

Public Document Pack

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PLEASE NOTE: Members of the public wishing to speak to a planning application are requested to contact the Committee Administrator before the meeting starts.

MID DEVON DISTRICT COUNCIL

PLANNING COMMITTEE

A MEETING of the **PLANNING COMMITTEE** will be held in the Phoenix Chamber, Phoenix House, Tiverton on Wednesday, 2 November 2016 at 2.15 pm

The next ordinary meeting of the Committee will take place on Wednesday, 30 November 2016 at 2.15 pm in the Phoenix Chamber, Phoenix House, Tiverton

STEPHEN WALFORD

Chief Executive
25 October 2016

Councillors: Mrs H Bainbridge, Mrs C Collis, 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 and R L Stanley

A G E N D A

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

1 APOLOGIES AND SUBSTITUTE MEMBERS

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

2 PUBLIC QUESTION TIME

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

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

3 MINUTES OF THE PREVIOUS MEETING (Pages 5 - 24)

To receive the minutes of the previous meeting (attached).

4 CHAIRMAN'S ANNOUNCEMENTS

To receive any announcements the Chairman may wish to make.

5 **ENFORCEMENT LIST** *(Pages 25 - 50)*

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 51 - 86)*

To consider the planning applications contained in the list.

8 **THE DELEGATED LIST** *(Pages 87 - 100)*

To be noted.

9 **MAJOR APPLICATIONS WITH NO DECISION** *(Pages 101 - 102)*

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

10 **APPEAL DECISIONS** *(Pages 103 - 104)*

To receive for information a list of recent appeal decisions.

11 **ERECTION OF NEW BUILDING FOR PROCESSING DIGESTATE FIBRE IN ASSOCIATION WITH EXISTING AD PLANT - LAND AT NGR 283096 113579 (MENCHINE FARM) NOMANSLAND** *(Pages 105 - 126)*

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

12 **PERFORMANCE** *(Pages 127 - 130)*

To consider a report of the Head of Planning and Regeneration with regard to Quarter 2 performance figures.

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.

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 5 October 2016 at 2.15 pm

Present

Councillors

Mrs H Bainbridge, Mrs C Collis,
Mrs F J Colthorpe, Mrs G Doe, R J Dolley,
P J Heal, F W Letch, R F Radford,
Mrs J Roach, J D Squire and R L Stanley

Apologies

Councillors

D J Knowles and B A Moore

Also Present

Councillors

P H D Hare-Scott, T G Hughes and Mrs M E Squires

Present

Officers

Stephen Walford (Chief Executive), Jenny Clifford (Head of Planning and Regeneration), Amy Tregellas (Head of Communities and Governance and Monitoring Officer), Simon Trafford (Area Planning Officer), Alison Fish (Area Planning Officer), Lucy Hodgson (Area Planning Officer), Christie McCombe (Area Planning Officer) and Sarah Lees (Member Services Officer)

Also in

attendance

I Sorenson (Highway Authority, Devon County Council)

78 **APOLOGIES AND SUBSTITUTE MEMBERS**

Apologies were received from Cllr D J Knowles who was substituted by Cllr Mrs J Roach.

Apologies were also received from Cllr B A Moore who was substituted by Cllr Mrs G Doe.

79 **PUBLIC QUESTION TIME**

Referring to item 11 on the agenda, 19 Exeter Road, Silverton, Mr Peter Davies said that this was the fourth set of drawings we've had to object to and each time it has been because the objections we have made have not been addressed significantly. The list of objectors to the previous plan was considerable and included the Parish Council, the Ward Councillor, 14 neighbours, the Conservation Officer and this Committee. Once again the Parish Council have come out strongly against. The implications report concluded that there are reasons for refusal and nothing in the

revised plan changes this. The Committee rejected the previous plan because of over development and this remains unaltered. Members complaining of shoe horned two buildings onto the site and cramping them in will still be disappointed. The committee rejected the previous plan because of the street scene. The two two-storey buildings will still have an overpowering visual affect and look completely out of context in this row of bungalows. Positioning them back one metre will have little significance. The Committee also rejected the previous plan because of the impact on the conservation area. The hedge bank at number 19 continues along Exeter Road to the country lanes leaving the village. This was previously 1.7m high. Mid Devon District Council's Silverton conservation area appraisal plan reports that the character of Exeter Road is enhanced by its hedges and that removal would impact greatly on the street scene. This bank is to be replaced by a narrow wall as seen in the drawing 1p16. As this wall will only be up to 900mm high there will be a large open frontage creating a suburban feel and certainly not improving or enhancing the conservation area. Furthermore with a large tarmacked front garden and wide visibility lines there will be little room for any planting. At the last committee meeting a Member wished to be reminded of the pre appraisal plans. The first planning officer from this council decided that the site was only suitable for one dwelling with amenity space to the front and back. I would also add that one could then keep the same gated entrance and all the bank and hedge. Members have also remarked that one dwelling would sit better on the site. May I ask the current officer if such a proposal would not better satisfy every one of the Committees objections? As these revised drawings fail to implement these objections I can only urge the Committee to uphold its previous decision and reject this application on the same basis of over development and detrimental impact on the street scene in a conservation area.

Mr John Joliffie, Executive Head Teacher of the Exeter Federation which includes Newton St Cyres Primary School, referring to item 12, said that as there are several members of the Planning Committee that were absent from the briefing meeting that was held last week he would like to ask if they were aware of the very tight timescales that the EFA are now working under and that this would mean that any delay to the proposed new school could jeopardise the whole scheme and also I'd like to ask if the Committee Members have had the opportunity to read the schools updated travel plan and the support that parents have shown for walking buses, scooting and cycling to school and finally to ask if those committee Members are aware of the overwhelming support of the community for the new school and their support for the new improvements to the junction of the A377 and Station Road and the benefit that this will be to the whole community.

Mr Bill Croome, speaking to the item regarding 19 Exeter Road, Silverton and to the Three Tuns, Silverton, said that my concern is with regard to over development on the site at the Three Tuns and at Exeter Road and I believe this concern is shared by Members. The enlarged house proposed at the Three Tuns will be on higher ground than the cottages at Exeter Road which are at street level, the house will be overbearing and will take up parking spaces which highways have expressed reservations about if conversion of the pub is contemplated. I truly regret the closure of Silverton's most historic inn and had hoped that the original part may be kept as a pub. Would the Planning Officer confirm that an application has been made for the development and conversion of the Three Tuns itself? In the report reference is made to the development at the rear of 4 Exeter Road and I understand that revised plans have been submitted for this. Is the Planning Officer aware that the property is tenanted which may explain the lack of objection to the proposal? The proposal for 2

houses at number 19, even with the revisions before you, is also over development. You will see from the site plan which will be displayed that this site is smaller than the one re-developed at the rear and is barely capable of taking two buildings of the size proposed.

Dr Phillip Bratby, referring to Edgeworthy farm, said it is stated in the officer's report that one of the reasons for the large digester capacity, and I quote 'is to be in accordance with guidance from the Environment Agency with regards to planning for contingency'. Has the officer confirmed this with the Environment Agency and does it not seem odd that Greener for Life is wanting to increase contingency here whereas at Menchine farm and Red Linhay it has been going against the Environment Agency advice by wanting to increase the feed stock thereby reducing contingency? Can the officer confirm that figure 1, the overview, digestate main location, shows the full extent to the pipe line in both North Devon and Mid Devon and that it includes the pipeline passing to the south of the B3137 to Merryfield Hayes.

Mrs S Coffin, Templeton Parish Council referring to Edgeworthy Farm, said an 11000 v electricity cable of which Western Power Distribution were totally unaware has recently been laid through Nomansland between Menchine Farm and Edgeworthy Farm is the officer aware of the purpose of the cable and how it fits in with this application?

Mrs Sally Smythe, Chairman of Cruwys Morchard Parish Council, referring to Edgeworthy farm said that the report states that if an emergency spill occurred on the site it is proposed that this would be directed to the existing slurry lagoon on the south side of the buildings. This slurry lagoon sits above and is in close proximity to a tributary of the River Dart. Can the officer confirm that she has inspected the lagoon and that a spill would be directed around the buildings into the lagoon, and whether the lagoon is of adequate size to contain the spill and that it can be covered?

Ms Kirra Broadhurst, referring to item 11 on the agenda, 19 Exeter Road, Silverton, said that as a representative of the younger generation in Silverton said that what was needed in the village was houses that young families could buy not enormous bungalows or massive houses that only in-comers could afford. The proposed gardens were of an ideal size and ideal for children to play in. The recent builds in Newcourt Road are attractive, in keeping with the times and an asset to the village, they are the type of houses that we need. They were built on a plot approximately the same size as the plot in Exeter Road and passed without any hesitation. There were only two of them which were rapidly occupied. We now have the opportunity to have two more of the same quality. The emerging Neighbourhood Plan also included houses at a greater density than this proposal. Can the officers advise any specific plot sizes or density figures that apply in Mid Devon?

Mr Graham Sherburn, also referring to item 11 on the agenda, said that the National Policy Planning Framework states 'at the heart of the National Policy Planning Framework is a presumption in favour of sustainable development which can be seen as a golden thread running through both plan making and decision making'. I understand that the Planning Officers now recommend that the revised drawings that have been submitted improve the overall scheme. The presumption in favour of sustainable development, such as this scheme, has not however been expressly mentioned or previously discussed by the Committee, so can the officers advise please if the presumption is relevant in the determination of this decision?

80 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 7 September 2016 were approved as a correct record and signed by the Chairman.

81 CHAIRMAN'S ANNOUNCEMENTS

The Chairman had the following announcements to make:

- a) Sara Jenkins was introduced to the Committee as the new Planning Enforcement Officer;
- b) She reminded the Committee that there would be an informal pre-application presentation in relation to Wells Park, Crediton on Monday 17 October at 2.00pm.

82 DEFERRALS FROM THE PLANS LIST

There were no deferrals from the Plans List.

83 THE PLANS LIST (00:22:15)

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.

No 5 on the Plans List **(16/01184/LBC – Listed Building Consent for internal and external alterations including relocation of the kitchen at 10 Briton Street, Bampton, Tiverton)** – Listed Building Consent be granted subject to conditions as recommended by the Head of Planning and Regeneration.

(Proposed by the Chairman)

- b) No 1 on the Plans List **(16/00750/FULL –Variation of condition (2) of appeal decision APP/Y1138/A/14/2211282 relating to planning application 13/01170/FULL to allow the substitution of previously approved plans at Land at NGR 284927 114041 (Edgeworthy Farm), Nomansland, Devon.)**

The Area Planning Officer outlined the contents of the report and explained that the application sought to change the layout and appearance of the plant and equipment that together formed the anaerobic digester. This had become necessary as the company that were supplying the plant/equipment approved on appeal were no longer in business.

The Committee were shown how the site was set out at the moment as well as the proposed new layout. This was within the same red line as the original planning application and was well grouped with the existing buildings. Aerial photographs were shown of the buildings in question as were drawings illustrating various elevations. It was explained that the previous digester tanks were rectangular whereas the new proposed tanks were cylindrical. A gas flare had been installed to burn off excess gas. It was stated that all the equipment would be lower than the existing farm buildings thereby reducing the visual impact specifically addressing a comment which had been made by the Inspector.

She referred the Committee to a number of updates within the update sheet relating to Highway Authority comments and amendments to condition numbers 5,7 and 12.

She offered answers to questions posed within Public Question Time. There was not currently a proposed condition regarding the linking of the drainage system. Regarding the pipeline question the officer confirmed that should the application be approved it would be a re-approval of a previously agreed plan, this was merely a changed layout, everything else remained the same. There had also been a question about the electricity cable between Menchine Farm and Edgeworthy Farm, installed to provide a grid connection, she stated that this would be more difficult to achieve direct from Edgeworthy Farm.

Consideration was given to:

- Withdrawal of a previous objection from the Highway Authority regarding confirmation that there would be no change in feed stock volume;
- Traffic to Menchine Farm already being heavy;
- Feedstock being sourced within 6 kilometres of Edgeworthy Farm;
- The need for records to be kept on a quarterly basis showing the number of vehicles entering and leaving the site as well as their size, type and load weight;
- The site currently had a permit that controlled the amount of emissions;
- Concerns as to the passing of power between two plants;
- The expansion of previous conditions to address output and feedstock concerns.

RESOLVED that permission be granted subject to conditions as recommended by the Head of Planning and Regeneration with an amendment to conditions 5, 7, 12 and an additional condition 13 plus that delegated authority be granted to the Head of Planning and Regeneration to impose a further condition in relation to the submission of details of the drainage system to link the AD plant to the slurry lagoon in the event of an emergency spill.

Condition 5

Line 3, change “....point of origin or destination” to “...point of origin or **ultimate** destination” (add in word ultimate – but not in bold text)

Condition 7

Change to:

- i) The feedstock for the anaerobic digester shall be slurry, manure, grass and arable crops only. The slurry and manure shall be that produced only at Edgeworthy Farm, Merrifield Hayes Farm and Pulsards Farm, Cruwys Morchard.
- ii) A log book shall be maintained and completed detailing where and when the feedstock(s) for the AD plant have come from. The log book shall record name of farm, plot, supplier, number and gross and net weight of vehicles along with date and time of feedstock delivery.
- iii) No other sites are to be utilised for feedstock source. Such log book records shall be submitted to the Local Planning Authority quarterly or within any other frequency as requested by the Local Planning Authority.
- iv) Records of feedstock input into the digester by weight from the hopper shall be kept and submitted to the Local Planning Authority in writing quarterly or within any other frequency as requested by the Local Planning Authority.

Condition 12

Change to:

The permission hereby granted is for a 200kw anaerobic digester only. Power generation from the development shall not exceed 200kw averaged over a quarterly period (such quarterly period to commence from the first Feed in tariff submissions and continue thereafter). Such records of power generation shall be kept and submitted quarterly in writing to the Local Planning Authority.

Additional condition – 13

The Local Planning Authority shall be afforded access at reasonable times to all on site monitoring systems associated with the operation of the AD plant hereby granted.

Reason: To ensure the AD plant operates in accordance with the parameters and limitations as approved and as set out within the application and its supporting information.

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

Notes:

- (i) Cllr Mrs F J Colthorpe declared a personal interest as some of the people involved with the application were known to her and the site in question was within her county division as a County Councillor;
- (ii) Cllr Mrs G Doe declared a personal interest as she had family members who lived in Nomansland;

- (iii) Cllr R J Dolley declared a personal interest as he knew some of the objectors and had had a meeting with them;
- (iv) Cllr R F Radford declared personal interest and chose to leave the meeting during the discussion thereon as he was a chicken farmer;
- (v) Cllr R L S Stanley declared a personal interest as he knew some of the objectors and had had a meeting with them;
- (vi) Mr Michael Scott (CPRE Devon Branch representative) spoke in objection to the application;
- (vii) Mr David Manley spoke as a representative of the applicant;
- (viii) The following late information was provided:

Highway Authority comments received 5th October 2016

Observations:

I confirm the conversation, discussions with the Planning Officer, the comments received from the Developer and with the imposition of the condition in respect of the output and feed stock. The Highway Authority withdraws its objection and is confident that the Local Planning Authority will have appropriate control and that there will be no material increase in traffic from this application.

Recommendation:

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

Updates for Plans list item 1

The report states that planning permission has previously been granted for the installation of an Anaerobic Digester at Edgeworthy Farm. Permission was granted on appeal under reference 13/01170/Full. While works have started on site, not all of the pre commencement conditions have been discharged and therefore the works that have taken place are technically unauthorised. On 21st August 2015 the Department for Communities and Local Government (DCLG) set out changes to national planning policy to make intentional unauthorised development a material consideration that should be weighed in the determination of planning applications (the Statement has a specific focus on impact on Green Belts).

With regards to the development at Edgeworthy Farm, the unauthorised works **did not** take place in advance of planning permission being obtained. Planning permission had been granted but the pre commencement conditions had not been discharged prior to starting on site works. While the Local Planning Authority have taken the DCLG statement into account when assessing this current Section 73 application, it is not considered that the applicants failure to discharge the pre-commencement conditions (on a scheme that will no longer be

implemented), overrides the planning merits and acceptability of the currently proposed development.

c) No 2 on the Plans List (16/00817/FULL – Construction of an all-weather riding arena at Land at NGR 311229 111913 (Hayden End), Blackborough, Devon)

The Area Planning Officer outlined the contents of the report by way of presentation and section drawings highlighting the boundaries, landscaping plans and lay of the land. She reminded the Committee that the application had been deferred from the previous meeting to further consider drainage and possible flooding issues. An investigation report from UKDN Waterflow had been submitted, the details of which were on the update sheet. Their findings had not altered the officer recommendation which was still to grant approval with conditions to specifically address the impact upon the neighbours privacy, drainage and impact upon the Area of Outstanding Natural Beauty.

Consideration was given to:

- The high clay elements within the soil and the movement of water around it;
- Previous drainage issues at the neighbouring property;
- Safety issues regarding the movement of horses on adjacent roads;
- The housing and exercising of horses over the winter months;
- The proposed arena would be on a lower site than the property.

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

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

Notes:

- (i) Ms Rachel Bennett (Objector) spoke;
- (ii) Mr Richard Bentley (Applicant) spoke;
- (iii) Cllr T G Hughes spoke as Ward Member;
- (iv) The following late information was reported:

30th September 2016

Two additional reports have been submitted.

An investigation report from UKDN Waterflow has been submitted by Ms Criddle (objector).

- The report concerns inspection results and observations of the drainage system
- Summary of works carried out at the property: there was damage to the septic tank and water backing up from the soakaway system, a new system was recommended.

- Percolation tests revealed a high water table, it was determined a traditional septic tank and soakaway system was not viable. A pump station, sewage treatment plant and low level drainage field was installed in May 2016.
- Sub topography of the soil is a mixture with a high clay element. The report states that in these circumstances it is impossible to accurately forecast the course of surface water.
- Due to the high water table the report advises that any development or building works which increase the flow of water to the property could cause damage to the new drainage system, causing saturation and the system to cease to function to specification.

An updated Technical Note – Flood risk Assessment by Stuart Michael Associates has been submitted by the applicant, this has been informed by a topographical survey of the site by South West Surveys.

- The technical note is based upon a topographical survey of the site showing contours at 0.1m intervals, ordnance survey mapping, submitted plans and infiltration test results, British Geological Survey information and Environment Agency Information.
- A drawing of the existing site has been prepared showing the direction of surface water runoff across the field.
- The topographical survey shows that the existing ground levels, in the area where the arena is proposed, fall approximately 1.2m from the highest point to the lowest point.
- The site has a very low risk of flooding from surface water. The field is close to the local high point so the catchment area affecting the field to the north is small.
- The existing ground levels in the vicinity of the proposed arena show that surface water would flow directly southwest towards the southwest boundary of the site.
- The arena will not generate increased runoff or increase flood risk because any rain falling on the arena will infiltrate through the permeable surface of the arena construction and through to the impermeable clay layer where it will flow along the top of the clay and either dissipate into the surrounding soil or if the soil is saturated continue downhill, as currently, towards the southwest boundary of the field.
- It is recommended that the arena base is laid the shallow falls in a southwest direction to mimic the existing situation rather than the direction shown on drawing GH/Bentley/04.
- The plateau formed by the arena and its sub-surface permeable construction will have a small attenuation effect on the flow of water through the arena construction when compared with saturated ground on top of the impermeable clay.
- In extreme events, when the ground and arena are saturated, there would be no increase in flood risk.
- The topographical survey provides evidence that the majority of the field is sloping towards the southwestern boundary. Surface water runoff from the area where the arena is proposed to be located

cannot flow towards 2 Haydon End and will not affect the drainage system.

- This report confirms that flood risk will be managed acceptably and that the proposed arena should not increase the risk of flooding elsewhere.

4th October 2016

A revised drainage plan has been submitted in accordance with the findings of the topographical survey, this amends the direction of the gradient that the arena base is laid to.

d) No 3 on the Plans List (16/00922/FULL – Erection of a dwelling at The Three Tuns, Exeter Road, Silverton.)

The Area Planning Officer outlined the contents of the report by way of presentation outlining the site location plan, the details of the proposed development, the access route, proposed site layout and the area of parking. She also outlined the history to the application and showed photographs of the rear of the properties on Exeter Road.

Referring to questions raised during Public Question Time she stated that two new planning applications had been registered with the Planning Authority one of which related to the conversion of the pub to three dwellings. The second one had been regarding the erection of two houses. Twelve parking spaces would be retained for use by the pub thereby ensuring adequate parking and complying with policy DM8.

The Planning Authority did understand that no. 4 was tenanted.

Consideration was given to:

- The size and re-siting of the proposed development compared to the original application;
- Potential loss of privacy and light to a neighbouring property;
- Whether approval of the application would lead to over development;
- The applicant had amended the plans in the light of concerns raised and had ensured adequate parking and a smaller rear extension;
- A need to look at the whole scheme holistically particularly with regard to access issues, delivery vehicles and the parking of visitors;
- The need to only consider the application before the Committee and not potential applications in the future;
- In the opinion of the Highway Authority as the current application stood there was sufficient parking proposed. The impact of the two newly received applications on parking would be considered as part of their determination.

RESOLVED that planning permission be granted subject to conditions and the provision of a Section 106 Agreement as recommended by the Head of Planning and Regeneration.

(Proposed by Cllr P J Heal and seconded by Cllr Mrs C Collis)

Notes:

- (i) Cllr Mrs F J Colthorpe declared a personal interest as she had been contacted by supporters and objectors to a previous application on this site;
 - (ii) Cllr Mrs J Roach declared a personal interest as she had been contacted by the objectors and spoken at a Parish Council meeting about this application;
 - (iii) Mr John Jackson (Objector) spoke;
 - (iv) Ms Maria Bailey (Agent) spoke;
 - (v) Cllr Mrs J Roach spoke as Ward Member;
 - (vi) Cllr Mrs J Roach requested that her vote against the decision be recorded;
 - (vii) A proposal to refuse planning permission was not supported.
- e) No 4 on the Plans List (***16/00964/FULL – Conversion of redundant stables to dwelling to Hackpen Stables. Blackborough, Devon***)

The Area Planning Officer outlined the contents of the report by way of presentation highlighting the proposed floor plans and elevations. The position of the sewerage treatment plant and alteration to the position of the gates was also referred to.

Consideration was given to:

- The fact that there was still a caravan and storage container on the site;
- Whether the proposed one bedroom property could house a whole family;
- The results of the percolation test;
- The effects of enforcement on the applicant;
- The current housing situation of the applicant;
- Support for the proposal from the local community;
- Whether approval would be setting a precedent and the fact that the proposal went against policy.

RESOLVED that planning permission be refused for the following reasons as recommended by the Head of Planning and Regeneration:

It is the opinion of the Local Planning Authority that the building fails to meet the preliminary character test of Policy DM11. Despite being considered a rural building by virtue of its rural location, this stable block of a modern construction is not of a shape, form or materials that are worthy of retention. The building is not considered to be of any intrinsic merit, architectural or otherwise and isn't thought to positively contribute to Mid Devon's rural character. In addition there is no evidence to suggest that the buildings permitted use is entirely redundant, and the proposed works, effectively stripping the building to its frame, results in

significant alteration and rebuilding, contrary to Policy DM11. The proposed development is considered to be harmful to the character, appearance, setting and special qualities of the Area of Outstanding Beauty, due to the proposal securing the long term presence of the building within the rural landscape and the resultant domestic paraphernalia associated with a dwelling in this location. In addition, the existing building is located outside of an adopted settlement limit and is considered to be in an isolated location, as proposed the development would constitute a new isolated home in the countryside, contrary to policy. No evidence has been submitted to demonstrate that any of the other special circumstances set out in paragraph 55 of the National Planning Policy Framework have been met so as to justify a dwelling in this location. Overall, the proposed development is considered to be contrary to Policies COR2 and COR18 of the Mid Devon Core Strategy (Local Plan Part 1), and Policies DM11 and DM29 of the Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework. The application is therefore recommended for refusal.

(Proposed by Cllr Mrs J Roach and seconded by Cllr P J Heal)

Notes:

- (i) Cllr Mrs F J Colthorpe made a declaration in accordance with the Protocol of Good Practice for Councillors in dealing with planning matters as she had received correspondence regarding the application;
- (ii) Mr Jack Perry (Objector) spoke;
- (iii) Mr Ian Firth (Agent) spoke;
- (iv) Cllr T G Hughes spoke as Ward Member;
- (v) The following late information was reported:

30th September 2016

A percolation test has been undertaken in accordance with the Building Regulations 2010 H2 document the results found the site to be within the suitable range for a soakaway and sewage treatment plant to support a single bedroom dwelling.

The applicants have suggested the following conditions should Planning Committee be minded to approve the application:

- Timing – Standard Condition – commencement of proposed development within 3 years of approval – reason: in the interests of proper planning
- Materials – Standard Condition – To supply and agree external materials with the council prior to their use on site - reason: in the interests of proper planning
- Generator – the development shall not be occupied as a dwellinghouse until the provision of a fixed mains electrical power supply is installed at the property – reason: to improve the residential amenity of the area (in

accordance with DM11) and in the interest of improving the peace and tranquillity of the Blackdown Hills AONB

- Landscaping, Planting & Hedgerow maintenance – the development shall not be commenced until details of a planting scheme and management plan has been received and approved in writing by the council – reason: in the interest of maintaining and enhancing the Blackdown Hills AONB (Condition as proposed by the AONB partnership)
- Bat boxes/ biodiversity enhancement – development shall be completed in accordance with the attached biodiversity report recommendations – reason: to ensure that net biodiversity gains result from the proposed development.
- Lighting plan – the development shall not be occupied until a lighting plan has been submitted and agreed in writing by the LPA – reason: to ensure that the residential amenity of the area is not adversely affected by the proposal and to limit light pollution in the Blackdown Hills AONB Restriction on permitted development rights - a planning condition which restricts permitted development rights for subsequent extensions and alterations – reason – to comply with Policy DM11 and para 2.9 of the 2013 Mid Devon local plan.
- The applicant would be prepared to restrict the property to ‘local needs’ housing.

