONB and to policy DM29 of the Local Plan 3.

Case law identifies that, in the context of decision-taking, restrictive policies such as those protecting an AONB will continue to be relevant even where relevant policies are out of date. This does not mean that development plan policies that are out of date are rendered up to date by the continuing relevance of the restrictive policies. Both the restrictive policies of the NPPF, where they are relevant to a development control decision, and out of date policies in the development plan will continue to command such weight as the decision-maker reasonably finds they should have in the making of the decision.

The emerging Local Plan Review seeks to allocate a brownfield site within Hemyock for 10 dwellings but no other housing land. Hemyock is considered to be a sustainable location for limited additional housing growth, having the facilities and services required for the day to day needs of the residents.

It can therefore be argued that there is a need for the development to satisfy the first bullet point of paragraph 16.

Meeting the need in some other way

It cannot be argued that housing could not be developed outside the designated area due to the scope or cost of doing so.

However, the need for housing in Hemyock could not reasonably be met by development elsewhere outside of the AONB and it is reasonable to assume that the second bullet point of paragraph 16 can be satisfied.

Effect on the environment

A limited landscape and visual impact assessment has been provided as part of the application. Natural England and the Blackdown Hills AONB team have both commented that a full LVIA should have been provided, Natural England referring to the requirement to obtain advice from the AONB.

The site is within Character Area LCT3A Upper farmed and wooded valley slopes. The character area is characterised by convex hills and rounded ridges with fertile smooth slopes running into small-scale views. Extensive tracts of medium-scale permanent pasture are grazed with some slopes and flatter hilltops cultivated for arable crops. Well-managed dense hedgerows bound regular medium to large pasture fields. Isolated farms, rural cottages and farm buildings tend to be visually prominent in the landscape with long views from one hilltop to another. The site is within this character area but there are few long views in or out of the site.

The AONB acknowledged in a later consultation response that whilst the standard of the submitted LVIA was substandard, they accept that the landscape and visual impact of this development is not likely to be significant and can be addressed at reserved matters stage. The importance of thorough consideration of details such as use of materials (e.g. favouring stone/brick rather than render), retention of mature trees and boundary hedges, ground levels and heights of dwellings is emphasised. The AONB considers that if Mid Devon is content that there is sufficient information available to determine the application, the AONB would not be pushing for any further landscape assessment. Whilst the submitted information is considered to be sufficient to establish the principle of development, a more robust LVIA will be required at reserved matters stage.

The site is well screened within the landscape and the proposed development would abut existing development on two sides, appearing as a natural extension to the village's built form. Strong boundary hedges and trees and the enclosed nature of the landscape minimise the impact of the development on the landscape. Further consideration can be given to appearance, scale and landscaping at reserved matters stage. Your officer's consider that the site represents a logical extension to the village with minimum landscape impacts.

Whilst the lack of appropriate landscape assessment is regrettable and may in other circumstances weigh against approval, in this case due to the limited visibility of the site within the landscape and the nature of the site itself, your officers consider it is possible to make a recommendation based on the submitted details.

The limited landscape and visual impact of the proposed development, coupled with good design through approval of reserved matters, is considered to moderate the impact on the environment to an acceptable degree, in order to satisfy the third bullet point of paragraph 16.

5. Ecology and trees

There are several good trees on the boundary of the site which are to be retained. The layout has been amended in the light of the tree officer's comments. However, there is still the potential for conflict between use of the new dwellings and the large Oak trees on the boundary of the gardens of plots 14 and 15, although the gardens have been made larger to minimise shading of the entire gardens. It is recommended that compliance with the tree protection plan and arboricultural method statement is conditioned.

The ecology report recommends protection of hedgerows during construction and a 2m buffer zone retained to ensure hedgerows can continue to be used by wildlife, e.g. bats and badgers. The ecology report also recommends a management plan be put in place for the hedges to ensure they are managed for biodiversity. External lighting is also to be restricted. The report recommends strategies to protect dormice and reptiles, habitat enhancement measures for bats and nesting birds and design of the attenuation pond to benefit wildlife. It is recommended that compliance with the ecology report is conditioned.

