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

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

MID DEVON DISTRICT COUNCIL

PLANNING COMMITTEE

A MEETING of the **PLANNING COMMITTEE** will be held in the Phoenix Chamber, Phoenix House, Tiverton on Wednesday, 4 January 2017 at 2.15 pm

The next ordinary meeting of the Committee will take place on Wednesday, 1 February 2017 at 2.15 pm in the Phoenix Chamber, Phoenix House, Tiverton

STEPHEN WALFORD

Chief Executive
22 December 2016

Councillors: Mrs F J Colthorpe, Mrs H Bainbridge, Mrs C Collis, 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 - 20*)

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

4 CHAIRMAN'S ANNOUNCEMENTS

To receive any announcements the Chairman may wish to make.

5 **DEFERRALS FROM THE PLANS LIST**

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

6 **THE PLANS LIST** (*Pages 21 - 84*)

To consider the planning applications contained in the list.

7 **THE DELEGATED LIST** (*Pages 85 - 106*)

To be noted.

8 **MAJOR APPLICATIONS WITH NO DECISION** (*Pages 107 - 110*)

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

9 **APPLICATION 16/01180/FULL - VARIATION OF CONDITION 2 OF PLANNING PERMISSION 15/01034/MFUL TO ALLOW SUBSTITUTE PLANS AND REMOVAL OF CONDITION 23 RELATING TO POWER CAPACITY AT LAND AT NGR 299621 112764 (RED LINHAY), CROWN HILL, HALBERTON** (*Pages 111 - 128*)

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

10 **APPLICATION 16/00006/TPO - TREE PRESERVATION ORDER FOR TWO ASH TREES IN THE REAR GARDEN OF 126 SHUTE COTTAGE, SANDFORD** (*Pages 129 - 132*)

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

11 **APPLICATION 16/00007/TPO - TREE PRESERVATION ORDER FOR FOUR OAK TREES IN A FIELD KNOWN AT LANGLANDS FARM, UFFCULME** (*Pages 133 - 136*)

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

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

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

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

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

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

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

Tel: 01884 234229

Fax:

E-Mail: sgabriel@middevon.gov.uk

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 30 November 2016 at 2.15 pm

Present

Councillors

Mrs F J Colthorpe (Chairman)
Mrs H Bainbridge, Mrs C Collis, R J Dolley,
P J Heal, F W Letch, B A Moore,
R F Radford, J D Squire, R L Stanley and
Mrs J Roach

Apologies

Councillor(s)

D J Knowles

Present

Officers:

Thea Billeter (Area Planning Officer), Simon Trafford (Area Planning Officer), Jo Cavill (Enforcement Officer), Lucy Hodgson (Area Planning Officer), Ian Winter (Environmental Health Officer) and Sally Gabriel (Member Services Manager)

103 **APOLOGIES AND SUBSTITUTE MEMBERS**

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

104 **PUBLIC QUESTION TIME**

Mr Herniman referring to Item 11 on the agenda (Howden Court) asked whether the Committee were aware that the siting of the footpath in a shady, narrow, unlit area to the rear of our house does not meet the nationwide police standards set out in their officially approved policy security initiative document called "Secured by Design"? In commenting on the design during a recent site visit, the local Crime Prevention Design Officer from Devon & Cornwall Police Constabulary said he could find no record of initial consultation with them on the original planning application - and if the application was before them now for comment the police force would have strong reservations.

Mrs Herniman referring to Item 11 on the agenda (Howden Court) asked whether the committee is aware that the design of the footpath being squeezed between our back door and the hedge line, is not fit for purpose? There are over forty steep steps up the bank to the new estate meaning anyone with limited mobility or carrying shopping will struggle to use it. On plan it is difficult to imagine the gradient but the photographs you have in front of you give an indication of what is involved. It is a well-known fact that pedestrians only use a footpath if it's taking them where they want to go! The problem here is that it is difficult to see why the footpath was intended and who it is there to serve, given its topography and location and the fact that, according to the Developer, it can only be used by residents of Phase 2 of Aubyn's Wood Rise.

Jonathan Ison again referring to Item 11 on the agenda (Howden Court) made the following statement stated that the requirement for a path had been in place ever since the land was allocated for development in the Local Plan about 10 years ago. This requirement is consistent with national planning policy which seeks to achieve integrated and inclusive communities. The requirement was carried through for the planning consent despite active efforts by the developer and the land owner to remove it. I attended the Council debates at the time and saw the extent to which the Planning Committee insisted that the path should be a condition of the granting of the planning permission. This was backed up by a binding legal agreement signed and witnessed in October 2012 whereby the land owner, the developer and the Council agreed that the path would be in place before the first house at St Aubyn's Rise was occupied. When, in November 2014, the first house was being prepared for occupation, I asked the planning office why the path had not been built? I think it fair to say that despite repeating my question many times by email and by telephone, I have not had a proper answer. I've seen the concerns expressed by the occupants of the new houses regarding safety and security but I cannot see why this should defeat national planning policy.

The Howden Court development is not a gated community, the access road is not a private road but will be adopted and the estate must therefore be subject to the policies that govern such developments. With regard to the design, layout and appearance of the path, this would be in the hands of the developer, the landowner and the Council who have agreed to build it to adoptable standard. It should therefore not be inherently unsafe. The concerns regarding maintenance and upkeep are more of a problem. The requirement for a path has been in the Local Plan for ten years and has been required in both Section 106 Agreements for both phases of the Howden Court development and the building of the path to adoptable standard was also required by the County Highways authority. It was therefore a surprise to discover that apparently the path will not be adopted. This raises the question of responsibility for the future maintenance and upkeep. It seems to have been assumed by the new residents of St Aubyn's Wood Rise that it will be their responsibility. I wonder if they know that it was also a condition of the building of the St Aubyn's Wood phase down below? On the other hand I don't suppose any of the houses across the development have been sold with conditions regarding the maintenance of the path. I have asked the planning office why it is not proposed that the path should be adopted but so far I have not had an answer.

With regard to the signatories of the Section 106 Agreements, I understand that the developers have now sold part of the land on which the footpath was to have been built and the landowner has made a submission opposing the path without acknowledging that he is subject to a legal agreement to build it. This looks like a cynical disregard for the planning procedures from which both have benefited. In summary this seems a very ill handled business. If the path is to go ahead, as I think it should, the uncertainties regarding future maintenance must be resolved. The best result would be for the authorities to adopt it as was assumed from the start.

Mr Derritt referring to Item 1 on the Plans List (Ingleton Farm) stated that he lived in Ashill and the traffic flow through the village had increased over the last 15 years, there were more and more home deliveries taking place and there was a very successful pub in the village. Sat Nav also leads lorries in the wrong direction and it is impossible for them to reverse. What plans did the Highway Authority have to

widen the roads in the areas so that access was easier? The proposal would increase the traffic into Ashill, the visitors would need to go to Uffculme for food and the traffic issues in that village were awful with lorries and buses in the Square.

Mrs Killick again referring to Item 1 on the Plans List (Ingleton Farm) stated that the development was adjacent to her property and it would affect her with regard to noise, overlooking and loss of light, some of her concerns had been helped by the proposed amendment to Condition 9 and she referred to conversations she had had previously with planning officers. She asked whether the hedge would be moved back as agreed with the Planning Officer?

Mrs Taylor referring to Item 1 on the Plans List (Ingleton Farm) stated that the report had been written by Tourism and Economic Development Officers and rather than Planning Officers, there were no shops in Ashill only a popular pub, the report failed to address the traffic issues, the agricultural vehicles, the pub and the school run. No consideration had been given to the noise nuisance and the impact on the neighbours.

Mr Powell referring to Item 1 on the Plans List (Ingleton Farm) stated that he was concerned about the increase in traffic in the area, he felt the site was small and that children playing would overspill into the lanes.

Miss Coffin referring to Item 5 on the agenda (Enforcement) asked the following questions:

1. Has the Council considered contacting notifying Cruwys Farms Estate in regard to this breach – surely it is a landlord who has the quickest and most direct recourse against an erring tenant or sub tenant? I find it hard to believe that such a long established farming estate such as Cruwys Estate would condone or allow such behaviour and potential detriment to local residents and the environment as identified by your officers.

2. I refer to page 3 paragraph 9 and 10 under material considerations of your officers report which comments and seems to be implying that the tenant has an interest in other local more suitable sites for this lagoon.
She continued by addressing individuals and the concerns of the Environment Agency.

3. The fact that your officer reports that the tenant's agenthas stated that the proposed purpose of the lagoon is to store liquid digestate from any of the 11 or so AD's operating by them across the South West, why aren't the Council asking the obvious question why does no one want this non-pasteurised digestate
Have..... sufficient secure tenure on sustainable and safe land access to dispose of the non-pasteurised liquid and solid digestate from all their AD's in accordance with all best practice and NVZ closed period. If the answer is yes, how has this been verified and but which Agency MDDC, the Environment Agency or DEFRA

Mr Bright referring to Item 1 on the Plans List (Ingleton Farm) voiced concern regarding traffic issues in the area and that the development was of no benefit to Ashill and he didn't want it to go ahead.

105 **MINUTES OF THE PREVIOUS MEETING (00-19-15)**

Subject to an amendment to Minute 97 (c), Note (vi) to read “The following late information was reported as an amendment to Condition 1 as outlined above”, the minutes of the meeting held on 2 November 2016 were approved as a correct record and signed by the Chairman.

106 **CHAIRMAN'S ANNOUNCEMENTS (00-21-45)**

The Chairman had the following announcements to make:

- She informed the meeting that in the absence of the Head of Planning and Regeneration today, her role would be replaced by senior planning officers;
- She welcomed Susanne Disney (Enforcement Officer) to her first meeting.

107 **ENFORCEMENT LIST (00-22-00)**

Consideration was given to a case in the Enforcement List *.

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

Arising thereon:

- a) No. 1 in the Enforcement List (***Enforcement Case ENF/16/00269/NUDRU-unauthorised carrying out of engineering operations and excavation works on agricultural land to create a slurry pit – Pulsards Farm, Pennymoor, Tiverton***).

The Enforcement Officer outlined the contents of the report informing the meeting that an application had been submitted retrospectively to Devon County Council; she had been informed that this had not been validated to date as some of the information required was missing. There was a need to establish whether this application would be a county matter or whether it would sit with the District Council. However legal advice had been sought which had confirmed that enforcement action could proceed. She outlined the issues at Pulsards Farm where works had been undertaken without permission which had involved the excavation and works for a slurry pit within 400 metres of a protected building. A temporary stop notice had been served following consultation with the Chairman and Vice Chairman of the Committee.

She addressed the issues raised in public question time: the landlord had received a copy of the Stop Notice and would receive any copies of further notices. She requested that Miss Coffin contact her separately with the detail of her other questions and she would provide a written response.

Consideration was given to:

- the continuity of the temporary stop notice and any other notice.
- the work that had taken place as described by the agent and the link between the AD plant at Edgeworthy and the transport statement submitted as part of that application.
- The extent of the works that had taken place without permission.

RESOLVED that the Legal Services Manager be given delegated authority to:

- a) Issue a Stop Notice requiring the cessation of all works in connection with the creation of slurry pit or digestate storage facility at the site, and;
- b) Issue an enforcement notice requiring the cessation of all works in connection with the creation of a slurry pit or digestate storage facility at the site and reinstate the land to the same contours and levels as the surrounding agricultural fields;
- c) Take any legal action deemed appropriate including prosecution or Direct Action in the event of non-compliance with the notices.

(Proposed Cllr P J Heal and seconded by Cllr R L Stanley)

Notes:

- (i) Cllr Mrs F J Colthorpe declared a personal interest as the landowner, tenants and others were known to her, she was also Ward Member;
- (ii) Cllr Mrs F J Colthorpe and P J Heal made declarations in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as they had been involved with the issuing of the Stop Notice;
- (iii) Cllr R L Stanley declared a personal interest as he knew some of the objectors and the person undertaking the work;
- (iv) Cllrs R J Dolley and B A Moore declared personal interests as some of the objectors were known to them;
- (v) Mr Roberts (Agent) spoke;
- (v) the following late information was reported :

The enforcement officer was made aware on the 29th November that a planning application has been submitted to Devon County Council in relation to the works undertaken. At present this is invalid as essential information has not been supplied. Devon County Council are also yet to determine whether the application is a County matter or whether it should be dealt with by Mid Devon District Council. Advice has been sought from the Legal Services Manager who has confirmed that the submission of this application does not have an impact on the continuation of formal enforcement action at present as the County are yet to determine if the matter falls under their jurisdiction.

Two emails had been received in support of the Council taking enforcement action in relation to this matter. The first reads as follows:

Thank you for the opportunity to voice my opinions with regard to the above case. In previous conversations with planning officers, I was informed that no slurry pit can be sited without planning permission within 400m of any dwelling. The nearest dwelling to the positioning of this site is 110m, well inside 400m. A further nine houses are within 200m and 40 dwellings are all WITHIN 400m. For

this reason, it is clear to see that the applicant needs planning permission for installing this pit.

In GOV UK it states that 'You must notify the Environment Agency at least 14 days before you build new storage for slurry or make substantial changes to an existing store'. The applicant did not notify the environment agency at all prior to starting the slurry pit and has shown total disrespect for the environment; removing at least 70m of Devon hedgerow and positioning the pit too close to a waterway and local dwellings.

The installation of this slurry pit will significantly affect the immediate 40 dwellings but will also have a massive effect on the village; the smell initially will affect the houses in close proximity. Last year when the applicant stored chicken manure, none of the local dwellings could open their windows for weeks or put out washing, due to the awful smell that was omitted. Installation of the slurry pit will cause this problem again, why should we have to live behind closed windows? To fill the pit constant traffic will be used to transport millions of litres of AD waste/slurry down narrow and unsuitable lanes. The applicant last year used these lanes to transport chicken waste to Pulsards leaving the lanes unpassable and dangerous for traffic and pedestrians. On one occasion the police were called to warn motorists and to get the applicant to restore the lanes, making them safe again. This previous disregard for the safety of local residents clearly shows what little the village safety means to this farmer, he has left the lanes on numerous occasions unpassable and dangerous and transporting slurry to this pit will cause this to happen time and time again. The pit is being sited too close to a water course and with this there is the potential of pollution (please note I have been made aware that this is something the applicant has already been prosecuted for on his other farms). The applicant was informed to remove the old slurry pit, which had no actual planning permission, he totally ignored this and instead completely removed a Devon hedgerow and increased the slurry pit to a size that is far greater than the farm requires, with no regard for planning, site and soil suitability and the impact on the environment or village. On completing the work already carried out (removing the old slurry pit, removing the hedgerow and digging a crater), the work force were working into the early hours of the morning, numerous machines were used and floodlights were shining throughout the night, keeping local residents awake on several nights and once again showing NO consideration for people who live locally.

I have lived in this village all of my life and totally know what it is like living and working in a rural community. I have lived in my current home for 21yrs, near to this farm. Since the current tenant has taken over the tenancy, the farm buildings have all deteriorated and many are now beyond repair. These shed can't and don't hold the number of livestock that warrant a slurry pit the size that has been created. He states that he is using the pit to store digestate from other farms, the tenant has several other agricultural sites, which would be better suited than at Pulsards.

We live in a society where rules are there for a reason and we should all live by them. Why is it this applicant thinks that he is different from everybody else and can totally ignore planning rules and destroy the local environment in the process? Taking all the above into account I would appreciate the committee to

support the 'stop notice' and for the council to refuse any future planning permission for this work to Pulsards Farm.

The second states the following:

I am writing in reference to the works at Pulsards Farm, Pennymoor.

I have previously contacted the council and spoken to the Duty Planning Officer to advise of works being carried out. At the time the planning officer confirmed that planning permission had not been granted for any work at this address.

I would like to make the council aware of my concerns regarding work at the above address:

1. The area being excavated is only approx. 100 metres away from residential dwellings.
2. The tenant has previously stored chicken effluent in the silage pit at this address which was reported to the council. I am led to believe that this was to be used in a local Anaerobic Digestion plant (despite not being detailed as a storage site on the related planning applications). This 'material' greatly affected the close residences because of the "stench" it emitted - resulting in windows having to be kept closed and washing not being able to be hung out. Because of this connection, and the known connection Mr Reed has, to the Anaerobic Digestion plant I am fearful that this excavation work will eventually result in additional storage for fuel for the Anaerobic digestion plant resulting in potential odour and additional traffic through the village.
3. Work commenced without planning consent being sought. This included the removal of a Devon bank with beech hedge which previously marked the boundary for the existing slurry pit. This demonstrates the underhand way in which the tenant acts with total disregard to local people.

Taking all of the above into account I would greatly appreciate the committee to support the 'stop notice' and for the council to refuse any future planning permission for this work to Pulsards Farm, Pennymoor.

108 DEFERRALS FROM THE PLANS LIST

There were no deferrals from the Plans List.

109 THE PLANS LIST (00-41-01)

The Committee considered the applications in the plans list *.

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

- (a) Applications dealt with without debate.

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

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

(i) No 4 on the Plans List (**16/01391/HOUSE Erection of extension to ground floor utility and erection of first floor extension above – 38 Higher Town, Sampford Peverell**) be approved as recommended by the Head of Planning and Regeneration.

(Proposed by the Chairman)

Notes:

- (i) Cllr R L Stanley declared a personal interest as he knew the applicant very well;
- (ii) All Members present declared that they did know the applicant;
- (iii) Cllr R L Stanley requested that his abstention from voting be recorded.

(ii) No 6 on the Plans List (**16/01599/FULL Erection of extension and alterations to layout of existing car park, Exe Valley Leisure Centre, Bolham Road, Tiverton**) be approved as recommended by the Head of Planning and Regeneration.

(Proposed by the Chairman)

Note: Cllr R L Stanley declared a personal interest as he had been involved in discussions regarding the proposal.

(b) No 1 on the Plans List (**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 – Ingleton Farm, Ashill**).

The Area Planning Officer outlined the contents of the report highlighting by way of presentation the site location plan, aerial photographs of the site, the existing and proposed site layout, the proposed access, details of the proposed pitches and Members viewed photographs from various aspects of the site.

She provided answers to questions posed in public question time, with regard to the highway issues, she was not aware of any road improvements planned for the area, representations had been received from the Highway Authority who had no issues with the application. With regard to the hedge, there were no plans to move the hedge line however an amended Condition 9 referred to landscaping issues. With regard to the benefit of the application, she felt that the application would have a positive impact and would be of economic benefit to the local area.

Consideration was given:

- The land was outside the Area of Outstanding Natural Beauty
- Further licenses that would be required
- The number of supporters to the application and where these supporters lived
- Possible noise issues

- Boundary screening and possible loss of daylight
- Highway safety issues
- Possible overdevelopment of the site
- Recent planning history
- Whether the business plan would stand up

RESOLVED that temporary planning permission for a period of 3 years be granted in order to show that there was an established business case for the project subject to conditions as recommended by the Head of Planning and Regeneration with a revised Condition 9 stating that 'Before the first use of the site for its permitted use, a landscaping plan detailing all hard and soft landscaping shall be submitted to, and approved in writing by the Local Planning Authority. The landscaping scheme should include the provision of a physical boundary within the paddock area to provide additional screening to Brimley Cottage and Prospect Place. Once implemented, the landscaping scheme as approved shall be maintained as such.'

Reason: To ensure that the character and amenity of the rural area is maintained and that the privacy of neighbouring properties is maintained in accordance with DM2 of the Mid Devon LP3 (Development Management Policies).

Condition 9 should also refer to mature planting as part of the boundary screening

An additional Condition 14 stating that : 'No play equipment shall be provided at the site until details of the play equipment, including a plan indicating its proposed siting shall have been submitted to, and approved in writing by the Local Planning Authority. Only the approved play equipment shall be provided on the site'.

Reason: To ensure that the character and amenity of the rural area is maintained and that the privacy and amenity of neighbouring properties is maintained in accordance with DM2 of the Mid Devon LP3 (Development Management Policies).

Delegated authority be given to the Head of Planning and Regeneration to make amendments to conditions in relation to the temporary permission granted

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

Vote 6 for: 5 against (Chairman's casting vote)

Notes:

- i) Cllrs Mrs H Bainbridge, Mrs C Collis, Mrs F J Colthorpe, R J Dolley, P J Heal, F W Letch, B A Moore, R F Radford, J D Squire and R L Stanley made declarations in accordance with the Protocol of Good Practice for Councillors in dealing with Planning matters as they had all received correspondence regarding this application;
- ii) Mr Summerfield (Agent) spoke;
- iii) Mr Powell spoke on behalf of the objectors;

- (iv) The following late information was reported: 4 letters of representation have been received in relation to the application since the publication of the officers' recommendation report to the planning committee. The main issues contained in the 4 letters include: the principle of development on the site; the need for a campsite in this location; the proximity of the proposed development to neighbouring properties; the location of the conservation area; the absence of persons supervising/ managing the site at night; the redacted business plan which has been put out for further public consultation; traffic issues and movements from the site; surface water issues; and noise impacts.

One of the objector's comments list noise as one of the issues which is believed by objectors will result in an unacceptably detrimental effect on the amenity of the residential property. They state that noise will be contributed to through vehicle movements and associated people movements (including doors slamming and people conversing with one another), the operation of a play area, night time conversation around campfires, the existing gate alarm, the playing of music. It is stated that these activities will be above background noise levels for a countryside location. There is no acoustic screening proposed.

Comments received from Environmental Health in response to objector comments regarding noise are as follows:

I don't agree with a lot of the comments made, please find my response below.

People glamping will potentially create a certain amount of noise (people noise). However, this type of noise is likely to be very sporadic in its nature. The background noise levels for the site are likely to be dominated by the large farm adjoining the Southern side of the site and the Country road to the West and therefore, it is unlikely that the background noise levels in this area will be around the 30-35 dB(A). They will be higher. It must be remembered that our Countryside is in fact a working environment that must be managed accordingly to allow for this management to take place. While it is true that a car on the road can produce a noise level of 80 dB farm vehicles can be 10-15dB louder. The assessment criteria's that have been used are the Guidelines for Community Noise, World Health Organisation (WHO)1999 and the Night Noise Guidelines for Europe. World Health Organisation 2009.

These guidelines have given us the following:

Day time

The WHO suggests that to protect the majority of people from a moderate noise annoyance during the day time outdoor noise levels should not exceed 50 dB (LAeq 1hr). It is not foreseen that the noise level from people camping in a field will produce a noise level anywhere near 50 (LAeq 1hr). Where the external noise is < 50 dB (LAeq 1hr) (3m from the façade) the internal noise levels even with an open window (window opened normally for ventilation) will be at an acceptable level of around 35-40 dB(A).

Night-time

Our overriding nigh-time objective is to prevent sleep disturbance for the residents. The WHO guidance suggests that for sleep disturbance the

external noise level should be < 45 dB (LAeq 15min) (3m from the façade) with a 55 dB (LAFmax).

On reviewing the above information, I believe that the external noise levels from the site will typically fall below the Lowest Observed Adverse Effect Level (LOAEL) and therefore, the internal noise levels at the nearest residential dwellings will be below the LOAEL. Taking this into consideration I still have no objection on the grounds of noise as I see no adverse or significant adverse noise impacts from this proposed application.

One point I didn't mention was the fact that no noise complaints were received over the summer while the campsite was operating

Further clarification was sought from the Highway Authority regarding the basis on which the assessment of the effect of the traffic increase was made. Clarification from the Highway Authority is as follows:

The traffic generated by the tents is likely to be in the region of 36 movements per day, The traffic generated by existing dwellings, agriculture and commercial enterprises in the area will be considerably greater and the additional 36 movements per day will not be significant in planning terms, nor will it be considered as severe under Paragraph 32 of the NPPF.

Further clarification was sought from South West Water regarding the sewage output assessment, and the water run-off comments which were provided initially following consultation. Clarification from South West Water is as follows:

Naomi our response in relation to the above simply confirms that we are satisfied that the public foul drainage network has capacity to accept the foul flows to be generated by the proposed development.

It also states that we will not permit any surface water from roofs/hard paved areas from any new buildings etc to be connected to the public sewer but as this element is proposed to be discharged to a ditch system as stated in the drainage strategy this requirement will be met.

Officers recommend the replacement of Condition 9 with a new condition to cover proposed hard and soft landscaping to include the provision of a physical boundary within the paddock area to provide additional screening to Brimley Cottage and Prospect place.