3rd October 2016

Three additional letters of support have been received, they are summarised as follows:

- There is a shortage of low cost affordable housing.
- No effect on the environment nor are there any other reasons that the planning application cannot go through. Removal of the generator would be an improvement.

84 THE DELEGATED LIST (02:42:43)

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

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

85 MAJOR APPLICATIONS WITH NO DECISION (02:43:14)

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

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

86 APPEAL DECISIONS (02:45:00)

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 the signed minutes.

87 **APPLICATION 16/00458/FULL - ERECTION OF 3 DWELLINGS AND ASSOCIATED INFRASTRUCTURE FOLLOWING REMOVAL OF EXISTING NURSERY BUILDING AT ACTION FOR CHILDREN, CREDITON AREA CHILDRENS CENTRE, NEWCOMBES, CREDITON (02:04:00)**

The Committee had before it a * report of the Head of Planning and Regeneration regarding the above application. The Area Planning Officer outlined the contents of the report by way of presentation explaining that the application had previously been 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. Following a site visit and further consideration by the Town Council they were now recommending approval for the application.

The Committee were provided with information with regard to highway and access arrangements as well as the planned new landscaping, refuse arrangements and how the development would affect pedestrian movements. The Committee were also shown illustrations of how the proposed dwellings would affect the street scene and how they would visually sit within the environmental context.

Consideration was given to:

- The innovative design of the proposed dwellings which was seen as refreshing;
- The value of having a site visit to see proposed dwellings in context.

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

(Proposed by Cllr F W Letch and seconded by Cllr P J Heal)

Notes:

- (i) Cllr F W Letch declared a personal interest in that he was a Town Councillor and also Mayor of Crediton;
- (ii) Cllr F W Letch made a declaration in accordance with the Protocol of Good Practice for Councillors in dealing with planning matters as he had received correspondence regarding the application;
- (iii) Cllr F W Letch spoke as Ward Member.

88 **APPLICATION 16/00180/FULL - ERECTION OF 2 DWELLINGS FOLLOWING DEMOLITION OF EXISTING DWELLINGS (REVISED SCHEME) AT 19 EXETER ROAD, SILVERTON (02:42:66)**

The Committee had before it a * report of the Head of Planning and Regeneration regarding the above application. The Area Planning Officer outlined the contents of the report by way of presentation, highlighting the fact that 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.

Following the presentation of the implications report and revised drawings, that had been submitted by the applicant in response to Members comments at Planning Committee on 6 July, Members requested that the application be deferred (Planning Committee, 7 September 2016). Committee procedures determine that when an application is deferred for an implications report, that members of the public do not have an opportunity to speak, other than at public question time. Since revised drawings were also presented at the Committee meeting on the 7 September, Councillors were concerned that the public did not have an opportunity to comment at that meeting. The application was therefore deferred to provide an opportunity for members of the public to speak.

In response to questions posed during Public Question Time the Area Planning Officer stated that Mid Devon did not have a specific density or plot size. However, Policy DM22 stated that any proposal should take into consideration the characteristics of the site including its wider context, efficient and effective use of a site and integration with surrounding buildings so that it does not have an adverse impact on privacy. Reference was made to paragraphs 11 & 12 of the NPPF which stated that proposed development that accords with an up-to-date Local Plan should be approved unless material considerations indicated otherwise. The starting point for this application is a 'presumption in favour of sustainable development'.

Consideration was given to:

- Previous comments with regard to over development, the impact on the conservation area and parking;
- The density of two dwellings on the size of plot proposed;
- The revisions to the design following a previous Planning Officers advice;
- The risk of setting a precedent in the future for similar proposed development;
- The effect on the street scene.

RESOLVED that planning permission be refused for reasons 1 and 2 as set out in the report.

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 DM149a) 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 upon the character of the street scene.
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.

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

Notes:

- (i) Cllr Mrs J Roach made a declaration in accordance with the Protocol of Good Practice for Councillors in dealing with planning matters as she had been contacted by both supporters and objectors to the application;
- (ii) That in the event of an appeal being received, the following Councillors be nominated to represent the views of the Planning Committee in assisting to defend the decision: Cllrs Mrs J Roach, R F Radford and R L Stanley.

89 **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 OPENS PACE - LAND AT NGR 288080 098230 - EAST OF STATION ROAD, NEWTON ST CYRES (03:14:42)**

The Committee had before it a * report of the Head of Planning and Regeneration regarding the above application. The Area Planning Officer outlined the contents of the report by way of presentation, highlighting the fact that the Planning Committee had considered matters in relation to the off- site highway works required as part of the proposed school and housing development at Newton St Cyres at its meeting on the 7 September.

Members had considered two recommendations. Whilst they resolved to approve Recommendation 1, the 2nd recommendation which was in regard to the scope of works to be delivered at the junction of Station Road and the A377, as required by condition 10 of the outline planning permission and as shown on the drawing at appendix B, was not approved. The resolution which was passed was as follows:

Resolution: The managed one way scheme at the junction of the A377 and Station Road which is now proposed to satisfy condition 10 not be agreed and be refused on the following grounds that in the opinion of the Local Planning Authority the proposed managed one way system would be likely to lead to unacceptable inconvenience and highway danger to road users arising from the concentration of traffic flows at peak times resulting in unacceptable queuing and reversing movements contrary to policies COR9 Core Strategy (Mid Devon Local Plan Part 1) and DM2, Development Management Policies (Local Plan Part 3).

Following this, Members of the Committee had an informal briefing on 26th September, with updates from the land promoters team as to how they had sought to progress matters since the meeting on the 7th September. This included:

- The scope of the ongoing discussions to acquire the 3rd party land in order to deliver a two way arrangement in full.
- The programme to deliver the new school in Newton-St-Cyres and how it was currently affected by the ongoing discussions regards the junction works.

- The scope of the improvements to the junction that had been built into the revision D design, and the implications that were considered likely focusing on the members reasoning given at the last meeting as set out above.

Consideration was given to:

- The additional land which had now been acquired by the developer and had been conveyed to the Highway Authority;
- Both phases of the improvement works could now be delivered;
- Contracts had been exchanged with the landowner that morning;
- There would be a 7m section of road that would require a priority system;
- The amount of traffic using the road at weekends to attend sporting events in the recreation field was often more than during the school day;
- Traffic movements would be closely monitored.

Following the Officer presentation and the ongoing discussions that followed the Committee agreed that the approach to managing the delivery of the junction works on a phased basis as set out in the committee report pack was an acceptable approach.

It was explained by the Area Planning Officer that the recommendation as set out in bold: **that neither the new school and associated facilities nor the housing shall be occupied 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:** would be confirmed through the minutes of the meeting and as part of the decision on planning application 16/01222/FULL which is currently pending consideration.

(Proposed by Cllr Mrs J Roach and seconded by Cllr Mrs G Doe)

Notes:

- (i) Cllrs Mrs F J Colthorpe, R J Dolley, P J Heal, 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) Mr David Graham (objector) spoke;
- (iii) Mr Paul Jones (Agent) spoke;
- (iv) Cllr Jim Enright (Newton St Cyres Parish Council) spoke;
- (v) Cllr P H D Hare-Scott spoke as Ward Member;
- (vi) The following late information was reported:

3rd October 2016
Page 132.

As stated at point 3 of the report an informal presentation to the planning committee was undertaken on Monday 26th September. The meeting was well attended with various presentations from the developers team. The notes of the meeting have been circulated to the members with comments from a number of key speakers.

The comments as set out below add further to report in terms points i) and ii) reflecting on that meeting and further submissions to yours officers since the update report was drafted.

- i) Third Party land: Discussions have progressed and it has been agreed that the additional section of land currently owned by the by the occupiers of the corner property will be acquired by Kingswood Homes and transferred to Devon County Council. This will enable the Highway Authority to complete phase 2 as indicated on the junction improvement plan which was submitted to support the outline planning application and as produced at appendix A of the report.

Members will have received a letter from Newton St Cyres parish Council putting forward the following recommendation:

That approval be given to the proposal for an amended one way system as presented by Kingswood Homes and DCC Highways on condition that once the new School is occupied this system is fully monitored for 12 months and, if after 12 months, there is a problem then the full widening scheme should be implemented on land that will then be owned by Devon County Council.

- ii) At the presentation on the 26th September Mr Joliffe, the Executive head of the Primary school clarified further the benefits of the new school as proposed and the scope of the travel planning survey work that is ongoing in relation to how pupils and parents will travel to the new school. The notes as circulated confirm that Mr Joliffe stated that:

The building was no longer fit for purpose and disabled access was virtually impossible. The safeguarding of the children was severely compromised in that there was no secure entrance whereby identity checks could be undertaken. The road on which the school was located was extremely busy and very steep meaning that parents found pushing a buggy up it very difficult. The community fully supported the building of a new school with neighbouring properties willing to sacrifice their views for the betterment of the community.

A new school would have full disabled access, all the children would be under one roof, would provide a secure entrance and be in a safer location with off street parking.

A survey had been undertaken with parents asking them how they travelled to school. The results had shown that if the school moved to the new site, car usage would drop to 35%. There was a great willingness

amongst parents to bring children to school on foot. A walking bus would be encouraged and the numbers of cars actually entering the school would drop from 40 to 10. The breakfast and after school clubs would mean that the comings and goings of vehicles using the busy junction would be staggered. In addition to this 466 members of the community had signed an on-line petition in support of the new school.

Alison Beacham from the Education Funding Authority confirmed that the funding allocated to the project would only be released once there was an agreed programme to complete the necessary infrastructure as required by the terms of the planning permission.

Finally since the update report was drafted 28 letters of support for the building of the new School have been received.

In summary since confirming their resolution on this issue at the meeting on the 7th September, clarification of the matters which were a concern to the members has now been provided. Clarification as to how the new junction arrangements would operate with the phase 1 works completed have been clearly set out in the various reports presented to members. These are the scope of works shown on drawing number 4058 RevD which members are requested to approve in terms of allowing condition 10 to be discharged. The phase 2 works would then be completed in compliance with a programme to be set by Devon County Council who will own the land and the necessary rights to complete the works following the completion of the land transfer.

90 **PERFORMANCE (03:46:05)**

The Committee had before it, and **NOTED**, a report * of the Head of Planning and Regeneration providing information on the Planning Service for quarter one of the 2016/17 financial year.

She outlined the contents of the report stating that the service had exceeded the majority of the performance requirements. However, there had been a slight slip in the 'Other applications to be determined in 8 weeks' indicator and this also included 'listed building consents' which had achieved 78% rather than the target of 80%. Generally, however, this aspect was showing an improvement compared to this time last year.

She informed the Committee that in the Autumn Statement of 2015 and in the 'Technical consultation on implementation of planning changes' issued by the Department for Communities and Local Government in February 2016 it was indicated that it was the intention of the Government to tighten planning performance measures and add to them.

The report also set out the activity in the area of Planning Enforcement. This area was due to be considered by the Scrutiny Committee on Monday 10 October 2016.

There had been a period of flux in terms of staffing creating some challenges. She was looking at filling the gaps and undertaking a restructure within her department in order to address the issue. She would be involving the staff in that assessment.

Note: * Report previously circulated; copy attached to the minutes.

(The meeting ended at 6.23 pm)

CHAIRMAN

Agenda Item 5

PLANNING COMMITTEE AGENDA – 2nd November 2016

Enforcement List

<u>Item No.</u>	Description
1.	16/00147/UDRU - Unauthorised change of use of land to vehicle storage and untidy land - Land at Grid Reference 302809 109606 Willand Road Cullompton
2.	16/00180/NUDRU - Unauthorised development taking place on agricultural land - Higher Barn Bampton Tiverton EX16 9LB
3.	16/00257/UDRU - Unauthorised engineering works in agricultural field - Land to The North and East of Higher Barn Bampton Tiverton EX16 9LB
4.	16/00247/LIS - Unauthorised works to a listed building. Building in poor state of repair - 12 St Andrew Street Tiverton EX16 6PH
5.	16/00248/LIS - Listed building in poor state of repair - 3 Bridge Buildings West-Exe North Tiverton EX16 5LZ

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Case No. ENF/16/00147/UDRU

Grid Ref: 302825 109470

Address:

Land at Grid Reference 302809 109606, Willand Road, Cullompton, Devon

Alleged Breach:

Untidy land caused by the unauthorised storage of unroadworthy vehicles, container, trailer, tyres and various other discarded items.

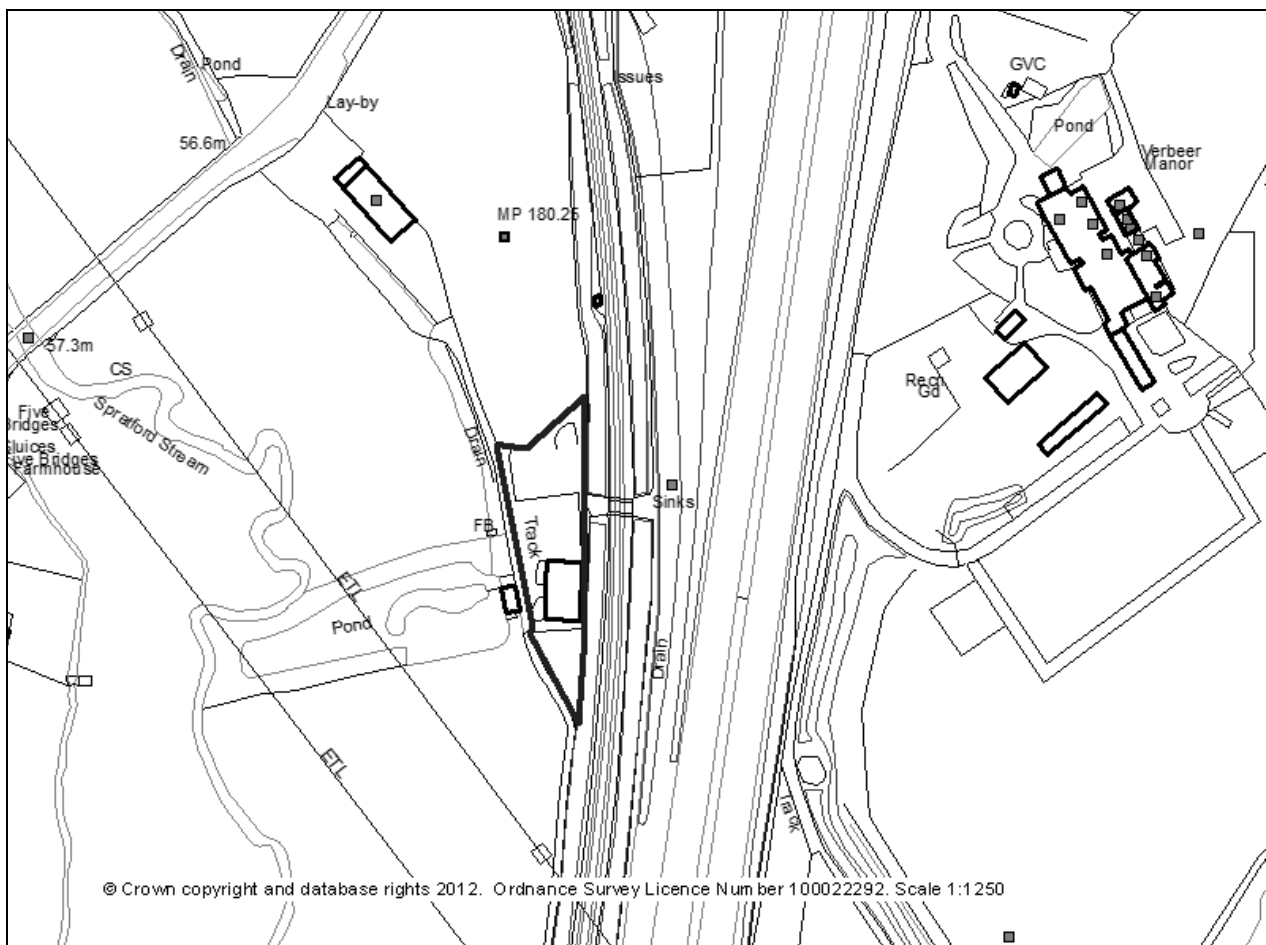
Recommendations:

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

Site Description:

The site is located within the open countryside, approximately 700 metres to the south west of Willand. The site is accessed via a track that runs from the B3181 from Willand to Cullompton, through the Culm Valley Car Sales site. The M5 lies some 75 metres to the east, with the car sales premises to the north, and is otherwise surrounded by agricultural land.

Site Plan:



Site History:

00/01315/FULL	Retention of polytunnel (retrospective application)	PERMIT
06/02118/PNAG	Prior notification for the erection of a storage building	NO OBJECTION
13/00813/FULL	Change of use of land and buildings to building and farm supplies merchant (Sui Generis Use)	WITHDRAWN
14/00772/FULL	Extension to car sales area	PERMIT
14/01353/PNCOU	Change of Use Under Permitted Development Order 2013 - Class M Change of Use of redundant agricultural building (not more than 500sqm) to Use Class B1 for car valeting use including yard outside immediate area	PERMIT

Development Plan Policies:

National Planning Policy Framework paragraphs 17, 109 and 207.

Mid Devon Core Strategy (Local Plan 1)

COR2 - Local Distinctiveness

COR18 - Countryside

Mid Devon Local Plan Part 3 (Development Management Policies)

DM31 - Planning Enforcement

Reasons/Material Considerations:

A change of use approval for prior approval for change of use under The General Permitted Development Order Part 3, Class M was issued in October 2014 in relation to a building on the site. This related to the change of use of a redundant agricultural building for car valeting use including the yard immediately outside the building. At that time, the owner of the land indicated that the car valeting use was to be in conjunction with the sales unit at Westcountry Car Sales Ltd, as it was within the same ownership.

The Council received a complaint in mid 2015 regarding the parking of cars in a poor state of repair in the area surrounding the car valeting building. This has since escalated and the condition of the land has continued to deteriorate. Checks carried out on the vehicles, which includes both cars and lorries, indicate that some haven't been able to have been driven on the public road for in excess of two years due to a lack of MOT and/or road tax. In addition, there are various other items contributing to the unsightly appearance of the land, including tyres, a trailer and horsebox, an apparently redundant metal portacabin type building and various plant and machinery. There is also an unreasonable amount of various rubbish on the land.

The car sales unit has recently been leased to a new operator who has confirmed that the car valeting building and the area surrounding it is completely separate from his business.

The Enforcement Officer for the area has attempted to negotiate with the owner of the land, but this has been unsuccessful. A planning contravention notice was served on the owner in June, in an attempt to enter into dialogue about how this matter could be resolved, but despite reminders, no response has been received. Your Officers now consider that as the informal attempts to resolve this matter have failed, it is now appropriate to commence formal action to resolve this matter.

The site is visible from the Willand to Cullompton Road and the railway line and its current appearance is considered to detract from public amenity.

Human Rights and Equality Issues:

The expediency of Enforcement action has been assessed with reference to 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) the Proposed Local Plan Review Policies 2013 - 2033.

When making their decision, Members must have regard to all relevant planning legislation, regulations, guidance, circulars and Council policies.

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:

This is not considered to be an appropriate course of action. There is no justification for the land to remain in such a condition and have a detrimental impact on the visual amenity of the area. To allow the current situation to persist is contrary to current planning policy.

Issue a Section 215 Notice seeking works to remove all vehicles, waste and discarded materials from the land

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

The Requirements of the Notice

Remove from the land to a place of authorised disposal all vehicles, waste and discarded materials. Items to be removed include cars, lorries, trailers, horseboxes, metal containers, domestic appliances and all other discarded items.

Reasons for Issuing the Notice

The land has become unsightly and is having an adverse impact on the visual amenity of the surrounding open countryside. The owner of the land has failed to engage in informal discussions with regards to resolving this issue, and therefore formal action is considered necessary to bring this matter to a conclusion.

Period for Compliance:

Two months from the date the Notice takes effect.

Case No. ENF/16/00180/NUDRU

Grid Ref: 294200 123088

Address:

Higher Barn, Bampton, Tiverton, Devon

Alleged Breach:

Without planning permission, within the last four years the carrying out of engineering operations on the land with the use of heavy machinery and plant including the excavation and re-profiling of land, land drainage works including formation of 3 drainage ponds and the erection of a blockwork building.

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, Town and Country Planning Act 1990, (as amended) ("the Act") should grant authority to the Legal Services Manager to issue an enforcement notice, requiring the re-instatement of the land to its previous condition, including the removal of the partially constructed building and drainage option in accordance with a detailed schedule of works the compilation of which to be delegated to the Head of Planning and Regeneration in conjunction with the Legal Services Manager. In addition, that authority be given to the Legal Services Manager to take any legal action deemed appropriate including prosecution or Direct Action in the event on non-compliance with the notice.

Site Description:

This report relates to the southern field on land to the east of Higher Barn, Bampton, as indicated on the plan below. There are also enforcement concerns in relation to the northern field which is the subject of a separate report.

This rural site is located approximately one mile to the north west of Bampton, and is both outside the settlement limit and within the open countryside, and is surrounded by agricultural land. It is accessed from the driveway to Higher Barn, which is accessed from the highway from Bampton to High Cross approximately 300 metres to the south. The southern field was in agricultural use prior of the works taking places, and is approximately 2.9 hectares in size.

There is a public right of way abutting the south east corner of the site, that meets with the Exe Valley way which lies approximately 50 metres to the east of site.

The load is within the same ownership as Higher Barn, which is an adjacent residential property.

Site History:

07/00895/FULL	Conversion of redundant farm building to ancillary accommodation, erection of art and yoga studio, garage and barn	PERMIT
07/01139/FULL	Erection of replacement barn	PERMIT
07/01564/FULL	Erection of replacement dwelling	PERMIT
08/00980/FULL	Erection of replacement dwelling (Revised Scheme)	PERMIT
08/01023/FULL	Conversion of redundant farm buildings to ancillary accommodation, annexe, and utility area, garage and barn (Revised Scheme)	PERMIT
10/01072/FULL	Retention of replacement dwelling, conversion of barn to living accommodation and replacement of redundant outbuildings to be used as ancillary accommodation; erection of garden store/study (Revised Scheme)	PERMIT

Development Plan Policies:

National Planning Policy Framework

Paragraph 207 Enforcement

Paragraph 109 Conserving and enhancing the natural environment

Mid Devon Core Strategy (Local Plan 1)

COR2 - Local Distinctiveness

COR11 - Flooding

COR 18 - Countryside

Mid Devon Local Plan Part 3 (Development Management Policies)

DM31 - Planning Enforcement

DM24 - Tourism and Leisure Development

DM27 - Development affecting heritage assets

Reasons/Material Considerations:

The site was initially visited on 12th August 2016 by a planning officer following a complaint that there were extensive works taking place. The contractors working on site were advised that it appeared that there was a breach of planning control and that all activity should cease immediately. The site was then revisited by an Enforcement Officer on the following Monday, 15th August where it was found that works were continuing.

The southern field to which this field relates has been completely re-profiled using heavy machinery, with an extensive drainage system installed, which feeds into two ponds in the south west corner of the site, and a "wetland area" in the south east corner. In addition, a block work building has been partially constructed in the south west corner of the field, approximately fifty metres away north east of the house from the house and a section the hedgerow which divides this site from the field to the north has been removed.

Contact was immediately made with the owner, who advised that in his opinion he believed that these works were permitted development as he considered that the land was part of his garden, and that in his opinion no planning permission was required. The site was intended to be used as a private four hole golf course, with the building to be an orangerie and wet room.

Given the extent of the works undertaken at the site, it was considered necessary to serve a Temporary Stop Notice to protect the amenity of the surrounding land, and prevent further damage to this site within the open countryside. Following consultation with the Chair and Vice Chair of Planning Committee, and the two ward Members, a Notice was served on 17th August 2016, which required all works to cease.

Subsequently there have been several further visits to the site and consultation with Officers from Devon County Council who have provided guidance on archaeology and drainage. The site was also visited by the Enforcement Officer from DCC, who was unable to find any evidence that waste material had been imported into the site.

Negotiations have been ongoing with the architect and solicitor acting on behalf of the owner of the site, and it has been indicated that he wishes to continue with his plans to change the use of this agricultural field to a private four hole golf course, with the associated orangerie building and drainage work.

Policy COR18 from the Mid Devon Core Strategy provides clear guidance about the types of development that could be acceptable within the Countryside. Your Officers consider that the works undertaken do not enhance the character, appearance and biodiversity of the Countryside. In certain circumstances a golf course may be acceptable when being provided as a community facility; however in this instance a private facility on agricultural land is not considered appropriate.

The site is agricultural land and does not form part of residential curtilage of Higher Barn. The provision of a orangerie/wet room building if required, should be erected within the curtilage of the dwelling. The provision of the building in its current location has not been justified and is therefore contrary to Policy COR18 of the Mid Devon Core Strategy.

Policy COR11 seeks to ensure that development does not increase the risk of flooding of properties elsewhere. There appears to have been no formal assessment undertaken by the owner prior to the installation of an extensive drainage scheme at the site, nor consideration of the impact that it might have on neighbouring land. As there is no information available to establish the necessity or suitability of the drainage scheme. The works are considered to be contrary to this policy.

Given the scale of the breach of planning control and in accordance with the National Planning Policy Framework and Policy DM31 of the Local Plan Part 3, your Officers consider that it is proportionate, appropriate and in the public interest to serve an Enforcement Notice without delay, requiring the necessary remedial works to rectify the harm that has been caused.

Human Rights and Equality Issues:

The expediency of Enforcement action has been assessed with reference to 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) the Proposed Local Plan Review Policies 2013 - 2033.

When making their decision, Members must have regard to all relevant planning legislation, regulations, guidance, circulars and Council policies.

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 this would not be an appropriate course of action due to the detrimental impact on the visual amenity of the site and the extensive nature of the works undertaken at the site.

Officers also consider that this would not be an appropriate course of action, as the agent acting on behalf of the owner has indicated that it would be their intention to submit an application to retain and complete the works that have been undertaken. Given the extensive nature of the works and the detrimental impact on the visual amenity of the site, it is considered that an application and the works and building would be contrary to both local and national policy, and would therefore not be likely to be considered favourably by the Council. Should an Enforcement Notice be issued, the owner of the property would have the right to appeal to the Planning Inspectorate on the basis that planning permission should be granted, where the planning merits of the works undertaken would be considered by the Inspector.