Subject to conditioned, it is considered that biodiversity will be conserved and enhanced in accordance with policy DM29 of the Local Plan 3 Development Management Policies which seeks to protect biodiversity in protected landscapes such as the AONB.

6. Heritage

The proposed development site lies in an area of archaeological potential to the south of an area where recent archaeological investigations have revealed the presence of an 8th century AD iron smelting site. The undertaken geophysical survey of the application area has not identified any archaeological deposits associated with the nearby iron smelting site and, as such, no further archaeological work is required to support and inform this planning application. However, there is the potential for the site to contain archaeological and artefactual deposits associated with the known iron extractive and pottery industries that operated in Hemyock in the medieval and post-medieval periods, and any such deposits will be affected by the development of the site. For this reason, Devon Historic Environment Records Services has recommended further work which should be secured by condition.

There are no listed buildings in the immediate vicinity of the site. Hemyock Castle, a Scheduled Ancient Monument and St Mary's Church, a Grade II* listed building and the Grade II* castle gatehouse and walls lie approximately 225 metres to the east of the site. However, the area between the site and these heritage assets has already been developed and it is not considered that a limited additional number of dwellings will have a material additional effect on the settings of these heritage assets.

The development is considered to be in accordance with policy DM27 of the Local Plan 3 Development Management Policies which seek to protect heritage assets and their settings.

7. Drainage

A Sustainable Urban Drainage Scheme is proposed which drains into an attenuation pond to the north west of the site. The submitted drainage strategy has been amended following consultation with the Lead Local Flood Authority. The applicant has provided further information to address the concerns of the Lead Local Flood Authority and your officers are

awaiting their confirmation whether the strategy is now acceptable. Members will be updated with their response. A response from the Highway Authority is also awaited as to whether the outflow from the attenuation pond can be discharged into the highway drainage system. Again, Members will be updated with the response.

A condition is recommended in respect of submission of the final drainage details for approval, together with details of the ongoing management and maintenance of the surface water drainage system. Concern has been raised with regard to the potential dangers of an attenuation pond close to residential development. The attenuation pond will need to be designed to comply with safety requirement and also to be shallow gradient to provide the biodiversity enhancements recommended in the ecology report. An additional condition to deal with surface water run-off during the construction stage is also recommended, in accordance with Lead Local Flood Authority advice.

Subject to final confirmation, the SUDS system is considered to be acceptable and is in accordance with policy DM2 of the Local Plan 3 Development Management Policies which requires the provision of a SUDS system where possible.

8. Effects on neighbouring residents

Concern has been raised that the proposed development would cause overlooking and loss of visual amenity for existing residents. Whilst the appearance of the dwellings will not be agreed until the reserved matters stage, it can be seen from the layout plan that the development has been designed to minimise impacts on the amenities of existing residents. Dwellings along the boundary with Conigar Close have been designed to be side-on to existing dwellings and windows in the side elevations can be controlled through conditions if necessary at the reserved matters stage. The hedge along the boundary will be retained and there is a reasonable distance between existing and new development.

There is potential for some loss of privacy for the existing residents of Griffin Close and the dwellings in plots 16-20 will be need to be designed to minimise any potential for overlooking. However, there is a separation distance of approximately 20 metres between existing and new dwellings which is adequate to provide a reasonable level of privacy and amenity. Subject to detailed design, the development is considered to be acceptable in terms of its potential impact on the privacy and amenity of existing and future residents and in accordance with policy DM2 of the Local Plan 3 Development Management Policies in this respect.

9. Section 106 and other financial considerations

Policy AL/DE/3 of the AIDPD sets an affordable housing target of 35% for open market developments (e.g. within settlement boundaries and on allocations). Policy AL/DE/6 of the AIDPD permits development of 100% affordable housing to meet the needs of the local community on exception sites adjoining existing settlements, outside defined settlement boundaries.

Policy DM9 of the Local Plan 3 Development Management Policies permits cross-subsidy of affordable housing with market housing on exception sites where there is evidence of local need for affordable housing and the amount of market housing is lower than the affordable housing and at the lowest proportion that will ensure the delivery of significant affordable housing. Policies AL/DE/4 and AL/DE/5 set criteria for the occupation, design and location of affordable dwellings.