Revised condition 9 – recommended condition: 'Before the first use of the site for its permitted use, a landscaping plan detailing all hard and soft landscaping shall be submitted to, and approved in writing by the Local Planning Authority. The landscaping scheme should include the provision of a physical boundary within the paddock area to provide additional screening to Brimley Cottage and Prospect Place. Once implemented, the landscaping scheme as approved shall be maintained as such.'

Reason: To ensure that the character and amenity of the rural area is maintained and that the privacy of neighbouring properties is maintained in accordance with DM2 of the Mid Devon LP3 (Development Management Policies).

It is also recommended that an additional condition is included to require the approval of any play equipment within the play area including the siting of any play equipment.

Addition condition (14) – recommended condition: ‘No play equipment shall be provided at the site until details of the play equipment, including a plan indicating its proposed siting shall have been submitted to, and approved in writing by the Local Planning Authority. Only the approved play equipment shall be provided on the site’.

Reason: To ensure that the character and amenity of the rural area is maintained and that the privacy and amenity of neighbouring properties is maintained in accordance with DM2 of the Mid Devon LP3 (Development Management Policies).

(c) No 2 on the Plans *List (16/01221/FULL Change of use of part of garden for the retention of shed for property letting office (Use Class A2 – Todd Lettings Office, 11 Meadow Gardens, Crediton).*

The Area Planning Officer outlined the contents of the report by way of presentation highlighting the location plan, the layout of the proposed office and photographs of the residential property.

Consideration was given:

- The business of the applicant and that the majority of contact was made on-line
- The screening around the garden
- Possible parking issues

RESOLVED that planning permission be granted for a 2 year temporary period and for the personal benefit of the applicant whilst she is resident at No 11 Meadow Gardens, with conditions as recommended by the Head of Planning and Regeneration.

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

Notes:

- i) Miss Todd (Applicant) spoke;
 - (ii) The following late information was reported: Page 40: Since the report was written a further letter of support for the application scheme has been received.
- (d) No 3 on the Plans *List (16//01365/FULL Erection of 2 dwellings for security staff; part change of use of agricultural building to form sentry office on the mezzanine level and formation of an elevated walkway – land and buildings at MGR 285635 103526 (Trew Farm) Chilton).*

The Area Planning Officer outlined the contents of the report by highlighting the site location plan, the existing dwellings, the converted barns, the proposed elevations and proposed floor plans of the sentry office along with section and elevation plans.

He stated that the site was in the open countryside however Members were required to balance that issue with the security need as set out in the report.

Consideration was given to the circumstances of the application.

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

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

Notes:

- i) The Chairman read a statement from Cllr P H D Hare-Scott the local Ward Member;
- (ii) The following late information was reported: Two further representations have been received in respect of this application:

16th November 2016 - A representation was received on behalf of Mel Stride MP which asked the planning committee to give consideration to the points raised by the applicant's agent in respect of the security needs of the applicant.

22nd November 2016 - Cllr Hare-Scott provided the following representation: As the Ward Member I wish to add my wholehearted support to the recommendation to approve the above application. It is clear the circumstances behind this are exceptional and it is crucial for the family's security. I urge members of the committee to accept the recommendation.

- (e) No 5 on the Plans *List (16//01501/FULL Erection of 3 dwellings following demolition of existing dwelling, Old Den, Lapford).*

The Area Planning Officer outlined the contents of the report highlighting the location of the application, the existing and proposed site plans, proposed sections and elevations. He identified the access and Members viewed photographs from various aspects of the site.

Consideration was given:

- The number of dwellings proposed on the site
- Parking issues
- Possible overdevelopment of the site

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

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

Notes:

- (i) Cllr P J Heal declared a personal interest as the applicant was very well known to him;

(ii) Cllr Mrs J Roach requested that her vote against the decision be recorded;

110 THE DELEGATED LIST (2-08-14)

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

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

111 MAJOR APPLICATIONS WITH NO DECISION (2-09-00)

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

It was **AGREED** that:

- Application 16/01772/MOUT be brought before the committee for determination and that a site visit take place.
- Application 16/01707/MOUT be brought before the committee for determination but that there was no need for a site visit to take place

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

112 APPEAL DECISIONS (2-11-39)

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

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

113 APPLICATION 11/01927/MFUL - ERECTION OF 36 DWELLINGS WITH ASSOCIATED ACCESS ROAD, CAR PARKING, LANDSCAPING AND DEMOLITION OF EXISTING OUTBUILDINGS ADJACENT TO HOWDEN COURT AT LAND AND BUILDINGS AT NGR 294646 111535, HOWDEN COURT, TIVERTON (2-11-56)

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 explaining that the issues raised related to the scheme of development approved under reference: 11/01927/MFUL for erection of 36 dwellings with associated access road, car parking, landscaping and demolition of existing outbuildings adjacent to Howden Court. The matter for members consideration at the meeting related to the delivery of a link between the development area and Palmerston Park which was shown on the approved plans and referred to in the Section 106 agreement but had not yet been built out.

As background it was confirmed that planning permission had been granted for the scheme of development in June 2012, with the committee having first considered the application scheme at an earlier meeting in March 2012. The committee resolved to grant planning permission subject to completion of a Section 106 agreement to cover

various matters and to a number of conditions to control/regulate the delivery of the approved scheme. Following the completion of the legal matters to agree the terms of the Section 106 agreement on the 24th October 2012 the planning permission decision notice certificate was issued on the 9th November 2012. He drew attention to the proposed link between the new estate and Palmerston Park which had formed part of the S106 agreement. Although the section of the link outside the application site had been completed, the formation of the pathway from the site boundary adjacent to Palmerston Park up to the estate road serving the new development had not been completed.

He identified by way of presentation the area for the proposed footpath, the change in ground level, the route down the hill to Howden Court and photographs from various aspects of the site. He highlighted the requirements Policy AL/TIV/10 and informed the meeting that all parties had signed the Section 106 Agreement. The report highlighted the fact that the new residents of the estate were largely not in favour of the footpath link being delivered as there were concerns that it would remain unadopted, with no lighting that could lead to safety and security issues, they also felt quite strongly that because of the change in levels that the path was not likely be used with residents stating that a route down to the Exeter Road and along the footway into Tiverton would be the preferable route if there were walking into town. The report also highlighted the safety and security concerns expressed by the occupiers of the property referred to as Howden Court.

He provided answers to question posed in public question time stating that all parties had agreed to the route and that the S106 agreement had been signed. There was now a different Police Architectural Liaison Officer in post, the concerns raised with regard to safety and security were valid however a safe and secure route could be delivered. Whilst the main access route into the Estate was to be adopted, it was never intended that the link out to Palmerston Park would be. The estate road was not adopted. With regard to the slope and gradient of the footpath, it would not suit all, the maintenance issues would have to be addressed by the developer of the Management committee. If it was not to be adopted there was a need for it to be managed in hours of darkness, this had been known at the time of approval.

Consideration was given to:

- At what point had the proposed cycle route dropped off the S106 agreement
- Maintenance of the area
- If the footpath had been put in place prior to development as stated in the conditions, the issue would not now need addressing
- The need for conditions to be enforced
- Safety issues with regard to the footpath on Exeter Road
- Whether the footpath was inappropriate and dangerous
- Who now owned the land in discussion
- Whether an alternative outcome could be discussed with the developer.

RESOLVED that the decision on whether the proposed link between the site and Palmerston Park as approved under LPA ref: 11/01927/MFUL be deferred to allow officers to have further discussions with Heritage Homes and any other relevant land owning interests as to what could be achieved in terms of an off-site financial contribution in lieu of providing the link and on a quid pro quo basis.

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

Notes:-

- (i) Cllrs Mrs H Bainbridge, Mrs C Collis, Mrs F J Colthorpe, R J Dolley, P J Heal, B A Moore, R F Radford, J D Squire and R L Stanley made declarations in accordance with the Protocol of Good Practice for Councillors in dealing with Planning matters as they had all received correspondence regarding this application;
- (ii) Cllr R L Stanley declared a personal interest as some of the objectors were known to him;
- (iii) Cllr R J Dolley declared a personal interest as Ward Member and he had been contacted by objectors and others with regard to the site;
- (iv) Mr Reetz spoke on behalf of the objectors;
- (v) Cllr Harrower (Tiverton Town Council) spoke;
- (vi) The following late information was reported: Page 98: Since the report was written 7 letters from local residents on the new estate have been received confirming that they do not wish for the link to be put in place, and 3 representations from local residents confirming that the Council should ensure that the link is provided as it formed part of the original planning permission;
- (vii) *Report previously circulated copy attached to minutes.

(The meeting ended at 5.40 pm)

CHAIRMAN

PLANNING COMMITTEE AGENDA - 4th January 2017

Applications of a non-delegated nature

- | <u>Item No.</u> | Description |
|-----------------|---|
| 1. | <p>16/00924/MOUT - Outline for the erection of up to 60 dwellings and means of access at Land and Buildings at NGR 277744 102582 (East of Dulings Farm), Copplestone, Devon.</p> <p>RECOMMENDATION
Grant permission subject to the provision of a Section 106 Agreement/Unilateral Undertaking and conditions.</p> |
| 2. | <p>16/01232/FULL - Conversion of a redundant rural building to a residential dwelling at Redgates Farm, Bickleigh, Tiverton.</p> <p>RECOMMENDATION
Refuse permission.</p> |
| 3. | <p>16/01450/OUT - Outline for the erection of 2 dwellings with attached garages and formation of shared access (Revised Scheme) at Land at NGR 286952 106264 (Rear of Holes Cottage), Cheriton Fitzpaine, Devon.</p> <p>RECOMMENDATION
Grant permission subject to conditions.</p> |
| 4. | <p>16/01566/FULL - Erection of a dwelling at Land and Buildings at NGR 282555 99153, (Beare Mill), Crediton.</p> <p>RECOMMENDATION
Refuse permission.</p> |
| 5. | <p>16/01594/FULL - Change of use of ground floor from Class A1 (Shop) to mixed use Class A1 (Shop) and Class A3 (Cafe) and associated internal and external alterations at 28 High Street, Crediton, Devon.</p> <p>RECOMMENDATION
Grant permission subject to conditions.</p> |
| 6. | <p>16/01595/ADVERT - Advertisement Consent to display 1 externally illuminated fascia sign and 1 externally illuminated hanging sign at 28 High Street, Crediton, Devon.</p> <p>RECOMMENDATION
Grant Advertisement Consent</p> |

Application No. 16/00924/MOUT

Plans List No. 1

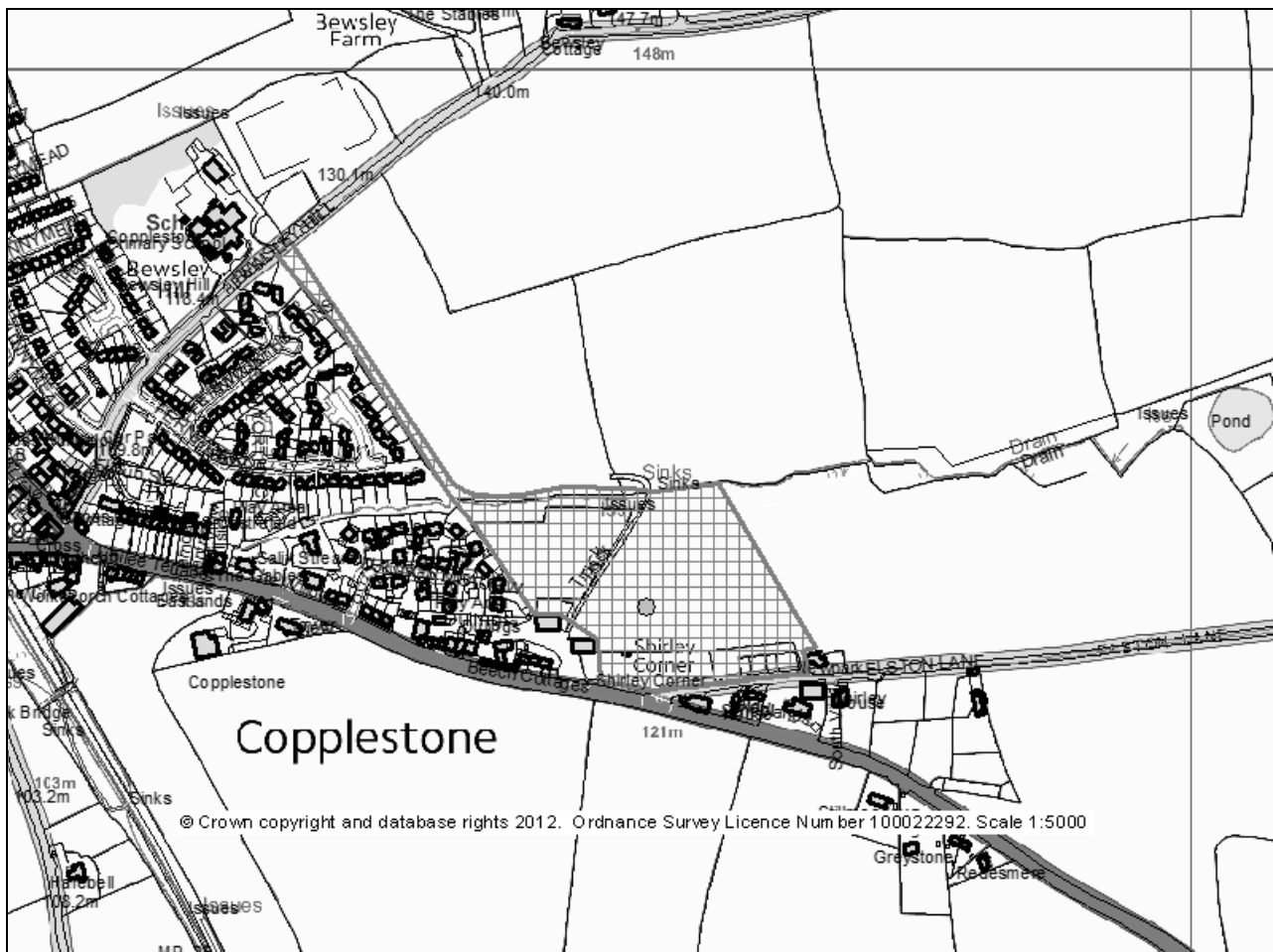
Grid Ref: 277744 : 102582

Applicant: Mr L Dulling

Location: Land and Buildings at
NGR 277744 102582
(East of Dulings Farm)
Coplestone Devon

Proposal: Outline for the erection
of up to 60 dwellings
and means of access

Date Valid: 20th June 2016



Application No. 16/00924/MOUT

RECOMMENDATION

Grant permission subject to the provision of a Section 106 Agreement/Unilateral Undertaking and conditions.

Section 106 agreement to include:

1. Affordable Housing: 35% affordable housing on-site.
2. A primary school contribution of £170,422, to be used at Coplestone Primary School.
3. A secondary school contribution of £23,940 towards school transport to Queen Elizabeth's Academy Trust.
4. A financial contribution of £247,666.00 towards the enhancement of the existing sports field and associated facilities in Coplestone.
5. Safeguarding of the land and a scheme of works to deliver a public footpath link to Bewsley Hill - adjacent to Coplestone Primary School - (as indicated on plan number 141102 L 02 02 (Illustrative Layout)).
6. A financial contribution of £100,000 towards the provision of a footway identified through Local transport plans at the junction of Bewsley Hill / A377.
7. Monitoring and Legal costs.

PROPOSED DEVELOPMENT

This description of development provided by the applicant as the application was initially submitted was for the erection of approximately 60 dwellings, a Doctors' Surgery, and means of access with all matters relating to appearance, landscaping, layout and scale reserved for future consideration.

The applicants agent confirmed that (24th October 2016) the terms the application proposals were to be amended to remove the Doctors Surgery from the scope at the application scheme, with the description of development amended as follows: Outline for the erection of up to 60 dwellings and means of access.

The site lies sandwiched between the A377 and Bewsley Hill and adjacent to the existing housing estates along Fernworthy Park and Dulings Meadow and the Dulings farmyard, which includes the farm shop and parking and two buildings. The application site is located just beyond the settlement boundary for Coplestone.

The site is agricultural land (classified as grade 2), measuring approximately 3.81 hectares, and slopes from both north to south and south to north, with a water course running across the site within the shallow valley that is created as part of the natural land form. The development area broadly comprises two field areas with a public right of way running across it (north to south).

The new vehicular access is proposed just beyond the junction between the A377 and Elston Lane. In addition a 10.0 metre strip section (running parallel to the site boundary) of the field to the north is included as part of the red line area, in order to deliver a footway/cycleway that links the development area back up to Bewsley Hill.

An indicative layout showing how the 60 dwellings could be arranged across the site has been submitted in support of the application, although formal approval of this layout is not being sought under this application submission.

APPLICANT'S SUPPORTING INFORMATION

Draft Heads of Terms (dated 16 June 2016) as amended on 30th November 2016.

Planning Statement prepared by PCL Planning: dated June 2106 with detailed reference to appeal case APP/Y1138/W/15/3025120- land at Uffculme Road and the Hopkins Judgement

Waste Audit Statement and Carbon Reduction Strategy prepared by PCL Planning

Design and Access Statement prepared by Clifton Emery Design: dated June 2016GJR Architects

Level 2 Flood Risk assessment Report prepared by Teignconsult V2 25.05.2016, and addendum report dated 25th May 2016.

Transport Assessment and Framework Travel Plan prepared by PCL Planning dated 9th JuneAWP Consulting

Heritage Desk Based Assessment prepared by Costwold Archaeology: dated December 2015. Landscape

Protected Species Report prepared by Engain: dated 26 May 2016. Ecological Survey - Extended Phase I habitat Survey Summary & Phase 2 Reptile Survey prepared by PLAMeco

Environment Noise Assessment Report Prepared by Ian Sharland Ltd

Plans & Drawings:.

Location Plan, Illustrative Layouts - drawing 02F and03

Site Access Junction Option Rev F.

PLANNING HISTORY

None

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR1 - Sustainable Communities

COR3 - Meeting Housing Needs

COR8 - Infrastructure Provision

COR9 - Access

COR11 - Flooding

COR12 - Development Focus

COR18 - Countryside

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

AL/DE/2 - Overall Affordable Housing Provision

AL/DE/3 - Affordable Housing Site Target

AL/IN/3 - Public Open Space

AL/IN/5 - Education Provision

AL/IN/6 - Carbon Footprint Reduction

AL/CRE/8 - Crediton Air Quality

Mid Devon Local Plan Part 3 (Development Management Policies)

DM1 - Presumption in favour of sustainable development

CONSULTATIONS

COPPLESTONE PARISH COUNCIL - 25th July 2016 - Coplestone Parish Council cannot support the planning application on the following grounds.

a. The above application falls outside of land allocated within MDDC's local plan. To allow the above application would result in going against MDDC's own adopted policy.

b. If the application was to go ahead, it would be considered to be over development It is felt that the application should be refused on this ground.

c. The Highways structure is not sufficient for such a development.

d. It is understood that local businesses would suffer nuisance and disturbance from the proposed development.

Copplestone Parish Council also wish to note that a significant number of objectors have consulted with the Parish Council on the above application.

There is a great concern that if the application was granted, there would be a disproportionate impact on Copplestone Primary School. It is understood that the school is at capacity. The above development would add a disproportionate burden on the Primary School.
For the above reasons, Copplestone Parish Council can not support the application.

COPPLESTONE PARISH COUNCIL - 7th December 2016

Copplestone Parish Council have met again and discussed the above planning application following the removal of the GP's Surgery. Copplestone Parish Council cannot support the planning application on the following grounds.

- a. The above application falls outside of land allocated within Mid Devon District Council's Local Plan. To allow the above application would result in going against MDDC's own adopted policy.
- b. The value of the MDDC local plan is questioned when national policy requiring a 5yr land supply takes precedence over your local plan which does not provide for a 5yr land supply.
- c. If the application was to go ahead, it would be considered as over development. Copplestone has increased in size by 60% over the past 15 yrs. It is felt that with this increase in population due to new developments, the infrastructure of the village has not been proportionately improved and developed by Highways and respective utility companies to handle the increase in population. It is felt that the application should be refused on this ground.
- d. The Highways structure is not sufficient for such a development.
- e. It is understood that local businesses would suffer nuisance and disturbance from the proposed development. Local business owners have attended Parish Council meeting expressing their concerns on the detrimental impact this development would have to their business.

The Parish Council also wish to comment on the following:

Flooding - Despite comments from the Flood and Coastal Risk Management Team of the 16th August, it is felt that flooding has not been adequately considered. Residents have raised issue relating to Salix Stream and the effect of inadequate drainage that already exists stemming from Dulings Meadow as now built. With the continual flood risk increasing within Copplestone, to not have a detailed permanent surface water drainage management plan for this application appears to be perverse. Real fears exist that the existing flood issues within Copplestone will be significantly increased if this development is approved.

There is a great concern that if the application was granted, there would be a disproportionate impact on Copplestone Primary School. It is understood that the school is at capacity. The above development would add a disproportionate burden on the Primary School and the figures that are stated within the education report are disputed. It is also noted that due to the concerns of the residents, further consultations are to be had between Copplestone's District Councillor and the education department at DCC over these figures.

It appears that S.106 money for the agreement would be diverted to the Clean Air and Open Space budget for Crediton. With such a large proposed development, why is the money from the development not being passed to Copplestone in fair manner?

For the above reasons, Copplestone Parish Council cannot support the application.

HIGHWAY AUTHORITY - 15th September 2016

Further to my previous comments I can confirm that the Local Transport scheme is as per the plans submitted by Email on the 14/9/2016 and that the estimated cost of the scheme is £100,000.00.

I can also confirm that there is an error in the condition for offsite works and that it should read Elstone Lane and not Dullings Lane.

Recommendation:

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

4. Off-Site Highway Works No development shall take place on site until the off-site highway works For the construction of the access and realignment of Elstone Lane have been designed and approved in writing by the Local Planning Authority, constructed and made available for use.

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

13th September 2016

The applicant has submitted a revised plan showing the necessary road width and indicative relocation of the 30mph limit. and drawing "REV F. revised road markings and Signs" indicates the appropriate road widths and footways. These are acceptable to the Highway Authority albeit there may be changes to the signs and lines to reflect the current County Policies and terminal signs in Dullings lane are to be finalised.

However these are matters for the Highway Authority legal agreement under section 278 of the highways act and do not affect the planning application.

The Highway Authority therefore would recommend the following conditions should planning consent be granted and would also seek the provision of a contribution towards the provision of a footway identified through Local transport plans in Bewsley hill Such provision should be subject to a legal agreement under the Town and Country Planning act. The estimated cost of the Amount of contribution is to being determined and will be forwarded to the Planning Authority in due course.

Recommendation:

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

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

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

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

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

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

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

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

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

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

- A) The spine road and cul-de-sac carriageway including the vehicle turning head within that phase shall have been laid out, kerbed, drained and constructed up to and including base course level, the ironwork set to base course level and the sewers, manholes and service crossings completed;
- B) The spine road and cul-de-sac footways and footpaths which provide that dwelling with direct pedestrian routes to an existing highway maintainable at public expense have been constructed up to and including base course level;
- C) The cul-de-sac visibility splays have been laid out to their final level;
- D) The street lighting for the spine road and cul-de-sac and footpaths has been erected and is operational;
- E) The car parking and any other vehicular access facility required for the dwelling by this permission has/have been completed;
- F) The verge and service margin and vehicle crossing on the road frontage of the dwelling have been completed with the highway boundary properly defined;
- G) The street nameplates for the spine road and cul-de-sac have been provided and erected.

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

4. Off-Site Highway Works No development shall take place on site until the off-site highway works For the construction of the access and realignment of Dullings lane have been designed and approved in writing by the Local Planning Authority, constructed and made available for use.

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

LEAD LOCAL FLOOD AUTHORITY - 17th August 2016

Following my previous correspondence (FRM/744/2016, dated 11th July 2016), the applicant has submitted additional information in respect of the surface water drainage aspects of the above planning application, for which I am grateful.

The applicant has submitted an Addendum to Flood Risk Assessment Report (Report Ref. 436 FRA Addendum V1 20.07.16, Rev.dated 20th July 2016), which is acceptable.

Assuming that the pre-commencement planning condition outlined below is imposed on any granted planning permission, I am happy to confirm that we have no in-principle objection to the proposals, and that we do not require any additional information at this stage.