Issue an Enforcement Notice

Officers consider that this would be the most appropriate way forward for the reasons discussed in this report.

The requirements of the Notice

Delegated authority to the Head of Planning and Legal Services Manager to detail the wording of the works required with regards to:

- 1) Remove all drainage works including pipe work, gravel and stone gabions and any other materials used in relation to the drainage system;
- 2) Demolish the partially constructed blockwork building, along with all foundations and remove resultant materials from the site;
- 3) Reprofile the site to its natural land level/contour and condition as existed prior to the unauthorised works taking place;
- 4) Re-seed the whole site with grass (seed to be specified).

NB. The hedgerow that was removed will need to be replaced. The Local Planning Authority will need to serve a hedgerow replacement notice to ensure this hedgerow is replaced. The Local Planning Authority have written to the land owners regarding this. The hedgerow is not included on the Enforcement Notice as its replacement is required by The Hedgerow Regularised by The Town and Country Planning Act 1990 (as amended).

Reasons for Decision:

It appears to the Council that the breach of planning control has occurred within the last four years.

The works that have undertaken, and proposed use of the site would not enhance the character and appearance of the open countryside and are therefore contrary to policy COR18 of the Mid Devon Core Strategy 2026.

Period for Compliance:

3 months from the date that the Notice comes into effect.

Case No. ENF/16/00257/UDRU

Grid Ref: 294188 123177

Address:

Land to The North and East of Higher Barn, Bampton, Tiverton, Devon

Alleged Breach:

Without planning permission, within the last four years, the carrying out of engineering operations on the land with the use of heavy machinery and plant including the excavation and re-profiling of land and land drainage works.

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, Town and Country Planning Act 1990, (as amended) ("the Act") should grant authority to the Legal Services Manager to issue an enforcement notice, requiring the reinstatement of the land to its previous condition, in accordance with a detailed schedule of works the compilation of which to be delegated to the Head of Planning and Regeneration in conjunction with the Legal Services Manager. In addition, that authority be given to the Legal Services Manager to take any legal action deemed appropriate including prosecution or Direct Action in the event on non-compliance with the notice.

Site Description:

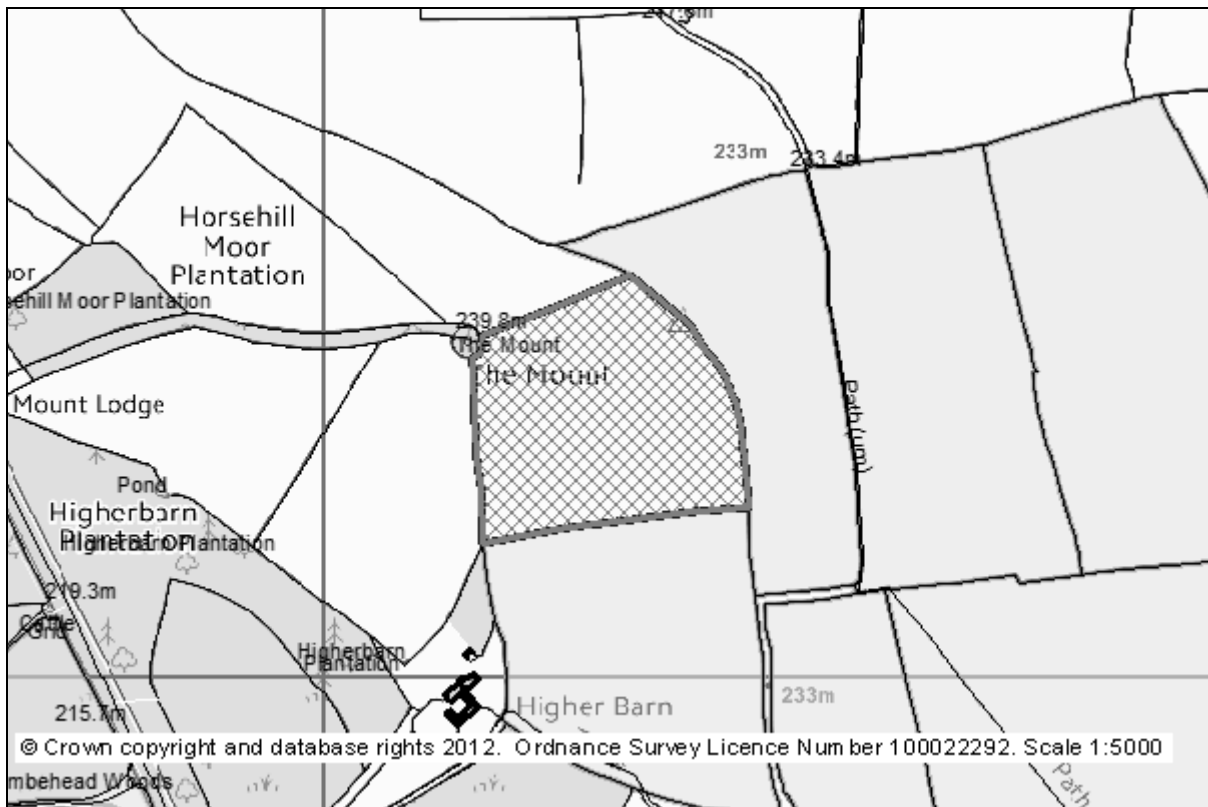
This report relates to the northern field on land to the east of Higher Barn, Bampton, as indicated on the plan below. There are also enforcement concerns in relation to the southern field which is the subject of a separate report.

This rural site is located approximately one mile to the north west of Bampton, and is both outside the settlement limit and within the open countryside, and is surrounded by agricultural land. It is accessed from the driveway to Higher Barn, which is accessed from the highway from Bampton to High Cross approximately 300 metres to the south. The northern field was in agricultural use prior of the works taking place, and is approximately 2.3 hectares in size.

Immediately to the north west of the site is a historic monument known as The Mount which is listed on The Historic England register.

The land is within the same ownership as Higher Barn, which is an adjacent residential property.

Site Plan:



Development Plan Policies:

National Planning Policy Framework
Paragraph 207 Enforcement
Paragraph 109 Conserving and enhancing the natural environment

Mid Devon Core Strategy (Local Plan 1)

COR2 - Local Distinctiveness
COR11 - Flooding
COR 18 - Countryside

Mid Devon Local Plan Part 3 (Development Management Policies)

DM2 - High Quality design
DM31 - Planning Enforcement
DM24 - Tourism and Leisure Development
DM27 - Development affecting heritage assets

Reasons/Material Considerations:

The site was initially visited on 12th August 2016 by a planning officer following a complaint that there were extensive works taking place. The contractors working on site were advised that it appeared that there was a breach of planning control and that all activity should cease immediately. The site was then revisited by a Planning Enforcement Officer on the following Monday, 15th August where it was found that works were continuing.

This northern field has been completely reprofiled using heavy machinery, with the top soil removed and being stored in various piles, and a drainage system installed. Part of the hedgerow which divides this site from the field to the south has been removed.

Contact was immediately made with the owner, who advised that he believed that these works were permitted development as he considered that the land was part of his garden, and that in his opinion no planning permission was required. The intended use of this site was as a motorbike track and golf tee for the private use of the owner.

Given the extent of the works undertaken at the site, it was considered necessary to serve a Temporary Stop Notice to protect the amenity of the surrounding the land setting of the historic mount, and to prevent further damage to this site within the open countryside. Following consultation with the Chair and Vice Chair of Planning Committee, and the two ward Members, a Temporary Stop Notice was served on 17th August 2016, which required all works to cease.

Subsequently there have been several further visits to the site and consultation with Officers from Devon County Council who have provided guidance on archaeology and drainage. The site was also visited by the Enforcement Officer from DCC, who was unable to find any evidence that waste material had been imported into the site.

Policy COR18 from the Mid Devon Core Strategy provides clear guidance about the types of development that could be acceptable within the Countryside. Your Officers consider that the works undertaken do not enhance the character, appearance and biodiversity of the Countryside. It is considered that there are no planning policies that support the provision of a private motorbike/quad bike track or private golf facility on this land.

Policy COR11 seeks to ensure that development does not increase the risk of flooding of properties elsewhere. There appears to have been no formal assessment undertaken by the owner

prior to the installation of an extensive drainage scheme at the site, nor consideration of the impact that it might have on neighbouring land. As there is no information available to establish the necessity or suitability of the drainage scheme, the works are considered to be contrary to this policy.

Given the scale of the breach of planning control, in accordance with the National Planning Policy Framework and Policy DM31 of the Local Plan Part 3, your Officers consider that it is proportionate, appropriate and in the public interest to serve an Enforcement Notice without delay, requiring the necessary remedial works to rectify the harm that has been caused.

Human Rights and Equality Issues:

The expediency of Enforcement action has been assessed with reference to 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) the Proposed Local Plan Review Policies 2013 - 2033.

When making their decision, Members must have regard to all relevant planning legislation, regulations, guidance, circulars and Council policies.

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 this would not be an appropriate course of action due to the detrimental impact on the setting of the historic Mount and the visual amenity of the area and the extensive nature of the works undertaken at the site.

Invite a planning application

Officers have already invited the owners of the land to make a planning application for the restoration of the land to its former condition. An application to restore the land has not yet been received. Given the extensive nature of the works and the detrimental impact on the setting of the historic mount and visual amenity of the area, it is considered that an application to retain the works would be contrary to both local and national policy, and would therefore not be likely to be considered favourably by the Council. Should an Enforcement Notice be issued, the owner of the property would have the right to appeal to the Planning Inspectorate on the basis that planning permission should be granted, where the planning merits of the works undertaken would be considered by the Inspector.

Issue an Enforcement Notice

Officers consider that this would be the most appropriate way forward for the reasons discussed in this report.

The requirements of the Notice

Delegated authority to the Head of Planning and Legal Services Manager to detail the wording of the works required with regard to:

- 1) Removal of drainage works including pipework, gravel and any other materials installed in relation to the drainage system;
- 2) Reprofile the site to natural land level/contour and condition, as existed prior to the unauthorised works taking place;
- 3) Re seed the site with grass (seed to be specified);
- 4) All remedial works required in steps 1-3 above shall be carried out in accordance with a written scheme of investigation for archaeological monitoring (to be provided by Historic Environment Service).

NB. The hedgerow that was removed will need to be replaced. The Local Planning Authority will need to serve a hedgerow replacement notice to ensure this hedgerow is replanted. The Local Planning Authority have written to the land owners regarding this. The hedgerow is not included on the Enforcement Notice as its replacement is required by the Hedgerow Regulations and not by The Town and County Planning Act, 1990 (as amended).

Reasons for Decision:

It appears to the Council that the breach of planning control has occurred within the last four years.

The works that have undertaken, and proposed use of the site would not enhance the character and appearance of the open countryside and are therefore contrary to policy COR18 of the Mid Devon Core Strategy 2026.

Period for Compliance:

3 months from the date that the Notice comes into effect.

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Case No. ENF/16/00247/LIS

Grid Ref: 295406 112406

Address:

12 St Andrew Street , Tiverton, Devon, EX16 6PH

Alleged Breach:

Listed building in a poor state of repair and illegal/unauthorised internal alterations.

Recommendations:

That the Legal Services Manager be authorised to take any appropriate legal action, including the service of a notice or notices seeking the repair and redecoration of the exterior of the listed building. In addition, in the event of a failure to comply with any notice served or refusal to regularise or correct any unauthorised works to the listed building, to authorise prosecution, direct action and/or authority to seek a court injunction.

In addition, in the event of the failure to provide access to the interior of the building, to authorise the seeking of a magistrate's warrant to ensure access is provided.

Site Description:

A two-storey terraced property of 19th century origin, Listed grade II in domestic use. The property is also situated in Tiverton conservation area.

Site Plan:



Site History:

08/00273/LBC	Listed Building Consent for external works	WITHDRAWN
08/01020/LBC	Listed Building Consent for external alterations	PERMIT

Development Plan Policies:

National Planning Policy Framework

Mid Devon Core Strategy (Local Plan 1)

COR2 - Local Distinctiveness

Mid Devon Local Plan Part 3 (Development Management Policies)

DM27 - Development affecting heritage assets

DM31 - Enforcement

Reasons/Material Considerations:

12 St Andrew Street is a Listed Building (grade II), lying in Tiverton Conservation Area. It is a 19th century terrace house with period detailing which could make a positive contribution to the street scene. The building is brick to the front (painted) and random rubble stone to the rear elevation with sash and casement timber windows.

The building has been in a poor condition for many years. In 2004 the owner was approached by your conservation officer on suspicion that unauthorised works were taking place to the interior of the building. A visit was arranged and the owner was encouraged to make an application for listed building consent for all works done and proposed to be done. After some negotiations and discussion an application was subsequently made in 2008 - consent was granted for works to windows, doors and other external repairs. However, other unauthorised works were not included in the application and it is thought that work continues to the interior of the building on a very ad hoc basis. Those repairs that were given permission in 2008 have also not been completed, although some have been started (repair and replacement of windows).

Despite repeated attempts at contact with the owner of the property, communication has now ceased. The building's condition is not considered to be improving at a reasonable pace and it is suspected that its condition is now having a detrimental effect on the church building next door. Scaffolding has been up on the rear elevation of the building for several years and this is considered to have a negative impact on the amenity and enjoyment of neighbour's land.

It is now your Officers opinion that a section 215 notice should be served, requiring the property to be repaired and redecorated and that further access is required to investigate suspected unauthorised works to the interior of the building.

Human Rights and Equality Issues:

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

In this case your Officers have considered the Act and circumstances and do not believe there to be any human rights implications but simply a requirement under the Planning (Listed Buildings and Conservation Areas) Act 1990 for the building to be preserved and kept in a reasonable state

of repair. Therefore the Local Planning Authority believes it is pursuing a legitimate aim in seeking compliance with the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990 so as to prevent the demonstrable harm of the statutorily protected building and to protect the environment.

Options for action or remedy:

The list of options available is as follows:

Take no action:

1. This would not be the appropriate course of action. There is no justification for the Listed property to remain in its current condition and to impair the visual amenity of the area and character of the conservation area. To allow the current situation to persist is contrary to current planning policy and the Listed Building legislation.
2. Issue an urgent works notice: This is not considered appropriate at this time and would only be served where works are urgently necessary for the preservation of the Listed Building to make it wind/weather tight, to address structural concerns or prevent vandalism or theft.
3. Issue a Listed Building repairs notice. This is a precursor to compulsory purchase and not considered appropriate at this time.
4. Issue a Section 215 Notice seeking works to improve the condition and the appearance of the property. Authorise seeking of magistrate's warrant to gain access to interior of building to further investigate unauthorised works if required:

These are considered by your Officers to be the appropriate courses of action.

Reasons for Decision:

The statutorily protected listed property is in a poor state of repair and works have not been completed to ensure its preservation, contrary to the Planning (Listed Buildings and Conservation Areas) Act 1990, the National Planning Policy Framework and Local Plan (Part 3) policy DM27. The amenity and character of the conservation area is adversely affected and works are required to improve the appearance and condition of the property and to prevent damage to neighbouring property. Unauthorised works to a Listed building are an offence and should be investigated and action taken where appropriate.

Steps Required:

1. Repair or replace (with same materials as existing) all rain water goods such as guttering and downpipes to both front and rear elevations, ensuring that the repaired or replaced guttering and downpipes efficiently disposes of surface water. Ensure all rainwater goods are appropriately decorated with preparatory undercoats and gloss finish coats.
2. Prior to repainting, clean and remove all flaking paint from front elevation; redecorate using an appropriate exterior paint system of undercoat and top coats.
3. Repair ground floor front elevation sash window OR replace with window consented under 08/01020/LBC with matching timber weighted six-over-six timber sash window to match those at first floor. Prime, undercoat and gloss top coats.
4. Repair front door surround by removing rotten timber and scarfing in new timber to match. Prior to redecoration, clean and remove all flaking paint; redecorate using an appropriate exterior paint system of undercoat and gloss topcoats.
5. Repair existing front door as in point 4, OR replace front door with door consented under 08/01020/LBC; redecorate using an appropriate exterior paint system of primer, undercoat and gloss top coats.

6. Clear all vegetation growth on the rear of the building and boundary walls and treat with systemic weed killer.
7. Repair windows and doors to rear elevation as required and redecorate using an appropriate exterior paint system of primer, undercoat and gloss topcoats.
8. Ensure lead flashings to roof where it abuts neighbouring properties are fully functional and if required, replace in leadwork if required.
9. Where required, repoint rear elevation random rubble stone by raking out defective joints and repoint using lime putty mortar or moderately hydraulic lime mortar with a brushed finish.
10. On completion of all works remove scaffolding from site and leave site in tidy condition.

Period for Compliance:

Four months from the date the Notice takes effect.

Case No. ENF/16/00248/LIS

Grid Ref: 295220 112667

Address:

3 Bridge Buildings, West-Exe North, Tiverton, Devon

Alleged Breach:

Listed Building in a poor state of repair

Recommendations:

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

Site Description:

3 Bridge Buildings, Tiverton, Devon.

A three-storey terraced house of 19th century origin, Listed grade II. The property is also situated in Tiverton conservation area.

Site Plan:



Site History:
None

Development Plan Policies:
National Planning Policy Framework

Mid Devon Core Strategy (Local Plan 1)
COR2 - Local Distinctiveness

Mid Devon Local Plan Part 3 (Development Management Policies)
DM27 - Development affecting heritage assets
DM31 - Enforcement

Reasons/Material Considerations:

3 Bridge Buildings is a Listed Building (grade II), lying in Tiverton Conservation Area in Westex. It is a 19th century terrace house originally thought to have been built by Heathcoat's factory. The building is rendered brick with sash timber windows. It forms one of four houses in the terrace, all of which match.

The building has been in a poor condition and vacant for many years. In 2012 the owner was approached by your conservation officer on suspicion that unauthorised works had taken place to the interior of the building and also to discuss the state of repair of the building. A visit was arranged and it was discovered that the building had been gutted internally just before the building was formally Listed in 2000. This is supported by correspondence with the planning department on other matters. The interior works were therefore not unauthorised. However the building is a Listed building and the state of repair of the exterior was considered to be of concern.

Discussions and negotiations with the owner have been ongoing since 2012 to increase the speed at which repairs take place. Scaffolding has been erected on the building and has been in place for two years. Whilst it is clear that the owner does work on the building periodically and has a desire to repair the building and eventually live in it, the speed of these works is of concern because of their impact on the appearance and condition of the listed building, those listed buildings next to it and the character of the conservation area.

It is now your Officers opinion that a section 215 notice should be served, requiring the property to be repaired and redecorated within a reasonable time period.

Human Rights and Equality Issues:

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

In this case your Officers have considered the Act and circumstances and do not believe there to be any human rights implications but simply a requirement under the Planning (Listed Buildings and Conservation Areas) Act 1990 for the building to be preserved and kept in a reasonable state of repair. Therefore the Local Planning Authority believes it is pursuing a legitimate aim in seeking compliance with the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990 so as to prevent the demonstrable harm of the statutorily protected building and to protect the environment.

Options for action or remedy:

The list of options available is as follows:

Take no action:

1. This would not be the appropriate course of action. There is no justification for the Listed property to remain in its current condition and to impair the visual amenity of the area and character of the conservation area. To allow the current situation to persist is contrary to current planning policy and the Listed building legislation.
2. Issue an urgent works notice: This is not considered appropriate at this time and would only be served where works are urgently necessary for the preservation of the Listed Building to make it wind/weather tight, to address structural concerns or prevent vandalism or theft.
3. Issue a Listed Building repairs notice. This is a precursor to compulsory purchase and not considered appropriate at this time.
4. Issue a Section 215 Notice seeking works to improve the condition and the appearance of the property. Authorise seeking of magistrate's warrant to gain access to interior of building to further investigate unauthorised works if required:

These are considered by your Officers to be the appropriate courses of action.

Reasons for Decision:

The statutorily protected listed property is in a poor state of repair and works are not progressing at a speed that will ensure its preservation. The amenity and character of the conservation area is adversely affected and works are required to improve the appearance and condition of the property and to prevent damage to neighbouring property. This is contrary to the Planning (Listed Buildings and Conservation Areas) Act 1990, the National Planning Policy Framework and Local Plan (Part 3) policy DM27.

Steps Required:

All the below works are required to be carried out to the main house.

1. Replace all timber fascias to the same design and size as no. 4 Bridge Buildings, decorating the fascias with an appropriate exterior paint system of primer, undercoat and top coats.
2. Repair or replace with cast iron all rain water goods such as guttering and downpipes to both front and rear elevations, ensuring that the repaired or replaced guttering and downpipes efficiently disposes of surface water. Ensure all rainwater goods are appropriately decorated with preparatory undercoats and gloss finish coats.
3. Prior to repainting, clean and remove all flaking paint from front elevation; redecorate using an appropriate exterior paint system of undercoat and top coats.
4. Repair sash windows as required and redecorate using an appropriate exterior paint system of primer, undercoat and gloss top coats.
5. Repair front door by removing rotten timber and scarfing in new timber to match. Prior to redecoration, clean and remove all flaking paint; redecorate using an appropriate exterior paint system of undercoat and gloss topcoats.
6. Ensure lead flashings and soakers to roof where it abuts neighbouring properties and chimney stacks are fully functional and if required, replace in leadwork.
7. Repair roof using natural slate (either reused or new to match existing) with breathable membrane under, new battens and appropriate repairs to rafters where necessary.

8. Repoint chimney stacks where required by raking out defective mortar and replacing with a lime putty mortar or moderately hydraulic lime mortar, with a brushed finish.
9. On completion of all works remove scaffolding from site and leave site in tidy condition.

Period for Compliance:

Four months from the date the Notice takes effect.

PLANNING COMMITTEE AGENDA - 2nd November 2016

Applications of a non-delegated nature

- | <u>Item No.</u> | Description |
|-----------------|---|
| 1. | <p>16/01117/FULL - Change of use of agricultural land and buildings to form camping site, to include provision for 2 shepherds hut pitches, 2 safari tent pitches, and 6 bell tent pitches; conversion of existing stables to shower/toilets, office, meeting room, sensory room for visitors, washing facilities, and storage; erection of 2 new blocks to serve campsite; and formation of equestrian area for grazing of miniature horses at Ingleton Farm, Ashill, Cullompton.</p> <p>RECOMMENDATION
Grant permission subject to conditions.</p> |
| 2. | <p>16/01121/HOUSE - Erection of extension to provide a 2 bay carport, office, ancillary storage, workman's shower, changing area and utility space at Lucas Farm, Uffculme, Cullompton.</p> <p>RECOMMENDATION
Refuse permission.</p> |
| 3. | <p>16/01210/FULL - Variation of condition (2) of planning consent 15/00537/MFUL to extend temporary planning permission term granted from 25 years to 30 years from the date of operation at Land at NGR 274885 105456 (Sharland Farm), Morchard Bishop, Devon.</p> <p>RECOMMENDATION
Grant permission subject to conditions.</p> |
| 4. | <p>16/01429/FULL - Change of use of hairdressing salon (Class A1) to self contained bed sit (Class C3) (Revised Scheme) at Lawrence's Hair Salon, 3A Exeter Road, Silverton.</p> <p>RECOMMENDATION
Refuse permission.</p> |
| 5. | <p>16/01448/FULL - Variation of condition 2 of planning permission 15/00132/FULL to allow substitute plans in respect of change of design at 25 Exeter Road, Silverton, Exeter.</p> <p>RECOMMENDATION
Grant permission subject to conditions.</p> |

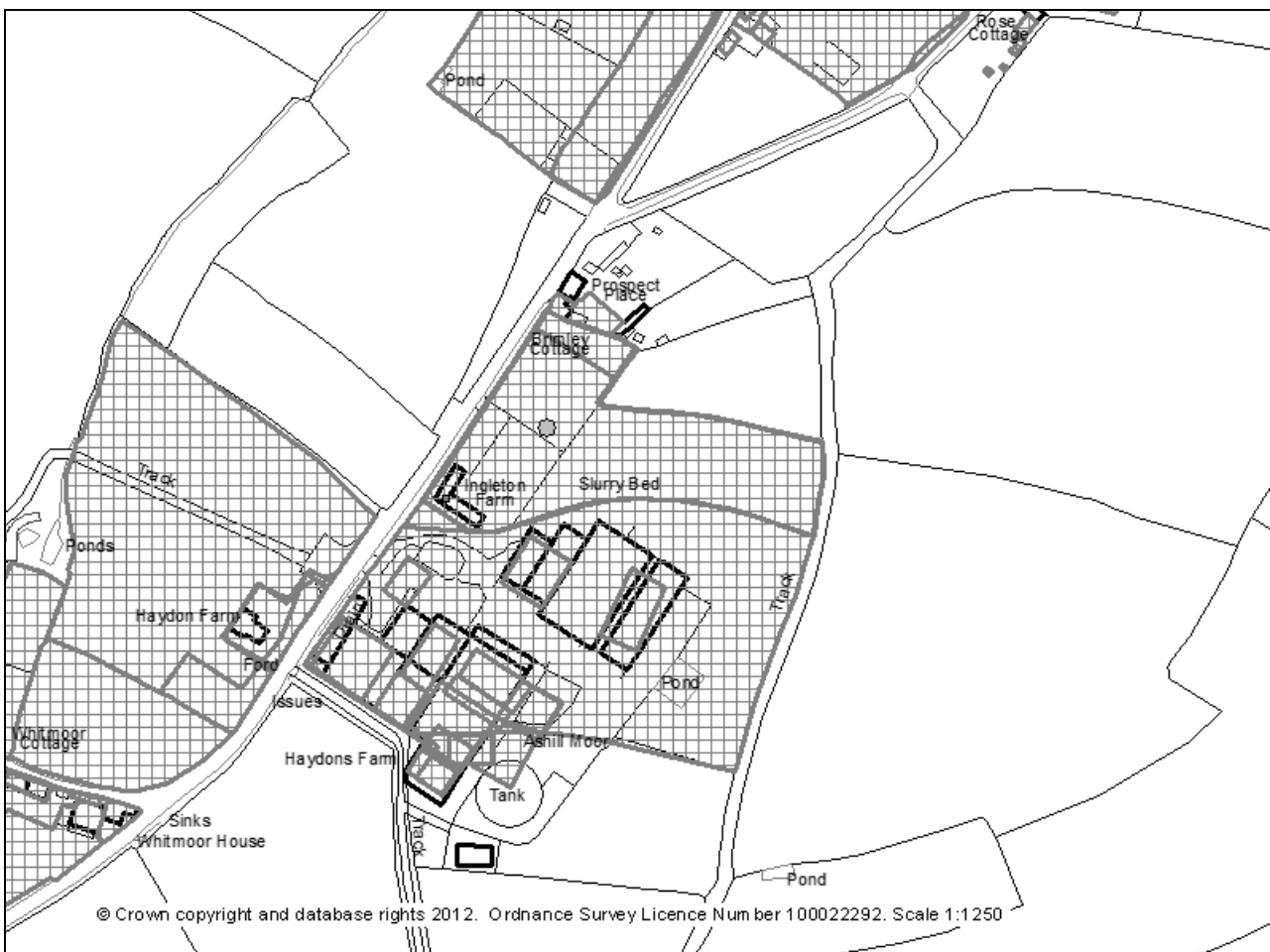
Grid Ref: 308438 : 110891

Applicant: Mr & Mrs A Sheard

Location: Ingleton Farm Ashill Cullompton Devon

Proposal: Change of use of agricultural land and buildings to form camping site, to include provision for 2 shepherds hut pitches, 2 safari tent pitches, and 6 bell tent pitches; conversion of existing stables to shower/toilets, office, meeting room, sensory room for visitors, washing facilities, and storage; erection of 2 new blocks to serve campsite; and formation of equestrian area for grazing of miniature horses

Date Valid: 25th July 2016



Application No. 16/01117/FULL

RECOMMENDATION

Grant permission subject to conditions.