The applicant has agreed to enter into a Section 106 Agreement in order to provide 8 affordable dwellings on the site. These will comprise 4 affordable rent dwellings, 3 shared ownership dwellings and 1 starter home. The mix has been confirmed as acceptable by the Housing Enabling Manager.

Policy AL/IN/3 requires 60 square metres of equipped and landscaped public open space per dwelling, or if more appropriate, an equivalent financial contribution. The applicant has agreed to make a financial contribution of £26,510 towards improvements to Higher and Lower Millhayes public open spaces.

Policy AL/IN/5 provides for new development to cover the cost of additional education provided required to meet the needs of the development. Devon County Council has requested a financial contribution of £73,495 towards the extension of existing secondary education facilities and also towards the provision of secondary education transport. The applicant has agreed to make this financial contribution.

The proposed dwellings would be eligible for counting towards the New Homes Bonus. If the New Homes Bonus is distributed across Council Tax Bands in the same way as in 2015, the award for each house would be £1,028 per year (each affordable house attracting a further £350 bonus), paid for a period 6 years. The amount of New Homes Bonus to be generated by this development would be £152,496.

10. Planning balance

The NPPF contains a presumption in favour of sustainable development and requires local authorities to boost significantly the supply of housing. This presumption is considered to carry significant weight. The development would provide 14 open market and 8 affordable dwellings which would provide economic and social benefits for Hemyock.

The NPPF requires that where Local Plan policies are considered to be out of date (see above), planning permission should be granted unless adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole or specific policies in the NPPF indicate development should be restricted.

The site is within the AONB where major development is restricted in accordance with paragraph 116 of the NPPF and this needs to be read in conjunction with the presumption in favour of sustainable development.

The NPPF states that great weight should be given to conserving landscape and scenic beauty in AONBs.

The application is for major development and the NPPF states that major development in AONBs should be refused unless there are exceptional circumstances to warrant approval. Your officers consider that the criteria to be met under paragraph 16, as set out under section 4 above can be met. Of particular importance, is the fact that the site is well-screened and would blend well into the existing settlement, having existing residential development on two sides. Subject to detailed design at reserved matters stage, it is not considered that the development would harm the special landscape qualities of the AONB and for this reason the presumption in favour of refusal of major development in AONBs is considered to carry less weight.

Other benefits include contributions towards public open space and education and the New Homes Bonus which are considered to carry some weight.

Members will need to consider whether the proposal is in the public interest and is exceptional enough to warrant granting permission in accordance with policies DM29 of the Local Plan 3 Development Management Policies and paragraph 116 of the NPPF.

On balance and taking all the above into account, your officers consider the benefits to outweigh the harm and therefore recommend approval.

CONDITIONS

1. Before development begins, detailed drawings to an appropriate scale of the scale and appearance of the buildings and the landscaping (including the attenuation pond area) (the Reserved Matters) shall be submitted to and approved in writing by the Local Planning Authority.
2. Application(s) for approval for all the Reserved Matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
3. The development hereby permitted shall begin either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the Reserved Matters which have been approved, whichever is the latter.
4. The details required to be submitted by condition 1 shall include the following additional information: boundary treatments, existing and proposed site levels, finished floor levels, and sections through the site indicating the relationship of the proposed development with existing development, and a Landscape and Visual Impact Assessment assessing the impacts of the proposed detailed development within the landscape.
5. No development shall begin until an investigation and risk assessment has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, (whether or not it originates on the site), which shall have been previously submitted to and approved in writing by the Local Planning Authority. The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings produced and submitted to and approved in writing by the Local Planning Authority. The report of the findings shall include:
 - (i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This shall be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

6. Should the report required by condition 5 require remediation to take place, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be submitted to and approved in writing by Local Planning Authority before development begins.
The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
7. The remediation scheme approved under condition 6 (if required) shall be carried out in accordance with its terms prior to the commencement of development (other than that required to carry out remediation), unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out shall be submitted to and approved in writing by the Local Planning Authority.
8. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be undertaken in accordance with the requirements of condition 5, and where remediation is necessary a remediation scheme shall be prepared in accordance with the requirements of condition 6, which is subject to the prior approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved in writing by Local Planning Authority in accordance with condition 7.
9. No development shall begin until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation which has been previously submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.
10. No development shall begin until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority to include:

- (a) the timetable of the works;
- (b) daily hours of construction;
- (c) any road closure;
- (d) hours during which delivery and construction traffic arrive at and depart from the site;
- (e) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during construction;
- (f) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste
- (g) details of wheel washing facilities and road sweeping obligations together with dust suppression proposals.