No part of the development hereby permitted shall be commenced until a detailed permanent surface water drainage management plan is submitted to, and approved in writing by, the Local Planning Authority, with consultation with Devon County Council as the Lead Local Flood Authority. This detailed permanent surface water drainage management plan will be in accordance with the principles of sustainable drainage systems, and those set out in the Addendum to Flood Risk Assessment Report (Report Ref. 436 FRA Addendum V1 20.07.16, Rev, dated 20th July 2016), and those parts of the Flood Risk Assessment (Report Ref. 436/FRA2. Rev. V2, dated 25th May 2016) not superseded by the former document.

Reason: To ensure that surface water from the development is managed in accordance with the principles of sustainable drainage systems.

12th July 2016

Although we have no in-principle objection to the above planning application at this stage, the applicant must submit additional information now, as outlined below, in order to demonstrate that all aspects of the surface water drainage management plan have been considered.

Section 2.6 of the Flood Risk Assessment (Report Ref. 436/FRA2. Rev. V2, dated 25th May 2016) states that during infiltration testing, groundwater ingress was noted in some of the test pits. Due to this, and

because the proposed attenuation ponds are located above, and adjacent to, existing dwellings, we require the attenuation ponds to be lined. This will remove the infiltration component from the attenuation ponds, thus requiring a resizing of the proposed surface water drainage management system.

The applicant will then be required to provide long term storage to store the additional volume of runoff caused by the increase in impermeable area, which is in addition to the attenuation storage required to address the greenfield runoff rates. Long term storage should therefore be included within the surface water drainage management plan to ensure that each element is appropriately sized, and this should discharge at a rate not exceeding 2 litres / second/hectare.

Furthermore, in accordance with the SuDS Management Train, surface water should be managed at source in the first instance. The applicant will therefore be required to explore the use of a variety of above-ground source control features across the whole site to avoid managing all of the surface water from the proposed development at one concentrated point (i.e. the two attenuation ponds). Examples of these source control features could include underdrained permeable paving, formalised tree pits or other bioretention features such as rain gardens, as well as green roofs and filter drains.

The applicant must also submit details of the exceedance pathways and overland flow routes across the site in the event of rainfall in excess of the design standard of the surface water drainage management system.

I would be happy to provide a further substantive response when the applicant has provided the information requested above.

ENVIRONMENT AGENCY - 11th July 2016 - Environment Agency Position

We confirm that we have no in principle objections to the proposal given that the proposed properties would all be built on Flood Zone 1 - where there is lowest risk of flooding.

Flood Risk Sequential Test - general advice

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

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

1st August 2016 - We have no further comment on the application as the addendum deals with the disposal of surface water which is now commented on by Devon County Council in its role as the Lead Local Flood Authority.

HIGHWAYS ENGLAND - 22nd June 2016 - No objection.

ENVIRONMENTAL HEALTH - 6th July 2016 - Contaminated Land - Satisfied with the information supplied with this outline application and have no objections.

Air Quality - Satisfied with the information supplied with this outline applications and have no objections

Drainage - No objection

Noise & other nuisances - No objection

Housing Standard - No comment

Private Water Supplies - Not applicable mains water supply assumed

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

HOUSING ENABLING & BUSINESS SUPPORT MANAGER - 22nd June 2016 - Extract from Devon Home Choice for Coplestone, including applicants living, working or lived in area.

Count of Bedroom	Column Labels						
Row Labels	1	2	3	4	5	6	Grand Total
Band B 2	2		1			5	
Band C 2	6		2	1		11	
Band D 7	4	2	3			16	
Band E 13	19	8			1	41	
Grand Total	24	31	10	6	1	1	73

HISTORIC ENGLAND - 28th June 2016 - Our specialist staff have considered the information received and we do not wish to offer any comments on this occasion.

Recommendation

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

It is not necessary for us to be consulted again on this application. However, if you would like further advice, please contact us to explain your request. We can then let you know if we are able to help further and agree a timetable with you.

NATURAL ENGLAND - 28th June 2016 - No comments

DEVON, CORNWALL & DORSET POLICE - 22nd June 2016 - The Police have some concerns at the location of the doctors surgery as buildings on corners of junctions are the most vulnerable to crime, also there seems to be a lack of parking. Once staff have parked it would be limited if any for patients that would mean patients abandoning their vehicle on the road or residents parking spaces causing potential community friction.

DEVON COUNTY EDUCATION - 8th July 2016 - The proposed 60 family-type dwellings, will generate an additional primary pupils 15 and 9 secondary pupils.

Devon County Council will seek a contribution towards additional education infrastructure at the local primary school that serve the address of the proposed development. The primary contribution sought is £170,422 (based on the current DfE extension rate per pupil of £11,361.50) which will be used to provide education facilities in the Coplestone area.

There is currently capacity secondary school for the number of pupils likely to be generated by the proposed development. Devon County Council will however seek a contribution towards secondary school transport due to the proposed development site being further than 2.25 miles from Queen Elizabeth's Academy Trust. The costs required are as follows: -

9.00 secondary pupils
 $\text{£}2.80 \text{ per day} \times 9 \text{ pupils} \times 190 \text{ academic days} \times 5 \text{ years} = \text{£}23,940$

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

Additional Comments received 17th November 2016

As you are aware, Copplestone Primary does not have sufficient capacity to accommodate additional pupils and as a result we have requested a contribution towards additional primary places to mitigate the impact of the proposed development.

The primary school currently has one class per year group, which is considered to be effective in terms of organisation as year groups don't need to be mixed. Although it might not be desirable to expand the school, it is considered that this is achievable, or there may be alternative options, in order to mitigate the impact of the development. As there are solutions to mitigate the impact of the development, we do not consider that it would be reasonable to object to the planning application and consider the previous response remains justified.

HISTORIC ENVIRONMENT SERVICE - 27th June 2016 - Assessment of the Historic Environment Record (HER) and the details submitted by the applicant do not suggest that the scale and situation of this development will have an impact upon any known heritage assets.

The Historic Environment Team has no comments to make on this planning application.

REPRESENTATIONS

The application has been subject to two rounds of consultation and notification, with a second process undertaken following the change to the application scheme as set out above.

In response to the first round of consultation 59 objections to the application scheme have been received. A summary of the key concerns expressed is set out below:

1. There has not been a proven need for the Doctors Surgery. There have also been positive comments supporting the Doctors Surgery and also raising the need for a Village Hall
2. Concern as to the impact on the numbers of pupils attending the Village school, and how they will get to the school in terms from a safety point of view.
3. Negative impact on the village with addition strain on all services, including public transport provision, and further congestion on the A377 as the residents commute to work.
4. Concerns about flooding in the locality given additional hardscape that is proposed.
5. Reference to an online petition with 100 signatories objecting to the development.
6. The site is outside the development boundary for Copplestone, and is considered unsustainable.
7. The site form part of larger area that was considered through the SHLAA process as an unacceptable site for new housing.
8. The existing public footpath will be affected.
9. The attenuation ponds will present a danger/risk for local children.
10. The proposals should include a local shop or petrol station.
11. Negative impact on the character of the Village.
12. The new housing proposed for the Old Abattoir site is sufficient to meet the needs in the village.
13. Loss of farm land
14. Impact on wildlife and the rural character of the locality.
15. The visual amenities of the area will be adversely affected.
16. Fernworthy Park and Gardens was built out in 1988/89 and not 2004 as referred to in the planning statement. Also the farm shop and local stores have both been closed for some time as opposed to the suggestion in the Planning Statement
17. Concern that the Sewage Infrastructure in locality will not be able to cope with the extra demand from 60 new houses.
18. The footpath link is a good idea but it use as part of the highway would not be supported if were to become a road existing onto Bewsley Hill.
19. Concern that if permission is granted for this application it will set a precedent to redevelop the agricultural field to north of the application site.

20. The alteration on the highway to form the entrance to the housing estate, and the level of traffic arsing, will make it more difficult to travel down this lane to access the residential and business addresses along it.
21. There is no formal car parking area to serve the train station in the village.
22. How will Copplestone benefit, is the developer going to contribute to local infrastructure. .
23. Dog walking will be made harder as a result of the loss of open space.
24. Community and play facilities are much needed in Copplestone.
25. There is a general view that Copplestone, as small rural village is already at capacity

Following the second round of consultation undertaken following the amendment to the description of development as referred above a further 19 comments have been received maintaining a position of objection to the application scheme.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issued in the determination of this application are:

- 1. Principle of development, including 5 year land supply - Policy Issues.**
- 2. Local context considerations, impact on landscape character and visual amenities and density of development**
- 3. Highways, Movement & Air Quality Issues**
- 4. Affordable housing provision and Section 106 matters**
- 5. Other matters**
- 6. Summary & Planning balance**

- 1. Principle of development, including 5 year land supply - Policy Issues.**

Policy COR18 seeks to control development outside defined settlement limits to appropriate rural uses, excluding new market housing.

The application scheme is for up to 60 houses and is not being proposed for 100% affordable housing. The scheme is proposed on agricultural land outside of the Copplestone defined settlement boundary. Copplestone has a number of local services and facilities. It has good public transport connections, and is considered to be a village that is a sustainable location for the limited development of additional housing as promoted at COR17. However as the application scheme is beyond the settlement boundary of the village it is considered to be contrary to policies COR18 and COR17 of Mid Devon's adopted development plan.

Other policies in the development plan that need to be considered in the assessment of the application scheme are policy COR1 of the Mid Devon Core Strategy (LP1) seeks to manage growth in a sustainable way to support the diverse needs of communities, including the provision of affordable housing and making the most efficient use of land. Policy COR3 seeks to meet the diverse housing needs of the community, including a target provision of approximately 100 affordable dwellings per year across the District. COR8 with COR9 seeking to improve accessibility by reducing the need to travel by car and increasing public transport use, cycling and walking. Policies relating to affordable housing are set out policy AL/DE/3 which requires as a general requirement that 35% affordable housing is required on sites of more than 2 dwellings. Policy AL/IN/3 of the AIDPD seeks to provide at least 60 square metres of public open space for each new market dwelling. Policy AL/IN/5 states that new housing development must cover the cost of additional education facilities where the development would lead to existing facilities being oversubscribed. Policy AL/IN/3 requires development to contribute to the provision and maintenance of existing and new open space. Policy AL/CRE/8 requires development which would result in increased levels of traffic passing through Crediton and which would worsen existing air quality in the Management Area to mitigate its likely impact on air quality by making a financial contribution toward the implementation of the mitigation measures contained in the town's Air Quality Action Plan and in accordance with the adopted Air Quality SPD.

In terms of determining how much weight can be given to the fact the application site is not as a matter of principal supported by development plan policy members will be aware that Mid Devon has been found not to be able to demonstrate a 5 year housing land supply. The National Planning Policy Framework (referred to NPPF hereafter) advises that where a five year land supply of deliverable housing sites cannot be

demonstrated, policies on housing supply should not be considered up to date. This includes settlement limits identifying areas which are open countryside and those which are within defined settlements.

Paragraph 14 of the NPPF states that where development plan policies are considered to be out of date, planning permission should be granted unless adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the NPPF as a whole. Housing applications need therefore to be considered in the context of sustainable development, unless specific policies indicate development should be restricted. This is reflected in policy DM1 of the Local Plan 3 Development Management Policies which takes a positive approach to sustainable development, allowing development to be approved wherever possible.

The applicant in their planning statement makes reference to the recent appeal case at Uffculme where the Inspector resolved to grant outline planning permission for up to 60 houses on land beyond the settlement boundary, as is the case with the current application. In recommending to grant outline planning permission the Inspector on the Uffculme case, at paragraphs 98-100 of his report, concluded as follows:

98. To conclude, the proposal would be in conflict with Policies COR 17 and COR 18 of the CS. However, the development plan is inconsistent with the policies of the Framework by reason of its failure to properly identify, and plan for, the full objectively assessed need for housing in the District. Moreover, the Council has been unable to demonstrate a five-year supply of deliverable housing sites. In such circumstances, paragraph 49 of the Framework deems that relevant policies for the supply of housing should not be considered up-to-date. I have therefore attached limited weight to the policies upon which the Council has sought to rely in refusing planning permission.

99. The proposal would bring important social benefits in terms of delivering market and affordable housing and it would also promote economic activity. I attach considerable weight to these matters, in light of the Council's current housing land supply position and the need for economic growth. No environmental harm has been identified which is not capable of being mitigated through the use of planning conditions and the submitted S106.

100. Accordingly, it is my view that there are no adverse impacts that would significantly and demonstrably outweigh the benefits of the development when assessed against the policies in the Framework taken as a whole. There are no specific Framework policies indicating that development should be restricted. I therefore consider that the proposed development should be regarded as sustainable. This is a significant material consideration sufficient to outweigh the development plan conflict.

The following sections of this report consider the impacts of the development, the extent to which the scheme is compliant with the range of other development plan policies, and finally weigh in the balance the benefits of the proposal against identified harm.

2. Local context considerations, impact on landscape character and visual amenities and density of development

The application scheme is an outline application and proposes a maximum of 60 dwellings across a gross site area of approximately 3.81 hectares. Approximately on a quarter of the site it is proposed to accommodate open attenuation basins set within a remodelled and landscaped zone as shown on the indicative block plan layout has been provided in support of the application.

The southern boundary of the application area is formed by a mature hedgebank to Elston Lane. There is a single property to the south east that shares a boundary with the application site. There is also a cluster of residential properties and car garage on the southern side of Elston Lane with a single dwelling on the northern side adjacent to the site in the south east corner. There is no formal field division along the eastern boundary. The western boundary abuts the existing suburban edge of the settlement adjacent to the houses at Dulings Meadow, Fernworthy Park and Fernworthy Gardens back onto the site. The western boundary is formed by a low tree lined hedgerow, to the south and taller hedgerow with more frequent mature trees to the north. To the north the application area adjoins Bewsley Hill.

The design and access statement sets out a series of supporting principles, and based on the principles as set out an illustrative masterplan layout to set out how the site could be developed. A number of the key principles are set out below:

- o Proposed development fronting Elston Lane will need to consider a suitable buffer to existing properties.
- o Provision of a 10m landscape buffer running the length of the western boundary and generous areas of open space will reduce the potential impact upon the existing development.
- o Development will be kept to the Southern area where topography raises no issues.
- o Habitat corridors including the stream corridor and hedgerows will be retained, protected and enhanced with additional planting. All mature trees and will be retained, enhanced and protected during the construction and operational phases of the development.

A illustrative masterplan has been submitted to support the application, and it shows a housing mix includes that 1 and 2 bedroom apartments, 2, 3 and 4 bedroom houses. The illustrative layout is configured so that all the buildings are a maximum of two storeys and provides a parking arrangement of 1.8 spaces per dwelling. The development area sits away from existing houses on the western boundary but would form an area of new frontage to Elston Lane, and a new hedgerow arrangement is proposed to contain the development on the eastern boundary. This layout is not for approval at this stage as the detailed layout would be approved at the reserved matters stage, along with the layout, appearance and landscaping details.

The Mid Devon landscape character assessment identifies the application area and the northern edge of Coplestone within Landscape Character Type 3B: Lower rolling farmed and settled valley slopes. A summary of the key characteristics of this type of landscape:
The key characteristics of this area are:

- o This is a gently rolling and strongly undulating landscape with low-lying land adjacent to the rivers in a series of irregular rolling hills.
- o Characterised by a tightly rolling, medium to small scale landform. The landscape has generally been carved away by tributaries of the River Exe, Taw, Creedy and Culm to create smooth convex slopes with a uniformity of slope angle and scale of the resultant hills.
- o The drainage patterns within this landscape are defining characteristics key to both the resultant landform and vegetation patterns. The sources of rivers create a lush damp character with rushes in the valleys and lower slopes. The stream channels emerging from the valley heads are small in scale and are little more than field ditches that are seasonally wet.
- o Woodlands are mixed with dense scrubby undergrowth, giving a well wooded character. Where this well-wooded characteristic is found there is a strong sense of enclosure. Towards the south and west of the district, woodland cover is extensive.
- o Hedgerows are well-managed and dense bounding regular and irregular shaped, medium to large-scale enclosures of pasture.
- o This is primarily a pastoral fertile farmland, predominantly improved pasture with some arable. The more improved and intensively managed areas have undergone field amalgamation, disrupting the intimate scale of this landscape.
- o Much of this landscape is characterised by the Red Devon Sandstone giving great soil fertility for arable farming.
- o Tightly clipped wide hedgerows unify the landscape creating distinct and harmonious patterns when viewed from distant vantage points.
- o There are a mixture of buildings styles present from traditional cob render, slate or thatched roofs to Victorian and modern.

The site itself appears to display characteristics outlined in the above bullet points. Historic hedgerow boundaries have been removed and fields enlarged to create larger agricultural pastures. The more established hedgerows lining the roads and lanes have been well-managed and tightly clipped. Sporadic mature trees are established along the stream corridor.

The site's character is therefore informed by its current pastoral use, boundary hedgerow conditions, adjacent development and roads, as well as its position in the wider landscape character area. Although the appearance of the site would change, it is considered that the development of the site for new homes could be brought forward in a respectful manner to the local landscape character of the area integrating landscaping features across the development, area including the area to accommodate the SUDs scheme, and the footpath link to Bewlsey Hill. Given the local topography the visual impact will be restricted to a local impact and sitting as an extension to the existing residential housing estate.

The level of development equates to approximately 20 dwellings per hectare which falls below the range promoted at Core Strategy policy COR1.

In summary, at this stage of the planning process the applicant is not seeking to provide the level of information in terms of the siting, layout and design of the scheme to enable an assessment to be undertaken in terms of resolving if the criteria outlined at policy DM2, DM8 and DM14 have been satisfactorily met. However based on the information within the Design and Access statement including the guiding principles it is considered by officers that if the application was to be supported at this outline stage the level of development proposed (up to 60 houses) could reasonably be expected to be delivered in a manner which would sit comfortably within the locality, be respectful to the existing houses adjacent and not adversely affect the landscape character and/or visual amenities. As part of this process the applicant is advised that parking provision should be made on plot or adjacent to plot and not within courtyard arrangements which are not supported from a policy point of view.

3. Highways, Movement & Air Quality Issues.

There are a number of aspects to consider under this part of the assessment at this stage as follows. The applicant has submitted a Transport Assessment to inform the assessment process, and comments have been received from the Highway Authority as set out above. Key points to note:

The site is directly adjacent to the village boundary.

Pedestrian access from the site to the village shop, pub and train station beyond is achievable at present, and would be improved once the 'proposed works' to the corner of Bewlsey Hill and the A377 have been completed which the applicant has agreed to contribute £100,000 towards the completion of at the request of the Highway Authority

Pedestrian access from the site to the Primary School on Bewlsey Hill would be facilitated along the new footpath / cycleway (design details to be agreed to reflect adoptable standards) proposed as part of the application scheme, in addition to the improved route along A377 and Bewlsey Hill as referred above.

The number 5 bus services runs between Exeter and Coplestone and onto North Tawton and Oakhampton with a frequent daily Service which runs directly past the site.

There is an hourly train service between Coplestone to Crediton, Exeter and Exmouth beyond and Coplestone to Barnstaple, with a pedestrian connection from the site as referred above.

Based on traffic generation data the proposed development mix would add a total a of 55 additional vehicular trips in the am peak and 50 in the pm peak. The new junction arrangements at the A377 and Elston Lane on the Shirely Corner have been remodelled and designed to reflect the advice of the Highway Authority in addition to Manual for Streets 2 in terms of width of highway corridor proposed in order to be able safely manage the additional traffic. The new arrangement will allow for two way traffic to pass comfortably whereas at present Elston Road narrows significantly beyond the junction with the A377 and therefore presents a risk. The setting and access arrangement for the residential dwelling on the corner of Elston Lane would also be improved.

A travel framework is proposed to manage travel associated with the residential development.

With regards to Air Quality, policy AL/CRE/8 is relevant given the site location in relation to the Crediton Air Quality Management Area. In response to the requirements of this policy the applicant has agreed to make a financial contribution of up to £172,926 to be provided towards supporting initiatives to manage air quality within the Crediton AQAMA. A schedule of costings for the initiatives as set out below have been provided by Devon County Council to include the following: Upgrade the existing bus stop infrastructure adjacent to the site, provision of secure, sheltered cycle parking at Copplestone railway station, car club provision in Copplestone and bus subsidies to improve frequency of bus services to/from Copplestone.

In summary the proposals to access the development site are considered acceptable by the Highway Authority and therefore there are not considered any reasons on highway safety and/or capacity ground to refuse the application. The scope of additional infrastructure proposed directly as part of the application site, and off-site, will enable safe and convenient pedestrian access to key services and facilities within the village. On this basis the proposals are considered to be in accordance with policies COR8 and COR9.

4. Affordable housing provision and Section 106 matters

Following discussions with your officers, the applicant has agreed to the following Section 106 package for consideration as part of the application proposals as set out below. The scope of off- site highway works and education related contributions reflect the comments and advice provided by Devon County Council in their role as statutory consultee on these matters. The scope of the off-site contributions towards open space and air quality initiatives have been calculated using the formula set out in the respective Supplementary Planning Guidance Notes to support AL/CRE/8 and AL/IN/3 but excluding the affordable houses in terms of calculating the contribution towards managing air quality within the Crediton AQMA, as set out below:

- Affordable Housing: 35% affordable housing on-site which would equate to a maximum of 20 units.
- A primary school contribution of £170,422, to be used at Copplestone Primary School - see also other issues section.
- A secondary school contribution of £23,940 towards school transport to Queen Elizabeth's Academy Trust, Crediton Public Open Space.
- A financial contribution of £75,000 towards the enhancement of the existing sports field and associated facilities in Copplestone will be made, or £1250.00 per residential unit in the event that reserved matters approval is granted for less than 60 dwellings.
- A financial contribution of £172,926 will be provided towards supporting initiatives to manage air quality within the Crediton AQAMA, or £4434.00 per market residential unit in the event that reserved matters approval is granted for less than 60 dwellings.
- Safeguarding of the land and a scheme of works to deliver a public footpath link to Bewsley Hill is provided - adjacent to Copplestone Primary School - as indicated on plan number 141102 L 02 02 (Illustrative Layout).
- Provide a financial contribution of £100,000 towards the provision of a footway identified through Local transport plans at the junction of Bewsley Hill / A377.

In summary the package as outlined above delivers a scheme that would be compliant in terms of policies AL/DE/3, AL/IN/5, AL/IN/3 and AL/CRE/8, and in terms of the section 123 of the CIL regulations which require that each obligation must be:

- Necessary to make the development acceptable in planning terms
- Directly related to the development; and
- Fair and reasonably related in scale and kind of development

With regards to the tenure of the affordable housing the Housing Options Manager, on behalf of the Head of Property Services has confirmed that the affordable housing should be provided on an affordable rented tenure (100%) and with the following split on house type: 30% x 1 bed units, 55% x 2 bed units and 15% x 3 bed unit. It is recognised that 100% affordable for rent is at odds with the provisions of AL/DE/2 but is commensurate with current market conditions and current demand as indicated on the Devon Home Choice data base.

Finally it is noted when the indicative layout plan indicates an area to be provided for recreational open space within the area of the blue line area toward the boundary with Bewsley Hill. However following

discussions, and reflecting on submissions made by local stakeholders the applicant has agreed to meet this provision by offering an off- site contribution in accordance with the requirement of AL/IN/3 which could be utilised to complete the delivery of the project authorised under LPA ref: 14/00747/FULL for the erection of a sports, village and community centre building which although permitted under the above LPA reference remains unimplemented.

The detailed heads of terms for each obligation would be drafted accordingly reflecting the recommendation as set at the start of this report. **As members will note the recommendation seeks to maximise the contribution towards assisting with the delivery of the sports, village and community centre building which would maximise the benefits to the local community. Therefore it is recommended that the scope of this contribution is increased in lieu of the contributions to redress the requirements of policy AL/CRE/8.** This is considered to be an acceptable balance to the package of Section 106 contributions given the scope of the off-site and on site highway works that are proposed identified at points 5 and 6) of the recommendation section which will secure significant improvements in terms of improvements to the transport network in Copplestone and to the benefit to all.

5. Other Matters

Contaminated Land Issues: There are no concerns regards the suitability of the site to accommodate the proposals given concerns regards the site suffering contamination with by condition.