PROPOSED DEVELOPMENT

The proposal is for the change of use of agricultural land and buildings to form a camping site, to include the provision for 2 shepherds hut pitches, 2 safari tent pitches, and 6 bell tent pitches; conversion of existing stables to showers/toilets, office, meeting room, sensory room for visitors, washing facilities, and storage; erection of 2 new buildings to serve campsite; and formation of equestrian area for grazing of miniature horses at Ingleton Farm, Ashill.

The site as referenced in the application form is 0.78 hectares in area. The site is accessed via an existing gated entrance from the public highway with hardstanding up to the stable block. The site is largely linear in shape and slopes up away from the access to the top of the field to the East of the site. There is an existing 'L' shaped stable block located in the South West corner of the site.

Dimensions of proposed 2 shepherds huts: 5.9 metres in length x 2.6 metres in width with an overall height of 3.4 metres. To be located in the top north east corner of the field.

Dimensions of proposed 2 safari tents: 11.6 metres in length x 5 metres in width with overall height to ridge level of 3.55 metres. To be located in the top south east corner of the field.

Dimensions of proposed 6 bells tents: radius of 2.5 metres with an overall height of 3 metres. To be located further west of the site than the shepherds huts and safari tents.

The shepherds huts and safari tents are intended to be permanent features on the site, with the safari tents erected with a timber base and veranda. The bell tents are capable of being erected on a temporary basis only.

The application also seeks permission to convert the existing 'L' shaped stable block to accommodate showers and toilets facilities, storage associated with the business (tents out of season etc), a sensory room (the applicants plan to market the business towards families with autism within them), a rainy day/ meeting room, a tool store, kitchen, utility and washing/laundry facilities. No extensions are proposed to this building. It is also proposed to erect two small detached timber buildings adjacent the stable block. Building 1 will be used as an office area/ site shop for the camping business and building 2 will be a small stable block to house the miniature ponies on the site (forming a stable with attached store).

Proposed new office/ site shop building: 13 sqm with a maximum height to ridge level of 2.6m.

Proposed new stable/ storage building: 32 sqm with a maximum height to ridge level of 3m.

APPLICANT'S SUPPORTING INFORMATION

Wildlife survey
Foul drainage assessment plan
Supporting statement
Letters/ emails of support
Business plan (held confidentially)
Photographs

PLANNING HISTORY

99/02219/FULL Change of use of agricultural land to form an extension of residential curtilage, provision of driveway and erection of double garage on that land and formation of new access - WITHDRAWN
06/01514/FULL Erection of stables - PERMIT

15/00728/FULL Siting of a mobile home and erection of a single toilet/shower for an agricultural worker, shed, dog kennel, and polytunnel - REFUSED

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR2 - Local Distinctiveness

COR9 - Access

COR18 - Countryside

Mid Devon Local Plan Part 3 (Development Management Policies)

DM2 - High quality design

DM8 - Parking

DM20 - Rural employment development

DM24 - Tourism and leisure development

CONSULTATIONS

ENVIRONMENTAL HEALTH - 11th August 2016

Contaminated Land - No objections to these proposals

Air Quality - No objections to these proposals

Environmental Permitting N/A

Drainage - No objections to these proposals

Noise & other nuisances - No objections to these proposals

Housing Standards -Not applicable

Licensing Please contact the Licensing Team to discuss. A licence would be required for a tent site.

Tel 01884 255255 or email licensing@middevon.gov.uk

Food Hygiene - Not applicable (If there is an intention to sell/provide food or drink to the public contact Environmental Health for advice on legal requirements)

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 commercial supply, and would be subject to the Private Water Supply Regulations 2016. As such a private water risk assessment and sampling regime will need to be undertaken by this Authority prior to any 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 objection to this proposal.

Informative: Ensure there are suitable and sufficient risk assessments etc. once operational, further information can be found on <http://www.hse.gov.uk/>. Should the operator wish to receive any advice or information on health & safety legal requirements please contact Environmental Health.

NATURAL ENGLAND - 15th August 2016 - Statutory nature conservation sites - no objection

Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites.

Protected landscapes

The proposed development is for a site within or close to a nationally designated landscape namely Blackdown Hills AONB. Natural England 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 and the role of local advice 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.

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

We also advise that you consult the relevant AONB Partnership or Conservation Board. 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.

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). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.

Local sites

If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

Sites of Special Scientific Interest Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the data.gov.uk website.

UFFCULME PARISH COUNCIL - 13th September 2016 - Following a large number of Parishioners making contact with concerns, the planning committee discussed the application again. Following further discussion, the Council has decided to re-iterate that concerns of local residents should be addressed, although the Parish Council has no objections to the application.

10th August 2016 - The Council feels that if permission is granted the directions to the site should be via Cullompton so not to add to the congestion in Uffculme. The Parish Council also feels that any concerns of local residents should be considered fully when considering permission. It is noted that the planning officer has had concerns for the neighbour's privacy etc - this should be fully considered.

HIGHWAY AUTHORITY - 13th September 2016 - Observations: The roads to Ashill are substandard in terms of width alignment and passing opportunities, however they are sufficient to cater for the level of traffic generated by this application to and from this site. Notwithstanding this I would require amendment to the access for vehicle use and the main point of access from the public highway to the North West should be used, with the following alterations. The Access to the west onto the private track should be used for pedestrian and cycles only. It would be preferable for the access to be widened to 5.0m to allow two vehicles to enter and leave at the same time. The visibility splay should be provided so that there is no obstruction to visibility greater than 600mm above the carriageway surface and taken from a point 2.4m back along the centre line of the access and extending to a point 43m either side of the access. Access radii should be a minimum of 4.5m or the access should be set back 4.5m and splayed at 45 degrees. The Access will be hard surfaced in a bound material (Tarmac or Concrete) for the first 6.0m and will be drained so as to prevent surface water from entering the public highway.

SOUTH WEST WATER - 16th August 2016 - Asset Protection

A plan showing the approximate location of a public water main in the vicinity. Please note that no development will be permitted within 3 metres of the water main. The water main must also be located within a public open space and ground cover should not be substantially altered.

Should the development encroach on the 3 metre easement, the water main will need to be diverted at the expense of the applicant. The applicant/agent is advised to contact the Developer Services Planning Team to discuss the matter further.

Clean Potable Water

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

Foul Sewerage Services

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

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

Surface Water Services

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

1. Discharge into the ground (infiltration); or where not reasonably practicable, Provide written evidence as to why Infiltration devices, including Soakaways, Swales, Infiltration Basins and Filter Drains do not meet the design standards as specified in either H3 Building Regulation standards for areas less than 100m². Soakaways serving larger areas must meet the design standard specified in BS EN 752-4 (para 3.36) or BRE Digest 365 Soakaway Design.
2. Discharge to a surface waterbody; or where not reasonably practicable, Provide written evidence for refusal of discharge consent from owner of water body (Environment Agency, Local Authority, Riparian Owner etc)
3. Discharge to a surface water sewer, highway drain, or another drainage system; or where not reasonably practicable, Provide written evidence for refusal of discharge to drainage system (Highway Authority, Environment Agency, Local Authority, Private ownership)
4. Discharge to a combined sewer. (Subject to Sewerage Undertaker carrying out capacity evaluation) South West Water will carry out a hydraulic capacity review of the combined sewerage network before permission will be granted to discharge to the combined sewer.

REPRESENTATIONS

76 letters of support received, summarised as follows:

1. Support for Autistic Spectrum Disorder friendly camping provision;
2. Glamping option better than general camping;
3. Additional economic benefits to the village of Ashill from passing trade associated with the proposed use of the site.

29 letters of objection summarised as follows:

1. Noise impact of the proposed use of the site on the neighbouring property;
2. Impact of noise coming from the neighbouring farm on users of the proposed campsite;
3. Light impacts from the proposed utility block on the neighbouring property;
4. Impact of the proposed campsite on the local road network;
5. Fire risk to adjacent farm buildings;
6. The site is too small for the proposed development;
7. Drainage capacity issues;
8. No overnight presence;
9. Parking availability on the site;
10. Visual impacts on the rural character;
11. Loss of privacy for the neighbouring property

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

- 1. The principle of development on the site**
- 2. Whether there is a business case to support the application scheme**
- 3. Access and parking**
- 4. Drainage and flood risk**
- 5. Impact on residential amenity and the character and appearance of the area**

1. The principle of development on the site

The National Planning Policy Framework states that to support a prosperous rural economy, a positive approach should be taken to sustainable new development. The framework further states that local planning authorities should promote the development and diversification of agricultural and other land-based rural businesses. Support should also be given to sustainable rural tourism and leisure developments that benefit businesses in rural area, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in rural service centres.

Policy COR18 of the Core Strategy (Local Plan Part 1) deals with development in the countryside stating that development outside of defined settlements will be strictly controlled, enhancing the character, appearance and biodiversity of the countryside while promoting sustainable diversification of the rural economy. The policy supports the principle of appropriately scaled rural tourism.

Policy DM24 of the Local Plan Part 3 further deals with tourism and leisure development proposals such as this stating that proposals for new or expanded tourism, visitor or leisure facilities will be supported within or adjacent to defined settlements. Elsewhere, the nature of the proposed development must justify a countryside location and minimise environmental impacts, avoiding an unacceptable traffic impact on the local road network. Tourism and leisure development is therefore generally welcomed and supported where possible to provide employment and means of supplementing rural incomes.

Policy DM24 stipulates 3 criteria which the development must comply with:

- a) Respect the character and appearance of the location;
- b) Where possible, involve the conversion or replacement of existing buildings; and
- c) Demonstrate that the need is not met by existing provision within nearby settlements.

A summary assessment of the proposal against these criteria is set out below:

- A) The proposed development including the provision of 10 pitches which is to incorporate shepherds huts, safari tents and bell tents; the conversion of the existing stable block; erection of 2 smaller buildings and planting/ fencing is considered to respect the rural character and appearance of the location. The materials of the proposed new two small buildings are to be timber constructed to blend in with the existing timber stable on the site.

- B) The conversion of the existing stable block to allow toilet/shower facilities, an office, meeting room, sensory room for visitors, washing facilities, and storage is considered to be acceptable. The erection of the two small new buildings is considered to be more appropriate than housing miniature ponies in the stable next door to a shower room for example.
- C) The applicants have demonstrated through reasonable means that the need for a camping/glamping facility specific but not exclusively aimed towards families with autism within them is needed. This is evidenced by the 100+ letters/emails of support from potential users of the site (when additional letters of support sent directly to the applicant are added) which evidences the demand for facilities such as that being proposed by this application scheme. Although other camping and glamping facilities are provided within Mid Devon, it is considered that the significant financial investment which the applicants are to make in the business shows their commitment to developing the business and in providing a high quality tourism product that meets demand.

2. Whether there is a business case to support the application scheme

The applicants have submitted a business plan in support of the application. The contents of the business plan are not publically available as it contains sensitive financial information but it indicates a significant financial investment into the business to provide the costly works associated with sewage connection, hedging, fencing and ground works. Further significant investment would be made in the purchasing of the shepherds huts and safari tents.

The site has been operating during summer 2016 as a tented camping site under a 28 day license period which is currently allowable under permitted development not requiring planning permission (see GPDO 2015, Part 4 Temporary Building and uses, Class B). The applicant has recorded details of how the business has run over this period, including details of the amount of visitors, the duration of their stay and written feedback from the customers. This evidence has been reviewed by the planning case officer and is considered to show a business with potential for success and further expansion.

As well as the letters of support received in relation to this application, a total of 67 emails of support have also been handed to the Local Planning Authority by the applicant which are from members of the public supporting the idea of a camping/glamping facility which is aimed at engaging with the autistic community and families with autism within them. One letter of support was received from an autism charity based in South Devon (Dimensions for Living) which supports the idea of a glamping site aimed towards a family orientated autism market stating that such facilities are not available on most sites.

Although other camping and glamping facilities are provided within Mid Devon, it is considered that the significant financial investment which the applicants are to make in the business shows their commitment to developing the business and in providing a high quality tourism product that meets demand.

The business plan details how the proposal could have a positive impact upon local businesses which may be attractive for campers to visit, including the Public House in Ashill, nearby golf courses and driving ranges, Coldharbour Mill and Diggerland as well as the natural attractions of the Blackdown Hills and the South Devon coast.

Having considered the proposal as a whole and taking into account the content of the submitted business plan and letters of support it is concluded that a need for the type of development being proposed can be demonstrated and that it has the potential to provide a service which other tourism accommodation enterprises do not cater for. On this basis the application meets with the requirements of policy DM24.

3. Access and parking

As previously mentioned, the existing vehicular site access is to be utilised. The applicant has ownership of the hedges on either side of the access, and provided the access arrangement and visibility splay meets the requirements as set out by the Highway Authority, the access is considered to be sufficient so as to accommodate the additional traffic arising from the proposed development. At the time of writing the submitted drawings do not indicate all of the access changes as required by the Highway Authority, however these are anticipated to be submitted and an update will be given at Committee. Subject to these drawings

being received, the application is in accordance with COR9 of the Local Plan Part 1 and DM2 of the Local Plan Part 3. It is considered that the local road network is suitable to support any additional movements occurring as a result of the proposed use, and the number of additional movements created as any results impacts.

Policy DM8 of the Local Plan Part 3 deals with parking. The application scheme has set out an area of parking on the lower section of the site adjacent the paddock. There is also enough space on each pitch or within the empty pitches to accommodate sufficient parking for at least 1 vehicle per pitch. Due to the slope of the site, the applicant has indicated that the central track up to the accommodation and pitches will be finished with a plastic or concrete matting through which the grass could grow. This would ensure adequate access is available to each pitch without having a detrimental impact upon amenity.

4. Drainage and flood risk

It is proposed that foul sewage will be disposed of via connection to the mains sewer which has been indicated on the submitted site block plan. The route of pipes to be laid has been indicated on the same plan. Surface water drainage will be disposed of via a mains sewer. The site does not lie within a Flood Zone and is not liable to surface water flooding therefore it is not considered necessary to consider any flood risk to the site.

5. Impact on residential amenity and the character and appearance of the area

The bell tents, safari tents and shepherds huts are to be located to the east of the site in the more sloped section of the field. The siting of the accommodation to be provided is in the linear part of the field, which slopes up away from the highway. At present, this part of the site is not highly visible from public vantage points due to the presence and height of the boundary trees and hedges. The existing mature oak and ash trees on the site are proposed to be retained. Some of the road frontage hedging will need to be cut back to achieve the visibility splays required by the Highway Authority and this may increase the visibility of the site. New planting between pitches has been carried out and consists of native hedging including blackthorn, hawthorn, dogrose, hazel and field maple, and new fruit trees have been planted across the site, which over time will provide further softening of the visual appearance of the proposed development.

The site is outside of the conservation area of Ashill and is also not within the Blackdown Hills Area of Outstanding Natural Beauty. Given the topography of the site and the surrounding landscape and the seasonal nature of parts of the proposal (bell tents), it is not considered that the visual impact of the proposed development will be significant and in this respect the application meets with the requirements of policies DM2 and DM24 of Local Plan Part 3.

Between each proposed camping pitch is a 'buffer pitch' which could be used for parking in association with each pitch but will also lesson any potential noise impacts between pitches.

The paddock closest to the neighbouring adjacent residential dwelling is to be used as a paddock for keeping miniature ponies. Along the northern boundary adjacent to this neighbouring property a scheme of native hedging has been planted. This hedging is considered necessary to buffer some of the potential resultant noise and visual impacts. It is considered that the hedging directly adjacent the residential property should be restricted in height through the implementation of a planning condition so as not to block light to any principle rooms in the neighbouring property. Objection has been received from the immediately neighbouring property regarding noise impacts of the development. The camping pitches are proposed to be located away from the neighbouring dwelling with a paddock area immediately adjacent to them. Environmental Health has raised no objections to the proposal on the basis of noise impacts. Whilst there is likely to be an increase in noise as a result of the proposal, it is not considered that this would be at an unacceptable level. There are no other immediately adjoining neighbouring properties who would be affected by the proposal.

Noise impacts of the working farm (dairy herd) to the south on proposed users of the campsite have been noted in multiple letters of objection. Whilst it is recognised that there will be inevitable resulting noise impacts due to the nature of the use of the adjacent farm site on the users of the camping site, it is considered that the users of the camping site will only be staying for short periods of time. Consultation

comments from Environmental Health regarding noise impacts also came back with no comments to report which is further evidence that the noise impacts from the farm on the campers is not considered to be unacceptable.

The applicant has made clear that no new external lighting is proposed on the site. The lighting as existing includes external lighting on the existing stable block which is proposed to be retained. Despite the applicant's assertion of no new lighting, having regard to the rural character of the area, any additional lighting proposed on the site should be first agreed with the Local Planning Authority and a planning condition is recommended to that effect.

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. Before the first use of the site for its permitted use, 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 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 43.00 metres in both directions.
4. Before the first use of the site for its permitted use, the site access road shall be hardened, surfaced and drained (so that no surface water drains onto the Highway) for a distance of not less than 6.00 metres back from its junction with the public highway, in accordance with details that have first been submitted to, and approved in writing by the Local Planning Authority. Once provided, the access shall be maintained in accordance with the approved details.
5. Before the first use of the site for its permitted use, the parking facilities as shown on the approved drawings shall be provided and thereafter kept available for the parking of users of the camping site.
6. Foul drainage from the development (and no other drainage) shall be connected to the public foul or combined sewer.
7. (i) the tents and shepherds huts shall be occupied for holiday purposes only.
(ii) the tents and shepherds huts shall not be occupied as a person's sole or main place of residence
(iii) the owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of individual tents and shepherds huts on the site, their arrival and departure dates and their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority.
8. The height of the hedgerow to be planted on the northern boundary of the site and the adjacent property (Brimley Cottage) shall be allowed to grow to a height of 2 metres above adjacent ground level (measured from the application site) and thereafter maintained at a height of between 1.8 metres and 2 metres above ground level (measured from the application site).
9. No external lighting shall be installed on the site unless details of the lighting (to include details of the brightness of any light measured in Lumens) have been previously submitted to and approved in writing by the Local Planning Authority.
10. Within 9 calendar months of the commencement of development on the site the planting as indicated on the proposed block plan shall be provided. Any trees or hedges which within a period of 5 years from the 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 a 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 provide adequate visibility from and of emerging vehicles.
4. To prevent mud and other debris being carried onto the public highway.
5. To ensure that adequate facilities are available for the traffic attracted to the site.
6. To ensure the discharge of drainage from the Development shall not be prejudicial to the public sewerage system and ensure there are adequate public foul sewerage facilities to receive foul water flows, in order to safeguard the public and environment.
7. The site is outside defined settlement limits in the open countryside, where unrestricted occupation would be contrary to adopted planning policy, however the application is considered to be in accordance with policy DM24 of the Local Plan 3 (Development Management Policies) relating to tourism and leisure development proposals.
8. To limit the loss of light which may be caused by the height and density of a hedgerow on this boundary.
9. In order to proposed the landscape and dark sky qualities of the rural area in accordance with policy DM2 of the Local Plan 3 (Development Management Policies).
10. To ensure that 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 that the development makes a positive contribution to the rural character of the area in accordance with policy DM2 and DM2 and DM24 of the Local Plan 3 (Development Management Policies).

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The proposed change of use of agricultural land and buildings to form camping site, to include provision for 2 shepherds hut pitches, 2 safari tent pitches, and 6 bell tent pitches, conversion of existing stables to shower/toilets, office, meeting room, sensory room for visitors, washing facilities, and storage; erection of 2 new buildings to serve campsite; and formation of equestrian area for grazing of miniature horses at Ingleton Farm, Ashill is considered to be acceptable in policy terms, subject to the proposed conditions. The camping business is considered to be of an appropriate scale, be respectful of the character and appearance of the rural location and demonstrates that the need of the facility is not met by existing provision within nearby settlements. The planting and hedging is considered to be appropriate and is considered to sufficiently protect the privacy and amenity of the occupiers of the neighbouring property Brimley Cottage. The accommodation to be provided is considered to be a sufficient distance from the neighbouring property so as not to cause issues in terms of noise nuisance and the neighbouring farm will not have a demonstrable impact upon the proposed use. Subject to conditions the development will provide a safe and suitable access to the public highway. Overall the proposal is considered to be in accordance with policies COR2, COR9 and COR18 of the Mid Devon Core Strategy (Local Plan Part 1), DM2, DM8, DM20 and DM24 of the Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.

Application No. 16/01121/HOUSE

Plans List No. 2

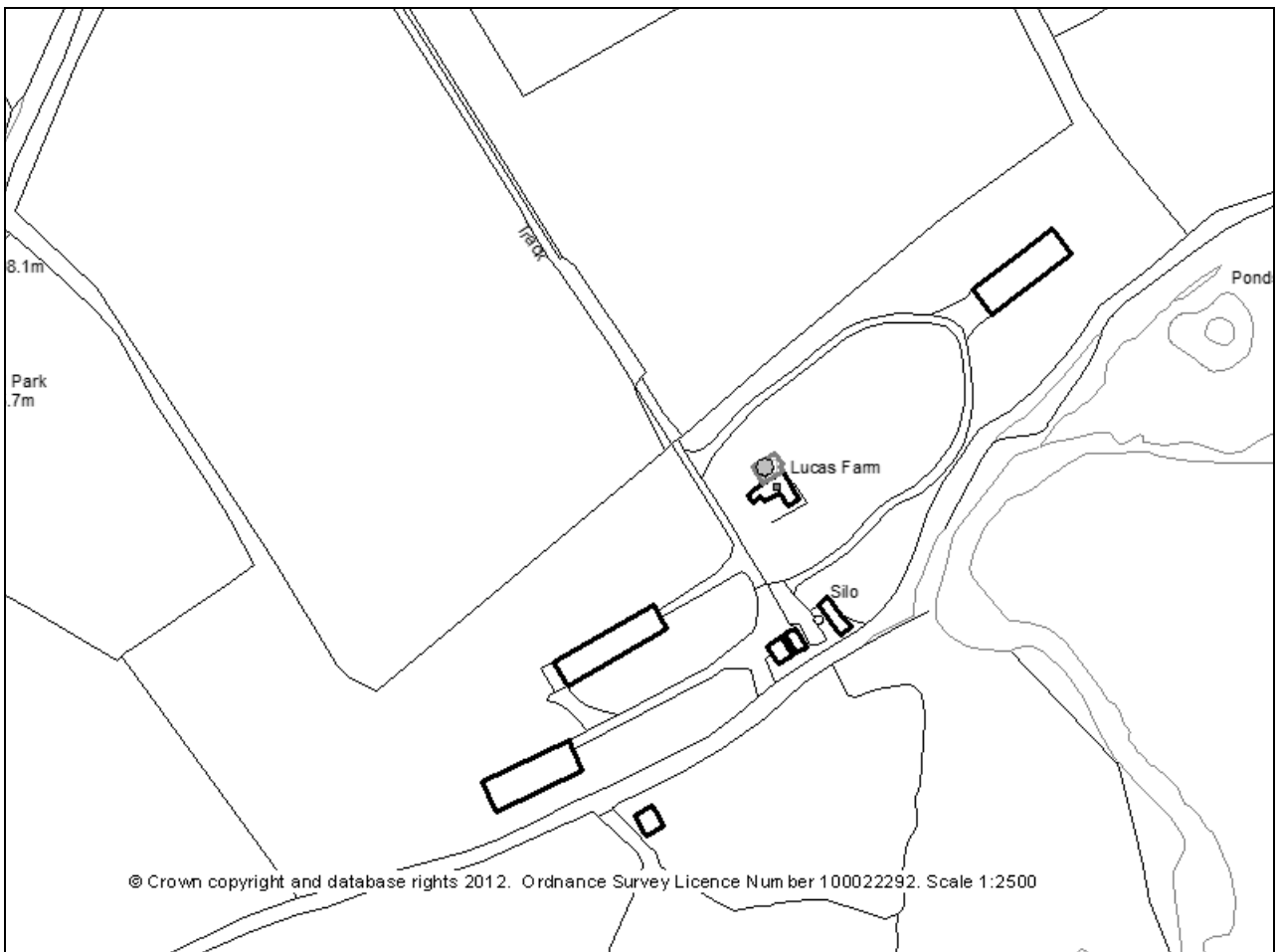
Grid Ref: 307639 : 113439

Applicant: Mr C Ladbon

Location: Lucas Farm Uffculme Cullompton Devon

Proposal: Erection of extension to provide a 2 bay carport, office, ancillary storage, workman's shower, changing area and utility space

Date Valid: 22nd July 2016



Application No. 16/01121/HOUSE

RECOMMENDATION

Refuse permission.