Construction shall take place only in accordance with the approved details.

11. The proposed estate road, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be submitted to and approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to and approved in writing by the Local Planning Authority.
12. The occupation of any dwelling shall not take place until the following works have been carried out in accordance with the approved details:
 - a) The cul-de-sac carriageway including the vehicle turning head within that phase shall have been laid out, kerbed, drained and constructed up to and including base course level, the ironwork set to base course level and the sewers, manholes and service crossings completed;
 - b) The cul-de-sac footways and footpaths which provide that dwelling with direct pedestrian routes to an existing highway maintainable at public expense have been constructed up to and including base course level;
 - c) The cul-de-sac visibility splays have been laid out to their final level;
 - d) The street lighting for the main road, cul-de-sac and footpaths has been erected and is operational;
 - e) The car parking and any other vehicular access facility required for the dwelling by this permission has/have been completed;
 - f) The verge and service margin and vehicle crossing on the road frontage of the dwelling have been completed with the highway boundary properly defined;
 - g) The street nameplates for the cul-de-sac have been provided and erected.
13. Within twelve months of the first occupation of the first dwelling in an agreed phase of the development, all roads, footways, footpaths, drainage, statutory undertakers' mains and apparatus, junction, access, retaining wall and visibility splay works shall be completed in accordance with the approved details.
14. No development shall begin until specific details of the sustainable urban drainage system proposed to serve the site, including details of the gradients of the attenuation pond and long term management and maintenance plans for the SUDS scheme, have been submitted to and approved in writing by the Local Planning Authority.

Once agreed, the development shall be constructed in accordance with the approved scheme, and the approved SUDS scheme shall be fully operational before any of the proposed dwellings are first occupied. Once provided, the approved SUDS scheme shall be permanently retained, managed and maintained in accordance with the approved details.

15. No development shall begin until a temporary surface water drainage management plan, to demonstrate how surface water runoff generated during the construction phase will be managed, has been submitted to and approved in writing by the Local Planning Authority. The plan must also include details of how eroded sediment will be managed to prevent it from entering the permanent surface water drainage management system and include a timetable for the implementation of the management plan. Once approved the management plan shall be implemented in accordance with the approved details.
16. No development shall begin until a detailed tree/hedge protection plan to supplement that submitted under this outline application has been submitted to and approved in writing by the Local Planning Authority. Such supplemental tree/hedge protection plan shall include an Arboricultural Method Statement and three constraints plan showing canopies and roof protection areas for all trees on the site and its boundaries. The development shall be carried out only in accordance with the approved details.
17. The development shall take place only in accordance with the recommendations in the Conservation Action Statement within the Preliminary Ecological Appraisal by Blackdown Environmental dated June 2016 and the Tree Schedule, Impact Assessment and Arboricultural Method Statements by Blackdown Environmental dated 16th May 2016.
18. Any external lighting installed on site shall be in accordance with a sensitive lighting plan that shall have been submitted to and approved in writing by the Local Planning Authority before any external lighting is installed.

REASONS FOR CONDITIONS

1. In accordance with the provisions of Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 Planning and Compulsory Purchase Act 2004.
2. In accordance with the provisions of Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 Planning and Compulsory Purchase Act 2004.
3. In accordance with the provisions of Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 Planning and Compulsory Purchase Act 2004.
4. To ensure that adequate information is available for the proper consideration of the detailed proposals.
5. To ensure that risks from land contamination to future users of the land, neighbouring land and uses, ecological systems and controlled waters are minimised and to ensure the development can be carried out safely, in accordance with policies DM2 and DM7 of the Mid Devon Local Plan Part 3 (Development Management Policies).