Flood Risk Issues: The development area is all contained within land that is classified as Flood Zone 1, land with the lowest probability of flooding. The comment from the Environment Agency reflects the fact that part of the wider site, directly adjacent to the water course is classified as land within Flood Zone 3. However there is no requirement to apply the sequential test given the development area is contained within a flood zone 1 location.

Surface Water Drainage Issues: Development of the site will lead to an increase in impermeable area, which could have a consequential impact on the existing site runoff rates of the site as a greenfield location. The Level 2 Flood Risk assessment Report, as amended in part by the addendum report dated 25th May 2016 sets out a framework for the detailed design of the proposals to mitigate the impact of increased surface water off. The scheme will include two retention ponds as shown on drawing FRA4A which will then discharge into the existing watercourse (Salix Stream) in a controlled manner. The calculations and supporting information demonstrate that there is sufficient land within the application site area to accommodate the development and the scope of the SUDs proposals that has been outlined. Devon County Council, as lead Flood Risk Authority have confirmed that subject to the terms of condition as recommended that they have no objections to the planning application proposal. A further condition is also recommended to redress the surface water drainage impacts of the construction phases of the project. In summary based on the evidence provided it has been demonstrated that subject to the scope of mitigation provided in terms of the SUDs scheme that the development as proposed would not generate surface water run-off conditions into the Salix stream that are over and above green field run off rates. This has been accepted by the Lead Flood Authority in advising your officers regards this part of the assessment.

Concern has been raised by a number of local stakeholders regards the ponds that are proposed in that they will present as safety hazard. Although the provision of open drainage ponds are a common feature within many new housing projects, this is considered to be a valid point and further details will be required to address this point will as part of the reserved matters process.

In addition to the above concerns a number of local residents and the Parish Council have voiced concerns that the existing conditions lead to flooding issues further down stream to the application site. Your officers understand that this is as result of the culverting arrangements that are in place down stream of the application site. If surface water run-off rates are maintained as per greenfield run-off rates then the existing flows would not be affected. Therefore as part of the flood mitigation proposals further investigation of the arrangements downstream will be required. Measures will need to be put in place that to seek to resolve the inadequacy of the existing arrangements to which the development area is to benefit from, as without the ability to discharge into this watercourse the development would not be acceptable.

Ecological Impacts: On behalf of the applicants, Engain consultants have undertaken a series of surveys across the site as set out in the report submitted to support the application dated 26th May 2016. The results of the survey indicated that whilst the land close to and adjacent, (incorporating a number of trees) to the stream provides habitat (permanent and/or foraging) for a variety of protected species, the development area as arable crop fields is of little ecological value. Measures to protect these areas during construction will also be required as part of the construction management plan.

In terms of impact the application scheme, the proposals result in the loss of two sections of hedgerow along Bewlsey Hill to form the footpath connection, and approximately 45.0 metres of hedgerow to the southern frontage with the A377/ Elston Lane. Although the hedgerows provide a typical habitat for dormice none were found to be present during the survey period. Subject to the removal of these sections of hedgerow being undertaken in accordance with the recommendations in the report no adverse impact should be caused. Additional areas of habitat would be provided within the new section of hedge to be planted to the eastern boundary of the development area.

In summary the survey work undertaken indicates that the application scheme could be accommodated without resulting in significant adverse impact on the ecological and wildlife value of the site. Furthermore it is noted that no objections have been raised from Natural England.

Heritage Impact: The heritage resource within the site comprises remains associated with enclosures based on medieval agricultural fields, incorporating hedgerows along the field boundaries. A desk and field based assessment of how the application scheme would affect the setting of designated heritage assets has been undertaken with a report submitted to accompany this application. It is acknowledged that there are a number of heritage assets within the wider environs to the site and whilst there is visual connection with a number including the Grade II Listed Bewlsey Cottage, Denver Cottage, Beers Farmhouse and the Grade I Listed Church of St Andrew within Colebrooke, because of the separation distance between them and the proposed development area, the impact is not considered to be overriding and/or damaging. Both the Archaeologist at Devon County Council and Historic England have considered this evidence base and assessed their own records. They have advised your officers that there would be no harm to the significance of any designated heritage assets within the surroundings of the site. In summary, a sympathetically designed development would not result in either substantial, or less than substantial harm to designated heritage assets.

Cumulative impact on Coplestone: Concern has been expressed by local stakeholders and the Parish Council as to the impact that the proposals will have on Coplestone given that there the site referred to as the Old Abattoir is proposed to accommodate up to 30 houses. This proposal has now been submitted for outline planning permission under LPA ref: 16/01888/MOUT with the following description of development: Outline for the erection of up to 40 dwellings, formation of 64 space car park to service Coplestone Railway Station, public open space, vehicular access from Shambles Drive, pedestrian links and associated infrastructure.

It is accepted that the delivery of this site for new development has been brought forward in order to specifically redress the shortage of sites (5 year land supply), with the decision to bring forward the site allocation (first proposed in the Local Plan Review 2013-2033) taken on the 7th August 2015 by the Cabinet (ref: minute 51). Although this decision was taken to seek to accelerate the delivery of housing on the Old Abattoir site, the delivery of development on this site would not be a justified reason to refuse this current planning application. The correct policy framework for the assessment of this application is outlined at section one above.

The other significant issue raised by stakeholders, including the Coplestone Parish Council, is the impact that the application scheme will have on day to day life in the village, in particular how the primary school will manage to accommodate additional pupils and the lack of community facilities in village. These issues are considered further below.

1. With regards to the impact on the Primary School, the school is a popular one form intake with a capacity of 210 and with 199 pupils currently on the roll. Taking into account the need arising from permitted developments for small windfall sites in the locality and forecasted localised increases, the residual capacity at the school would be taken up. The consultation response from DCC this application would generate the

need for an additional 15 primary school places which in addition to the other planned development at the Old Abattoir site would require a total of a further of 23 places to be provided on the roll rising to 25 if permission is granted for 40 houses on the Old Abattoir site. This would be equal to the provision of an additional 4/5 pupils per year group across the school roll. The applicant has agreed to make a contribution towards funding improvements that are required to accommodate any additional capacity to serve the development, in accordance with the supplementary planning guidance published by Devon County Council.

The guidance clarifies that the County Council will require contributions from developers where pupils arising from the development cannot be accommodated within existing capacity and/or where development places an additional burden on home to school transport. Additional facilities will either be provided through the expansion of an existing provision or through the development of a new provision. This will be determined by the circumstances of the nearest provision and the scale of the development on a case by case basis, taking account of wider development allocations.

In summary the Education Authority have assessed the application against their published guidance and have confirmed the level of mitigation that would be required in terms of an off-site contribution, as opposed to recommending refusal for the application. Notwithstanding, local residents and the Parish Council remain very sceptical as to the legitimacy of the published guidance which the Education Authority apply in the determination of planning applications and the specific advice that they have provided regards the determination of this application.

2. The applicant has agreed to make a reasonably significant contribution towards facilities off site which could be used to assist the delivery of the Sports Village on the site adjacent to the primary school on Bewsley Hill. The scheme retains the existing public right of way through the site and the field beyond and includes a further landscaped link through to Bewsley Hill adjacent to the Primary School.

Following on from the view expressed by local stakeholders the proposal to include the Doctors Surgery has now been removed.

Strategic Housing Land Availability Assessment (SHLAA): Reference has been made to the fact that the site was considered as part of the SHLAA process and was set aside at that time given concerns about flood risk and in terms of the impact on the primary school. This is correct, however it is noted that this application site is for a much smaller site with a lower level of housing. Matters in relation to managing flood risk and the demand for places at the primary have been considered as part the assessment of this application as set out above with no objections raised by the statutory consultee for each issue.

New Homes Bonus: The proposed dwellings would be eligible for counting towards the New Homes Bonus. If the New Homes Bonus is distributed across Council Tax Bands in the same way as in 2015, the award for each house would be £1,028 per year (each affordable house attracting a further £350 bonus), paid for a period 6 years. The amount of New Homes Bonus to be generated by this development would be £370,800.00 (plus an extra £7,000.00 for the affordable homes).

6. Summary & Planning balance

The overall thrust of Government policy as set out in the NPPF is to encourage the delivery of sustainable development and requires local authorities to boost significantly the supply of housing. The NPPF requires that where Local Plan policies are considered to be out of date (see above), planning permission should be granted unless adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole. Your officers consider that the test as outlined at paragraph 14 of the NPPF, and as set out under section key issue 1, is capable of having being met by this application proposal.

The development would provide up to 40 open market and up to 20 affordable dwellings which could provide economic and social benefits for Copplestone in accordance with the thrust of guidance in the NPPF.

It is also recognised that there is significant local objection to the proposals which appears to be founded on the fact that the site falls outside the existing settlement boundary and will therefore sit as an isolated development, and also given the overall lack of any focused community facilities in the village at this current

point in time. There are concerns as to the impact that the occupiers of the new development will have upon existing services in the village in particular the primary school. The Parish Council do not consider that the application could be considered to be sustainable development because the scheme would add to the population of the village notwithstanding it's village status and the lack of infrastructure to support additional growth over and above the level that is proposed in the emerging development plan for the period (2013 - 2033).

In terms of the assessment of the application at this outline stage it is not considered that the development would harm the overall character and visual amenities of the area and it is considered that a detailed scheme could be designed for the development area would sit comfortably and be respectful to it's neighbours. Alterations to the A377 and Elston Lane are proposed to form an acceptable access into the site, whilst improving highway conditions in the village. A pedestrian link is proposed as part of the application scheme that will form a direct link back to the northern part of the village, and importantly provide an off road direct route to the Primary School.

Other benefits for the locality include financial contributions towards enhancing the range of existing sports and community facilities on the Bewsley Hill community playing field site, towards the education facilities that would be required at the Village primary school and towards securing improvements at the junction of A377 and Bewsley Hill. The highway improvements would assist existing and proposed residents in Coplestone to travel more safely and more sustainably. These factors are all considered to carry some weight towards justifying the application scheme and officers have made reasoned judgements as to how much weight should be afforded to these matters in the assessment of the planning application.

The impacts of the development have been considered very carefully reflecting on the advice provided by the range of statutory consultees and no specific harmful impacts have been identified that are not capable of being satisfactorily resolved in terms of on-site or off-site mitigation. Furthermore it is recognised that the amount of weight that can be afforded to the provisions of policies COR17 and COR18 is reduced given the circumstances relating to the supply of land for housing and the delivery of new housing across the district. Taking into account the site location with village access to both bus and rail travel and the scope of off-site contributions which the applicant has agreed to the application scheme is considered to be a sustainable form of development in transport planning terms. It is also considered that the planning application proposals in terms of the proposed Section 106 package could help accelerate the delivery of new community facilities in the village.

Therefore it is considered by officers that on balance a case could be made to support this application proposal, notwithstanding the development plan policy position. However in order to seek accelerate the delivery of the scheme and therefore make a positive contribution towards addressing the supply of housing across the district the timescales for approval of all reserved matters and for the development to commence will be reduced from the standard terms.

CONDITIONS

1. Before any part of the development hereby permitted is begun, detailed drawings to an appropriate scale of the layout, scale and appearance of the building(s), and the landscaping of the site (hereinafter called the Reserved Matters) shall be submitted to and be approved in writing by the Local Planning Authority.
2. Application(s) for approval for all the Reserved Matters shall be made to the Local Planning Authority before the expiration of 18 calendar months from the date of this permission.
3. The development hereby permitted shall be begun before the expiration of two years from the date of this permission or within 6 calendar months of the date of the approval of the last of the reserved matters, whichever is sooner.

4. The details required to be submitted by condition 1 shall include the following additional information: boundary treatments, existing and proposed site levels, finished floor levels, and sections through the site indicating the relationship of the proposed development with existing development.
5. No development shall begin until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority to include:
 - (a) the timetable of the works;
 - (b) daily hours of construction;
 - (c) any road closure;
 - (d) hours during which delivery and construction traffic arrive at and depart from the site;
 - (e) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during construction;
 - (f) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste
 - (g) details of wheel washing facilities and road sweeping obligations together with dust suppression proposals.
 - (h) hedgerow and tree protection measures: including an Arboricultural Method Statement and plans showing canopies and root protection areas for all trees on the site and on the site boundaries.

Works shall take place only in accordance with the approved Construction Management Plan.

6. No development shall take place on site until drawings of the off-site highway works for the construction of the access and realignment of Elston Lane have been submitted to and approved in writing by the Local Planning Authority and such works shall have been constructed in accordance with the approved details, and be available for use thereafter.
7. The proposed estate road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, rains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be submitted to and approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to and approved in writing by the Local Planning Authority.
8. No part of the development in relation to the construction of the dwellings hereby approved shall be commenced until:
 - A) The access roads into the site have been laid out, kerbed, drained and constructed up to base course level for the first 20.00 metres back from its junction with the public highway
 - B) The ironwork has been set to base course level and the visibility splays required by this permission laid out
 - C) The footway on the public highway frontage required by this permission has been constructed up to base course level
 - D) A site compound and car park have been constructed to the written satisfaction of the Local Planning Authority.
9. The occupation of any dwelling shall not take place until the following works have been carried out in accordance with the approved details:
 - A) The spine road and cul-de-sac carriageway including the vehicle turning head within that phase shall have been laid out, kerbed, drained and constructed up to and including base course level, the ironwork set to base course level and the sewers, manholes and service crossings completed;
 - B) The spine road and cul-de-sac footways and footpaths which provide that dwelling with direct pedestrian routes to an existing highway maintainable at public expense have been constructed up to and including base course level;
 - C) The cul-de-sac visibility splays have been laid out to their final level;
 - D) The street lighting for the spine road and cul-de-sac and footpaths has been erected and is

operational;

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

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

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

10. No development shall begin until specific details of the sustainable urban drainage system proposed to serve the site, including details of the gradients of the attenuation pond and long term management and maintenance plans for the SUDS scheme and the section of Salix stream which the surface water flows will be discharged into, have been submitted to and approved in writing by the Local Planning Authority. The management and maintenance plans will be in accordance with the principles of sustainable drainage systems, and those set out in the Addendum to Flood Risk Assessment Report (Report Ref. 436 FRA Addendum V1 20.07.16, Rev, dated 20th July 2016), and those parts of the Flood Risk Assessment (Report Ref. 436/FRA2. Rev. V2, dated 25th May 2016) not superseded by the former document.

Once agreed, the development shall be constructed in accordance with the approved scheme and the approved SUDS scheme shall be fully operational before any of the proposed dwellings are first occupied. Once provided, the approved SUDS scheme shall be permanently retained, managed and maintained in accordance with the approved details.

11. No development shall begin until a temporary surface water drainage management plan, to demonstrate how surface water runoff generated during the construction phase will be managed, has been submitted to and approved in writing by the Local Planning Authority. The plan must also include details of how eroded sediment will be managed to prevent it from entering the permanent surface water drainage management system and include a timetable for the implementation of the management plan. Once approved the management plan shall be implemented in accordance with the approved details.
12. The development shall take place only in accordance with the recommendations in section 6 of the Engain Protected Species Report dated 12th May 2016.

REASONS FOR CONDITIONS

1. The application was submitted as an outline application in accordance with the provisions of Article 3 and 4 of the Town and County Planning (General Development Procedure) Order, 1995, as amended by Circular 1/06.
2. In accordance with the provisions of Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 Planning and Compulsory Purchase Act 2004, however the allowable timescale to comply with the terms of the condition have been shortened in order to seek to accelerate the delivery of the development.
3. In accordance with the provisions of Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 Planning and Compulsory Purchase Act 2004, however the allowable timescale to comply with the terms of the condition have been shortened in order to seek to accelerate the delivery of the development.
4. To enable the Local Planning Authority to consider whether adequate provision is being made for the matters referred to in the condition.
5. To ensure adequate facilities are available on site during the construction period in the interests of highway safety and to protect the amenities of existing residents, in accordance with Policy DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).

6. To minimise the impact of the development on the highway network in accordance with Paragraph 32 of National Planning Policy Framework.
7. To ensure that adequate information is available for the proper consideration of the detailed proposals.
8. To ensure that adequate on site facilities are available for all traffic attracted to the site during the construction period, in the interest of the safety of all users of the adjoining public highway and to protect the amenities of the adjoining residents in accordance with Policy DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).
9. To ensure that adequate access and associated facilities are available for the traffic attracted to the site in accordance with Policy DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).
10. To minimise flood risk and provide sustainable drainage on site in accordance with Policies COR11 of the Mid Devon Core Strategy (Local Plan Part 1) and DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).
11. To minimise flood risk and provide sustainable drainage on site in accordance with Policies COR11 of the Mid Devon Core Strategy (Local Plan Part 1) and DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).
12. To ensure protected species are not harmed by the in accordance with Policies COR2 of the Mid Devon Core Strategy (Local Plan Part 1) and DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The development is considered to be acceptable in that it represents a sustainable form of development in accordance with the provisions of the National Planning Policy Framework, with the benefits of the scheme in terms of the provision of housing, affordable housing, and general off-site infrastructure provision carrying significant weight when set against the site specific changes that would arise. Subject to the scope of mitigation proposed and conditions, the development is not considered to have an unacceptable impact on highway safety, the environment including flood risk and protected species, heritage assets and the amenities of local residents within locality. Financial contributions are to be provided to assist with the delivery of improvements to public open space and community facilities, education facilities, on site and off - site works to facilitate pedestrian movement between the site and other facilities in Copplestone and the development attracts the payment of a New Homes Bonus.

The development is considered to be in accordance with Policies COR1, COR2 and COR9 of the Mid Devon Core Strategy (Local Plan Part 1), AL/DE/3, AL/DE/4, AL/DE/5 and AL/IN/3 of the Allocations and Infrastructure Development Plan Document (Local Plan Part 2), DM1 of the Mid Devon Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework as a whole. The proposed development is considered to be contrary to Policies COR17 and COR18 of the Mid Devon Core Strategy (Local Plan Part 1) and AL/DE/6 of the Allocations and Infrastructure Development Plan Document (Local Plan Part 2) as it is outside any defined settlement boundary and is not for 100% affordable housing (or demonstrated to be cross-subsidised). However, the development plan has been found to be inconsistent with the policies of the National Planning Policy Framework by reason of its failure to properly identify and plan for the full objectively assessed housing need for the District and the Council has been found to currently not have a five-year supply of deliverable housing sites. Limited weight is therefore placed on these development plan policies. The benefits of the scheme are considered to outweigh any harm and the development is considered to be in accordance with the National Planning Policy Framework as a whole.

Application No. 16/01232/FULL

Plans List No. 2

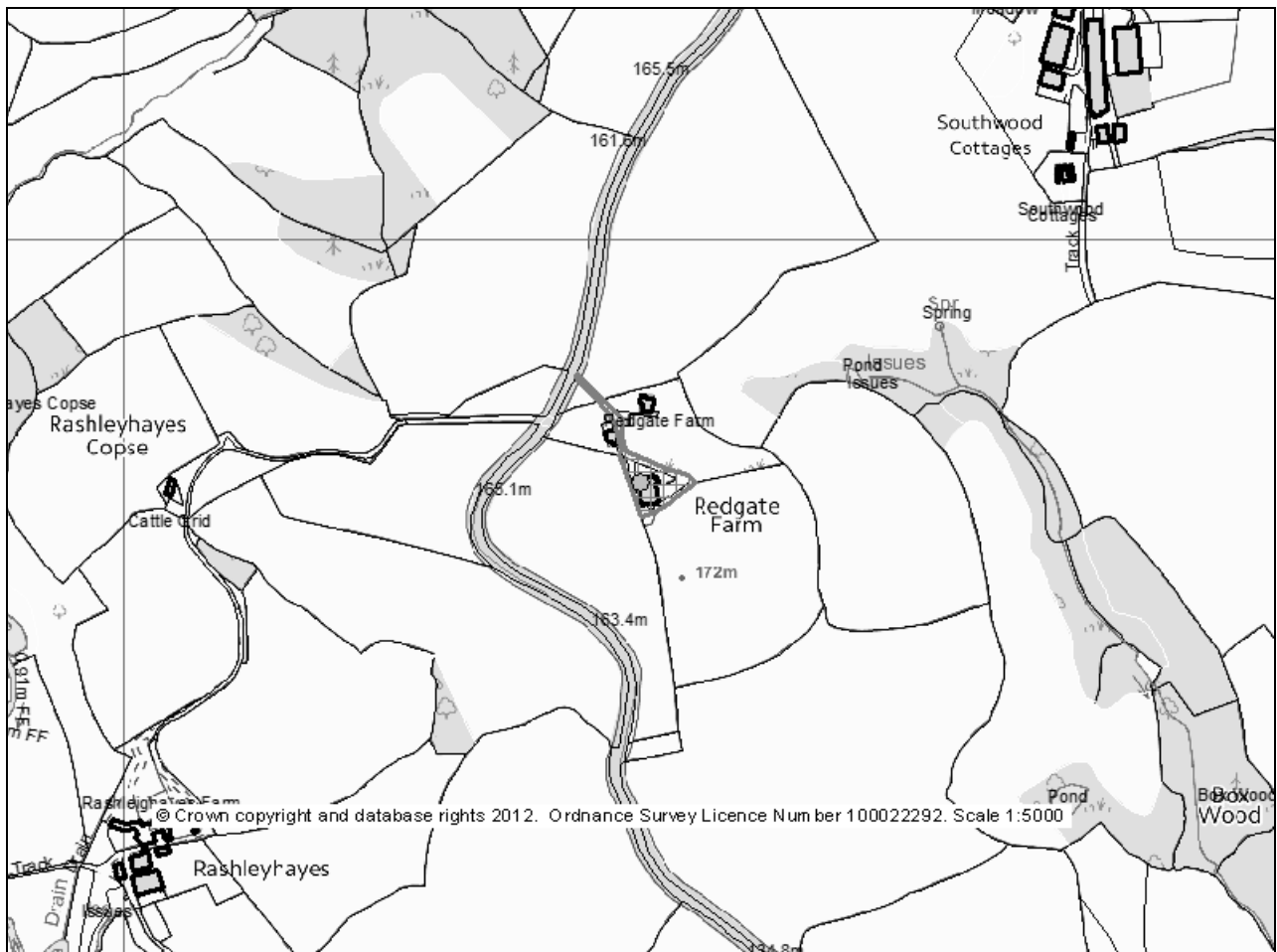
Grid Ref: 293436 : 108864

Applicant: Ms A Forbes

Location: Redgates Farm
Bickleigh Tiverton
Devon

Proposal: Conversion of a
redundant rural
building to a residential
dwelling

Date Valid: 8th September 2016



Application No. 16/01232/FULL

RECOMMENDATION

Refuse permission.

Councillor J SMITH HAS REQUESTED THAT THIS APPLICATION BE DETERMINED BY THE PLANNING COMMITTEE FOR THE FOLLOWING REASONS:

1. To consider if this application is for the conversion of a redundant building and meets the criteria of Policy DM1 of the Local Plan Part 3 (Development Management Policies).
2. To consider if the development would provide additional housing. It also meets the criteria of Policy DM11 of the Local Plan Part 3 (Development Management Policies).

PROPOSED DEVELOPMENT

Conversion and modest extension of a detached building to a 2 storey 4/5-bedroomed dwelling and associated parking. The building was originally erected as an agricultural building and appears to have later been altered to be used as a business premises with some residential accommodation. The Local Planning Authority have been informed that the building has, in part, been used for residential accommodation including bedrooms, living area and kitchen on the first floor. The dwelling created through conversion would be an open market property if granted would result in a 4/5 bed dwelling over 2 floors.

The certificate of lawful use for the use of part of the building for B1 (light industrial) and B8 (storage and distribution) purposes was granted in 2002. Between 2002 and the purchase of the property by the applicants a couple of years ago the Local Planning Authority understood the property was used for a B1 purpose. However, there are no records of how long the building was used for this purpose. The Local Planning Authority have also been informed that the first floor of the building was used prior to 2014 for residential purposes. This use was unauthorised and ceased. There is no evidence available to indicate how long the first floor was used for residential purposes.

The barn faces south and is partially cut into the landscape. There is a country lane to the west. The A396, Tiverton to Exeter road, is approximately 1.5 km to the south east. The land rises steeply from the A396 to the ridge upon which the site is located.

Access is via the existing access from the country lane. There are at least 3 parking spaces.