MEMBERS ARE ASKED TO NOTE THAT THIS IS A HOUSEHOLDER APPLICATION

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

1. To determine whether the proposal is commensurate to the size of the business and its projected growth and complies with policy.
2. To consider whether the proposal will facilitate the continued growth of the business by providing much needed space, as the business has outgrown its current premises.

PROPOSED DEVELOPMENT

Erection of extension to provide an office, ancillary storage, workman's shower, changing area and utility space at Lucas Farm, Uffculme.

APPLICANT'S SUPPORTING INFORMATION

Plans
Planning Statement
Supporting Emails

PLANNING HISTORY

06/01111/OUT - Outline for the erection of agricultural workers dwelling - PERMIT
08/00312/ARM Reserved matters for the erection of an agricultural workers dwelling and garage - PERMIT
14/00895/FULL Erection of an agricultural building - PERMIT
15/01653/FULL Erection of linked extension block ancillary to main dwellinghouse - REFUSED

DEVELOPMENT PLAN POLICIES

Local Plan part 1 (Core Strategies) - COR2, COR18
Local Plan part 3 (Development Management Policies) - DM2, DM10, DM13
National Planning Policy Framework

CONSULTATIONS

HIGHWAY AUTHORITY - 8th August 2016 - Standing advice in relation to appropriate parking space, turning area and access.

ENVIRONMENT AGENCY - 14th October 2016 - Householder extension or alteration within Flood Zone 1 - No EA consultation required.

UFFCULME PARISH COUNCIL - 10th August 2016 - The Council has in the past not wished to comment on further development at this site due to the scale of the house currently on the site. However, the council has no objection to the erection of a farm office as shown in the drawings, providing that a condition of the permission is that it cannot be used for residential purposes at any point in the future.

REPRESENTATIONS

None

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

1. **Planning and site history**
2. **Overview of the proposal**
3. **Principle of development**
4. **Essential need for the facilities**
5. **Impact on the character and appearance of the host dwelling and the rural area**

1. **Planning and Site History**

Outline planning permission was granted for the current dwelling in 2006 with the approval of reserved matters in 2008. Permission was granted originally for a two storey 3 bedroom dwelling in the region of 180 square metres (as a rule of thumb 180 square metres is considered at the top end of what is acceptable for an agricultural workers dwelling and includes space for a farm office). Alterations to the internal fabric of the dwelling have resulted in a 5 bedroom property being created with an overall floor space of approximately 244 square metres.

The dwellinghouse is subject to an agricultural occupancy condition and a S106 agreement has been signed to this effect, tying the dwelling to the holding. The original permission included the provision of a detached double garage and store (78 square metres), this has not been implemented but a timber structure for storage has been provided in its place. Permitted development rights were removed on the original permission to limit the ability to further expand the dwelling to ensure it was capable of being sustained by the enterprise, and to ensure that agricultural dwellings do not become unsustainable by the enterprise and therefore subject to applications for the removal of the agricultural occupancy condition.

2. **Overview of the proposal**

It is proposed to attach a large extension to the North West elevation of the existing dwelling. This will be a two storey extension attached by way of a two storey glazed link. The proposed extension will have an internal floor space of approximately 180 square metres. Externally the extension will measure 12.9 metres in length, will have a width of 7.7 metres and a ridge height of 7.15 metres. There will be an external staircase on the North West elevation, as well as an internal staircase which will allow the extension to be accessed at ground floor and first floor level from the existing house. At ground floor level the extension will provide: a plant room for the ground source heat pump, a secure vaccination and chemical facility, an overall and boot room, a washing machine and storage area, a staff W/C and shower, a rest room for staff, a drying room, and; a visitor lobby. At first floor level, the extension is proposed to provide: a W/C for office staff with separate sink room, five permanent desk spaces, storage, and a meeting area. The extension is proposed to have brick, stone and timber walling, a slate roof and timber windows and doors.

Overall the proposed extension would result in the dwelling having a total floor space of approximately 424 square metres.

3. **Principle of development**

Policy COR 2 of the Mid Devon Core Strategy (LP1) seeks to ensure high quality sustainable design which preserves and enhances the qualities of the natural landscape within Mid Devon. In addition, Policy COR18 of the Mid Devon Core Strategy (LP1) seeks to control development outside defined settlement boundaries but permits appropriately scaled rural uses. More specifically, Policy DM13 requires that residential extensions and ancillary development respects the character, scale, setting and design of the existing dwelling, will not result in overdevelopment of the dwelling curtilage and will not have a significantly adverse impact on the living conditions of the occupants of neighbouring properties.

In addition, it is necessary to consider Policy DM10 which concerns rural workers dwellings. In particular, criterion (c) of this policy states that the size and scale of the rural workers dwelling should be commensurate with the scale of the operation and designed to reflect the location and setting of the proposed site. Furthermore, the supporting text of DM10 states that in order for rural dwellings to remain affordable for rural workers and to protect the intrinsic beauty of the countryside, proposed dwellings will need to be of a size that matches the scale of the operation and other buildings on the site, further stating it is important that the design reflects its immediate context and wider rural setting. The policy sets out that permitted development rights may be removed to prevent further enlargement of the dwelling without planning permission to keep the dwelling at a size and value that will be affordable for rural workers.

4. Essential need for the facilities

In terms of the facilities required, the following has been set out as justification: a drying room is required for drying up to 30 staff overalls; a staff shower, toilet, lockers and rest room is required for welfare reasons and staff breaks; kitchen area and washing machines required for staff tea breaks and the washing of overalls; a room for the ground source heat pump serving the dwelling with necessary space for maintenance; vaccination and chemical facility is required for the storage of vaccines for the chickens as part of the farming enterprise, these arrive in bulk and must be kept in a secure area; boot room required to store clean overalls and equipment for staff; external staircase for staff only; the link area is proposed to be used by the family and for business with a foyer at ground floor level and a spiral staircase for access to the office for meetings; desk space for workers at first floor level, storage and CCTV along with a small meeting area for clients. The link is to allow the applicants to when working on the farm late to use the shower and changing facilities proposed so as not to disturb those in the house, and for easy access to the dwelling when completing paperwork late at night.

It is the applicants case that the proposed facilities are required to allow for the continued functioning and growth of the holding, and that the existing facilities, including a 12 square metre office within the existing dwelling (accessible externally) is unfit for purpose and does not meet the needs of the holding. The agricultural enterprise comprises of an organic free range chicken farm. The information submitted in support of this application is that the business has grown in both value and size and that the needs of the family have grown significantly since the granting of the original permissions. The additional space is required to allow the agricultural enterprise to run smoothly and continue to grow, and to allow the dwelling to be used as a family home and not be continuously disrupted by the running of a business. It is the intention that this extension will allow the family to enjoy the family home and allow the farming business uses to be housed separately; overall it is the applicant's case that the proposal is required to maintain a necessary separation between the business and domestic use because the increase in activity is starting to encroach on family life. The attachment of these facilities to the main house is considered by the applicants to have security benefits and ease of access.

It is further stated that the business is required to maintain high standards of welfare, security and bio-security and that the additional space would enable the applicant to maintain these high standards, through appropriate wash facilities for workers, separate office space for employees and meetings, along with storage and a utility area for the business. Overall the current dwelling is considered by the applicants to be wholly inadequate due to its current size and layout.

It is submitted that there has been a significant increase to the business turnover and staffing levels have increased from 7 full time equivalent (FTE) workers in 2008 to the current 21 FTE workers, with a projection of 28+ FTE workers in 2021. The applicant's case is that the business is economically viable and can support the proposed extension works. The applicants state that the farmhouse and the business would be out of reach of an average farm worker at present, and it is unlikely the enterprise would ever be sold to an individual worker, as it has to be sold with the land and buildings as per the S106 agreement.

Your Officers consider that the proposed extension is overly large in size and despite accepting there is a demonstrated need for additional facilities to support the farm holding and its growth, it is not necessary that all of these facilities are attached to the existing farmhouse. In addition, it is the applicants case that the current arrangement means that the business encroaches on family life and that there is a need for separation between the dwellinghouse and the activities of the agricultural enterprise. The current proposal reinforces the interlinked nature of the family home and the activities of the agricultural enterprise due to the

lack of separation between these functions, the physical attachment of the extension, and the accessibility of these facilities at first and ground floor level. Whilst it is accepted that it may be desirable not to have to go outside to access the office space from the dwelling due to working patterns, your Officers do not consider it to be necessary or proportionate for the proposed facilities to be accessible from first and ground floor level. In particular it is considered inappropriate for people attending the site to be accessing the facilities provided where the dwellinghouse itself could easily be entered if doors were unlocked (kitchen living space and bedrooms included). As such, the proposal is considered to do little to ameliorate the negative impacts of the business function on family life.

Furthermore, your Officers consider that the overall floor space of the proposal could be reduced without compromising the facilities provided through the better utilisation of space, reconfiguration of the layout to optimise the functional use, along with the reuse of the current inadequate office space for another use, such as the vaccination/chemical store.

Overall, the proposal is not considered to be commensurate with the size of the holding. The level of additional floorspace proposed is not considered to be necessary given the level of accommodation provided in the large agricultural dwelling occupying the site, parts of which could be better used or reutilised to support the holding. In addition, the proposal will likely result in the continued undesirable encroachment of the agricultural enterprise on family life, as described by the applicant, due to the attached nature of the facilities proposed. Your Officers are also concerned that the proposed extension puts the current dwelling at risk of becoming entirely unaffordable as an agricultural dwelling, jeopardising the current agricultural tie. As such, the proposal is considered to be contrary to policies COR18 of the Mid Devon Core Strategy, DM2, DM10 and DM13 of the Local Plan Part 3 and the NPPF.

5. Impact on the character and appearance of the host dwelling and the rural area

Policy DM2 (e) requires that development does not have an unacceptably adverse effect on the amenity of the proposed property, taking account of (amongst other things) architecture, siting, layout, scale and massing. Policy DM13 (a) requires that extensions respect the character, scale, setting and design of the existing dwelling.

Whilst positioned uphill on the existing dwellinghouse, the width of the proposed extension is such that it cannot hide in some views behind the house. It is this width, although recessed from the front elevation, which makes the proposed extension look awkward and intrusive on both the host building and in the streetscene generally. The proposal is therefore not appropriately scaled which will lead to harm to the amenity of the host dwelling and to the wider streetscene, contrary to policies DM2 and criteria (a) and (b) of Policy DM13.

The proposed extension is designed to be of materials to match those of the main house and contains design features such as the hipped roof to reflect the roofing design of the existing dwelling. Despite this, overall the proposal results in an overly large extension that almost doubles the overall floor space of the existing dwelling and results in a large dominant feature that significantly elongates the existing dwellinghouse. The proposed extension cannot be considered subservient to the scale and design of the existing dwelling. Therefore the proposed two storey extension has an unacceptably adverse effect on the appearance of the host dwelling, contrary to criterion (e) of Policy DM2 and the character and design of the existing dwelling contrary to criterion (a) of Policy DM13.

The application site has no immediate neighbours. Therefore the application will not cause harm to the privacy or amenity of any neighbouring property and the application therefore meets with policies COR2, DM2 and DM13 in this respect.

REASONS FOR REFUSAL

1. In the opinion of the Local Planning Authority an extension of 180 square metres, resulting in an agricultural dwelling with a floor space of 424 square metres has not been adequately justified. The scale massing and design of the proposed extension is considered to be overly large and it is considered unnecessary and inappropriate that all of the facilities proposed are attached to the main house by way of an excessively large glazed link. The proposal is not considered to be commensurate with the size of the holding, scale or nature of the activities, nor does it reflect the location, setting or layout of the current site. The level of additional floorspace proposed is not considered to be necessary given the level of accommodation provided in the large agricultural dwelling occupying the site, parts of which could be better or reutilised to support the holding. In addition, the proposal will likely result in the continued undesirable encroachment of the agricultural enterprise on family life, as described by the applicant, due to the attached nature of the facilities provided. Furthermore, the proposed extension puts the current dwelling at risk of becoming entirely unaffordable as an agricultural dwelling, jeopardising the current agricultural tie. As such, the proposal is considered to be contrary to policies COR18 of the Mid Devon Core Strategy, DM2, DM10 and DM13 of the Local Plan Part 3 and the National Planning Policy Framework.
2. The proposed extension by virtue of its overall scale, massing, and design and location is considered to harm the appearance of the dwelling to be extended and its surroundings. As such the proposal is not considered to comply with policies, COR2 of the Mid Devon Core Strategy (Local Plan 1), DM2 and DM13 of Local Plan Part 3 (Development Management Policies).

Application No. 16/01210/FULL

Plans List No. 3

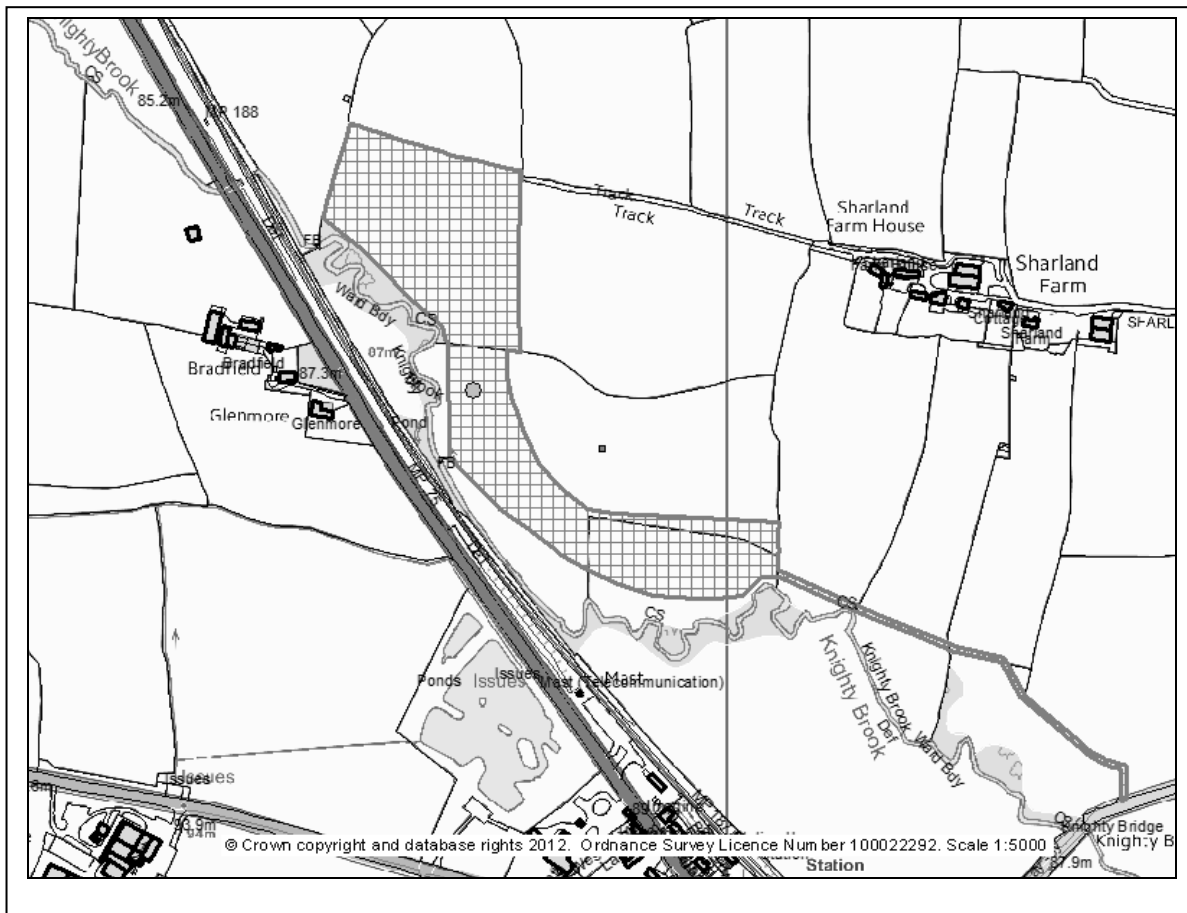
Grid Ref: 274885 : 105457

Applicant: Lightsource Renewable Energy Ltd

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

Proposal: Variation of condition (2) of
planning consent
15/00537/MFUL to extend
temporary planning
permission term granted
from 25 years to 30 years
from the date of operation

Date Valid: 9th August 2016



Application No. 16/01210/FULL

RECOMMENDATION

Grant permission subject to conditions.

PROPOSED DEVELOPMENT

Planning permission was granted for the installation of a solar farm to generate 3.18MW of power (site area 5.1 Hectares) and associated infrastructure, including photovoltaic panels, mounting frames, inverters, transformers, substations, communications building, fence and pole mounted security cameras over two field areas of Sharland Farm just set back from Morchard Road. The scheme as it was approved was a revised scheme to the proposals as originally submitted which was for a larger site area.

The scheme as approved under the 15/00537/MFUL permission has not yet been implemented and the terms of the planning permission issued on the 8th July was granted subject to 14 conditions (with the terms of conditions 5 & 7 having been satisfactorily discharged), and it is condition 2 which this application seeks to vary. The terms of condition 2 are set out below.

2.i) The solar PV facility shall cease to generate electricity on or before a date 25 years after the date of first export of electricity from the site.

ii) Confirmation of the first export date shall be provided by the undertaker to the Local Planning Authority within one month of its occurrence.

PLANNING HISTORY

15/00537/MFUL Installation of a solar farm to generate 3.18MW of power (site area 5.1 Hectares) and associated infrastructure, including photovoltaic panels, mounting frames, inverters, transformers, substations, communications building, fence and pole mounted security cameras (Revised scheme) - PERMITTED

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR2 - Local Distinctiveness

COR5 - Climate Change

COR9 - Access

COR11 - Flooding

COR18 - Countryside

Mid Devon Local Plan Part 3 (Development Management Policies)

DM1 - Presumption in favour of sustainable development

DM5 - Renewable and low carbon energy

DM27 - Development affecting heritage assets

CONSULTATIONS

MORCHARD BISHOP PARISH COUNCIL - 6th September 2016 - Unanimously Supported.

HIGHWAY AUTHORITY - 11th August 2016 - Standing advice applies please see Devon County Council document <http://www.devon.gov.uk/highways-standingadvice.pdf>

EXETER INTERNATIONAL AIRPORT - 18th August 2016 - This proposal has been examined from an Aerodrome Safeguarding aspect and does not appear to conflict with safeguarding criteria.

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

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

REPRESENTATIONS

No representations received.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

This application is not seeking to change any aspect of the development as it is shown on the approved plans. As stated above it is seeking to extend the lifetime of the development for 30 year period and not for 25 years as was originally permitted. Therefore assuming the site went live in 2017 it would operate until 2047.

The application approved was determined on the basis of a policy framework comprising the adopted Mid Devon Local Plan (LDF) incorporating the Mid Devon Core Strategy (Local Plan 1) and Mid Devon Local Plan Part 3 (Development Management Policies). Both these plans remain in force, therefore the policy basis and the relevant policy test against which to assess this current application is considered to be the same as the application submitted under Local Planning Authority ref: 15/00537/MFUL.

Following the assessment of the scheme submitted under LPA ref: 15/00537/MFUL permission was granted for the following reasons:

The proposed development is on balance considered acceptable with regard to it's design and siting and the extent to which it will affect the visual and landscape character of the area. Furthermore it is considered that the development scheme is satisfactory in terms of: ecology and wildlife, highway safety, flooding and drainage, residential amenity of nearby properties and its impact on the historic environment in close proximity to the site and that it will not result in the loss of any best and versatile agricultural land (following scheme amendments). On the basis that the application scheme achieves compliance with the material considerations as set out above, the contribution of the scheme to renewable energy targets and generation of clean energy is considered on balance to outweigh the impacts of the development as it is proposed.

As stated above the details of the scheme layout are not to be amended (with panel coverage over two field areas and therefore in principal there remains policy support for the proposed extension to the lifetime of the planning permission.

In terms of completing the assessment of balancing all the impacts of the application scheme, on other similar application proposals at Ellicombe farm and at Palfreys Barton, Members were concerned how extending the timescale would impact on the planning balance and the impact of the future use of the agricultural land for agricultural activity. When these applications were being considered the officer team provided the following advice (in italics) as to how this matter was being considered at appeal by Inspectors and how other local authorities were dealing with this matter.

Your officer has undertaken a detailed search for appeals relating to the extension of time period in solar PV schemes; however it has only been possible to identify one relevant appeal case study. The Planning Inspectorate's appeal reference is APP/D0840/W/15/3002662 and the decision date is 23rd June 2015.

The appeal related to a solar Photovoltaic facility on land forming part of an agricultural holding referred to Clann Farm in a largely rural area to the south west of the settlement of Bodmin in Cornwall. Planning permission was granted in 2012 for a facility comprising an array of some 6,144 panels covering an area of 4.14 Hectares. The installed capacity from the scheme was measured at approximately 1.41 MW. The development became operational on 4th November 2014.

An application to vary a planning condition to extend the length of time of operation was submitted to Cornwall Council in 2014. The permission originally granted was for 25 years and the application sought to extend this by 5 years to 30. The Council's principal concern in refusing the extension of time was in relation to an increased period during which a full and flexible access to the land for

agriculture would be prevented. The application was refused by Cornwall Council on this basis and subsequently, the applicant submitted an appeal against the decision to the Planning Inspectorate.

The Inspector noted that the Council had raised no particular issues regarding landscape harm arising from the scheme, which the Inspector found to be exceptionally well contained, with only partial views available from alongside a nearby property and from a road joining onto the A30 junction.

The Inspector acknowledged that the Council had already granted planning permission for the use of the land and considered the assessment should relate solely to be the effect of the extension of time of the facility on the productive use of the agricultural land.

It was acknowledged that the National Planning Policy Framework (NPPF) seeks that the economic benefits of the best and most versatile land be taken into account. The Inspector noted that there was similar support in the Council's emerging Local Plan. The best and most versatile agricultural land is set out in the NPPF to be Grades 1, 2 and 3a.

The Inspector gave substantial weight towards the positive benefits gained from the electricity production over the additional time period and little weight was given to the Council's contention that the production during years 25 to 30 was unknown. The Inspector assumed that any failing panels would be replaced during the lifetime of the development and the array could continue to generate electricity across the additional time period.

It was also noted that there may be some reduction in electrical output, although this reduction would still be insufficient to warrant dismissal of the appeal. The Inspector also noted that permissions granting 30 year use by solar facilities are now not uncommon, and the appellant had provided some other examples, including one granted by Cornwall Council, also in 2015.

The Inspector concluded that an extension for 5 years would not compromise the agricultural productivity of the site, nor would it sufficiently alter the balance between harm and benefits to justify dismissal of the proposal to vary the condition. The Inspector granted a new planning permission without the disputed condition but substituted a new one, whilst retaining the relevant non-disputed conditions from the previous consent.

The research undertaken into the Inspectorate's approach demonstrates that the assessment of applications to extend the lifetime of generation in solar PV arrays should be limited solely to the additional period of time applied for. Therefore, where development has already been granted, the wider principle should not be subject for further scrutiny. The assessment is therefore limited solely to a balancing of the benefits against any additional level of harm arising within the extended time period. Also in this appeal decision the Inspector noted that the granting of a 30 year use of solar PV array development is not uncommon, and it was also noted that there is evidence to support the assertion that PV arrays are capable of electricity generation beyond a 25 year period.

In the absence of any other relevant appeals, your Officer has undertaken further research into the decision making approach taken by other local planning authorities. This has confirmed an approach which is consistent with that taken by the Inspector as set out above

Following consideration of this advice the Committee went onto approve timescale extensions at Ellicombe Farm and Palfreys Barton.

For reference the permitted site area at Sharland Farm comprises a mix of Grade 3b and 4 agricultural land as follows: 2.4ha grade 3b land and 2.7ha grade 4 land, which would return to agricultural use following the decommissioning of the land as a solar farm.

SUMMARY & RECOMMENDATION

There have been no objections to this planning application to extend the duration of the planning permission from 25 to 30 years, with unanimous support from the Morchard Bishop Parish Council. The site area is not best and most versatile agricultural land which local and national policy seeks to protect for agricultural

production. There are no policy objections to extending the life time of the scheme as it is currently permitted for a further 5 years, and furthermore it is not considered that an extension of the life of the development as permitted would compromise the acceptability of the development in terms of the reasoning to approve it originally. It is therefore recommended that planning permission is granted subject to the same conditions that are pursuant to 15/00537/MFUL, but with condition 2 amended as requested and conditions 5 and 7 revised to reflect the details that have already been approved.

CONDITIONS

1. The development hereby permitted shall begin no later than three years from the date of this decision.
2.
 - i) The solar PV facility shall cease to generate electricity on or before a date 30 years after the date of first export of electricity from the site.
 - ii) Confirmation of the first export date shall be provided by the undertaker to the Local Planning Authority within one month of its occurrence.
3. The development hereby permitted shall be carried out in accordance with the plans listed in the schedule on the decision notice.
4. No other part of the development hereby approved shall begin until the site access arrangement as indicated on drawing SHF_02 has been provided. Such site access arrangements shall be so retained. This point of access shall be used at all times, and at no time shall Sharland Lane be used to access the site.
5. The surface treatment of the new route as required by condition 4 above shall be completed in accordance with the details agreed pursuant to planning application 15/00537/MFUL by letter dated 5th September 2016.
6. Not less than 12 months before the expiry of the planning permission as set out in condition 2 or within 3 months of any prior cessation of electricity generation from the site, a scheme for the decommissioning and restoration of the site shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include the following information:
 - a) details of the removal of the solar PV panels, frames, inverter modules, substation, fencing and cabling and restoration of the land
 - b) parking of vehicles for site personnel operatives and visitors
 - c) loading and unloading of plant and materials
 - d) storage of plant and materials
 - e) programme of works including measures for traffic management
 - f) provision of boundary hoarding behind any visibility zones
 - g) vehicle wheel wash facilities
 - h) highway condition surveys
 - i) extended Phase 1 Habitat survey which covers the whole of the site and predates the date of cessation of electricity generation by no more than 12 months.