6. To ensure that risks from land contamination to future users of the land, neighbouring land and uses, ecological systems and controlled waters are minimised and to ensure the development can be carried out safely, in accordance with policies DM2 and DM7 of the Mid Devon Local Plan Part 3 (Development Management Policies).
7. To ensure that risks from land contamination to future users of the land, neighbouring land and uses, ecological systems and controlled waters are minimised and to ensure the development can be carried out safely, in accordance with policies DM2 and DM7 of the Mid Devon Local Plan Part 3 (Development Management Policies).
8. To ensure that risks from land contamination to future users of the land, neighbouring land and uses, ecological systems and controlled waters are minimised and to ensure the development can be carried out safely, in accordance with policies DM2 and DM7 of the Mid Devon Local Plan part 3 (Development Management Policies).
9. To ensure that an appropriate record is made of archaeological evidence that may be affected by the development in accordance with policy DM27 of the Mid Devon Local Plan Part 3 (Development Management Policies) and the NPPF.
10. To ensure adequate facilities are available on site during the construction period in the interests of highway safety and to protect the amenities of existing residents, in accordance with policy DM2 of the Mid Devon Local Plan part 3 (Development Management Policies).
11. To ensure that adequate information is available for the proper consideration of the detailed proposals.
12. To ensure that adequate access and associated facilities are available for the traffic attracted to the site, in accordance with policies DM2 and DM8 of the Mid Devon Local Plan part 3 (Development Management Policies).
13. To ensure that the access arrangements are completed within a reasonable time in the interests of safety and the amenity of residents.
14. To minimise flood risk and provide sustainable drainage on site in accordance with policies COR11 of the Mid Devon Core Strategy (Local Plan Part 1) and DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).
15. To minimise flood risk and provide sustainable drainage on site in accordance with policies COR11 of the Mid Devon Core Strategy (Local Plan Part 1) and DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies) and in accordance with guidance contained within the DEFRA document 'Non-statutory technical standards for sustainable drainage systems'.
16. To ensure retained trees and hedges are protected before and during construction in order to safeguard the special landscape qualities of the Area of Outstanding Natural Beauty in accordance with policies COR2 of Mid Devon Core Strategy (Local Plan Part 1) and DM29 of Mid Devon Local Plan Part 3 (Development Management Policies).
17. To ensure protected species are not harmed by the development and the hedges and trees contribute towards the visual amenities of the area and the setting of the Blackdown Hills AONB, in accordance with policies COR2 of the Mid Devon Core Strategy (Local Plan Part 1) and DM2 and DM29 of the Mid Devon Local Plan Part 3 (Development Management Policies).

18. In accordance with the recommendations in the submitted ecology report in the interests of protecting bats and to preserve the setting of the Blackdown Hills AONB, in accordance with policies DM2 and DM29 of the Mid Devon Local Plan Part 3 (Development Management Policies).

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The development is considered to be acceptable in that it represents a sustainable form of development in accordance with the provisions of the National Planning Policy Framework, with the benefits of the scheme in terms of the provision of housing and affordable housing, carrying significant weight against the limited terms identified to the special landscape qualities of the Blackdown Hills AONB. Subject to mitigation and conditions, the development is not considered to have an unacceptable impact on highway safety, the environment including flood risk and protected species, heritage assets and local residents. Financial contributions are to be provided in respect of improvements to public open space and education infrastructure and the development attracts the payment of a New Homes Bonus.

The development is considered to be in accordance with policies COR1, COR2 and COR9 of the Mid Devon Core Strategy (Local Plan Part 1), AL/DE/3, AL/DE/4, AL/DE/5, AL/IN/3 and AL/IN/3 of the Allocations and Infrastructure Development Plan Document (Local Plan Part 2), DM1, DM2, DM8, DM27 and DM29 of the Mid Devon Local Plan part 3 (Development Management Policies) and the National Planning Policy Framework as a whole. The proposed development is considered to be contrary to policies COR17 and COR18 of the Mid Devon Core Strategy (Local Plan Part 1) and AL/DE/6 of the AIDPD as it is outside any defined settlement boundary and is not for 100% affordable housing (or demonstrated to be cross-subsidised). However, as stated above the benefits of the scheme are considered to outweigh any harm and the development is considered to be in accordance with the National Planning Policy Framework as a whole.

Contact for any more information	Tina Maryan (01884) 234336
Background Papers	None
File Reference	16/000918/MOUT
Circulation of the Report	Cllrs Richard Chesterton Members of Planning Committee