APPLICANT'S SUPPORTING INFORMATION

Application form, site location, floor plans and elevations (existing and proposed).

Structural Appraisal

Ecology Appraisal

Ecological Survey Report prepared by David F Wills

Foul Drainage Strategy prepared by Architectural Services

Design & Access statement prepared by Architectural Services

PLANNING HISTORY

84/00257/FULL - Change of use from agricultural building to assembly and manufacturing of handcraft items (1500 sq. ft.) - 25.04.84

85/01725/FULL - Erection of building for commercial and agricultural storage - 06.01.86

02/00389/CLU - Certificate of lawful use for the use of part building for B1, (light industrial) and B8 (storage and distribution) purposes - 09.09.02

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR1 - Sustainable Communities

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

DM11 - Conversion of rural buildings

DM14 - Design of housing

DM15 - Dwelling sizes

CONSULTATIONS

HIGHWAY AUTHORITY - 16th September 2016 -

<http://www.devon.gov.uk/highways-standingadvice.pdf>

TIVERTON TOWN COUNCIL - 4th October 2016 -

Support.

REPRESENTATIONS

No representations received at the time of writing (17/11/2016).

MATERIAL CONSIDERATIONS AND OBSERVATIONS

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues with this application relate to:

- 1. Planning Policy**
- 2. Ecology implications**
- 3. Highway Implications**
- 4. Impact upon neighbouring properties**
- 5. S106 obligations; and**
- 6. Local finance considerations**

1. Planning Policy

The Development Plan in force consists of the Mid Devon Core Strategy 2007, adopted July 2007, the Allocations and Infrastructure DPD (2010) and Local Plan Part 3 (DM policies).

The NPPF states that full weight may be given to relevant policies adopted since 2004 (and in accordance with the Planning and Compulsory Purchase Act 2004) even if there is a limited degree of conflict with the NPPF. The policies described in the following paragraphs have all been adopted since 2004. In relation to this current proposal significant weight is given to the relevant policies produced by Mid Devon District Council (other than Policy COR18 in the regard detailed below).

The Mid Devon Core Strategy 2007, in its Policy COR1, sets the distribution of new development to meet sustainability objectives; with Policy COR12 concentrating development principally on the 3 main towns. Outside the main town areas, developments are to be limited to those which support rural uses. Policy COR2 seeks to ensure development that will 'sustain the distinctive quality, character and diversity of Mid Devon's environmental assets, particularly through requiring high quality sustainable design which will reinforce the character and legibility of its built environment. The site is outside any settlement limit boundary

and is therefore considered to be in the open countryside in planning terms, where restrictive policies apply. Policy COR18 seeks to restrict new development in the countryside. It sets out the types of development which are considered to be acceptable in principal and this does not include the conversion of rural buildings to dwellings. However, the Framework states at paragraph 55 that the conversion of redundant or disused buildings is acceptable where this would lead to an improvement of the setting of the building. The Framework takes precedence and policy COR18 carries little weight.

The application scheme would lead to the provision of a new dwelling in the countryside, which would in most circumstances be contrary to the policies of restraint in the Development Plan. Paragraph 55 of the National Planning Policy Framework also advises that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances.

Policy DM11 (Local Plan part 3) reflects these policy objectives of the Framework and the criteria are detailed below. In light of an appeal decision, it is important to clarify that in order for the criteria in Policy DM11 to apply, the proposed conversion must be of "redundant or disused rural buildings of substantial and permanent construction which positively contribute to an area's rural character for residential, tourism or employment uses."

Therefore, to be converted to a dwelling, policy DM11 only applies if the existing building positively contributes to the area's rural character. The test does not merely require a building to reflect the rural character of an area but, significantly, it raises the bar by requiring any such building to positively contribute to it, regardless of its age.

The building cannot be argued to positively contribute to the area's rural character. The applicant's structural appraisal describes it as a steel portal frame with conversion works have been completed to turn it into a usable building and this includes block walls and concrete pad floors. The front elevation looks like an industrial building equivalent to 2-storeys in height with a shallow pitched metal roof with a roller door opening. Although it sits comfortably in its rural setting and is reflective of other structures that can be found in the countryside it is little more than utilitarian in its form and appearance. It is of no particular architectural merit and is of low amenity value. Its impact is nothing other than neutral within the wider character of this local landscape.

Therefore, the building is inappropriate for conversion and the proposal does not conform to the initial requirement of policy DM11.

In view of the above and have regard to what the NPPF states, the issue then is whether there are material considerations that would justify the development despite the conflict with the development plan.

Paragraph 55 of the NPPF advises that whilst isolated new homes in the countryside should be avoided, development will be appropriate in certain special circumstances. One is where the development would re-use redundant or disused buildings and lead to an enhancement of the immediate setting. The re-use of redundant or disused buildings in such circumstances may be accepted as a special circumstance notwithstanding that at the heart of the NPPF is a presumption in favour of sustainable development. As such the conversion of a redundant building could be acceptable even though not sustainable development in terms of enhancing or maintaining the vitality of rural communities.

The pertinent issue in regard to paragraph 55 is whether the development would in fact amount to a re-use of a redundant or disused building. The NPPF does not assist on this and no guidance on this matter is contained in the PPG. However, in this case the majority of the work would be in respect of the installation of new windows, doors, roof and perhaps exterior walls. The proposed internal works are not a material consideration in deciding whether the building requires significant alteration. The works are necessary for the building to function as a dwellinghouse and can be considered, as a matter of fact and degree, to be within acceptable limits to conclude that the proposal is a re-use of the existing building.

Notwithstanding the above, inherent in the exception in paragraph 55 is that the re-use should retain the architectural character of the building and its rural setting. Whilst on the whole the proposal would do so, the building is of no intrinsic merit and currently makes little contribution to the character of the countryside. The lack of merit in retaining the building carries weight when considering whether the development would lead

to an enhancement of the immediate setting, given that such enhancement must be material. If it is not, the exception in the NPPF cannot apply.

In this case, the improvements to the immediate setting would arise in part from the creation of a residential curtilage. The Council attaches little weight to this argument in favour of the proposal. Other works, although reasonably necessary to enable the residential use to take place, would be essentially cosmetic, given that the basic form and appearance of the building would remain.

Paragraph 55 of the NPPF provides an exception to the general presumption in provision of isolated new homes in the countryside where there is an essential need for a rural worker to live permanently at or near the site. The YN ecology appraisal notes that "by siting the dwelling here it also enables the occupiers to detect and respond to emergencies at short notice, and to be able to be alerted to persons entering the site". In this case there is no evidence that the site has been the target of theft or vandalism or that it is especially vulnerable to this. The evidence is that the applicant lives in close proximity to the site (Redgate Farmhouse) and could attend in an emergency within seconds. Thus there is insufficient reason to conclude that there are special circumstance that would justify the development on the basis of a claimed essential need.

Therefore, there are no material considerations that would outweigh the conflict of the development with Policy DM11 and national planning policies. The application building is therefore inappropriate for conversion to a residential dwelling and therefore the scheme is not required to be tested against the remaining criterion of Policy DM11.

However, for completeness, this is done in the following sections.

The conversion of redundant or disused rural buildings of substantial and permanent construction which positively contribute to an area's rural character for residential, tourism or employment uses will be permitted where:

- a) A suitable access to the building is in place or can be created without damaging the surrounding area's rural character and the road network can support the proposed use.
- b) The building can be converted without significant alteration, extension or rebuilding;
- c) The design will retain the original character of the building and its surroundings.
- d) The development will retain any nature conservation interest associated with the site or building, and provide net gains in biodiversity where possible.

A summary assessment of the application scheme against these criteria is set out below;

1. The means of access effectively utilises the existing access from the country road and the main access likely to be from the A396 (some 1.5km away) which has adequate visibility. This road is acceptable in terms of alignment and visibilities. The country road is more restricted in width and alignment. However, the access onto this road is good via the existing residential access serving the farmhouse, the holiday let and the application building.

The Council has been mindful of the use of part of the building as B1 and B8 uses and the traffic generation that this would have generated. In comparison to the comings and goings of a dwellinghouse, it is considered that the change in traffic attracted to the site is not significant.

This is considered to be acceptable, and criterion A is considered satisfied.

B) A document entitled structural survey has been submitted as part of the application. There is no detailed appraisal of the building to indicate that it is suitable for conversion. There is no schedule of works indicating what works are required to the existing structure to accommodate the new heavier roof or the timber cladding to the first floor elevations. The Council cannot therefore be satisfied that the existing works to the building were/are capable of allowing the conversion without significant rebuilding. The Council notes the porch extension but do not believe that this is a significant extension, contrary to this criterion.

In summary, the proposal is not shown to satisfy criterion B of DM11.

C) The proposed external alterations are illustrated on drawing no 2C.

Whilst there has been alteration to the number and position of glazed sections/window/door openings, it is considered that the proposals strike an appropriate balance in terms of converting the building into a residential dwelling.

Overall, the works proposed are considered to sufficiently reflect the character of the building and its surroundings as it currently stands. On this basis it is considered that the application scheme is acceptable in terms of assessing how it will affect the building and on this basis the proposal satisfies criteria C of DM11.

D) Two documents have been submitted in this regard; one entitled Ecology Appraisal by YN and another by David Wills dated September 2016. The YN report indicates that as the building has been converted already, it does not have any bats or barn owls present. In direct conflict with this statement are the findings of the David Wills report which indicates that evidence was found which suggests that bats roost within the exterior of the northern gable end of the extension, although further survey work would be required to establish the type of roost, the species and number of bats using the area. This area is proposed to form the garage area of the proposed development and a letter of clarification by David Wills dated 7th September indicates that if this area remains as existing and the bat roost area is not disturbed, the building could be used as a garage and makes recommendations for wildlife gain.

It is unclear how the YN report writer is qualified to make the assertions made. Mr Wills qualifications are noted in his report. Therefore subject to complying with the recommendations of the David Wills report dated 3rd September and subsequent letter of 7th September 2016, criterion D of DM11 is considered to be satisfied.

Policies DM14 and DM15 seek to ensure that dwellings have an appropriate size and minimum level of amenity to suit its location etc. Since the publication of the dwelling size policy, the Government have produced national dwelling size guidance which supersedes this policy.

The scope of the alterations to the building and the layout for the conversion to a dwelling is considered acceptable and deliver habitable accommodation which exceeds the space requirements established by the national standards. The application site has sufficient space to create a layout that accommodates satisfactory amenity space, including a parking area, and garden areas. In summary on this issue the design of the proposal is considered acceptable and principles established by policies DM14 and DM15 are met.

2 Ecology implications

The ecological interests in the site are noted above. Appropriate conditions are required to ensure that the mitigation suggested in the report is followed and that a European Protected Species licence may be required from Natural England.

3 Highway Implications

As described above, the access to the proposed development is via the existing vehicular accesses.

For the reasons outline above the proposed development would not be harmful to the safety and convenience of road users. The provision for parking and manoeuvring on-site would comply with the Council's parking standards, and would not conflict with policies DM8 and DM14, and in accordance with policy COR9 in that it would not have an adverse impact on road safety.

4 Impact upon neighbouring properties

Given the location of the site it is not considered that the development would have an adverse impact on any adjacent residential occupiers. The farmhouse and its converted outbuildings are sufficiently far enough away so as to not be affected by the proposed development. It is therefore considered that the proposed development does not have a detrimental impact on the living conditions of the occupiers of the

neighbouring properties or the proposed property itself. Overall, 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 DM14 in this respect.

5 S106 obligations

As this application is recommended for refusal, a POS contribution has not been sought from the applicant. In the event of an appeal against the issue of a refusal, the Council reserve the right to seek such a contribution towards the creation and/or improvement of public open space within the vicinity of Bickleigh and/or its surrounding catchments area.

6 Local finance considerations

With the introduction of the Localism Act 2011, the receipt of New Homes Bonus monies is a material consideration in the determination of planning applications. If New Homes Bonus is distributed across the Council Tax bands in the same way as last year, the award for each market house is estimated to be £1,028 per year, paid for a period of 6 years. The amount of New Homes Bonus that would be generated from this proposal if it were approved over a period of 6 years is therefore estimated to be £6,168. The potential receipt of these monies is a positive aspect of the proposal but the weight attributed to this consideration is no greater than the weight carried by the considerations previously discussed.

REASONS FOR REFUSAL

1. In the opinion of the Local Planning Authority the building is of a design and appearance which does not positively contribute to the rural character of the area and is therefore not suitable for conversion to a dwelling. It is therefore contrary to the initial test of Policy DM11 of the Local Plan Part 3 (Development Management Policies) and the guidance in the National Planning Policy Framework.
2. In the opinion of the Local Planning Authority it has not been demonstrated that the building is capable of being converted without significant rebuilding. Without such evidence, the proposal is contrary to criterion B of DM11 of the Local Plan Part 3 (Development Management Policies).
3. The application proposal does not include a contribution towards the provision of open space. The development is therefore contrary to Policy AL/IN/3 of the Allocations and Infrastructure Development Plan (Local Plan Part 2) and Supplementary Planning Document "The provision and funding of open space through Development" (May 2008).

SUMMARY

The National Planning Policy Framework establishes the principle that the reuse of redundant or disused buildings in the open countryside as dwellings, could be considered acceptable, and Policy DM11 of the Local Plan Part 3 (Development Management Policies) reflects this guidance.

To be converted to a dwelling, Policy DM11 only applies if the existing building positively contributes to the area's rural character. The building cannot be argued to positively contribute to the area's rural character. It is little more than utilitarian in its form and appearance. It is of no particular architectural merit and is of low amenity value. Its impact is nothing other than neutral within the wider character of this local landscape. Therefore, the building is inappropriate for conversion and the proposal does not conform to the initial requirement of Policy DM11.

The issue then is whether there are material considerations that would justify the development despite the conflict with the development plan.

Paragraph 55 of the National Planning Policy Framework advises that whilst isolated new homes in the countryside should be avoided, development will be appropriate in certain special circumstances. Inherent in the exception in paragraph 55 is that the re-use should retain the

architectural character of the building and its rural setting. Whilst on the whole the proposal would do so, the building is of no intrinsic merit and currently makes little contribution to the character of the countryside.

There are no material considerations that would outweigh the conflict of the development with Policy DM11 and national planning policies. The application building is inappropriate for conversion to a residential dwelling and therefore the scheme is not required to be tested against the remaining criterion of Policy DM11.

That said, for completeness, this assessment has been carried out. Criteria A, C and D of Policy DM11 are satisfied. However, the Council cannot be satisfied that the existing works to the building were/are capable of allowing the conversion without significant rebuilding. The proposal is therefore not shown to satisfy criterion B.

Overall the works to the building are considered to respect the character of the building and the surrounding rural environment, and will not adversely affect the amenities and living conditions of any neighbouring properties. The proposed access arrangements are considered acceptable. The proposal is not considered to cause harm to nature conservation interests in the local area subject to adopting the mitigation measures as recommended.

The applicant has not made appropriate provisions to satisfactorily mitigate against the need to provide a contribution towards public open space.

Application No. 16/01450/OUT

Plans List No. 3

Grid Ref: 286952 : 106264

Applicant: Mrs A Lewis

Location: Land at NGR 286952 106264
(Rear of Holes Cottage)
Cheriton Fitzpaine Devon

Proposal: Outline for the erection of 2
dwellings with attached garages
and formation of shared access
(Revised Scheme)

Date Valid: 21st September 2016



Application No. 16/01450/OUT

RECOMMENDATION

Grant permission subject to conditions.

CLLR MRS P COLTHORPE HAS REQUESTED THAT THIS APPLICATION BE DETERMINED BY THE PLANNING COMMITTEE FOR THE FOLLOWING REASON:

To consider the significant concern expressed by local residents concerning the proposed shared access and the number of dwellings it will serve, which is contrary to the standing advice published by Devon County Council.

PROPOSED DEVELOPMENT & RELEVANT BACKGROUND

BACKGROUND: By way of background, planning permission was sought earlier this year (LPA ref: 16/01094/OUT) for outline planning permission for three dwellings. This application was withdrawn without determination. This current application follows on from this earlier application. In addition planning permission was granted in April 2016 for the conversion of a redundant building to a dwelling directly adjacent to this current application site. As part of that application the approved arrangements for the parking of Holes Cottage and Holes Cottage Barn were proposed alongside the highway on Bary Close.

PROPOSED DEVELOPMENT: This application seeks outline planning permission for 2 dwellings together with means of access and layout. Appearance, landscaping and scale will be subject to future consideration as reserved matters.

It is proposed that the access drive will pass between Holes Cottage and Holes Cottage Barn (the recently granted conversion). To facilitate this, part of the modern single storey extension to Holes Cottage will be demolished. The access drive continues westward between Holes Cottage Barn and the garden of Holes Cottage into the area of the former nursery garden. Further west, the access road terminates in a hammerhead turning head. At the western end of the site, the land is split into two, forming two house plots on the north and south of the plot respectively (plot area: approximately 1,575 square metres across a site area of 0.2 hectares in total.

The development will be served by a 4.1m wide shared surface drive for the first 25m and then this reduces to a 3m wide road with a passing bay at 30m and 1m verge either side for the whole length. At around 55m the shared surface drive terminated in a hammerhead of sufficient size to accommodate delivery vehicles.

Two visitor parking spaces are provided off the north end of the hammerhead. Access for parking two vehicles each at the rear of Holes Cottage and Holes Cottage Barn are provided to replace the off-street parking for these two dwellings which would be lost at the eastern end of the site due to the formation of the access.

It is anticipated that the proposed dwellings will be two storey with single storey garages. The external appearance of the proposed dwellings is reserved for future consideration.

Whilst the landscaping is reserved for future consideration, the planning statement notes that the existing mature trees and hedges around and within the site will be retained.

The site is directly adjacent to the boundary of Cheriton Fitzpaine Conservation Area and surrounded by the Chapel on the high street, and detached and semi-detached dwellings, and their gardens.

APPLICANT'S SUPPORTING INFORMATION

Block Plan showing existing trees across the plots.

Planning Statement, Design & Access statement and Heritage Impact assessment prepared by the Mr K Garside (agent)

Wildlife Preliminary Triggers schedule

Completed application form and accompanying plans/drawings

PLANNING HISTORY

15/02004/FULL: Conversion of redundant building to dwelling: Granted subject to conditions - 08.04.16

16/01094/OUT: Outline for the erection of 3 dwellings with attached garages and formation of shared access - withdrawn - 13.09.16

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR1 - Sustainable Communities

COR2 - Local Distinctiveness

COR3 - Meeting Housing Needs

COR8 - Infrastructure Provision

COR9 - Access

COR12 - Development Focus

COR17 - Villages

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

AL/IN/3 - Public Open Space

Mid Devon Local Plan Part 3 (Development Management Policies)

DM1 - Presumption in favour of sustainable development

DM2 - High quality design

DM8 - Parking

DM14 - Design of housing

DM27 - Development affecting heritage assets

CONSULTATIONS

NATURAL ENGLAND - 6th October 2016 -

No comments.

HIGHWAY AUTHORITY - 22nd September 2016 - The Highway Authority initially made no comment regarding the application.

16th November 2016 - Further Comments

The access arrangements are in accordance with standing advice, more over since the standing advice document was produced, and is being considered for revision, the interpretation of Manual for Streets (MfS) mean that more than 3 off a private drive are considered acceptable today. Notwithstanding this the site access with 4.1m carriageway width, and two 1.0m verges is compliant to manual for streets in terms of two way traffic. Three off a private drive is born out of the Advance payment code and formation of Private streets by new build dwellings and the need to ensure that it is to a standard suitable for adoption. This site would not meet that criteria for APC as conversions are exempt and the two existing properties already front a public highway so in technical terms there are only two new dwellings off a private drive, albeit with the parking for the existing also accessed from it.

In terms of your points

1. No it would no longer need to comply with adoptable standards in this instance due to the APC exemptions, more over the initial 4.1m carriageway and 1.0m verges would be compliant with MfS and we would not be able to object based on MfS guidance and it would be to a standard suitable for adoption.
2. The plans are suitable to serve the development and with a 4.1m carriageway and 1.0m verges the first 25m would be of a suitable standard to be adopted, as a "housing Court" as it is compliant with MfS., The remainder of the road would then be 2 dwellings off a private drive in any case, with the added benefit of a passing bay. MfS is a very flexible tool and where verges do not have services in them vary in width and 0.5m margins have been adopted in the past up to the full 2.0m and as such the proposal is not only to standing advice but also compliant with a standard suitable for adoption. However given the sites exemptions under APC and the applicants desire to keep it private the road would not be adopted nor could we insist on an adoption.
3. The site is in compliance but the benefits of moving vehicles from the public highway to off-site private parking will always benefit free flow of traffic and Highway safety in general.

ENVIRONMENTAL HEALTH - 4th October 2016

Contaminated Land - no objections to this proposal

Air Quality - no objections to this proposal

Environmental Permitting - no objections to this proposal

Drainage - no objections to this proposal

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

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

Housing Standards - No Comments

Licensing - No Comments

Food Hygiene - Not applicable

Private Water Supplies Informative Note

No record is held for the proposal address. However, if a private supply is to be used by more than one property it would be classed as a Regulation 10 small supply, unless a commercial element is involved when it would be classed as a Regulation 9 supply under The Private Water Supply (England) Regulations 2016. In either circumstance a risk assessment and sampling regime will be necessary. Please contact Public Health at Mid Devon District Council on completion of proposal. If single domestic use of a private supply is proposed or if mains water is to be used I would have no comment.

Health and Safety I have no objections to this proposal enforced by HSE.

HISTORIC ENVIRONMENT SERVICE - 13th December 2016

I refer to the above application and your recent consultation. Assessment of the Historic Environment Record (HER) and the details submitted by the applicant do not suggest that the scale and situation of this development will have an impact upon any known heritage assets with archaeological interest.

The Historic Environment Team has no comments to make on this planning application

Any comments from the County Archaeologist regarding the application will be reported as an update before the meeting.

REPRESENTATIONS

8 letters of objection have been received raising the following issues;

- Reducing to two houses is better, but bungalows would be more desirable. 2 bedroomed bungalows would encourage older generation to down size releasing more affordable accommodation.
- There are already 2 cars, a trailer and a large motorhome belonging to Holes Cottage normally parked where the access drive is to be made, with only 2 off road spaces to park them behind Holes Cottage. This could lead to dangerous parking on the road or splay.
- Highway safety concerns for pedestrian along Bary Close. There is normally no space to park in Bary Close already in the evenings, without the extra parking caused by the moving of cars and motorhomes.
- The access looks impractical and dangerous (as well as against the council's own official rules)
- Whilst policy suggests 1.7 vehicles per property, given today's demographic it could easily be 3 or 4, this could also include commercial vehicles.
- These additional vehicles generated from the proposed additional properties together with the existing Holes Cottage and agreed conversion would suggest that the new access road would be a busy access point onto the Bary Close cul-de-sac.
- The current use of the cul-de-sac for parking (resident's and others) means this road is almost always a single carriageway from the village street junction and not fit for purpose for the proposed additional traffic flow.
- The suggested visibility splay together with the parking would make this a dangerous access point with parked vehicles, persons walking and visibility all to consider at the same time for any vehicular movement. This could cause problems with car owners arguing and quarrelling about parking places.
- Privacy concerns for surrounding occupiers..
- There are needs for affordable new builds and other more appropriate sites have been identified.
- The lower end of Bary Close is used as a drop off and pick up area meaning that it is a highly utilised part of the village and as such each action adds potential danger.
- Proposed entrance is opposite 3 drives, a lane to the back of two houses and the bottom drive at 12 Bary Close. This will only encourage more people to use Bary Close as a turning area.
- Noise and disturbance from vehicles, particularly on the recently converted house which has the access drive running straight past it.
- Doesn't Cheriton Fitzpaine have designated land for planning to building 2/3 bedroomed houses (White Cross, Barnhill and Carrs Farm)
- Shame to demolish part of Holes Cottage.
- Private drives are only suitable for up to 3 dwellings. This serves 4.
- The width of the access is planned to be 3.1m, after the initial 4.1m width. If 1m clearance strips should be provided on both sides of the access drive. This would make the access a minimum of 6.1m wide as it goes past Holes Cottage which would necessitate rather more demolition than initially described and totally change the appearance of the entrance splay.
- Fail to see how the proposal fits with the aims of the Council. It could come under COR17 where it says that development will be limited to minor proposals within their defined settlement limits. Building 2 large detached houses with a driveway in excess of 70m which necessitates demolition of a not insignificant part of an existing building in a Conservation Area is neither a minor proposal nor infill.
- COR17 depends on the village having a school, shop and daily transport links. There is no possible way of using the bus service that we do have to go to work anywhere, and even shopping by bus us almost impossible. The only shop in the village is closing in December this year, and although there are discussions about opening a community shop, this is by no means certain. We would then move into the definition of COR18, which excludes minor proposals within the defined settlement limits. Full planning permission would then not be grantable.
- Policy DM15 shows 118 sqm for a 7+ bed space which would mean larger houses than people are anticipating.
- The original objections should still be taken into account, apart from the objections referring to the deleted house plan.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main determining factors in this application are:

- 1. Policy**
- 2. Impact on amenity of neighbouring dwellings**
- 3. Impact on character and appearance of the area**
- 4. Highway safety, transportation and Parking issues**
- 5. Other matters**
- 6. Finance considerations**

1) Policy

The Government's commitment to a "plan led" planning system is apparent throughout the NPPF. Paragraph 2 acknowledges the statutory presumption in favour of the development plan in section 38(6) of the Planning and Compulsory Purchase Act 2004, and the status of the NPPF as another material consideration.