The approved decommissioning and restoration scheme shall be fully implemented within 6 months of its approval or the cessation of electricity generation, whichever is the later date.
7. The development hereby approved shall be carried out in conformity with the Construction Management Plan agreed pursuant to planning application 15/00537/MFUL by letter dated 5th September 2016.
8. No external artificial lighting shall be installed at the site without planning permission first having been obtained.

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

REASONS FOR CONDITIONS

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

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

INFORMATIVE NOTE

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

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

Subject to the conditions as recommended it is not considered that an extension of the lifetime of the development approved under Local Planning Authority ref: 15/00537/MFUL for 30 years (a further 5 years) will materially affect the impact of the development upon the historic, visual and landscape character of the area, any ecological and/or wildlife interest at or adjacent to the site, highway safety matters, flooding and drainage considerations and/or the residential amenity of nearby properties. On this basis the application scheme (to extend the life time of the development) remains in accordance with Policies COR2, COR5, COR9, COR11 and COR18 of Mid Devon Core Strategy (Local Plan 1) and Policies DM1, DM5, DM27 Local Plan Part 3 and the National Planning Policy Framework.

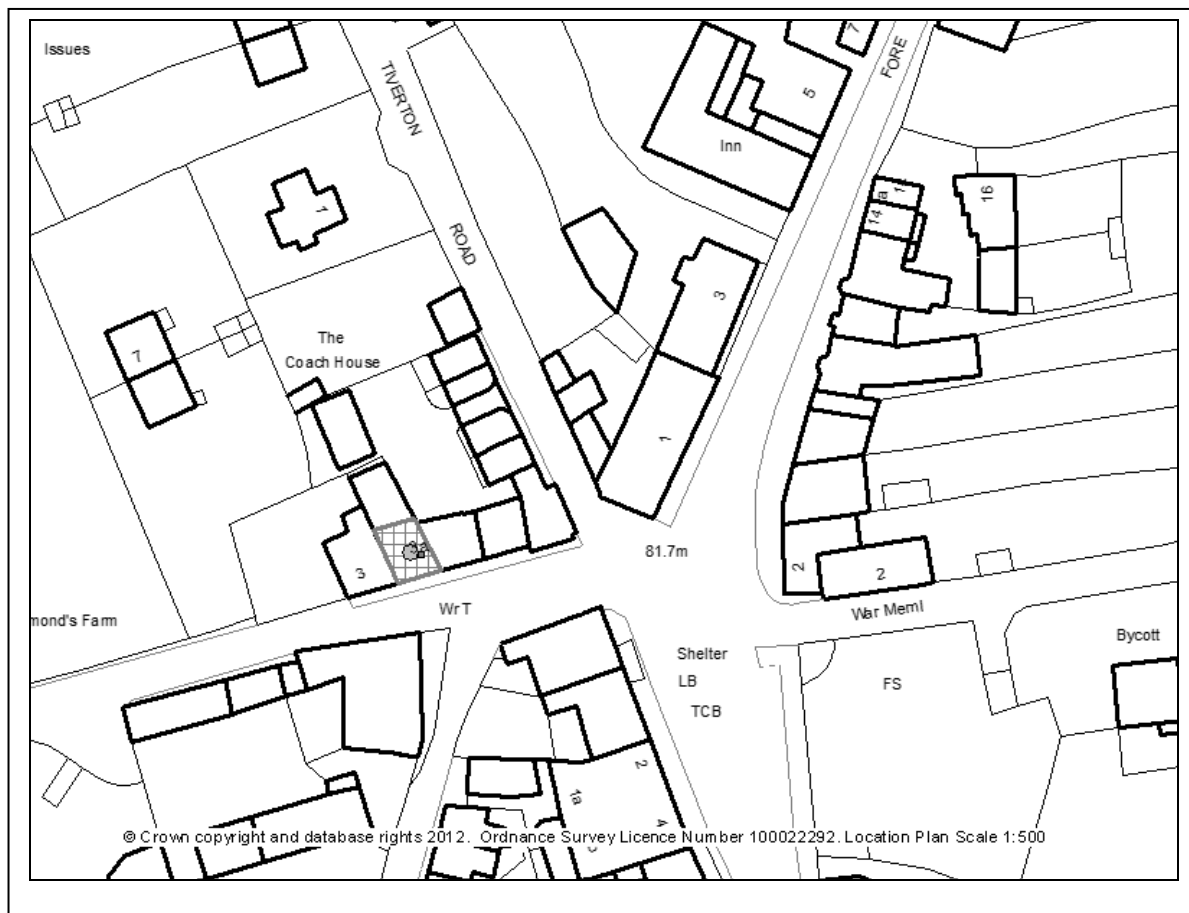
Grid Ref: 295513 : 102870

Applicant: Mr & Mrs D Roughton

Location: Lawrence's Hair Salon
3A Exeter Road
Silverton Exeter

Proposal: Change of use of
hairdressing salon
(Class A1) to self
contained bed sit
(Class C3) (Revised
Scheme)

Date Valid: 19th September 2016



Application No. 16/01429/FULL

RECOMMENDATION

Refuse permission.

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

To consider as this is a separate unit there is cause to make this application an exception to policy.

PROPOSED DEVELOPMENT

Planning permission is sought for a change of use from a hairdressing salon (Use Class A1) to studio flat (Use Class C3). The property lies within the Silverton settlement limit and Conservation Area. It is not listed but is identified in the Silverton Conservation Area Appraisal as being an important unlisted building within the conservation area. The property is centrally located being in close proximity to the local shops and facilities at the centre of the village.

Proposed external alterations are limited to changing a window to a door on the rear elevation. The studio flat, measuring approximately 4m x 5m would provide 20.4 sqm of internal floorspace. This internal floorspace includes a wet room with wc. A small area of external amenity space, accessed solely through the wet room, is available. This outdoor space measures 5.75sqm. The proposal does not include any off street parking provision.

BACKGROUND

Planning consent was awarded during 1986 for a change of use from C3 residential accommodation to A1 hairdressing salon (86/00176/FULL). However a review of the plans indicates the area of the property in question was shown on this earlier application as previously already in use as a hairdresser's store rather than as part of wider residential use pre 1986. Pre application advice has since been provided (September 2015, Application. No. 15/01293/PREAPP) for a change of use back to C3. That advice indicated that subject to adequate justification that the employment use is no longer viable being presented with the application, that the Local Planning Authority would be unlikely to object to a change of use. A planning application was subsequently submitted February 2016 (Application Number 16/00178/FULL). Following Officer concerns relating to the size of the living accommodation proposed that application was withdrawn. The application now presented, is essentially the same application. However, a small area of external amenity space, accessed directly through the wet room is now included.

APPLICANT'S SUPPORTING INFORMATION

Completed application form and accompanying plans / drawings

Design and Access Statement -

There are two hairdressing salons in Silverton. The loss of this salon will not be detrimental to the village. The floor area available and location of the property does not lend itself to any other commercial use. This change of use would return the property to its original use. The physical changes required to achieve the change of use are limited. No 3A is in the ownership of No. 3. There is no physical link between the two properties. To create a link would cause disruption to both properties. As such, it is considered sensible and appropriate to apply for a change of use.

New legislation regarding living space standards was adopted 1st October 2015. That legislation was proposed March 2015 and as such should have been taken into account in the Pre Application advice. Whilst it is acknowledged that poor quality accommodation has often been provided by absentee landlords, this is not the case on this occasion. Accommodation of this size at a lower price bracket provides a first rung on the rental ladder.

PLANNING HISTORY

86/00176/FULL - Change of use from hair dressing salon to residential - PERMIT

16/00178/FULL Change of use of hairdressing salon (Class A1) to studio flat (Class C3) - WITHDRAWN

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR1 - Sustainable Communities

COR2 - Local Distinctiveness

COR9 - Access

COR17 - Villages

Mid Devon Local Plan Part 3 (Development Management Policies)

DM1 - Presumption in favour of sustainable development

DM2 - High quality design

DM8 - Parking

DM14 - Design of housing

DM15 - Dwelling sizes

DM25 - Community facilities

DM27 - Development affecting heritage assets

CONSULTATIONS

HIGHWAY AUTHORITY - 22nd September 2016 - <http://www.devon.gov.uk/highways-standingadvice.pdf>

SILVERTON PARISH COUNCIL - 5th October 2016 - Parish Council supports the above application.

REPRESENTATIONS

No representations received at the time of writing the report

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main determining factors in this application are:

- 1) **Policy**
- 2) **Internal Space Standards**
- 3) **Loss of Community Facility**
- 4) **Highway safety;**
- 5) **Impact on neighbours**
- 6) **Detailed Design**
- 7) **Public Open Space**

1. Policy

This application site is located within the settlement limit of Silverton where policies COR1, COR2 and COR17 seek to deliver compact, varied and vibrant places by concentrating activities and facilities to minimise the need to travel and to provide self-sufficient communities that meet needs locally. The principle of residential development within the location proposed is acceptable. However, the proposal needs to be considered balanced against the quality of the accommodation to be provided, the loss of employment and local facilities that would result from the change of use, highway issues and impact on neighbours.

Government advice in the NPPF promotes the retention of local services and community facilities in villages. It also requires that planning decisions should aim to ensure that developments function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. This is supported by policies DM1, DM2, DM21, DM25 and DM27 of the Local Plan Part 3 which seek high quality sustainable design that respects the historic environment. Other relevant policies include DM8 (parking) and

DM15 which provides a policy basis upon which the nationally described space standard can be applied.

2. Internal Space Standards

As of 1st October 2015 the way a number of Mid Devon Local Plan policies are implemented changed. The government introduced National Technical Standards for housing and these superseded many existing standards which were in operation across the country including within the Mid Devon Local Plan, policy DM15. As a result, Policy DM15 should be interpreted by reference to the nearest equivalent new national technical housing standard. Accordingly, decision takers should only require compliance with the new national technical standard.

The Nationally described space standard seeks to provide dwellings with suitably sized rooms and overall floorspace with adequate storage and circulation space within the building. The standard Gross Internal Areas set out in Table 1 of the document are organised by storey height and deal separately with one storey dwellings (typically flats) and two and three storey dwellings (typically houses). Expressing the number of bedroom types and the number of bed spaces (or people) allows for different combinations that can be reflected in the minimum Gross Internal Area. The breakdown of the minimum Gross Internal Area allows not only different combinations of bedroom size but also for varying amounts of living, dining, kitchen and storage space.

The space standard requires a minimum of 50sqm for a single storey dwelling (1bed2person) and 37sqm for 1bed1person accommodation where a shower room is provided. The drawings included within the application submission indicate a double bed (1bed2person accommodation). The proposed accommodation when assessed against the Internal Space Standards is deficient by 29.6sqm. (Indeed, if a single bed were indicated there would still be a deficiency of 16.6sqm of internal accommodation). Whilst it is acknowledged that the provision of a limited area of outdoor space is provided, in contrast to the pre application enquiry and withdrawn application (No. 16/00178/FULL), the proposal provides substandard accommodation that the officers are not able to support.

The proposed floor plan indicates that the accommodation would only provide sufficient space for a single seater armchair within the living area and no space for dining, that the kitchen area would be of a size that it could be provided with a two ring cooker and a 40cm wide fridge (standard undercounter fridges are c. 55 - 60cm) and minimal work surface and that the door to the rear yard would involve walking through the shower area in the washroom. This latter point would mean that refuse bins stored in the yard (there would be no alternative place to store them) would need to be brought through the shower area and the whole of the accommodation to be delivered to the road side for collection. These points further indicate that the accommodation proposed would be sub-standard.

The pre application advice issued September 2015 did not reference the National Standards which although coming into force in October 2015, were available in September. A planning application could not have been decided within the date of the National Space Standards being implemented. Whilst it is unfortunate that the pre application advice did not reference the likelihood of new standards it is considered that the application process has not been frustrated by that previous advice and in light of the standards and arrangement of the proposed accommodation it is sub-standard and unacceptable.

3. Loss of Community Facility

Policy DM25 outlines that proposals involving the loss of community facilities will not be permitted where it would damage the settlement's ability to meet its day-to-day needs or result in the total loss of such services to the community. Only in circumstances where the facility is proven to be no longer economically viable, including for alternative use be considered acceptable. National Planning Policy discourages the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs. Two hair salons currently operate in Silverton (not including the presence of mobile salons). The loss of 20sqm of community facility floor space would not have a detrimental impact on the vitality and viability of Silverton or upon individual's ability to meet their day-to-day needs. Based on the loss of only 20sqm of floor space and that the applicants Design and Access Statement indicates that the salon has now been closed for 13 months, having previously reduced the opening hours to Saturdays only, the current use would not appear to be economically viable. Whilst there

is no evidence that the proposal has been marketed for an alternative community use the loss of this community facility is accepted.

4. Highway Safety

Policy DM8 requires a minimum of 2 parking spaces per dwelling. The property has no on-site parking provision. A change of use from an employment use (providing employment for up to two individuals and two customers at any one time) to a bed sit will not generate additional parking demand. Indeed, the demand for on street parking will remain largely unaltered, if not lessened. For this reason, whilst the proposal does not comply with Policy DM8 of the Local Plan (Part 3) the proposal is considered acceptable. DCC Highway Authority have no objection to the proposal.

5. Impact on neighbours

The proposal forms part of the existing property (No. 3 Exeter Road) but with no internal connection to that property. No. 3a is completely self-contained accommodation. It forms part of a row of properties now all in residential use. A change of use to residential use would cause limited adverse impact on the quality of amenity currently enjoyed by neighbouring properties. For this reason this aspect of the proposal is considered acceptable.

6. Detailed Design

Minimal intervention on the external appearance of the property to facilitate the change of use is required. Changes required are isolated to the rear of the property providing access to outdoor sitting or bin storage to the rear of the property. The property is not listed and the alterations proposed will have no impact on the character or appearance of the conservation area. For this reason, this aspect of the proposal is considered acceptable.

7. Public Open Space

Mid Devon adopted policy requires that all new dwellings are subject to the necessary infrastructure payments relating to POS. However, having regard to the recommendation, no financial contributions toward public open space provision (AL/IN/3) have been sought in this instance. Should Members be minded to approve the application, a financial contribution toward Public Open Space provision should be made prior to determination.

Conclusion

Planning policy and guidance produced by Mid Devon District Council can be given full weight in the assessment of this proposal. Whilst it is acknowledged that the loss of the a community facility would be unfortunate, its loss would not have a detrimental impact on the vitality and viability of Silverton and its community. The change of use is unlikely to have a detrimental impact on highway safety, the quality of amenity enjoyed by neighbouring properties or on the character and appearance of the conservation area. However, the Council is concerned that the change of use would deliver sub- standard living accommodation by virtue of the size of the accommodation proposed.

As a result, there is a policy conflict with Policy DM15 which provides a policy basis upon which the nationally described space standard can be applied.

There are no significant material considerations that would indicate that planning permission should be granted in conflict with the National standard. For this reason Officers are not able to support the proposal.

Careful account has been taken of all the other matters which have been raised but they do not outweigh those considerations on which this decision is based.

REASONS FOR REFUSAL

1. The proposal is contrary to Section 7 of the NPPF, Policies COR2(a) and COR17(d) of the Adopted Core Strategy, Policy DM2 (eii), of the Local Plan Part 3 (Development Management Policies) and technical housing standards (nationally described space standard March 2015 which supersedes Policy DM15) because by virtue of the size of accommodation proposed the proposal would deliver sub-standard living accommodation. The internal accommodation would not provide adequate facilities for its future occupiers.

Application No. 16/01448/FULL

Plans List No. 5

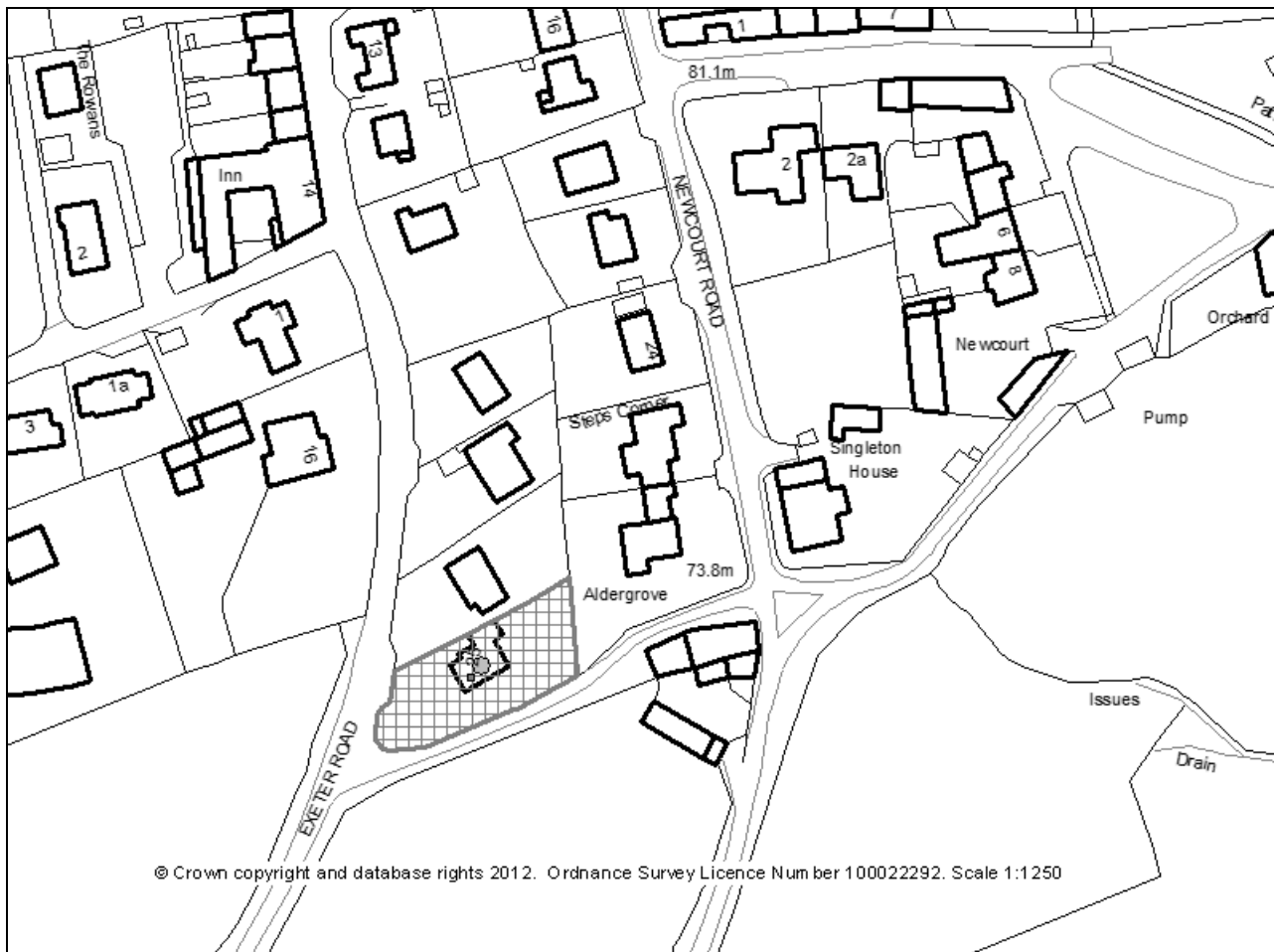
Grid Ref: 295539 : 102635

Applicant: Mr Woolcock

Location: 25 Exeter Road Silverton Exeter
Devon

Proposal: Variation of condition 2 of planning
permission 15/00132/FULL to
allow substitute plans in respect of
change of design

Date Valid: 23rd September 2016



Application No. 16/01448/FULL

RECOMMENDATION

Grant permission subject to conditions.

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

To consider whether or not the development as built has an acceptable additional impact on the neighbouring residents, in particular in respect of the additional height of the dwelling.

PROPOSED DEVELOPMENT

The application is in respect of a variation of condition 2 (approved plans) of 15/00132/FULL to allow substitute plans for a revised design.

Planning permission 15/00132/FULL was granted on 17th March 2015 for a replacement dwelling at 25 Exeter Road. Condition 2 requires the development to be carried out in accordance with the approved plans. The dwelling as constructed differs from that previously approved as follows:

Minor decrease in the height of the main roof from 6.35 metres to 6.33 metres (0.02 metres)
Increase in height of the secondary roof (at the western end of the development) from 5.70 metres to 5.99 metres (0.29 metres)
Alterations to windows, doors and glazing

The development is otherwise in accordance with the approved plans.

APPLICANT'S SUPPORTING INFORMATION

Supporting letter

PLANNING HISTORY

14/00763/FULL Erection of a dwelling following demolition of existing dwelling - Withdrawn
14/01577/CLP Certificate of lawfulness for the proposed erection of extensions and installation of 2 dormer windows - Split Decision
15/00132/FULL Erection of a dwelling following demolition of existing dwelling (revised scheme) - Permitted

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR2 - Local Distinctiveness
COR17 - Villages

Mid Devon Local Plan Part 3 (Development Management Policies)

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

CONSULTATIONS

SILVERTON PARISH COUNCIL - 5th October 2016 - The Parish Council does not support the above application and feels strongly applicants should adhere strictly to the approved plans and not seek retrospective consent after completion of the dwelling for variations not originally included.

REPRESENTATIONS

1 objection summarised as follows:

The dwelling is overbearing on neighbouring properties

The increased height worsens the depressing view the dwelling gives when leaving the village

The dwelling height and bulk is significantly greater than the original bungalow on the site

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The key issues in determination of this application are:

1. Principle of amending approved plans
2. Design and effect on the street scene and setting of the conservation area
2. Effect on neighbouring residents

1. Principle of amending approved plans

The Parish Council considers that developers should adhere strictly to the approved plans and not seek retrospective consent for variations. The planning system has processes for amending previously approved plans: minor changes can be dealt with by submitting an application for a non-material amendment, for example where there are minor changes to fenestration. Where amendments are more substantial, an application for variation of the approved plans can be made under Section 73 of the Town and Country Planning Act 1990. The application to alter the approved plans does not need to be made before the changes are implemented. However, if the changes are unacceptable, the developer will be making those changes at their own risk as, should the alterations be refused and enforcement action taken, the developer will need to ensure that the development accords with the originally approved plans. The application should only be refused if the amendments would result in a development that would not be granted planning permission.

2. Design and effect on the street scene and setting of the conservation area

The dwelling is on the edge of the village and although outside the Silverton conservation area, has the potential to affect its setting. The dwelling has previously been granted planning permission and the current application relates only to alterations from the approved plans. The site is relatively well screened and the changes to the ground floor fenestration will have little effect on the street scene or conservation area. Changes to windows and roof lights above ground floor level are minor and result in a development that is not materially different in terms of its effect on the street scene and conservation area.

The key concern appears to be the increase in the roof height of the part of the dwelling at the western end of the site closest to the road. Whilst this part of the roof is 0.29 metres higher than previously approved, your officers do not consider the increase in height makes the development unacceptable in terms of its effect on the street scene and conservation area.

The conservation officer has no objections to the application. Overall, the development as built is considered to be acceptable and in accordance with policies COR2 of the Mid Devon Core Strategy (LP1) and DM2, DM14 and DM27 of the Local Plan 3 Development Management Policies in respect of its design and impact on the street scene and conservation area.

3. Effect on neighbouring residents

Concern has been raised that the increase in height of the dwelling results in an overbearing impact on neighbouring residents. The part of the roof that has been increased in height is at the front of the plot and the increase in height would have only a minor effect on the outlook from the front windows of the neighbouring property. The increase in height would affect mostly the front garden of the neighbouring dwelling, however, your officers do not consider that the increase in height would result in a structure that is overbearing in relation to the neighbouring dwelling or its garden. The development remains in accordance with policy DM2 of the Local Plan 3 Development Management Policies in respect of its effect on neighbouring residents.

CONDITIONS

1. The date of commencement shall be taken as 23rd September 2016, the date when the application was registered 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. 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.
4. The materials used on the external surfaces of the dwelling, and further windows, doors and rooflights shall be those approved under planning permission reference 15/00132/FULL and detailed in the discharge of conditions letter from Mid Devon District Council dated 30th April 2015 only.
5. Notwithstanding the provisions of Article 3 of The Town and Country Planning (General Permitted Development) (England) Order 2016 (as amended) (or any Order revoking and re-enacting that Order with or without modification) no development of the types referred to in Classes A, B, C, D and E of Part 1 of Schedule 2 relating to the extension or alteration of the dwelling or its roof (including the installation of windows or other openings) or provision of buildings and structures within the dwelling curtilage, shall take place 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. For the avoidance of doubt and in the interests of proper planning.
3. To safeguard the amenities of neighbouring uses in accordance with policy DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).
4. To ensure materials appropriate to the development in order to safeguard the visual amenities of the area in accordance with policy DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).
5. To safeguard the visual amenities of the area, character and appearance of the conservation area and residential amenity of neighbouring residents in accordance with policy COR2 of the Mid Devon Core Strategy 2 (Local Part 1) and DM2 and DM27 of the Local Plan Part 3 (Development Management Policies).

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The proposed alterations to the approved plans in respect of the roof height and altered windows, doors and rooflights, are considered to be acceptable and not to result in a harmful effect on the street scene, the setting of the conservation area or the living conditions of neighbouring residents sufficient to warrant refusal of the application. The proposal is considered to comply with the relevant policies: COR2 and COR17 of the Mid Devon Core Strategy (LP1) and DM2, DM8, DM14, DM15 and DM27 of the Local Plan 3 (Development Management Policies).

Mrs Jenny Clifford
Head of Planning and Regeneration

DELEGATED APPLICATIONS AS AT - 21 October 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
23.02.2016	26.09.2016 Permitted with Conditions to Discharge	16/00293/FULL	Mrs Lynn Fisher Land at NGR 288289 119265 (Lower Ford Equestrian & Devon Riding Holidays) Siting of 1 permanent holiday lodge for equestrian holiday accommodation	Stoodleigh 48
16.03.2016	28.09.2016 Permitted with Conditions to Discharge	16/00473/MARM	Mr C Rowland Land at NGR 295240 122009 (adj. to Former School) Bampton Reserved Matters for the erection of	Bampton 01

			26 dwellings with associated vehicular and pedestrian accesses	
11.04.2016	19.10.2016 Permitted with Conditions to Discharge	16/00544/OUT	Mrs C Clapperton The Pennines Station Road Outline for the erection of a dwelling and garage	Bow 03
19.05.2016	11.10.2016 Permitted with Conditions to Discharge	16/00796/FULL	Mrs M Young Building at Great Copse Little Silver Change of use of carpenter's workshop (upper floor of building) to dwelling	Cadeleigh 09
08.06.2016	12.10.2016 Permitted with Conditions to Discharge	16/00883/FULL	Mr Coombs Land at NGR 287352 101255 (Pennicott) Shobrooke Creation of 2 ponds and a hatchery/store building	Shobrooke 44
13.06.2016	07.10.2016 Approval of Prior Approval	16/00899/PNCOU	Mr & Mrs P Blake Land at NGR 301850 114881 (Broadview Farm) Uplowman Prior notification for the change of use of agricultural building to dwelling under Class Q	Uplowman 54
27.06.2016	23.09.2016 Grant permission	16/00994/FULL	Miss Sowden 5 Cedar Court Lowman Way Change of use from B1 (Office) to Sui Generis (Health and Beauty Salon)	Tiverton 52
27.06.2016	23.09.2016 Grant permission	16/00996/ADVERT	Miss Sowden 5 Cedar Court Lowman Way Advertisement Consent to display 1 non-illuminated fascia sign and 2 other non-illuminated signs	Tiverton 52

01.07.2016	14.10.2016 Permitted with Conditions to Discharge	16/01019/HOUSE	Mr D Palmer 18 Queen Street Tiverton Erection of two-storey extension following demolition of existing extension	Tiverton 52
04.07.2016	28.09.2016 Approval of Prior Approval	16/01013/PNCOU	Mr M Palfrey Land at NGR 279632 97858 (South Hill Farm) Yeoford Prior notification for the change of use of agricultural building to 2 dwellings under Class Q	Crediton Hamlets 19
04.07.2016	19.10.2016 Permitted with Conditions to Discharge	16/01032/FULL	Mr M Bamforth 21 Dukes Orchard Bradninch Erection of a dwelling (revised scheme)	Bradninch 04
05.07.2016	05.10.2016 Permitted with Conditions to Discharge	16/01042/FULL	Mr & Mrs Banfield Land at NGR 288926 101386 Efford Change of use of agricultural land to equestrian use, erection of stable block and hay barn, and formation of new vehicular access	Shobrooke 44
08.07.2016	26.09.2016 Development Acceptance	16/01060/PNCOU	Mr & Mrs D Snell Land and Buildings at NGR 307985 107237 (Orway Porch Farm) Kentisbeare Prior notification for the change of use of agricultural building to 3 dwellings under Class Q	Kentisbeare 32
15.07.2016	26.09.2016 Grant permission	16/01092/HOUSE	Mr M Smith Clouds Barnfield	Crediton Town 18

			Alterations to roof to include change from hipped to gabled ends and installation of 2 dormer windows and replacement of existing porch canopy with enclosed porch.	
15.07.2016	27.09.2016 Permitted with Conditions to Discharge	16/01105/HOUSE	Mr B Dominy The Old Mill Kentisbeare Erection of a two storey extension	Kentisbeare 32
19.07.2016	14.10.2016 Grant Consent	16/01096/RPPS	Mr Phil Bennett NGR 288042 98952 (Opposite The Beer Engine Public House) Newton St Cyres Removal of public payphone service TELEPHONE NUMBER 01392 851253	Newton St Cyres 37
20.07.2016	06.10.2016 Grant permission	16/01119/FULL	Mr M Snow Whiteball Self Storage Unit 11 Retention of perimeter fencing and proposed landscaping works	Holcombe Rogus 29
21.07.2016	14.10.2016 Refusal of Prior Approval	16/01125/PNCOU	Mrs K Hawke Land and Buildings at NGR 290600 119277 (Wheatlands Farm) Stoodleigh Prior Notification for change of use of agricultural building to a Flexible Use under Class R	Stoodleigh 48
21.07.2016	14.10.2016 Refusal of Prior Approval	16/01126/PNCOU	Mrs K Hawke Land and Buildings at NGR 290600 119277 (Wheatlands Farm) Stoodleigh Prior Notification for the change of use	Stoodleigh 48

			of an agricultural building to dwelling under Class Q	
22.07.2016	19.10.2016 Withdrawn	16/01143/HOUSE	Mr Alex Morley Studleys Hemyock Conversion and extension of detached double garage to form additional ancillary accommodation	Hemyock 26
22.07.2016	27.09.2016 Refuse permission	16/01146/LBC	Mrs R Tootill Forge Cottage Ashill Listed Building Consent for installation of LPG fired boiler and central heating system, with outside flue	Uffculme 53
28.07.2016	28.09.2016 Grant permission	16/01173/HOUSE	Mr W Webber 4 Greenwood Willand Retention of rear garden fence	Willand 59
29.07.2016	22.09.2016 Permitted with Conditions to Discharge	16/01175/FULL	Mr B Trask Storage Buildings at NGR 276954 107601 (Post House) Fore Street Erection of dwelling following demolition of garage and workshops (Revised scheme)	Morchard Bishop 35
01.08.2016	26.09.2016 Permitted with Conditions to Discharge	16/01183/LBC	Mr V Forbes Land and Buildings at NGR 287993 104240 (Haswells Farm) Listed Building Consent for conversion of barn to dwelling (Revised scheme)	Stockleigh Pomeroy 47
03.08.2016	18.10.2016 Grant permission	16/01192/HOUSE	Mr D Butt 122 The Walronds Tiverton Erection of detached garage	Tiverton 52

03.08.2016	03.10.2016 Grant permission	16/01194/FULL	Mrs Judy Morris Garages and Forecourt at NGR 301994 106405 Knightswood Siting of a storage container	Cullompton 21
03.08.2016	11.10.2016 Permitted with Conditions to Discharge	16/01199/FULL	Mr J Harris 36E Park Street Tiverton `Erection of 4 dwellings with associated parking (Revised Scheme)	Tiverton 52
05.08.2016	28.09.2016 Grant permission	16/01206/FULL	Mr D Elmer Land at NGR 300786 106001 (Fulfords) Colebrooke Lane Erection of storage building for agricultural machinery	Cullompton 21
09.08.2016	07.10.2016 Grant permission	16/01215/FULL	Mr D R & Mrs L J Lee Dalwood Farm Culmstock Construction of a slurry store (783sqm)	Culmstock 22
09.08.2016	27.09.2016 Grant permission	16/01217/ADVERT	Mr P Baggoley Integrated Dental Holdings Limited 25 High Street Advertisement Consent to display 1 non-illuminated fascia sign and 1 non- illuminated hanging sign	Cullompton 21
09.08.2016	07.10.2016 Grant permission	16/01219/FULL	Miss Emma Burrough Swintons Insurance 2 Station Road Change of use from Financial and Professional Services (Class A2) to Beauty Therapy Studio (Sui Generis)	Tiverton 52

10.08.2016	10.10.2016 Grant permission	16/01228/HOUSE	Mr & Mrs Miller Summerhayes Kennerleigh Installation of air source heat pump	Kennerleigh 31
11.08.2016	17.10.2016 Grant permission	16/01223/FULL	Miss A Barradine Sundance Horselake Farm Variation of Condition 3 (Holiday Occupancy Restriction) of Planning permission 11/00073/FULL for a temporary period of 1 year	Cheriton Bishop 11
11.08.2016	28.09.2016 Grant permission	16/01229/FULL	Mr M Palfrey Land at NGR 279632 97858 (South Hill Farm) Change of use of land to residential garden to include the formation of an access track	Crediton Hamlets 19
11.08.2016	07.10.2016 Grant permission	16/01231/HOUSE	Mr M Cottrell 2 Walters Orchard Lower Mill Lane Erection of single storey side and rear extensions and erection of porch	Cullompton 21
11.08.2016	07.10.2016 Refuse permission	16/01237/FULL	Mr James Persey Stables Newland Farm Variation of Condition 2 to amend the approved plans of Planning permission 15/01483/FULL	Cullompton 21
11.08.2016	07.10.2016 Refuse permission	16/01239/FULL	Mr James Persey Newland Farm Cullompton Variation of Condition 2 to amend the approved plans of Planning permission 14/01554/FULL	Cullompton 21
12.08.2016	20.10.2016 Grant permission	16/01233/HOUSE	Mr & Mrs Stephen Bullett Graddage Farm Clayhidon	Clayhidon 15

			Erection of extension to garage	
12.08.2016	07.10.2016 Grant permission	16/01245/FULL	Mr & Mrs Beggs Land and Building at NGR 290926 121763 (Pillars Barn) Change of use of land from grazing to riding arena (800sqm) for private equestrian use	Oakford 39
12.08.2016	07.10.2016 Grant permission	16/01247/FULL	Mr Clapp Land at NGR 299032 112840(Hartnoll Farm) Tiverton Installation of sewage treatment plant to replace existing septic tank	Halberton 25
15.08.2016	30.09.2016 Grant permission	16/01262/FULL	Mr Martin Hill Partridge Lodge Templeton Change of use from agricultural land to residential garden	Templeton 49
15.08.2016	11.10.2016 Grant permission	16/01263/HOUSE	Mr M Joynes 2 Seymour Terrace John Street Erection of two-storey extension to rear following demolition of existing single storey extension	Tiverton 52
16.08.2016	14.10.2016 Grant permission	16/01242/HOUSE	Mr & Mrs I Godwin Orchard Cottage Wembworthy Raising height of chimney to comply with installation of new log burner	Wembworthy 58
16.08.2016	14.10.2016 Grant permission	16/01243/LBC	Mr & Mrs I Godwin Orchard Cottage Wembworthy Listed Building Consent for the raising height of chimney to comply with installation of new log burner	Wembworthy 58

16.08.2016	30.09.2016 Grant permission	16/01264/HOUSE	Mr F Taxis Hollis House Blackborough Erection of a garden room and porch following removal of existing porch and outbuilding/fuel store (Revised Scheme)	Kentisbeare 32
16.08.2016	30.09.2016 Grant permission	16/01265/LBC	Mr F Taxis Hollis House Blackborough Listed Building Consent for the erection of a garden room and porch following removal of existing porch and outbuilding/fuel store (Revised Scheme)	Kentisbeare 32
17.08.2016	30.09.2016 Grant permission	16/01254/HOUSE	Mr Kenneth Ham Brambles Thorverton Erection of a conservatory	Thorverton 51
17.08.2016	19.10.2016 Grant permission	16/01277/HOUSE	Ms Marcioni 7 Mount Pleasant Park Street Installation of a dormer window	Crediton Town 18
19.08.2016	26.09.2016 Withdrawn	16/01267/FULL	Mr C Hopkins Land at NGR 303776 111477 (Mid Devon Business Park) Four Cross Avenue Erection of 4 industrial units	Halberton 25
19.08.2016	14.10.2016 Development Acceptance	16/01270/PNCOU	Mr D Wiggins Land and Buildings at NGR 293258 107236 (Pound Castle) Prior notification for the change of use of an agricultural building to a dwelling under Class Q	Bickleigh 02

19.08.2016	17.10.2016 Grant permission	16/01287/FULL	Mrs A Thomas 37 Withy Close Tiverton Variation of condition (2) of planning permission 16/00835/HOUSE to allow the substitution of previously approved plans	Tiverton 52
22.08.2016	17.10.2016 Grant permission	16/01275/FULL	Ms Parra-Mussell Gladrose Yeoford Erection of an agricultural building	Colebrooke 17
22.08.2016	17.10.2016 Grant permission	16/01288/TPO	Mr A Stennett Grantlands Surgery 17 Commercial Road Application to reduce 5 extending lateral branch ends by 3-4m and thinning of internal crown on 1 Copper Beech protected by Tree Preservation Order 16/00003/TPO	Uffculme 53
22.08.2016	13.10.2016 Grant permission	16/01291/LBC	Mr & Mrs Savill The Old Forge Stoodleigh Listed Building Consent for installation of replacement double doors	Stoodleigh 48
24.08.2016	03.10.2016 Withdrawn	16/01294/FULL	Mr Labdon, Cullompton United Charities Cullompton United Charities Charity House Conversion of first floor from offices to one 2-bedroom flat and one 1-bedroom flat	Cullompton 21
24.08.2016	20.10.2016 Grant permission	16/01296/FULL	Mr J Northam Land at NGR 303178 119931 (South Staple Farm) Hockworthy	Hockworthy 28

			Erection of an agricultural livestock and storage building	
25.08.2016	30.09.2016 Grant permission	16/01295/HOUSE	Mrs C Wood 35 Hollingarth Way Hemyock Erection of single storey rear extension	Hemyock 26
25.08.2016	19.10.2016 Grant permission	16/01297/HOUSE	Mr & Mrs Soundy Homefield Tiverton Installation of 2 openable windows on first floor of southeast elevation	Tiverton 52
26.08.2016	18.10.2016 Grant permission	16/01305/ADVERT	Mr Stephen Jenks Elsie May 10 Phoenix Lane Advertisement consent to display 1 mounted fascia sign	Tiverton 52
26.08.2016	20.10.2016 Grant permission	16/01306/HOUSE	Mr K Cornish 3 Graham Close Tiverton Erection of single storey extension	Tiverton 52
30.08.2016	18.10.2016 Grant permission	16/01317/HOUSE	Mr & Mrs S White 15 Rogers Close Tiverton Erection of single storey extension to rear and decking	Tiverton 52
30.08.2016	26.09.2016 No Objection	16/01322/CAT	Mr David Wright 4 Boobery Sampford Peverell Notification of intention to fell one Alder tree within a Conservation Area	Sampford Peverell 42
30.08.2016	20.10.2016 Approval of Prior Approval	16/01324/PNCOU	Mr Matthew Palmer Land at NGR 288740 114822 (Rogford Farm) Prior notification for the change of use of an agricultural building to 3	Templeton 49

			dwelling under Class Q	
01.09.2016	30.09.2016 Grant permission	16/01329/HOUSE	Ms S Larsen Rues Cottage Westleigh Erection of greenhouse and shed (Revised Scheme)	Burlescombe 06
01.09.2016	20.10.2016 Grant permission	16/01334/HOUSE	Mr & Mrs Barclay Higher Heazle Clayhidon Alterations and erection of extension	Clayhidon 15
05.09.2016	26.09.2016 Development Acceptance	16/01346/PNAG	Mr G Kingdon Land at NGR 288626 107305 (Aller Park View) Cheriton Fitzpaine Prior notification for the erection of an agricultural storage building	Cheriton Fitzpaine 12
07.09.2016	20.10.2016 Grant permission	16/01369/FULL	Mrs Tara Fraser 2nd Floor Raymond Penny House Change of use from office space (A2) to Structural Integration consulting room (D1)	Tiverton 52
16.09.2016	20.10.2016 No Objection	16/01422/CAT	Mrs A Jerreat 1 Queen Square Cullompton Notification of intention to dismantle and remove 1 Yew tree within the Conservation Area	Cullompton 21
19.09.2016	06.10.2016 Development Acceptance	16/01425/PNAG	Mr P Bazley Land and Buildings at NGR 303470 107879 Week Farm Prior Notification for the erection of a fodder store	Cullompton 21

19.09.2016	20.10.2016 No Objection	16/01427/CAT	Dr Mark Napier The Old Rectory Lower Town Notification of intention to crown reduce 2 Beech trees by 2m, 1 Oak tree by 2m and 1 Sycamore tree by 2m within the Conservation Area	Halberton 25
19.09.2016	07.10.2016 Development Acceptance	16/01436/PNAG	Mr N Gamlin Land at NGR 297951 124580 Eastwood Farm Prior notification for the construction of a farm track	Morebath 36
20.09.2016	06.10.2016 Grant permission	16/00640/HOUSE/NM A	Mr & Mrs G Sherburn 2 Parsonage Lane Silverton Erection of a porch, rear extension and new conservatory following demolition of existing - Non-Material Amendment to remove proposed roof glazing and North East facing kitchen window	Silverton 45
26.09.2016	20.10.2016 Development Acceptance	16/01468/PNAG	Mr Alex Wilson Land at NGR 294677 126440 (Combeland Farm) Morebath Prior Notification for the erection of an agricultural storage building	Morebath 36
26.09.2016	20.10.2016 Development Acceptance	16/01469/PNAG	Mr Alex Wilson Land and Building at NGR 294406 125851 (Combeland Farm) Morebath Prior Notification for the erection of an extension to an existing agricultural storage building	Morebath 36
26.09.2016	17.10.2016 No Objection	16/01478/CAT	Mrs Mary Hall The Berry Barn 4 Church Road	Silverton 45

			Notification of intention to remove 1 Leylandi and 1 Lawson Cypress tree within the Conservation Area	
03.10.2016	19.10.2016 Development Acceptance	16/01525/PNAG	Mr Alan Roberts Land and Buildings at NGR 277333 99751 (Tree Tops) Yeoford Prior Notification for the erection of extension to an agricultural storage building	Colebrooke 17

Background Papers: Contained in application files referred to.

Major Applications with no Decision

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

<i>Item</i>								<i>Expected Decision Level</i>	
<i>No.</i>	<i>Weeks</i>	<i>TARGET DATE</i>	<i>REFVAL</i>	<i>PROPOSAL</i>	<i>LOCATION</i>	<i>NAME</i>	<i>Delegated</i>	<i>Committee</i>	
1	4	20/12/2016	16/01424/MOUT	Outline for the development of up to 330 dwellings together with public open space, associated infrastructure and other works including vehicular access, internal roads, pedestrian/cycle links and highway improvements (Revised scheme)	Land at NGR 298671 113603 Uplowman Road Tiverton Devon	Mrs Christie McCombe	COMM	COMM	
2	5	07/12/2016	16/01337/MARM	Reserved Matters for the erection of a primary school with ancillary facilities including sports pitch and parking and turning area following Outline approval 14/01332/MOUT	Land at NGR 288080 098230 East of Station Road Newton St Cyres Devon	Mr Simon Trafford	DEL		
	7	23/11/2016	16/01289/MARM	Reserved Matters (Phase 1) in respect of the appearance, landscaping, layout and scale of two industrial buildings (B1, B2, and B8 use), following Outline approval 09/01573/MOUT	Land and Buildings at NGR 303161 108402 (Venn Farm) Cullompton Devon	Ms Tina Maryan	DEL		
	9	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		
5	12	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		
6	17	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	
7	17	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	

<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	19	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
9	23	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
10	123	24/09/2014	14/00881/MOUT	Outline for a mixed use development comprising up to 700 dwellings, 22,000 square metres of B1/B8 employment land, care home, primary school and neighbourhood centre with associated access including a left in left out junction on the westbound A361 and access and egress onto Blundells Road	Land East of Tiverton, South of A361, and Both North and South of Blundells Road Uplowman Road Tiverton Devon	Mr Simon Trafford	COMM	COMM
11	129	28/07/2014	14/00604/MFUL	Erection of care home and 12 apartments with associated access, parking and landscaping, following demolition of existing hospital buildings (Revised Scheme)	Post Hill Nursing Home 36 Post Hill Tiverton Devon EX16 4ND	Miss Lucy Hodgson	COMM	COMM
12	183	16/07/2013	13/00525/MFUL	Application to replace extant planning permission 09/01870/MFUL (to extend time limit). A mixed development of 13 open market eco-houses and 6 affordable eco-houses; new access and estate road; additional car parking facilities for the Village Hall; closure of the existing Parish Hall Car Park entrance; provision of a children's play area for the Parish Hall; highway improvements to Fanny's Lane; footpath link to Snows and Meadowside Road (Revised Scheme)	Land at NGR 282973 102485 (East of Oxford Terrace) Fanny's Lane Sandford Devon	Mr Simon Trafford	COMM	COMM

LIST OF APPEAL DECISIONS FROM 23 SEPTEMBER to 18 OCTOBER 2016

Application No	Description	Location	Officer Recommendation	Committee or Delegated	Decision	Appeal Type	Inspector Decision
15/01850/CLU	Certificate of Lawfulness for existing use of building as residential dwelling and associated use of land as residential garden for a period in excess of 10 years	The Orchard Cheriton Bishop Exeter EX6 6HP	Refuse Certificate of Lawful Use	Delegated Decision	Refuse permission	Written Representations	Appeal Dismissed

Summary of Inspectors Comments

The site has an interesting planning history as far back as 2001, and in 2010 a Certificate of Lawfulness was issued for the siting of a caravan for full time residential occupancy was granted by this Authority.

This current appeal was regards an application for a Certificate of Lawfulness for the existing use of the unit as a residential dwelling and associated use of land as residential garden for a period in excess of 10 years.

The key issue is whether the unit is a mobile home or a structure within the definition of a dwellinghouse and the appellant had argued that the various works undertaken at the site and the pattern of use of it enables it to be qualify as a dwellinghouse.

Officers under delegated authority refused to issue a certificate, and the Inspector agreed that on balance that the unit is not a dwellinghouse but a mobile home with the site being occupied in line with the certificate issued in 2010.

Application No	Description	Location	Officer Recommendation	Committee or Delegated	Decision	Appeal Type	Inspector Decision
15/01692/FULL	Sub-division of 1 dwelling into 2 dwellings, installation of 1 dormer window, and formation of additional vehicular access	Muxbeare Muxbeare Lane Willand Cullompton EX15 2RF	Refuse permission	Delegated Decision	Refuse permission	Written Representations	Appeal Dismissed

Summary of Inspectors Comments

The main issues in this case are:

- o whether the proposed sub-division represents sustainable development in the context of its location and accessibility to services and facilities, and
- o the effects of the proposed sub-division on highway safety along Muxbeare Lane.

Muxbeare is a large detached bungalow situated in countryside just outside of the built-up area of Willand. It is accessed from Muxbeare Lane, a narrow winding road leading from the B3181 into the countryside beyond. The proposal would involve the sub-division of the existing 4-bedroom, chalet-style bungalow into two 3-bedroom, semi-detached bungalows. There would be little alteration to the existing structure of the dwelling, although a new dormer extension would be added to the first floor room at its north-eastern end, and a new parking area would be created to serve the second dwelling created. The proposal would not represent sustainable development and it would conflict with national policy as set out in the NPPF. It would also conflict with Policies COR 1 and COR 9 of the Council's Core Strategy (CS), which relate to sustainable development and, in particular, to the accessibility of development and reducing the need to travel by car. Finally, it would conflict with Policies DM 1 and DM 2 of the Council's Local Plan Part 3 - Development Management Policies (Local Plan). The existing vehicular access to the site is located at its western end close to a sharp bend in the road. The proposed sub-division of the dwelling would result in a new access being created further to the east, with a new parking and turning area to the front of the new dwelling. Little information is given on the submitted plans regarding the proposed parking area. It would appear unlikely that an adequate visibility splay could be provided from the new vehicular access in an easterly direction, owing to the existence of large hedgerows on the boundaries of neighbouring properties

Application No. 15/00573/FULL

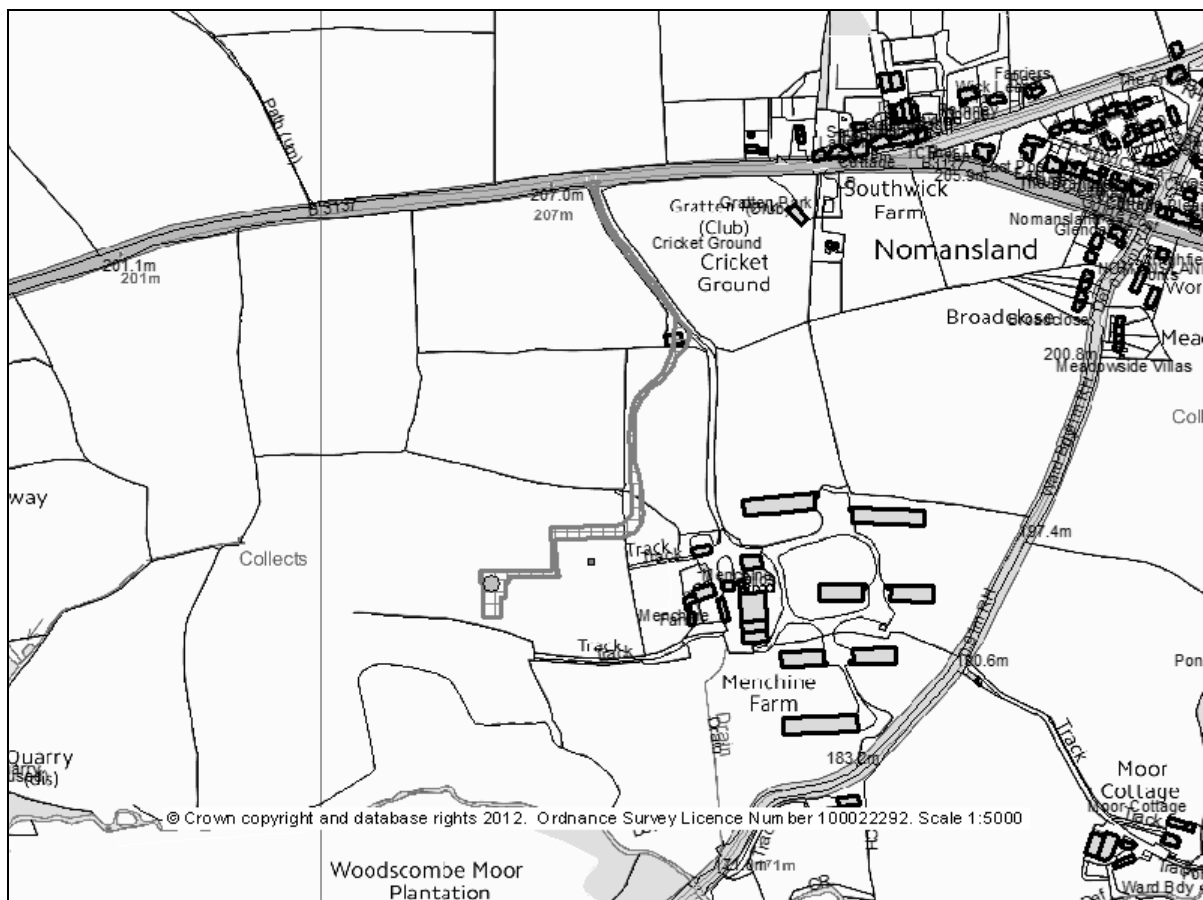
Grid Ref: 113579 : 283096

Applicant: Mr S Cole

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

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

Date Valid: 24th April 2015



Update Report for the 2nd November Planning Committee meeting.