The NPPF states that full weight may be given to relevant policies adopted since 2004 (and in accordance with the Planning and Compulsory Purchase Act 2004) even if there is a limited degree of conflict with the NPPF. The policies described in the following paragraphs have all been adopted since 2004. Broadly speaking, in relation to this current proposal the Development Plan has limited conflict with the NPPF and so full weight is given to the relevant policies produced by Mid Devon District Council.

The site is located within the settlement limit of Cheriton Fitzpaine where policies COR1 and 17 (CS) seek to encourage development in locations which are sustainable. COR17 notes that minor proposals in Cheriton Fitzpaine will be allowed.

Some local stakeholders argue that Policy COR17 is not relevant in that the development is not minor. The planning definition of minor is less than 10 dwellings and therefore, the proposed development does accord with Policy COR17 in that the development is minor in nature and is infill within the settlement limit. Whilst the Council would agree with interested parties that the proposed development is not insignificant, it does not agree that it is not minor development or infill.

The interested party's argument continues that the transport links are not meaningful for work or shopping and that some of the facilities are waning and therefore the application cannot be assessed against Policy COR17 and rather that Policy COR18 is more appropriate. Policy COR17 only requires that there are some facilities and that there is access to public transport. Both of these are true for Cheriton Fitzpaine. As the village has a settlement limit, the site is not in open countryside in planning terms and therefore Policy COR18 is not relevant.

Other relevant policies include Policy DM14 (design of housing)) and DM8 (parking). DM14 looks for dwellings with suitably sized rooms and overall floorspace which allows for adequate storage and movement within the building together with external space for recycling, refuse and cycle storage. The required size for each dwelling is set to accord with the technical housing national standards.

The proposal must not adversely affect the safe functioning of the highway and provides appropriate parking facilities in line with policy COR9 of CS. Policy DM8 seeks to provide the appropriate level of parking.

Mid Devon adopted policy requires that all new dwellings are subject to the necessary infrastructure payments relating to the delivery of Public Open Space.

In summary this application scheme is in line with the general locational policies for residential development as set out in the development plan. Following on, Government advice in the NPPF seeks to make more efficient use of previously developed land and/or in some cases garden land. The site is a former orchard area and both local and national policy guidance would support a residential use on it subject to the impact on the character and appearance of the local area. This matter, together with impact on the amenity of residents are covered separately below.

2) Impact on neighbours and the host dwellings

Para 17 of the NPPF indicates that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. This is reflected in policy DM14 which sets out that new development should respect the privacy and amenity of neighbouring residents.

The site itself is part of the garden (former orchard) of Holes Cottage. Although Holes Cottage Barn is also currently within the applicant's control, the Council need to consider the living conditions of the occupiers of that property in the future.

The majority of the habitable windows of the barn being converted will face onto the proposed access (2 kitchen windows, 2 bedroom windows and a sitting room window). The kitchen windows in particular will be close to the pedestrian and vehicular access. In addition, these habitable windows would face the 2 parking spaces for Holes Cottage. However, it is considered that both the pedestrian and vehicular activities arising from the 2 new dwellings and the manoeuvring of vehicles into and out of the Holes Cottage parking spaces are not considered to be significantly detrimental to the living conditions of the occupiers of Holes Cottage Barn as to warrant the refusal of the application.

Having excluded the now proposed parking spaces for Holes Cottage Barn, the usable residential curtilage remaining for Hole Cottage Barn is modest. However, the property is a modestly proportioned 3 bedroomed property and as such, the proposed residential curtilage to remain with the host property is considered to be acceptable. In addition the application seeks the partial demolition of an extension to Holes Cottage. This building is not listed, and whilst it is not objectionable, the loss of part of the building would not be significant to that character or appearance or to the amenities of the dwelling.

Whilst the main living room window in Hole Cottage Barn faces Plot 2 of the proposed new dwellings, there is sufficient distance (in excess of 20.0 metres) between the two properties to prevent any adverse effect on the living conditions of the occupiers of either dwelling.

The separation distance between Holes Cottage and Plot 1 is in excess of 30.0 metres and therefore there are no concerns with window to window distances in that respect.

To the north of Plot 1 is a playing field and there are no privacy issues in that regard. To the south of Plot 2 are the Chapel and the buildings to the rear. The gable of Plot 2 aligns with these buildings and, as such limits the opportunity for the final design to present overlooking issues.

The occupiers of Victoria Cottage, which lies to the west of the Post Office on the village road, have raised concern regards the loss of privacy and overlooking of their property. From the rear façade of this property to the boundary with Plot 2 there is some 18.0 distance. Furthermore and as stated above it is proposed that that property on plot 2 will present with its gable towards the southern boundary and at oblique angle. Therefore it is concluded that there is sufficient distance between Plot 2 and the rear façade of Victoria Cottage is sufficient to prevent any undue loss of privacy.

Therefore there is sufficient distance between the proposed dwellings and the neighbouring properties not to adversely affect the living conditions of the occupiers of those dwellings. Therefore the development is considered to comply with Policies DM2 and DM14 of LP3 DMP with regard to allowing sufficient privacy and amenity for existing and future occupiers.

3) Impact on character and appearance of the area

Paragraph 131 of the NPPF states that in determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets. This is in line with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which makes clear that in considering whether to grant planning permission for development which affects a Conservation Area or its setting, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The application site, being immediately adjacent to the Conservation Area boundary has the capacity to affect the setting of the Conservation Area. The Conservation Officer has considered the proposal and comments as follows:

'This site lies to the north of Cheriton Fitzpaine conservation area but is a plot surrounded by existing development on three sides. I have no objection to development on this site (as per my previous advice). Layout is improved and I feel that the sites visibility is very restricted from public vantage points within the conservation area and therefore impact should be lessened. Given the proximity to the conservation area I would expect any subsequent reserved matters application to carefully consider site lines through to this plot and selection of materials appropriate to the area.'

It is noted that the site is discretely situated in a backland position, behind the existing properties on both the village road and Bary Close. In addition, it is noted that the moderate changes the conversion of the barn to a dwelling (Holes Cottage Barn) would make on the character and appearance of the area.

The Conservation Area Appraisal notes that there is a significant view down Bary Close towards the village road. Due to the orientation of Holes Cottage with Bary Close, the demolition of part of the Cottage and the creation of a vehicular access at that point is not likely to have a detrimental impact on that view.

As the application is outline in nature with appearance and landscaping being reserved for future consideration, the design of the properties and the materials to be used for hard landscaping are not part of this application and therefore the visual impact of the application scheme and on the impact on the character and appearance of the Conservation Area is a structural assessment at this point in time. Going forward to the design stage as the site is within the historic core of the village the detailed design of the houses will need to strike the balance of the buildings in the historic core and the more modern development of Bary Close. With careful consideration of the detail of a reserved application, it is expected that the design can be acceptable for the location and not detract from the character and appearance of the Conservation Area adjacent.

Views into the site from the Conservation Area, even after the creation of the new vehicular access, are considered to be limited and furthermore the impact of two storey development houses on the Conservation Area would be negligible. The design will need to be considered against Policies COR2 of the Core Strategy and Policies DM2, DM14 and DM27 at the reserved matters stage.

The dwelling sizes will need to meet or exceed that of the nationally described space standards.

A tree survey has been submitted with the application which notes that only 1 tree (a mature Silver Birch) is considered to be a constraint on the development and this tree has been carefully avoided. It is in a prominent position and will help assimilate the development within it's context. The report refers to a number of other trees and groups but doesn't specifically note whether these tree are to be felled as a result of the proposed development. However, paragraph 3.2 of the Planning Statement notes that "all existing mature trees and hedgerows within and around the site will be retained". A tree protection plan will be conditioned to ensure that the development does not have a negative impact on the retained trees and subsequently on the character of the Conservation Area.

In addition to the Conservation Area outlined above, Wreylands Cottage is a traditional thatched Grade II Listed Building (to the SE of the site). Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990) require the local planning authority have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. The listing includes primarily internal features of note, other than the front railings to the village road. Externally the property is also of merit and adds to the character and appearance of this historic core. However, the intervisibility of and between both this Listed Building and the proposed dwellings is somewhat limited, primarily due to the presence of boundary treatments and soft landscaping and the distance involved.

The Chapel is listed in the Conservation Area Appraisal as an unlisted building of merit. One of the proposed dwellings will be adjacent to that building and the reserved matters application will need to be carefully considered at that stage so that the impact of any new dwelling is not detrimental to the setting of The Chapel.

There are no other special features in the locality.

Reflecting on the considerations as set out above it is not considered that the proposed development would result in a form of housing which would be at odds with the built character and/or special interest of the surrounding area, and therefore it is considered that the objectives of COR2 of Mid Devon Core Strategy 2007, NPPF paragraphs 132 and 134, DM2 and DM27 of Local Plan Part 3 (Development Management Policies).

4) Highway safety, transportation and parking issues

Access is not reserved for future consideration. The proposal indicates the site would be accessed from a new drive from Bary Close by way of demolition of part of Holes Cottage.

Concern has been raised with the proposed arrangements and the number of dwellings that it will serve, which includes the 2 new houses and the two existing houses- Holes Cottage and Holes Cottage Barn. This concerns appear to be generated from an assessment of the arrangements against the Highway Authority's Standing Advice noting that no more than 3 dwellings should be serviced from a private drive. As stated above the highway officer has confirmed that the guidance in this document has now been superseded by the guidance in the Manual for Streets.

The interpretation of guidance in the Manual for Street means that more than 3 dwellings off a private drive are now considered acceptable. Previously, more than 3 dwellings off a private driveway was born out of the Advance Payment Code (APC) and formation of private street by new build dwellings and the need to ensure that it is to a standard suitable for adoption. Applying the old Standing Advice means that this site would not meet the criteria for the APC as conversions are exempt and in addition, Hole Cottage fronts a public highway. However in technical terms there are only 2 dwellings off this private drive, albeit with the parking for an exempt property and an existing property also accessed from it.

Moreover, the initial 4.1m carriageway and 1m verges would be compliant with the Manual for Streets guidance and would be a suitable standard to be adopted. The remainder of the road would then be 2 dwellings off a private drive in any case, with the added benefit of a passing bay.

Therefore, the proposed access arrangements are in accordance with the most up to date guidance (Manual for Streets) and is also compliant with a standard suitable for adoption. However the site's exemption under APC and the applicant's desire to keep it private, the road would not be adopted unless the Highway Authority insist on an adoption.

Concern has also been expressed that the creation of the proposed access will negate the existing parking facilities for both Hole Cottage and Hole Cottage Barn which is indicated exceeds the replacement 2 parking spaces indicated for each property as part of the application scheme, resulting in on street parking. Other representations indicate that this (dangerous) on street parking already occurs. It is noted that Bary Close is not subject to any parking restrictions, and therefore any dangerous or inconsiderate parking on footpaths is a matter of enforcement for other authorities. Notwithstanding as stated above the proposals remove the parking for the existing two properties to a safer location.

There is sufficient space on site to turn a car so that vehicles are able to enter and leave the site in a forward gear. The development indicates a single garage (although the Council do not count this as a parking space) and there is adequate space to park 2 cars for each dwelling. In this regard, the total number of parking spaces conforms with the Council's policy and Parking Supplementary Planning Document for the proposed and existing dwellings that are affected by the application scheme.

Concern has also been expressed from other road users and how the new access arrangements will affect intervisibility between existing road users and the emerging vehicles from the new access, particularly if

there is on street parking. As Hole Cottage and Hole Cottage Barn are set back from the roadside edge, there is a reasonable degree of visibility both north and south from the proposed access. Bary Close is subject to a 30 mph speed limit, and as the access is close to the junction with the village road, it is expected that traffic speed is likely to be less than 30mph as it passes the site. In addition any on street parking in the vicinity not related to the application scheme would also serve to restrict traffic speed whilst not unduly restricting the movement of traffic into and out of the proposed access.

Concern has been raised about the additional impact from the vehicles from the proposed properties. It is very likely that vehicles emerging from the site access will turn right towards the village road and vice versa. It is some 37m from the village road to the point of access. It is not considered that this length of heavily trafficked highway is significant and the impact of that additional traffic is not considered to be detrimental to or conflict with the existing accesses along that part of the network.

In summary it is not considered that the proposed development would be harmful to the safety and convenience of road users. The provision for parking and manoeuvring on-site would comply with the Council's parking standards, and would not conflict with policies DM2, DM8 and DM14 in that there would be satisfactory provision for parking and manoeuvring in accordance with adopted standards, and in accordance with policy COR9 in that it would not have an adverse impact on road safety. Finally as stated above the proposals are supported by the Highways Officer at Devon County Council.

5) Other matters raised by interested parties

Interested parties have indicated that smaller bungalows are more acceptable on the site. However the Council must determine the application which is for two 2-storey houses. Two storey dwellings, for the reasons outlined above, is considered to be an acceptable development solution for the site. The potential to release larger houses to the market by granting planning permission for smaller bungalows on the site is not something that is an issue which can be considered as part of the planning balance in this instance.

The need for affordable housing has been raised. No affordable housing requirement is required as part of this application due to its scale. This is in compliance with the Written Ministerial Statement on such matters and/or development plan policy.

The presence or otherwise of more appropriate sites is not something which can be considered as part of the planning balance either in this instance. The Local Plan Review is currently consulting upon residential allocations within and adjacent to the village. As is not adopted policy, the weight to be given to these potential allocations is limited at this time and would not override the policy support for the application under COR17.

Interested parties have indicated that the objections to the three dwelling scheme should still be taken into account, apart from the objections referring to the deleted house plan. Each application is determined in its own right and on its own merits.

6) Finance considerations

An appropriate contribution towards the provision of new/maintenance of existing open space off site is required to comply with the requirements of Policy AL/IN/3 of the Allocations and Infrastructure Development Plan (Local Plan Part 2), and Supplementary Planning Document, and the applicant made appropriate provisions on 17th November 2016 through a payment of £2410.00 in accordance with policy.

With the introduction of the Localism Act 2011, the receipt of New Homes Bonus monies is a material consideration in the determination of planning applications. If New Homes Bonus is distributed across the Council Tax bands in the same way as last year, the award for each market house is estimated to be £1,028 per year, paid for a period of 6 years. The amount of New Homes Bonus that would be generated from this proposal if it were approved over a period of 6 years is therefore estimated to be £12,336. The potential receipt of these monies is a positive aspect of the proposal but the weight attributed to this consideration is no greater than the weight carried by the considerations previously discussed.

CONDITIONS

1. No development shall begin until detailed drawings to an appropriate scale of the scale and appearance of the buildings, and the landscaping of the site (hereinafter called the Reserved Matters) have been submitted to and approved in writing by the Local Planning Authority.
2. Application(s) for approval of all the Reserved Matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
3. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the Reserved Matters which have been approved, whichever is the later.
4. The detailed drawings required to be submitted by Condition 1 shall include the following additional information: boundary treatments, hard and soft landscaping, existing site levels, finished floor levels, external lighting, materials, and surface water drainage.
5. Subject to the effect of any condition of this permission the development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
6. Prior to its use on site, samples of the materials to be used for the roof of the building will have been submitted to and approved in writing by the Local Planning Authority. Such approved materials shall be so used and retained
7. As part of the landscaping reserved matters, detailed drawings shall show which existing trees and hedgerows are to be retained on the site as part of the development.
8. No development shall begin until an Arboricultural Method Statement and Tree Protection Plan to protect the trees to be retained on the site has been submitted to, and approved in writing by, the Planning Authority. Such approved Arboricultural Method Statement and Tree Protection Plan shall be strictly adhered to before and during construction.
9. No part of the development hereby approved shall be brought into its intended use until the access driveway, turning areas and parking spaces have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and once provided, they shall be retained for that purpose at all times.
10. No development shall begin until a Method of Construction Statement to include details of:
 - (a) parking for vehicles of site personnel, operatives and visitors
 - (b) loading and unloading of plant and materials
 - (c) storage of plant and materialsshall have been submitted to, and agreed in writing by, the Local Planning Authority. Only the approved details shall be implemented during the construction period.
11. All telephone, electricity and mains gas services to the building shall be placed underground.
12. The surface water drainage of the site shall be designed as to prevent the discharge of surface water onto any highway.
13. Construction works shall not take places outside 07.30 hours to 19.00 hours Mondays to Fridays and 07.30 to 13.00 hours on Saturdays and at no time on Sundays and Bank Holidays.

REASONS FOR CONDITIONS

1. The application was submitted as an outline application in accordance with the provisions of Articles 4 and 5 of The Town and Country Planning (Development Management) Order 2010.

2. In accordance with the provisions of Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 Planning and Compulsory Purchase Act 2004.
3. In accordance with the provisions of Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
4. To enable the Local Planning Authority to consider the impact of the development particularly on the occupiers of the neighbouring properties and the adjacent Conservation Area, in accordance with Policy DM2 of the adopted Mid Devon Local Plan Part 3 (Development Management Policies).
5. For the avoidance of doubt and in the interests of proper planning.
6. To ensure the use of materials appropriate to the development in order to safeguard the character and appearance of the conservation area in accordance with
Mid Devon Core Strategy (Local Plan 1) COR2
Local Plan Part 3: (Development Management Policies) DM2, DM15 and DM27
7. In the interest of the visual amenity of the area in accordance with Policy DM2 of the Local Plan Part 3: (Development Management Policies).
8. To ensure that the development makes a positive contribution to the character and amenity of the area in accordance Policy DM2 of Local Plan Part 3 (Development Management Policies).
9. To ensure that adequate facilities are available for the traffic attracted to the site.
10. To ensure the provision of adequate facilities during the construction period and in the interests of highway safety.
11. In order to safeguard the visual amenity of the area and the character and appearance of the building in accordance with Mid Devon Core Strategy (Local Plan 1) Policy COR2 and Local Plan Part 3: (Development Management Policies) DM2 and DM27.
12. To prevent damage and to restrict the surface water running onto the highway in the interests of highway safety in accordance with Policy COR9 of the Mid Devon Core Strategy (Local Plan Part 1).
13. To protect the privacy and amenities of neighbouring occupiers accordance with Policies DM2 and DM14 of the Mid Devon Local Plan Part 3 (Development Management Policies).

INFORMATIVE NOTE

1. The developer must ensure compliance with the requirements relating to protected species by virtue of the Wildlife and Countryside Act 1981 and the Habitats Regulations. Any operations that would disturb bird nesting habitat should be undertaken outside the breeding season (March to August inclusive).

Foul drainage should be kept separate from clean surface and roof water and connected to the public sewerage system.

No record is held for the water supply at proposal address. However, if a private supply is to be used by more than one property it would be classed as a Regulation 10 small supply, unless a commercial element is involved when it would be classed as a Regulation 9 supply under The Private Water Supply (England) Regulations 2016. In either circumstance a risk assessment and sampling regime will be necessary. Please contact Public Health at Mid Devon District Council on completion of proposal. If single domestic use of a private supply is proposed or if mains water is to be used you do not need to contact the Council in that regard.

As the site is within the historic core of the village as noted in Map 4 of the Conservation Area Assessment, it is expected that the proposed development will reflect the more historic design details and materials of this historic core rather than the more modern development of Bary Close.

If you alter your proposals in any way, including in order to comply with the requirements of the Building Regulations, planning permission may be required

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The proposal is acceptable in principle as the site is within the defined settlement limit of Cheriton Fitzpaine. The proposed development will be at a density compatible with its surroundings and this proposal will reasonably complement the appearance of the streetscene. Adequate on-site parking and vehicle manoeuvring facilities with access thereto can be provided to serve this proposal. There is sufficient distance and intervening topography and landscaping between the proposed dwellings and the neighbouring properties not to adversely affect the living conditions of the occupiers of those dwellings. The applicant has made the appropriate public open space contributions in accordance with Policy AL/IN/3 of the Allocations and Infrastructure Development Plan Document (Local Plan Part 1). There are no flood risk or drainage issues resulting from the scheme. The proposal is therefore in accordance with Policies COR9, COR2, and COR17 of the Mid Devon Core Strategy (Local Plan Part 1), together with Policies DM1, DM2, DM3, DM8, DM14, and DM27 of Mid Devon Local Plan Part 3 (Development Management Policies), pending the consideration of the reserved matters.

Application No. 16/01566/FULL

Plans List No. 4

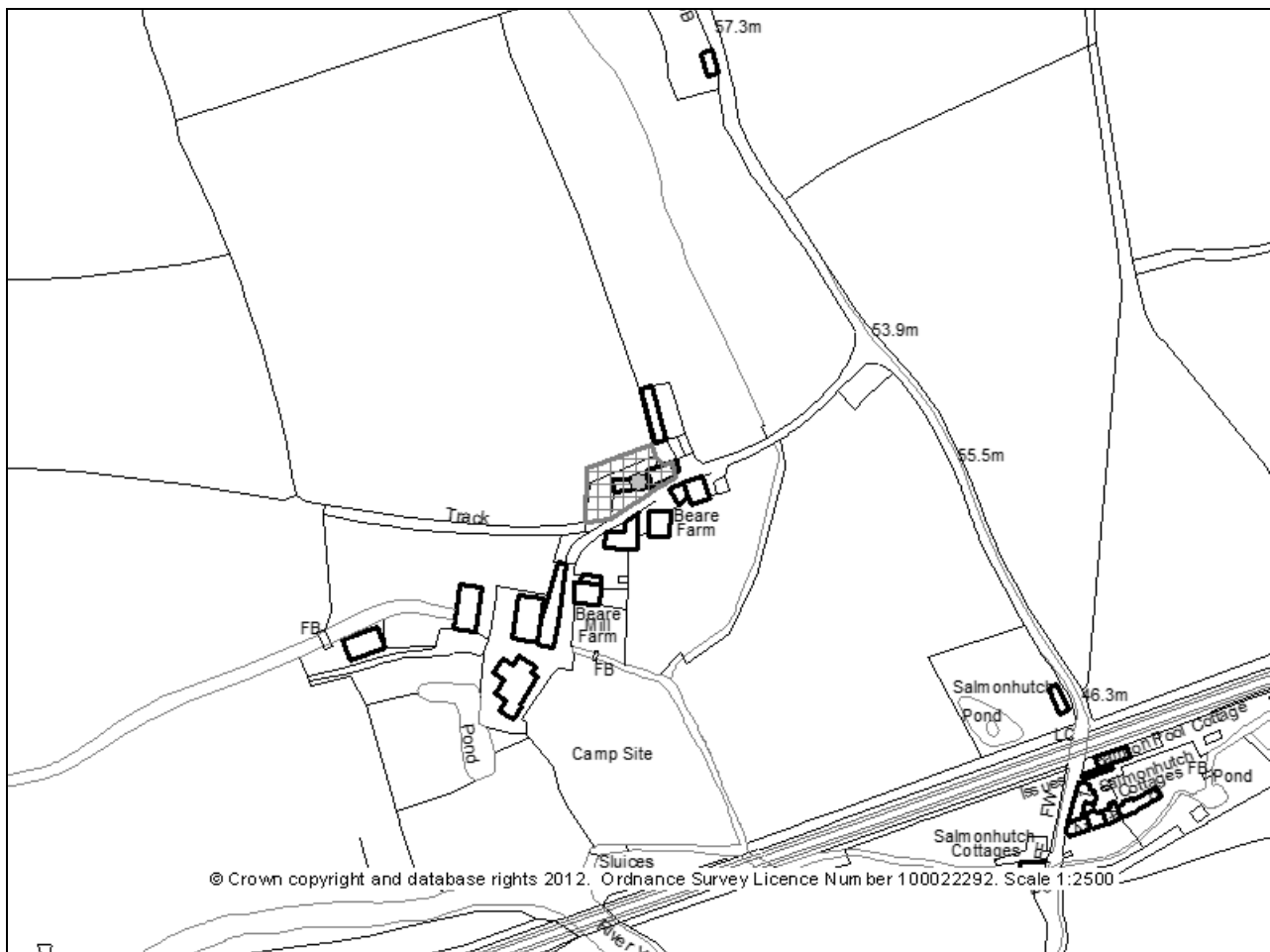
Grid Ref: 282555 : 99153

Applicant: Mr & Mrs C Tucker

Location: Land and Buildings at
NGR 282555 99153
(Beare Mill) Crediton
Devon

Proposal: Erection of a dwelling

Date Valid: 11th October 2016



Application No. 16/01566/FULL

RECOMMENDATION

Refuse permission.