1. BACKGROUND:

The Planning Committee have considered this application on two earlier occasions as set out below. Both reports as referred to are included as appendices to this report.

On the 29th July 2015 members considered an officer recommendation to approve the application subject to the conditions as set out in report attached as **Appendix A**. At that meeting the members deferred their decision on the application until an outstanding appeal at the site had been completed into planning application ref: 14/01915/FULL which sought to change the operating output of the anaerobic digester; the appeal was dismissed.

On the 11th May 2016 members considered a further recommendation to approve the application subject to the conditions as set out in report attached as **Appendix B**. The conditions as recommended in this report had been revised since the drafting of the **Appendix A** report. Notwithstanding the further information set out in the report members resolved that the application be deferred for more information on the need for the size and capacity of the building proposed in relation to the digestate produced from the Menchine Farm AD Plant with a maximum of 500 kw output.

2. At the meeting on the 11th May 2016 it was considered by members that the further advice provided by officers in the assessment section of the **Appendix B** report and the justification provided by the applicant (paragraph 3.4) did not serve as sufficient justification to support the proposed building given that it was designed and submitted for approval by the applicant when it was intended that the Menchine Farm AD plant would operate on the basis of 1,000 KW output, the proposals for which had been dismissed at appeal. In essence members did not wish to confirm approval for the application scheme unless a robust case is made to support it when tested against policy DM22.
3. Since the last consideration of the application the Committee members have visited and completed a guided tour of the Menchine AD complex accompanied by the Head of Planning and Regeneration in order to assist their understanding as to how the Plant operates. At present the digestate fibre that is produced as a by product is stored on site and the transported away in bulk loads by tractor and trailer. Between May 2015 – June 2016 the operations at Menchine have generated 2,166.44 tonnes of Digestate fibre which has generated 166 loads to be removed from the site. Some of these movements have been via the highway in terms of exporting to other farms. Over this period the removal of dried digestate has generated 234 road movements (vehicle arriving and vehicle departing), with a further 114 movements on farm (total 348).
4. In addition, the applicant has provided the following further additional information in terms of seeking to justify the size of the building as proposed:

As stated before, I am planning on dividing the internal space into 3 equal sections. The total floor space is 450m² which gives 3 areas of 150m². These areas will be used to store product prior to pelleting, storing pelleted product and the other area used to site the machinery required. If product is stacked 2m high then this will give around 300m³ of storage in each storage area.

Unpelleted material will have a low specific weight so I estimate will only hold around 100 tonnes of fibre. In the 12 months to the end of August we produced 2,691 tonnes (Officer comment: this updates the figure as reported above to reflect the extended time period) of fibre which means we will have around 2 weeks of buffer storage in the building. Once pelleted the product becomes much more dense so the same space should hold around 600 tonnes of pelleted fibre. This amount gives us almost 3 months of buffer storage so is compatible with the required closed period of spreading organic manures in NVZ areas.

5. POLICY: Policy DM22 supports new agricultural development subject to complying with the following tests:

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

6. POLICY ASSESSMENT: An assessment of the application scheme against the criteria set out at Policy DM22 is set out in the **Appendix A** report. The section below provides an overview of the conclusions reached in completing that assessment, and if the conclusions remain robust and justified.

The proposed building seeks to maximise the recycling opportunities arising from the operation of the AD plant. The building enables the applicant to form fertiliser, and/or animal bedding in a pelleted form using the dried digestate that arises from the AD plant for use as an agricultural fertiliser.

The size and dimensions of the application building remains as originally submitted in April 2015. At that time the applicant sought to increase the operations of the AD plant to 1 MW rather than the 500 KW as approved. The resulting appeal was dismissed, confirming operational power output to 500 KW. Logic would indicate a reduction in the size of this building.

Although your officers have discussed the opportunity to modify the size and scale of the building with the applicant, the plans as originally submitted remain unaltered. The applicant wishes it to be determined as applied for. Paragraph 4 above sets out how the process will be managed in the building, which provides 450 square metres of floorspace, with the additional information seeking to demonstrate that the building is not oversized for the amount of raw material that will be processed based on the outputs over the last year when the plant has been operating at a 500 Kw output. Whilst the size of the building clearly incorporates buffer space it would appear a reasonable size for the levels of material that will be processed in it with the Menchine Plant operating with a 500 KW output, in the absence of being able to compare it against another identical operational unit. Members are asked to note that despite research officers have not been able to identify the processing of digestate fibre into pellets on an operational basis elsewhere. There is therefore no currently available scheme comparison.

The building is stepped in the landscape standing at 6.25 metres high (north elevation) and 9.3 metres high (south elevation). In terms of the size of the building; the height and scale of the building will sit comfortably below and subservient to the main plant buildings on the Menchine AD Plant site. The building is of a similar size to the Intake store building (building 3 on the submitted plans) which the members walked through as part of the site tour. Given the existing planting on the site and the scope of new and additional planting that is recommended (refer to condition 3) the impact of the building in terms of how it affects the visual amenities, of the area, and on landscape character, considered to be negligible.

In terms of impact on the living conditions of local residents in the locality and on the environment generally, the position of building is set directly adjacent to the existing compound which is approximately 700 metres from the nearest properties at Nomansland Cross. As members witnessed on the site tour the site is well contained in terms of noise and odour impacts and it is not considered that the additional activity will generate any significant additional environmental impact.

Finally in terms of the impacts on the local highway network, the digestate fibre waste is currently transported away from the site and operating at 500 Kw output this could generate up to 348 trips on the highway. Given the nature of the proposed use for the building if the digestate fibre is processed into a pelleted format then it would be reasonable to assume the number of vehicular movements associated with exporting product off site would fall.

7. **SUMMARY AND RECOMMENDATION:** This update report provides clarification that the proposed size and scale of the building is not unreasonable for the Menchine AD plant which is restricted in operational terms to 500 KW. Efforts have been made to give further updated information on the size/capacity of the proposed building from the applicant in light of the failure of the appeal to increase the AD plants power generation. Supporting information where available is set out. The scheme overall is considered compliant with policy DM22. Therefore members are respectfully requested to endorse the recommendation as set out below, and as originally presented in the **Appendix B** report but with original conditions (hardening/surfacing of the first 10m of the access road and disposal of surface water so none drains to the highway) 3 and 4 no longer considered to be required as the works have been completed.

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. The proposed scheme of landscaping adjacent to the application building as shown on plan MF/FB/01B (received on 26th May 2015) and as required as part of the scheme approved for the AD plant (approved under LPA ref: 14/00575/MFUL) shall be carried out in the first planting season following the substantial completion of the building hereby approved. In addition a further scheme of planting immediately to the south and west of the building hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of its construction, and shall be implemented in the first planting and seeding season following the substantial completion of the building hereby approved. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next

planting season with others of similar size and species. Once provided, the landscaping scheme shall be so retained.

4. The building hereby approved shall only be used to process digestate fibre that is produced as a by-product of the operation of the AD plant at Menchine Farm as approved under Local Planning Authority Application reference: 14/00575/MFUL and no digestate fibre or other product from any other AD plant.
5. Records to include the amount of digestate fibre processed at the building hereby approved on a quarterly basis shall be kept and made available for inspection by the Local Planning Authority on request. The records shall confirm the weight and date of the material brought into the building and the load weight and numbers of vehicles exporting the processed material in pelleted format away from the site. These records shall be made available to the Local Planning Authority on request.

REASONS FOR CONDITIONS

1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of proper planning.
3. In the interest of the visual amenity of the area in accordance with Policy DM2 of the Mid Devon Local Plan Part 3: (Development Management Policies).
4. In the interest of minimising the number of vehicular trips that would be generated on the local highway network and in order to protect the general amenities of the locality of Nomansland in accordance with Policies DM1, DM2, DM5 and DM7 of the Mid Devon Local Plan Part 3 (Development Management Policies).
5. In the interest of minimising the number of vehicular trips that would be generated on the local highway network and in order to protect the general amenities of the locality of Nomansland in accordance with Policies DM1, DM2, DM5 and DM7 of the Mid Devon Local Plan Part 3 (Development Management Policies).

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The proposal is for the erection of a further building on the Menchine Farm complex to enable the processing of digestate into a pellet format. The siting, location and design of the building is such that it is not considered that the proposed development would further harm the landscape character and/or visual amenities of the area in the long term or the living conditions of any nearby residential dwellings when considered individually and/or cumulatively with the existing buildings and lawful uses on the farm complex.

Furthermore the proposals raise no specific traffic and/or transportation concerns subject to the conditions as recommended which restrict the use of the building to processing digestate fibre produced at the Menchine Farm AD plant only. The proposal therefore accords with the aims and objectives of restricting development in the countryside whilst maintaining the presumption in favour of suitable development within the rural economy.

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

APPENDIX A

Plans List No. 2

Application No. 15/00573/FULL

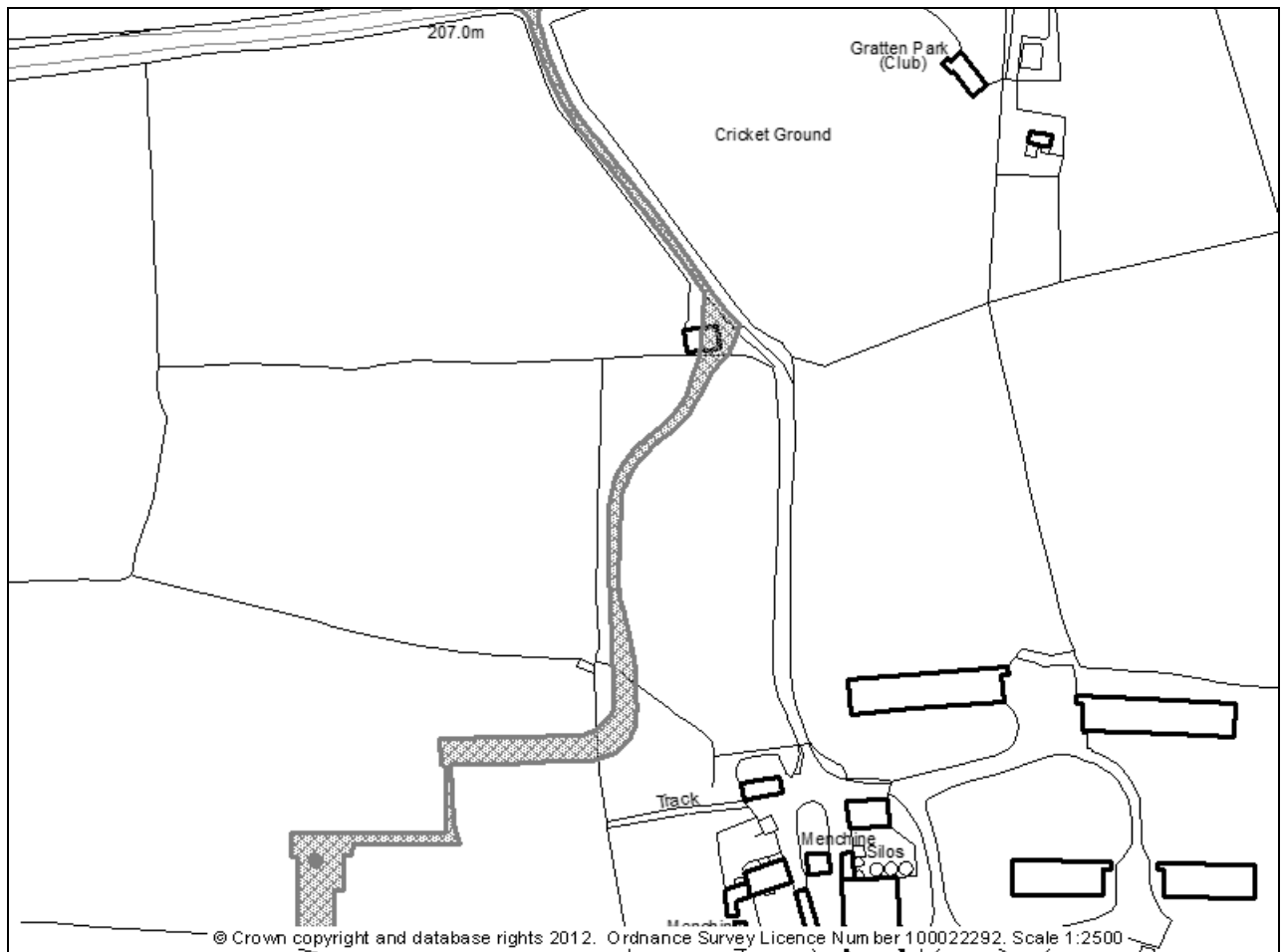
Grid Ref: 283096 : 113579

Applicant: Mr S Cole

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

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

Date Valid: 24th April 2015



Application No. 15/00573/FULL

RECOMMENDATION

Grant permission subject to conditions.

PROPOSED DEVELOPMENT

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

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

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

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

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

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

APPLICANT'S SUPPORTING INFORMATION

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

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

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

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

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

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

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

PLANNING HISTORY

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

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

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

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

14/01915/FULL: This application has been submitted to vary the terms of condition 10 of planning approval 14/00575/MFUL to allow for the installation of an Anaerobic Digestion facility with 1,000Kw installed capacity.

THIS APPLICATION IS CURRENTLY SUBJECT TO AN APPEAL: AGAINST NON-DETERMINATION. An Informal Hearing is yet to take place.

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR2 - Local Distinctiveness

COR18 - Countryside

Mid Devon Local Plan Part 3 (Development Management Policies)

DM1 - Presumption in favour of sustainable development

DM2 - High quality design

DM8 - Parking

DM20 - Rural employment development

DM22 - Agricultural development

CONSULTATIONS

MORCHARD BISHOP PARISH COUNCIL - 12th May 2015

No comment beyond concerns of increased traffic volumes.

CRUWYS MORCHARD PARISH COUNCIL - 18th May 2015

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

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

NORTH DEVON DISTRICT COUNCIL - 19th May 2015

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

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

PUDDINGTON PARISH COUNCIL - 7th May 2015

Puddington Parish Council wishes to object to this planning proposal.

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

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

TEMPLETON PARISH COUNCIL - 19th May 2015

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

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

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

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

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

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

a) in view of 2) and 3) above a Full Environmental Impact Assessment should be carried out

b) this should include a Noise Assessment in view of the additional mechanical operations and the noise nuisance already noted by the local residents

c) An Odour assessment as many of the affected residents have been experiencing and complaining to the Environmental Agency and Environmental Health about a detrimental odour nuisance

d) A full cyclical Traffic assessment for all AD feedstock imported and digestates (liquid and solid) to be exported

e) Written agreement from the Applicant/Operator to submit accurate records as to traffic movements in and out of the site in compliance with paragraph 8) under Decision on APP/Y1138/A/13/2193382 and as per point 42 under Conditions of same. This is necessary as Applicant/Operator refused to comply with such a request from MDDC Enforcement Officers in February 2015

f) Clarity is required as to what is classified as 'waste' by Inspector Mike Robins in his APPEAL Decision APP/Y1138/A/13/2193382 Conditions No.43 with regard to preventing odour and storing waste. Is all the Chicken litter being stored inside the Intake Shed as this is highly dangerous waste and the worst farm manures for harbouring/spreading disease pathogens, etc. and would definitely create odour?

g) Applicant to provide a detailed plan for vermin/pest control to include contractual evidence, as local residents have already noted marked increase in rodent and fly presence since AD operations commenced

ENVIRONMENTAL HEALTH - 18th May 2015

Contaminated Land - N/A

Air Quality - N/A

Waste & Sustainability

Drainage - no objections to this proposal

Noise & other nuisances - no objections to this proposal

Housing Standards - Not applicable

Licensing - N/A

Food Hygiene - Not applicable

Private Water Supplies - Not applicable

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

HIGHWAY AUTHORITY - 8th May 2015

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

Recommendation:

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

THELBRIDGE PARISH COUNCIL - 15th May 2015

No Objection

REPRESENTATIONS

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

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

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main determining factors in this application are:

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

1 Policy

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

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

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

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

DM22 specifies that agricultural development will be permitted where;

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

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

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

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

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

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

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

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

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

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

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

3. Impact on amenity of residents

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

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

4. Transportation Issues

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

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

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

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

Conclusion

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

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

CONDITIONS

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

REASONS FOR CONDITIONS

1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of proper planning.
3. To prevent mud and other debris being carried onto the public highway.
4. In the interest of public safety and to prevent damage to the highway.
5. In the interest of the visual amenity of the area in accordance with policy DM2 of the Local Plan Part 3: (Development Management Policies).

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

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

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

APPENDIX B

AGENDA ITEM

PLANNING COMMITTEE

11th MAY 2016

REPORT OF THE HEAD OF PLANNING AND REGENERATION

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

Background and Reason for Report:

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

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

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

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

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

RECOMMENDATION

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

Relationship to Corporate Plan:

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

Financial Implications:

None

Legal Implications:

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

Risk Assessment:

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

1.0 The Original Officer Report (Appendix A)

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

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

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

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

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

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

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

2.0 Policy

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

3.0 Impact on the landscape character and appearance of the area

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

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

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

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

4.0 Transportation impact and impact on amenity issues

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

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

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

5.0 Conclusions

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

CONDITIONS

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

REASONS FOR CONDITIONS

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

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

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

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

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

Contact for any more information

Simon Trafford, Area Planning Officer
(01884) 234369

Background Papers

File Reference

15/00573/FULL

Circulation of the Report

Cllrs Richard Chesterton
Members of the Planning Committee

PLANNING COMMITTEE

DATE: 2ND NOVEMBER 2016

REPORT OF JENNY CLIFFORD, THE HEAD OF PLANNING AND REGENERATION

PLANNING PERFORMANCE 2016/17 QUARTER 2.

RECOMMENDATION:

For information and discussion.

REASON FOR REPORT:

To provide the Committee with information on the performance of Planning Services for the quarter 2 of the 2016/17 financial year

MATTERS FOR CONSIDERATION:

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

RELATIONSHIP TO CORPORATE PLAN:

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

FINANCIAL IMPLICATIONS: Planning performance has the potential for significant financial implications in the event that applications are not determined within 26 weeks or an extension of time negotiated. In that instance the planning fee is returned. Through the issue of planning permissions for new dwellings the Service enables the award of New Homes Bonus money to the Council.

LEGAL IMPLICATIONS: The Government monitors planning performance in terms of speed and quality of decision making. In the event minimum standards are not met, an authority may be designated as underperforming with special measures applied that allow applicants for major development to apply for permission direct from the Planning Inspectorate and bypassing local decision making. The speed measure is the number of major applications determined within 13 weeks as measured over a 2 year period. The new target of more than 50% has been met. The quality measure is the percentage of major applications determined over a two year period that have been overturned at appeal. The less than 20% target continues to be met. However the Government proposes to tighten performance requirements.

RISK ASSESSMENT: Financial risk as a result of fee return and the designation of planning authorities in special measures for underperformance is referred to above. These aspects are actively monitored, to allow priorities to be adjusted as required to reduce the risk. However this risk is increasing with the Government having identified through the Autumn Statement and subsequent technical consultation on planning changes the intention to tighten existing measures and introduce new ones.

1.0 PLANNING PERFORMANCE

- 1.1 Set out below are the Planning Service performance figures for quarter 2 from 1st July – 30th September 2016. Performance data is published quarterly on the Council's website at <https://new.middevon.gov.uk/planning/performance-standards/>
- 1.2 Performance is set out below and expressed as a percentage unless marked otherwise and reports against a mix of Government and local performance targets. The context against previous performance is also shown.

Planning Service Performance	Target	2015/16				2015/16	2016/17	
		Q1	Q2	Q3	Q4		Q1	Q2
Major applications determined within 13 weeks	60%	*57	*50	*75	*33	*47%	75%	100%
Minor applications determined within 8 weeks	65%	68	73	74	64	68%	72%	72%
Other applications determined within 8 weeks	80%	91	85	75	89	86%	76%	77%
Householder applications determined in 8 weeks	85%	92	97	95	88	93%	86%	93%
Listed Building Consents	80%	70	67	85	70	71%	78%	81%
Enforcement site visits undertaken within 15 days of complaint receipt	87%	100	94	89	91	89%	92%	100%
Delegated decisions	90%	94	93	94	94	94%	95%	94%
No of applications over 13 weeks old without a decision	Less than 45 applications	25	26	36	40	40	37	39
Major applications determined within 13 weeks (over last 2 years)	More than 50%	51	58	56	53	53%	51%	80%
Major applications overturned at appeal as % of all major decisions in last 2 years	Less than 20%					10%	14%	6%
Determine all applications within 26 weeks or with an extension of time (per annum –Government planning guarantee)	100%	97	96	94	99	99%	93%	100%
Building Regulations Applications examined within 3 weeks	95%	70	70	76	67	72%	96%	72%
Building Regulation Full Plan applications determined in 2 months	95%	99	98	97	87	97%	96%	84%

*Important note on major application statistic reporting: The statistics for major applications determined within 13 weeks reported above within 15/16 includes all major applications and does not take into account any extensions of time agreed with the applicant or planning performance agreements (PPAs) that have been entered into. Government instructions to Councils over this performance target remove reporting applications with extensions of time or PPAs from this target as they are reported separately. Once these have been removed the percentage of major applications determined within 13 weeks compared with the target 60% for **15/16** shows that this performance target was met. For **16/17**, the major applications determined within 13 weeks figure now includes those where there has been an extension of time.

2.0 APPLICATION PROCESSING- DEVELOPMENT MANAGEMENT.

2.1 The Government sets a range of additional performance targets for planning authorities in order to drive performance. Those for major planning application decision making are currently used by the Government as indicators of performance in terms of both speed and quality of decision making as follows:

Speed: More than 50% of major applications determined within 13 weeks.

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

Both of these continue to be met. Authorities not meeting these targets risk being designated as underperforming, resulting in the application of special measures.

2.2 Application determination performance results for Qu 2 16/17 indicate that the national planning performance indicators continue to be met and exceeded by the Service. The only exception to this continues to be performance in the 'other' applications category with 77% determined within 8 weeks against a national performance target of 80%. However it is to be noted that Listed Building Consent applications which fall within this application category achieved 81% determined within 8 weeks in this quarter. This is an improvement over previous quarters.

2.3 Certain performance figures reported in the table above include allowance for extensions of time (in accordance with Government methodology on calculating performance). More analysis of the reasons for extensions of time is proposed in order to better understand how improvements can be made.

The 'planning guarantee' of 100% of applications determined within 26 weeks was met within this quarter. Extensions of time are secured which reduces the financial risk to the Council of fee return. Such extensions of time are normally sought in order to secure completion of S106 agreements.

As reported at the meeting of 5th October 2016, the Planning Service is still currently carrying several vacant posts in development management, enforcement and forward planning pending a review of its staffing structure.

3.0 PLANNING ENFORCEMENT.

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

Enforcement	2015/16				2016/17	
	Qu 1	Qu 2	Qu 3	Qu 4	Qu 1	Qu 2
New enforcement cases registered	14	71	54	83	69	75
Enforcement cases closed	47	53	39	62	63	58
Committee authorisations sought	3	2	1	2	4	10
Planning contravention notices served	Available from Qu 2	9	5	10	5	3
Breach of condition notices served	0	1	0	0	0	0
Enforcement notices served	2	1	0	3	3	2

During this period the enforcement team also served two temporary stop notices to ensure the cease of ongoing operations on land in breach of planning control.

3.2 A new full time Enforcement Officer started at the beginning of October with a further part time officer expected to start at the beginning of November. From that time, full enforcement staffing will be in place and it is hoped that the staffing of this part of the service will achieve some stability following a period of fluctuation.

4.0 **BUILDING CONTROL.**

4.1 Building Control performance in plan checking and for full applications has missed local performance targets in quarter 2 of 2016/17 and shows a distinct drop from Qu 1 figures. This reflects the end of plan checking in our behalf by another authority which had been taking place on a temporary basis, the clearing out and finalisation of some older cases, a period of continued development and training up of newer members of Building Control staff combined with the summer period. It is expected that performance will show improvement from Qu 3 onwards.

5.0 **PLANNING POLICY – FORWARD PLANNING.**

5.1 Meetings of Cabinet and Council to consider the Local Plan Review have been scheduled for 21st November and 1st December 2016 respectively. It is proposed to undertake a major modifications consultation between 3rd January – 14th February prior to submission to the Planning Inspectorate by the end of March 2017.

5.2 Early work has commenced on the Greater Exeter Strategic Plan jointly with East Devon, Exeter City and Teignbridge Councils. However the priority for the Forward Planning Team is currently the Local Plan Review and associated tasks.

6.0 **PLANNING SERVICE PRODUCTIVITY.**

6.1 The service is currently reviewing opportunities available for efficiencies and greater productivity with support from the Local Government Association (as part of their national 'Productivity Expert' programme) and is introducing more widespread use of tools such as planning performance agreements.

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List of Background Papers: PS1 and PS2 returns
DCLG Improving planning performance – Criteria for designation. June 2014
DCLG Planning performance and the planning guarantee –Government response to consultation. June 2013
HM Treasury 'Fixing the foundations – creating a more prosperous nation' July 2015
Department of Communities and Local Government – Technical consultation on implementation of planning changes. February 2016

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