PROPOSED DEVELOPMENT

The applicant has described the proposals as for the erection of a dwelling, on the site of a former agricultural barn.

The application is submitted retrospectively in that the dwelling and surrounding garden area are part constructed. This situation has arisen as a result of the applicant commencing the implementation of planning permission granted under LPA ref: 13/00981/FULL which allowed the conversion of the barn to a dwelling. Working within the existing fabric of the building the approved scheme was for a three bedroom unit with accommodation over two floors (approximately 140.0sq m). The approved scheme retained the low level pole barn at the front of the main barn and the plot area was 605.0 square metres.

The application seeks permission to seek to complete the project to for a revised layout arrangement on a similar footprint, height, scale and massing to the barn conversion scheme and still providing accommodation over two floors. However it is not now considered to be a conversion, but instead a new build.

In addition the proposals incorporate an additional single storey outshot at the front (east elevation) in place of the single storey pole barn, and wrapping around the side elevation (north elevation). When scaled off the plans this element adds approximately 36 square metres to the total area of floorspace. The applicants agent states that the unit would provide approximately 169 square metres and a wider site area of 834 square metres.

Other key differences relate to the propose access arrangements into the building and the manner in which the garden curtilage to the north of the building is to be provided.

The design approach is not dissimilar to the approved scheme, retaining a solid low level with a more open upper level created with boarding and fenestration details to reflect the design and appearance of the former barn. The stone base (partly constructed) is formed from stone reclaimed from the barn with the upper sections of walling either completed as rendered finish and/or timber boarding. A slate tile roof covering proposed with all window and door frames to be purpose made timber effect.

APPLICANT'S SUPPORTING INFORMATION

Application form

Plans, elevations, block and site plans - as previously existed and proposed

Design & Access Statement

Protected Species Survey by EPS Ecology Ltd dated March 2013 as submitted with 13/00981/FULL.
FD1a form

PLANNING HISTORY

03/00542/FULL Conversion of barn to dwelling with associated garden and parking. - REFUSE

89/01720/FULL Change of use of agricultural building to dwelling - REFUSE

99/03202/FULL Conversion of barn to a dwelling - REFUSE

04/01215/FULL Conversion of barn to dwelling - REFUSE

77/01750/FULL Change of use from farm building to self-catering unit - PERMIT

12/01330/FULL Conversion of barn to dwelling - WDN

13/00981/FULL Conversion of barn to dwelling (resubmission) - PERMIT

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR1 - Sustainable Communities

COR2 - Local Distinctiveness

COR18 - Countryside

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

AL/IN/3 - Public Open Space

AL/CRE/8 - Crediton Air Quality

Mid Devon Local Plan Part 3 (Development Management Policies)

DM1 - Presumption in favour of sustainable development

DM2 - High quality design

DM8 - Parking

DM11 - Conversion of rural buildings

DM14 - Design of housing

DM27 - Development affecting heritage assets

CONSULTATIONS

HIGHWAY AUTHORITY - 13th October 2016 -

No specific comments are raised.

CREDITON HAMLETS PARISH COUNCIL - 8 November 2016 -

At their meeting on the 7th November Crediton Hamlets Parish Council resolved to object to the application and agreed the following comments: "The Parish Council is concerned that issues raised when the original application was submitted were subsequently ignored. The present development should reflect the traditional building, aspect and construction and should not be significantly altered and therefore object to the application as it stands. It is requested it be called in for decision by committee"

NATURAL ENGLAND - 24th October 2016 -

No comments.

HISTORIC ENVIRONMENT SERVICE - 27th October 2016 -

Since the development of the site has already commenced under the consent granted for planning application 13/00981/FULL the Historic Environment Team has no comments to make on this planning application.

ENVIRONMENTAL HEALTH - 25th October 2016 -

Contaminated Land -

No objection.

Air Quality -

No objection.

Environmental Permitting-

No objection.

Drainage -

No objection.

Noise and Other Nuisances -

No objection.

Housing Standards -

No comments.

Licensing -
No comments.

Food Hygiene -
N/A

Private Water Supplies -
N/A

Health and Safety -
No objections.

REPRESENTATIONS

At the time of writing this report a single letter in support of the application has been received. The comment is set out in full below.

The barn has been a long standing feature at the farm and we (the signatories on the letter) are keen to see the project completed and the barn rebuilt to retain this building as part of the building at Bear as we know it. From the stonework that has been so far, it is obvious that it is going to be re-built to look like it was

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The application sits as part of a group of buildings comprising a former Mill and farm. The site is on the east facing sloping site set above the flood plain yet set into the hillside obscuring it from North and West views with limited visibility from the South and East. Access from the public highway is via an access road which serves the group of buildings running into the site from the east. There is a mature hedgerow which partially screens the site at the junction with the public highway. The history regards development at the site is set out above as is the reasoning for this application being submitted.

The main issues in the determination of this application are as follows:

- 1. Policy as it applies to barn conversions and new dwellings in the countryside**
- 2. Other material considerations which should be weighed against policy**

1. Policy as it applies to barn conversions and new dwellings in the countryside

Central Government guidance and the Council's own Development Plan Policies seek to strictly control new development in the open countryside. Policy COR18 of the Mid Devon Core Strategy (Local Plan Part 1) establishes that development in the open countryside should be strictly controlled and the policy identifies a range of uses and building types that could be considered acceptable. There is no policy support under Policy COR18 for the application proposal as a new build dwelling in the open countryside.

Also for consideration, paragraph 55 of the NPPF provides a number of examples of where exceptions to the general presumption against new homes in the countryside can be made. One of these exceptions is for proposals where the re-use of redundant or disused buildings would lead to an enhancement of the immediate setting.

Therefore the guidance in the National Planning Policy Framework and Policy DM11 of the Mid Devon Local Plan Part 3 (Development Management Policies) provide support for conversion of rural buildings and it is on this basis that application 13/00534/FULL was approved, as the building was considered to be of substantial and permanent construction and to positively contribute to an area's rural character. Following partial demolition, this no longer applies.

The tests of Policy DM11 are set out below. Taking into account the scheme design and the supporting information provided by the applicant when application 13/00981/FULL was submitted which included a

Structural Survey completed by Simon Bastone Associates Ltd dated 25 February 2013 it was considered that the conversion could be undertaken satisfying all the necessary tests as required.

- a) A suitable access to the building is in place or can be created without damaging the surrounding areas rural character and the road network can support the proposed use.
- b) The building can be converted without significant alteration, extension or rebuilding.
- c) The design will retain the original character of the building and its surroundings.
- d) The development will retain any nature conservation interest associated with the site or building, and provide net gains in biodiversity where possible.

With regards to the current application the proposals are not capable of being supported by Policy DM11, COR18 and/or the guidance in NPPF as the building that previously stood on the site has been demolished with the applicants effectively commencing a new build without the benefit of a valid planning permission.

However a range of other issues are also to be considered and are set out below: the planning history; the former condition of the barn; the circumstances that lead to the demolition and how the proposals affect the setting of the group of buildings at Beare. All these factors are material planning considerations which need to be weighed against the policy provisions.

2. Other material considerations which should be weighed against policy

- a) The planning history

Planning permission was granted for the conversion of the barn under LPA ref: 13/00981/FULL, as stated above. The applicants agent has set out the series of events that took place once implementation had started as set out below:

Works commenced on the scheme in accordance with the approved proposals. Preliminary excavation to gain access to the external walls and to determine foundation depths etc. revealed that the cob wall to the south which retained 2.4m soil and internally presented as rendered concrete was of little substance. As works progressed the extent of the retaining element and condition of the cob element of the West and North walls gave concern and the ground works immediate to these walls was found to be made-up ground with large voids and areas of loose fill requiring a reappraisal of these walls. It was decided to replace these walls with properly designed retaining walls to the line of the existing walls.

The first floor structure being timber post and a frame was carefully dismantled and set aside for timber treatment and repair, and works progressed with the remaining walls in situ. As works progressed the stone quoin was damaged by machinery and rendered unsafe. Roof trusses and timbers were set aside and remain on site ready for incorporation into the works. These are to be remade and reinstalled in the works.

Retained elements at the commencement of the works required further work until finally it has been assessed that the project can no longer be considered a "conversion" and as such the applicant is now required to seek planning permission for a "new build" to complete the project as intended.

The applicant has submitted photographs to clarify this passage of events.

- b) The former condition of the barn

Structural Stability of the Building - Policy requires that applicants submit evidence that the building is structurally sound and capable of being converted without significant extension, alteration and/or rebuild. As stated above the structural report that was submitted with the earlier application for conversions confirmed that the scope of works that were required were limited. The specific recommendations of the report for the building is set out below:

Feasibility of Proposals

4.3.1 The proposals involve little alteration to the existing structure, retaining all areas of existing wall. The

roof will need to be strengthened with new purlins, supporting structure and rafters. The older timber roof trusses can be retaining as a non structural feature if required.

4.3.2 The necessary structural repairs involve making good cob walls with cob blocks, stitching of a number of cracks, re-pointing of stone and general making good.

4.3.3 Damp proofing/drainage cavity works will need to be carried out to existing walls.

4.3.4 The external levels to the north and west sides of the building need to be reduced and land drainage installed.

Taking into account the advice provided in the structural report it was clear at that time that the building was structurally sound and capable of conversion without significant extension, alteration or rebuilding in accordance with policy requirements.

c) The circumstances of the demolition

As stated above, during the course of the conversion works and following the removal of the roof and flooring structure the applicant took the view that the standing walls were structurally unsound. Neither your planning officers and/or building control officers were involved in the decision. The Building Regulations process is being managed by an approved inspector under ref:15/0033/AI which was submitted with the following description: Proposed barn conversion and associated works.

d) The impact of the loss of the building to the setting of Beare Mill

It would appear that the applicants set out in good faith to implement the terms of the planning permission to convert the barn into a residential dwelling. The applicant has unilaterally decided to deviate away from the terms of the planning permission without seeking advice from the Local Authority officer team. This application proposal seeks permission to complete the dwelling as a new build which will retain the visual character of the barn as it was approved to be converted, albeit with a slightly larger floorplate and visually significant garden area which includes adequate provision for car parking. Visually the application scheme would recreate the group setting of the built complex at Beare Mill. It is not considered that the application scheme would cause harm to the visual amenities and/or character of the area. The objections therefore relates to lack of policy support for a new build dwelling in the countryside as there is no special justification.

e) Financial contributions

Financial contributions towards air quality (£4,434) and public open space (1,250) were made under the previous permission and if granted will be carried over to this application which would require a deed of variation to be completed.

f) New Homes Bonus

With the introduction of the Localism Act 2011, the receipt of New Homes Bonus monies is a material consideration in the determination of planning applications. If New Homes Bonus is distributed across the Council Tax bands in the same way as last year, the award for each market house is estimated to be £1,028 per year, paid for a period of 6 years. The amount of New Homes Bonus that would be generated from this proposal if it were approved over a period of 6 years is therefore estimated to be £6,168. The potential receipt of these monies is a positive aspect of the proposal but the weight attributed to this consideration is not considered to outweigh the matters as discussed above.

REASON FOR REFUSAL

1. The site is located in the open countryside where new residential development is strictly controlled. This proposal no longer achieves the conversion of an existing building without significant extension, alteration or rebuilding as permitted by Policy DM11 of the Mid Devon Local Plan Part 3 (Development Management Policies). Instead, following the demolition of the barn structure that had been approved for conversion to a dwelling, the proposal is effectively for a new build and is therefore contrary to

Policy DM11 of the Mid Devon Local Plan Part 3 (Development Management Policies). The application is therefore considered in policy terms to be for the erection of a new dwelling in the open countryside, for which no special justification has been given, which is contrary to Policies COR1 and COR18 of the Mid Devon Core Strategy (Local Plan Part 1) and the National Planning Policy Framework.

Grid Ref: 283119 : 100306

Applicant: Jurassic Coast Coffee Limited

Location: 28 High Street Crediton Devon EX17 3AH

Proposal: Change of use of ground floor from Class A1 (Shop) to mixed use Class A1 (Shop) and Class A3 (Cafe) and associated internal and external alterations

Date Valid: 12th October 2016



Application No. 16/01594/FULL

RECOMMENDATION

Grant permission subject to conditions.

PROPOSED DEVELOPMENT

Change of use from Class A1 (Retail) to mixed use: Class A1 (Retail)/A3 (café) on ground floor 28 High Street, Crediton. The site is a three storey unit (ground floor and two floors above) located on Crediton High Street in the middle of the primary shopping area and within the primary shopping frontage. The current use class of the unit is A1 retail, having previously been used as "High Street Saver"; however the site is now currently vacant.

The building is within the Conservation Area and adjacent to a Listed Building.

The proposal includes external works, primarily the insertion of 2 air conditioning condenser units at first floor level on the rear. The floor space of the site extends to 203sqm, some of which will be lost to washroom and back of house facilities.

The layout as proposed includes a 'retail' area (Class A1 Retail) to sell coffee and other hot and cold drinks, sandwiches, filled rolls, cakes, pastries, coffee beans, cafetieres, percolators, coffee cups and mugs, and other related products. The café (Class A3 Retail) use relates to the 79 covers that could be accommodated within the floor area. The applicant indicated that the proposed use would generate some 5 full time and 5 part time staff.

The unit would be open between the hours of 07:00 and 19:00 Monday to Saturday and 09:00 to 17:00 on Sunday and Bank Holidays.

In addition, advertisement consent is sought for an internally illuminated fascia sign and 1 externally illuminated hanging sign. A separate application for advert consent has been submitted.

APPLICANT'S SUPPORTING INFORMATION

Planning, Design and Access Statement
Application forms and associated plans
AC details
Letter from the agent dated 22nd November 2016
Agent's email dated 2nd December 2016.

PLANNING HISTORY

89/01220/ADVERT - Consent to display shop sign - withdrawn
89/01221/FULL - Installation of shopfront - permitted
16/01302/FULL Change of use from Class A1 (Retail) to mixed use: Class A1 (Retail) on ground floor and Sui Generis in basement/backroom - PCO

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR2 - Local Distinctiveness
COR6 - Town Centres
COR15 - Crediton

Mid Devon Local Plan Part 3 (Development Management Policies)

DM1 - Presumption in favour of sustainable development

DM2 - High quality design

DM16 - Town centre development

DM27 - Development affecting heritage assets

CONSULTATIONS

HIGHWAY AUTHORITY - 24th October 2016 - No comments.

CREDITON TOWN COUNCIL - 16 November 2016 - Recommend Approval.

ENVIRONMENTAL HEALTH - 2nd November 2016 - Contaminated Land - No Objection.

Air Quality - No Objection.

Environmental Permitting - No Objection.

Drainage - No Objection.

Noise and Other Nuisances - Further information required confirming that there will be no external AC/chiller units running during night-time hours.

Housing Standards - No Comments.

Licensing - Please visit our web pages via the following link

<https://www.middevon.gov.uk/business/licensing/alcohol-and-entertainment-licences/> as some activities such as light night refreshment or the sale of alcohol will need a licence.

Food Hygiene - No objections to the proposal. However a dedicated wash hand basin is required for food handlers where open food is handled.

Private Water Supplies - N/A

Health and Safety - No Objections.

DEVON, CORNWALL & DORSET POLICE - 21st October 2016 - No comments.

REPRESENTATIONS

A 1689 signature petition objecting to the application on the basis of the coffee chain brand.

12 letters of support of the change of use application received at the time of writing the report (01/12/2016) raising the following issues;

1. The primary shopping frontage extends from Ivory Secret to Tesco Express on the south side of the High Street and from CREDITON Tandoori to the Indian Lounge on the north side. The council currently accept that the percentage of A1 retail was 67.93% in October 2016.
2. A Costa coffee shop would be an attractive addition, particularly if a refusal resulted in the eyesore that No. 28 is, continuing - and bear in mind this large building has been up for sale for several years.
3. Costa's opening will almost treble the A3 seating in the principal shopping area and to be a commercial success therefore Costa will need to generate business that does not currently exist. If they are successful this will result in increased footfall in the high street which is bound to benefit its "vitality and viability". On this basis the application should be approved.
4. Very little to do/nowhere to go on a Sunday or bank holiday in Crediton, to have a coffee shop open on these days would be lovely for lots of local residents, particularly those who may be elderly and potentially isolated at these times, great for people to meet up and enjoy a coffee together.
5. Over the past few years there has been a large improvement within the Market street area and the square with a couple of café's and a coffee shop which service that area of Market street and the customer that use the post office, bank and market stalls and other shops within that area. However, with the improvements within that area of Crediton the High Street has now somewhat been split in two. There is the "lower" high street from the Steve B bakery up until Susan's Flower Shop which include the local newsagents, a mini super market, book shop but to name a few businesses along with all the businesses along Market Street itself. Then there is the "Upper" high street from the

Wine shop up until the two Fish and Chip shops that have been left behind somewhat with the development of the Market street area. There are some wonderful little shops in this part of the high street and I feel they would greatly benefit the extra foot fall Costa Coffee would bring to that part of the high street.

6. If Costa Coffee or some other big brand does not take over the building that the work will never be done and will remain an eyesore for many years to come, which could result in local businesses either moving out of Crediton or closing altogether.
7. The local government would benefit from the extra income from the council tax Costa Coffee would pay were as if the building was left empty they could loss out of tens of thousands of pounds every year until an opportunity like this comes around again.
8. A number of other big brands are now trading within the Crediton area and have had little or no impact on the local businesses community and have in fact added to the prosperity of Crediton and the surrounding area.
9. The current coffee shops have a loyal customer base and each cater for a different clientele.
10. Those driving through, as well as those requiring a central meeting place would use the new outlet, adding revenue to the District Council car park, as well as these new customers visiting other retail outlets during their visit. Although Crediton prides itself on its independent shops, we are fortunate enough to benefit from chain shops as well. Tesco & Co-op have fitted into the Town well and with the addition of a Costa Coffee, those driving through will see a thriving town and this will create a positive impression.
11. A new investor in Crediton is what the dying town desperately needs, Costa will not go out of business 6 months after opening, which is what tends to happen in Crediton and will also provide jobs to local people
12. It's better than seeing another empty shop in town or charity shop

43 letters of objection to the change of use application received at the time of writing the report raising the following issues;

1. The proposed floor plan shows that only about 10% of the ground floor area will have an A1 use and more than 80% an A3 use. Weighting this proportion to take account of the fact that the A1 area is at the front of the premises gives a figure of about 15% A1 use and 85% A3 use. The use is therefore predominantly A3 and should be wholly allocated as such and not the 50:50 A1:A3.
2. The Planning Statement claims the existing A1 use percentage at 69%, reducing to 68% by virtue of allocating No 28's current A1 use 50% to A1 and non A1 uses. The 69% claimed is at odds with the council's figure.
3. Transferring No 28's current A1 use to A3 use reduces the percentage below 65% and on this basis therefore the application should be refused.
4. The proposals will cut off independent access to the first and second floors. Should be modified to enable access to the upper floors and present the opportunity to redevelop these spaces into residential accommodation or perhaps the much talked about cultural hub for Crediton.
5. It is considered to be terrible idea to have a chain such as Costa Coffee where a wealth of independent shops and cafe flourish - mainly because of the absence of multinationals locally. In Totnes people successfully challenged the presence of Costa, and with good reasons. Please do not introduce a further threat to the livelihood of local people.
6. Crediton doesn't need more coffee shops and the proposals will ensure a sense of feeling that Crediton is just any old high street and not distinctive.
7. When we lose this independence and there are no proper local shops and cafes left in town leaving just charity shops, insurance offices, estate agents and Costa, the likelihood of more people going to Exeter to shop will increase, diminishing the towns appeal and long term prosperity.
8. The population of Crediton is insufficient to keep all the town's shop units in continuous occupation. The number that use the town centre is fairly static. There is not a thriving 'tourist' population, hence the certainty that another café provider will not increase the 'cake' but diminish the share for each player that exists.
9. This is a large retail space. Using it for a coffee shop will restrict the range of retail outlets that could serve the town. At least, time should be given to encourage alternative users who could enhance the town's offering without this duplication. Perhaps conversion to an arcade format in such a prominent position c.f. the other 'arcades' would be attractive particularly if the units were larger.
10. Appreciate that it is not the District Council's to dictate what landlords do with their properties.

However, no one else has the power to influence the development of town centres in order to reflect both the medium/long term needs of a community and its wishes [see the petition against the application].

11. For every new job created there will be an equivalent or greater number of jobs lost locally when local cafes are forced to shut down through undue competition.
12. If this application is granted one needs to ask 'what's in it for those granting the application?'
13. Costa coffee is already available at the service station just outside of Crediton.
14. There is no local support for a multinational chain at the expense of local independent businesses
15. Our local cafes offer healthy, local sourced food and drinks. Costas produce travels miles damaging the environment in the process.
16. Concerned about the opening hours which will have an impact on the town with the noise and more rubbish on the streets.
Food and drink outlets that open in the evening should provide payment for cleaning the main thoroughfares through the town.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

Having regard to the relevant policies of the development it is considered that the main issues arising from this application are:

- 1. Principle of development and retail mix**
- 2. Impact upon the vitality and viability of the area.**
- 3. Impact upon the character and appearance of the Conservation Area,**
- 4. Impact upon residential amenity, and**
- 5. Other matters raised.**

1. Principle of development and retail mix

The application site sits in the centre of the primary shopping area of Crediton and is in the primary shopping frontage.

The National Planning Policy Framework seeks to ensure the vitality of town centres and states that Local Planning Authorities should pursue policies to support their viability and vitality. Paragraph 18-21 set out the importance of securing sustainable economic growth in order to create jobs and prosperity and that the planning system should operate to encourage and not act as an impediment to sustainable growth. Therefore, significant weight should be placed on the need to support economic growth through the planning system.

Being within the town centre, policy COR6 of the Mid Devon Core Strategy (Local Plan part 1) seeks to promote key town centre uses that contribute to the vitality and viability of the area. This is re-iterated through policy COR15 which seeks to enhance retail provision within Crediton particularly to reduce the need to travel to Exeter.

Policy DM16 states that the shopping function within the primary shopping area will be safeguarded and enhanced.

The applicant indicates that the proposed use is a mixed A1/A3 use in that customers purchase items to either takeaway or consume on the premises. Whether the sale amounts to an A1 or A3 will depend on the customer's choice to either sit down or walk out the door. Whilst the applicant has not submitted evidence in regard to the trade profile of the proposed end user, the Council's own research has indicated that a significant number of Councils have accepted and agreed that such enterprises are mixed A1/A3 uses. Where there has been a disagreement and a refusal has been appealed, it is clear that Planning Inspectors agree that each case needs to be assessed on its own merits, but have indicated that where a mixed A1/A3 scheme is proposed that a significant element of the trade should be from A1 sales, and the appeal decisions indicate that a significant element relates to approximately 30% of the business trade.

Reflecting on these appeal decisions, although the applicant has not submitted any sales forecasts for the unit and/or any comparable data sets, the applicant's description of development for an A1/A3 mixed use

and the layout as proposed is likely to generate a significant element of A1 retail activity. It is therefore considered that a 50/50 split in floorspace across the A1/A3 use classes is considered justified and the assessment against the provisions of DM16 is completed on this basis, as set out below.

The provisions of policy DM16 does not prevent the loss of A1 shops provided that such uses predominate in the primary shopping area. Within primary shopping frontages (as opposed to the primary shopping area), at ground floor level the proportion of A1 retail uses will not be permitted to fall below 65% of all units. The Council's own monitoring survey (April 2016) indicates that there are 54 units in the primary shopping frontage. The survey indicates that 34 of these units were in A1 use, 18 units were in other uses and 2 units were vacant.

The 2 units that were vacant have an A1 planning use. Therefore, there were 36 units out of the 54 units in the primary shopping frontage that are capable of having an A1 use. This amounted to 66.6% of the units being in A1 retail use. As stated above the proposal seeks a mixed A1/A3 use and therefore the application unit is split so that half the unit is apportioned to an A1 use and half the unit is apportioned to an A3 use, this results in 35½ units being in A1 retail use (65.7%). Therefore, although marginal, the proposed development as a mixed use unit does not cause the A1 retail uses to fall below 65%. This generally accords with the applicant's own survey dated October 2016 which counts 55 units within the primary shopping frontage and, following any grant of this permission, apports 37½ to A1 uses (68%).

Policy DM16 also requires that the primary retail role and character is not undermined, causing unacceptable fragmentation and isolation of the remaining shops. In this instance, using the Council's own April 2016 survey, the council have considered the streetscene or run of shops adjacent to No. 28. Taking, for example, the consecutive Nos. 22-30 High Street, the Council's own records show that No 22 is an A3 use and that Nos 23 to 27 inclusive are in A1 use. No 28 is the application site and No 29 is in B1 use. To the west of No. 29 is a vehicular access which breaks the run of units at this point. Therefore, when considering whether the mixed use of No. 28 fragments and isolates remaining shops, the Council is of the opinion that there is a sufficient group of A1 units in the vicinity of the application site so that the A1 uses are neither fragmented nor isolated.

Therefore, in regard to the principle of the development and the retail mix, the proposed development meets the aims and objectives of the promotion of retail development within the town centre, and therefore if the application scheme is allowed it is considered that within the primary shopping area, the shopping function would be safeguarded.

2. Impact upon the vitality and viability of the Primary Shopping Area.

Policy DM16 also seeks to ensure that in the primary shopping area uses should not harm the vitality and viability.

The unit is not particularly large. Although it has a double frontage it is split into two planes. The two main windows are either side of a recessed entrance door. This visual break up to the front of the unit means that it does not add to the prominence of the unit. In relation to the degree of the primary shopping frontage, the size of the front of the property is not significant. As for the shopping area as a whole, the factors of frontage and size do not lead to the conclusion that the loss of the unit to a sole A1 use would be harmful to its retail function.

In addition and since Policy DM16 was written and adopted there have been recent amendments to the General Permitted Development Order (GPDO) in England in 2015 which allow flexibility between town centre uses. In particular, Part 3, Schedule 2, Class C of the GPDO states that planning permission is no longer required for the change of use for up to 150m² of floorspace within a building falling within Use Class A1 (retail) to Use Class A3 (food and drink).

Therefore although the unit is in excess of some 200 square metres, and therefore in excess of the Class C permitted development opportunity as referred above, the application proposals reflect current Government guidance on the need to revitalise town centres. Currently, as a vacant unit, the ground floor use is inactive. Therefore, the A1/A3 use enhances the provision of an active ground floor use, particularly with the proposed seating in the window.

In support of the application, the applicant has submitted a report prepared by Allegra Strategies into the role of coffee shops on the High Street (March 2010). The report shows that coffee shops attract people to the high street and improve their vitality. Branded coffee shops contribute significantly to local vitality and they can act as a catalyst for further development on the high street. In summary the mixed-use nature of this proposal is considered to be beneficial as it will continue to provide an element of retail activity as well as new opportunities for social interaction. .

Taken together, the A2 financial and professional services/A3 restaurants and cafes/A4 changing establishments/A5 not food takeaway uses across the primary shopping area are considered to be dispersed and they vary in their nature in terms of the retail offer. There is no dangerous concentration of other uses in the designated frontage. Therefore it is considered that the application scheme will not have an adverse impact on the balance and diversity of uses in the High Street. Retail uses would still predominate in the primary shopping frontage and the locality.

The petition "Say No to Costa" is noted. It, together with a significant number of objections, expresses concern about the effect that corporate chains might have on the viability of independent traders in town and the character of a centre where independent traders dominate. However, it is not a role of the planning system to control competition and it cannot influence whether the end user is corporate or independent.

This planning application is required to be decided as a change of use and if granted is capable of being implemented by a range of occupiers. It is not coffee brand/chain specific and cannot be considered on that basis.

In summary it is not considered that the application scheme will harm the vitality and/or viability of the retail function of the shopping area.

3. Impact upon the character and appearance of the Conservation Area,

Paragraph 131 of the NPPF states that LPAs should take account of the desirability of sustaining and enhancing the significance of heritage assets. This is in line with S72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which makes clear that in considering whether to grant planning permission for development which affects a Conservation Area or its setting, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

This site is within the Conservation Area and adjacent to both a Listed Building and an important unlisted building.

The application does not provide an assessment of significance of the heritage assets in the locality, an assessment of the impact of the proposed development on significance of the assets or a justification for the proposed works, contrary to para 128 of the NPPF. However, the Council, by way of its own Conservation Area Appraisal and the site visit has been able to assess the significance of the Conservation Area in the locality. Plan 2 of the Conservation Area Appraisal does not note any important features in the locality. Therefore it is considered that the significance of this particular site to the character and appearance of the Conservation Area is somewhat neutral at best and detrimental at worst.

Other than the redecoration to the front ground floor façade, the proposal does not propose any external alterations to the application building other than the display of illuminated advertisements at fascia level. Please refer to the application 16/01595/ADVERT.

Whilst it is disappointing that the proposal does not propose improvements to the shopfront itself, the redecoration of at least the ground floor is to be welcomed in this street scene, having a positive effect on the character and appearance of the Conservation Area and the setting of the Listed Building.

In addition the proposals include the installation of air conditioning units on the rear elevation, which given the location are not considered to be visually intrusive to the locality. Therefore, in this instance, the proposed development will lead to less than substantial harm to the significance of this part of the Conservation Area and the setting of the Listed Building. In such circumstances, paragraph 134 of the NPPF is clear; this harm should be weighed against the public benefits of the proposal, including securing its

optimum viable use.

In summary it is concluded that the proposed development in terms of the external alterations would at least preserve (and/or possibly enhance) the character and appearance of this part of Conservation Area and the setting of the adjacent Listed Building and would therefore accord with the planning Policy COR2, DM2 and DM27.

4. Impact upon residential amenity

There are a number of residential units in the locality, particularly on upper floors. In regard to the air conditioning units at first floor level, the Council have carefully considered the potential for noise and disturbance from such units.

The application submits details of a number of models of air conditioning unit and does not specify which unit the applicant might engage. Given the existing factory to the rear of the unit and the fact that the applicant proposes that the AC units would be turned off outside of opening hours, a noise survey is not considered necessary. It is proposed that a suitably worded condition is imposed that the AC units are not running outside opening hours and that they do not significantly exceed background noise levels (as suggested by the Council's EHO) in any case.

5. Other matters raised

Concern has been raised that only about 10% of the ground floor area will have an A1 use and more than 80% given to the A3 use and should not be considered as 50:50 split as proposed by the applicant. Please refer to key issue 2 above for a response to this matter in terms of completing the assessment of the application.

Concern has also been raised about the prospect of losing independent access to the upper floors. The building benefits from a rear door with separate access to the upper floors. Despite not using the upper floors, the applicant's lease includes an obligation to keep this part of the building wind and watertight to ensure these will be maintained for occupation by another.

Some criticism has been levelled at the application and that time should be given to encourage alternative uses that are considered more sympathetic to the town's offering. Alternative suggestions have been put forward by interested parties, such as its conversion to an arcade. The unit has been vacant since September and no other planning application has been submitted for an alternative use or works to the building. The Council cannot fail to determine the application that is in front of it and must deal with it on its own merits.

Scepticism has been raised about the job creation aspect of the application, suggesting that for every job created there will be an equivalent or greater number of jobs lost locally when local cafes are forced to shut down through undue competition. The interested parties have supplied no evidence to support the stance that there would be no net increase and probably a job decrease. However, whilst the Council consider that the probability of job creation from the proposed development weighs in favour of the grant of planning permission, this is not an overriding factor in its determination.

Suspicion has been levelled at the Council in regard to "what's in it for those granting the application. As set out above the planning application has been assessed against the policies in the development plan and guidance in the NPPF.

Concern has been expressed about Costas' business, tax and healthy eating models. These are not planning considerations and there is no requirement to have regard to them as part of the planning application.

Concern has been expressed about the opening hours, with the noise and more rubbish on the streets. Food and drink outlets that open in the evening should provide payment for cleaning the main thoroughfares. The Council is of the opinion that the opening hours proposed by the applicant are reasonable in this town centre location and would seek to condition that they are maintained as such. The

applicant's social responsibility in regard to any litter dropped by its takeaway customers is a matter for the applicant.

Concern was also expressed about the longevity of applicant in its interest in the town. Although the applicant has confirmed that they will be taking a 10 year lease, this is not strictly a consideration to be taken into account in the determination of the application. The Council do not expect other proprietors or entrepreneurs to establish or show viability projections when considering other business development proposal at the planning application stage. Doing so would be contrary to encouraging sustainable economic growth.

In completing the assessment of the application scheme as set out above, and having considered the matters raised by local stakeholders, whilst the Council are aware of the views of some local stakeholders regards the introduction of a corporate branded offer to the Town, it is not considered that this should tip the planning balance in favour of refusal given the proposals are considered to be accordance with the development plan.

Overall it is considered that the proposed scheme is supportable in accordance with policy COR2, COR6 and COR15 of the Mid Devon Core Strategy (Local Plan 1), DM1, DM2, DM16 and DM27 of the Local Plan part 3 (Development Management Policies) and government advice in the National Planning Policy Framework. The NPPF advises that development proposals according with the development plan should be approved without delay.

Therefore a conditional approval is recommended for both the planning application and the application for advertisement consent, as set out below.

The application is considered to be supportable in policy terms. The proposed use being a mix of retail and café is considered to be in accordance with the aims of national and local planning policy that seek to retain the vitality and viability of town centres. The proposed will not result in the fragmentation of the primary shopping frontage. The use of the application site, as proposed, would not result in the proportion of A1 uses within the primary shopping frontage falling below the policy threshold. The scope of the alterations to the building would not have an adverse impact on the special interest of the Conservation Area or the setting of the Grade II listed building. Overall it is considered that the proposed scheme is supportable in accordance with policy COR2, COR6 and COR15 of the Mid Devon Core Strategy (Local Plan 1), DM1, DM2, DM16 and DM27 of the Local Plan part 3 (Development Management Policies) and government advice in the National Planning Policy Framework.

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. The premises shall not be used other than as a coffee shop serving coffee, other hot and cold drinks, sandwiches and similar light refreshments for consumption on or off the premises.
4. No primary cooking of unprepared food shall be carried out within the premises. Only reheated or cold food that has been prepared elsewhere shall be served within the premises.
5. The rating of any noise generated by plant or equipment (including any amplification equipment) as a part of the development shall be at least 5 dB below the pre-existing background level as determined by BS4142: 1997 "Method of rating industrial noise affecting mixed residential and industrial areas"
6. The use hereby permitted shall not be open to customers outside 0700 to 1900 Monday to Saturday and 0900 to 1700 on Sundays and Bank Holidays.

7. The air conditioning units at first floor level will not be operational outside of the opening hours of the development hereby permitted.
8. All refuse and recyclable materials associated with the development hereby permitted shall only be stored within the existing bin storage area.

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 accordance with the submitted details and to protect the general amenities of the area in accordance with Policy DM2 of the Local Plan Part 3 (Development Management Policies).
4. In accordance with the submitted details and to protect the general amenities of the area in accordance with Policy DM2 of the Local Plan Part 3 (Development Management Policies).
5. To safeguard the general amenities of the area and in accordance with Policy DM2 of the Local Plan Part 3 (Development Management Policies).
6. To safeguard the general amenities of the area and in accordance with Policy DM2 of the Local Plan Part 3 (Development Management Policies).
7. To safeguard the general amenities of the area and in accordance with Policy DM2 of the Local Plan Part 3 (Development Management Policies).
8. To safeguard the general amenities of the area and in accordance with Policy DM2 of the Local Plan Part 3 (Development Management Policies).

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The application is considered to be supportable in policy terms. The proposed use being a mix of retail and café is considered to be in accordance with the aims of national and local planning policy that seek to retain the vitality and viability of town centres. The proposed will not result in the fragmentation of the primary shopping frontage. The use of the application site, as proposed, would not result in the proportion of A1 uses within the primary shopping frontage falling below the policy threshold. The scope of the alterations to the building would not have an adverse impact on the special interest of the Conservation Area or the setting of the Grade II listed building. Overall it is considered that the proposed scheme is supportable in accordance with policy COR2, COR6 and COR15 of the Mid Devon Core Strategy (Local Plan Part 1), DM1, DM2, DM16 and DM27 of the Local Plan Part 3 (Development Management Policies) and government advice in the National Planning Policy Framework.

Grid Ref: 283119 : 100306

Applicant: Jurassic Coast Coffee Limited

Location: 28 High Street Crediton Devon
EX17 3AH

Proposal: Advertisement Consent to display
1 externally illuminated fascia sign
and 1 externally illuminated
hanging sign

Date Valid: 12th October 2016



Application No. 16/01595/ADVERT

RECOMMENDATION

Grant Advertisement Consent subject to conditions.

PROPOSED DEVELOPMENT

Advertisement consent is sought for an internally illuminated fascia sign (lettering only) and 1 externally illuminated hanging sign in connection with the proposed change of use of the unit from Class A1 (Retail) to mixed use: Class A1 (Retail)/A3 (café) on the ground floor of no. 28 High Street, Crediton, which is proposed under LPA ref: 16/01594/FULL.

APPLICANT'S SUPPORTING INFORMATION

Plans showing detail of signage

PLANNING HISTORY

16/01594/FULL: Change of use of ground floor from Class A1 (Shop) to mixed use Class A1 (Shop) and Class A3 (Cafe) and associated internal and external alterations

DEVELOPMENT PLAN POLICIES

Mid Devon Local Plan Part 3 (Development Management Policies)

DM2 - High quality design

DM7 - Pollution

DM27 - Development affecting heritage assets

CONSULTATIONS

HIGHWAY AUTHORITY - 24th October 2016 -

No comments.

CREDITON TOWN COUNCIL - 16 November 2016 -

No objection.

HIGHWAYS ENGLAND - 17th October 2016

Thank you for providing Highways England with a copy of this advertisement application, but we believe we have received this in error. Highways England's responsibilities cover the strategic road network which includes the M5 and A30 in Mid Devon. The High Street in Crediton forms part of the local highway network and it will be for Devon County Council as local highway authority to offer comments. Can you please forward to them if you not already done so.

REPRESENTATIONS

2 letters of objection received in relation to the adverts raising the following issues;

- o Crude neon sign.
- o Would not be in keeping with the appearance and character of the recognised conservation area.
- o Risk of other coffee shops and neighbouring businesses also then having to make judgements whether to request illuminated signs to compete with the Costa signage.
- o The building is also next to a recognised important unlisted building. By allowing the proposed signage we could see a significant change to a recognised area of special architectural or historic

- o interest.
- o The signs should be non illuminated as proposed, as proposed they are considered alien and jarring features on the existing building and would cause harm to visual amenity, the special character and appearance of this part of the conservation area.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The material considerations in this case are the impact on the visual amenity of the surrounding area, and any issues the proposal may cause in terms of highways safety.

Visual Amenity

The existing fascia sign is not currently illuminated and there are no projecting signs on the unit. The proposed scheme includes a timber board with individual lettering applied and externally illuminated by a slim aluminium strip light across the lettering only. In addition a hanging sign of modest proportions and to be hung on an ornate bracket fixture and externally illuminated is proposed towards the party boundary with no. 27. Taking into account the proposals and the nature of illumination as proposed the proposed signage scheme is considered discrete. A condition is that the illumination is turned off outside of opening hours. Although the proposed hanging sign oversails a public highway (the footpath) it is not considered that it would cause a public safety issue. In summary these aspects are considered acceptable.

Highways Safety

The Highway Authority have no observations to make regarding the signage. Although the proposed hanging sign oversails a public highway (the footpath) it is not considered that it would cause a public safety issue. The Local Planning Authority considers that there are no significant highway safety issues arising from the proposed advertisements.

CONDITIONS

1.
 - i) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
 - ii) No advertisement shall be sited or displayed so as to:
 - (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
 - (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
 - iii) Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
 - iv) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
 - v) Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.
2. The advert(s) hereby granted consent shall be removed on or before [fill in] at the end of a period of 5 years from the date of this consent._
3. The hours of illumination of the approved signs shall be limited to the store opening hours.

REASONS FOR CONDITIONS

1. In accordance with the provisions of the Town and Country Planning (Control of advertisement) (England) Regulations 2007.
2. The adverts hereby granted consent shall be removed on or before 5th January 2022 at the end of a period of 5 years from the date of this consent in accordance with Part 3, Paragraph 14(7) of the Town and Country Planning (Control of advertisement) (England) Regulations 2007.
3. In the interests of the visual amenity in accordance with Policy DM27 of the Local Plan Part 3: (Development Management Policies).

INFORMATIVE NOTE

1. You are advised that unless otherwise conditioned, the normal period of express consent for the advert(s) is 5 years. When the period of express consent ends, an advertisement may normally continue to be displayed with deemed consent unless the Local Planning Authority commence discontinuance action for its removal.

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The proposed illuminated signs are considered acceptable in terms of their design and will not harm public safety and will not be detriment to the amenity of the locality or the conservation area within which the site lies. On this basis the proposals would accord with Mid Devon Core Strategy (Local Plan Part 1) Policy COR2 and Local Plan Part 3 (Development Management Policies) Policies DM2, DM7 and DM27 and guidance in the National Planning Policy Framework.

Mrs Jenny Clifford
Head of Planning and Regeneration

DELEGATED APPLICATIONS AS AT - 15 December 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
20.04.2016	08.12.2016 Permitted with Conditions to Discharge	16/00605/FULL	Mr Edward Quick Land at NGR 273060 107098 Polbury Erection of a agricultural manager's dwelling	Lapford 33
07.06.2016	28.11.2016 Permitted with Conditions to Discharge	16/00878/FULL	Mr S Green, Westhaven Homes Land and Buildings at NGR 292868 101981 Silver Street Variation of condition 2 of planning permission 14/00537/MFUL for changes to Plot 13 and garage of Plot	Thorverton 51

			14 and changes to finished floor levels	
28.06.2016	06.12.2016 Grant Consent	16/00998/HAZ	Amber Rei Holdings Ltd Land and Buildings at NGR 285916 112901 Tollgate Farm Application for the storage of up to 70,200 litres of LPG	Cruwys Morchard 20
28.06.2016	07.12.2016 Grant Consent	16/01001/HAZ	Amber Rei Holdings Ltd Swandhams Poultry Farm Sampford Peverell Application for the storage of up to 58,500 litres of LPG	Halberton 25
06.07.2016	23.11.2016 Grant permission	16/01051/FULL	Mr S Ford Turners Cottage Yeoford Erection of replacement dwelling, demolition of annexe, link and store and restriction of remaining original cottage to holiday cottage	Crediton Hamlets 19
18.07.2016	09.12.2016 Grant permission	16/01112/HOUSE	Mr H Gardner 15 High Street Halberton Erection of garage and demolition of existing garage	Halberton 25
29.07.2016	25.11.2016 Permitted with Conditions to Discharge	16/01176/FULL	Mr M Watson Deepaller Loxbeare Conversion of redundant agricultural building to dwelling	Tiverton 52
16.08.2016	25.11.2016 Grant permission	16/01241/CLU	Mr R Porch Land at NGR 310656 113326 (Hillmoor) Certificate of lawfulness for the existing use of land for parking in	Culmstock 22

			excess of 10 years	
19.08.2016	13.12.2016 Grant permission	16/01289/MARM	Mr J Opie Land and Buildings at NGR 303161 108402 (Venn Farm) Cullompton 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	Cullompton 21
01.09.2016	30.11.2016 Permitted with Conditions to Discharge	16/01336/FULL	Mr N Paterson CREDITON TOOL HIRE UNION ROAD Change of use of ground floor from commercial tool hire to retail bike outlet, showroom and workshop; Conversion and extension of first floor from a flat to six bedroomed communal accommodation to accommodate customers of the biking business and conversion of second floor to form a two bedroomed apartment (Revised Scheme)	Crediton Town 18
01.09.2016	02.12.2016 Permitted with Conditions to Discharge	16/01337/MARM	Secretary of State For Education Land at NGR 288080 098230 East of Station Road 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	Newton St Cyres 37
05.09.2016	25.11.2016 Withdrawn	16/01363/FULL	Mr H Edeleanu Verbeer Manor Willand	Willand 59

			Conversion of ground floor areas of former nightclub to 5 flats and associated works (Revised Scheme)	
05.09.2016	25.11.2016 Withdrawn	16/01364/LBC	Mr H Edeleanu Verbeer Manor Willand Listed Building Consent for conversion of ground floor areas of former nightclub to 5 flats	Willand 59
05.09.2016	28.11.2016 Withdrawn	16/01377/HOUSE	Mr & Mrs Tidball Old Barn Loxbeare Erection of an extension	Loxbeare 34
06.09.2016	06.12.2016 Withdrawn	16/01359/FULL	Mr D J Wensley Land and Buildings at NGR 295971 123112 (Higher Arthurs Hayne) Bampton Conversion of barn and associated buildings to dwelling and alteration to vehicular and pedestrian access	Bampton 01
06.09.2016	22.11.2016 Withdrawn	16/01371/HOUSE	Mr A Simmons 12 Godolphin Close Newton St Cyres Erection of a garden/sports equipment store	Newton St Cyres 37
08.09.2016	05.12.2016 Grant permission	16/01389/HOUSE	Mr & Mrs Collins The Willows Hele Road Erection of replacement single storey extension and double garage after demolition of existing	Bradninch 04
12.09.2016	02.12.2016 Application Part Granted/Part Refused	16/01451/RPPS	British Telecom Various Addresses Across The District Removal of public payphone kiosk	

			from 38 locations across the district	
13.09.2016	02.12.2016 Permitted with Conditions to Discharge	16/01409/ARM	Culmbridge Ltd Former St Ivel Site Station Road Reserved Matters (Appearance and Landscaping) following Outline approval 12/01498/OUT for the erection of 8 dwellings and 4 employment units	Hemyock 26
15.09.2016	14.12.2016 Permitted with Conditions to Discharge	16/01416/FULL	Mr A Christian Land at NGR 296437 112223 (between 52 Canal Hill & 1 Devonshire Rise) Devonshire Rise Erection of dwelling	Tiverton 52
16.09.2016	05.12.2016 Grant permission	16/01421/FULL	Ms Angela Simants Brook House High Street Change of use of ground floor Tea Room and Cafe (A3) approved under 83/00765/FULL back to residential use associated with Brook House (C3)	Hemyock 26
20.09.2016	25.11.2016 Grant permission	16/01433/FULL	Mr Graham Strong Flat 1 Brook Street Change of use of 1st floor flat to retail to include a coffee shop and a beauty room.	Bampton 01
21.09.2016	21.11.2016 Grant permission	16/01449/FULL	Mr Simon Green Land at NGR 292895 101934 (Court Barton) Silver Street Formation of vehicular field access	Thorverton 51
23.09.2016	06.12.2016 Grant permission	16/01464/FULL	Miss Anna-Marie Bisset Land and Buildings at NGR 294877	Tiverton 52

			110981 (South Of Whitehall Cottage) Erection of an equestrian/agricultural building	
23.09.2016	23.11.2016 Grant permission	16/01465/TPO	Mrs Sarah Pengelly 9 Tamarind Willand Application to trim back 4 Oak trees by 1m; 2 Oak trees by 2m from house; remove 4 saplings and trim back laurel hedge all protected by Tree Preservation Order 73/00012/TPO	Willand 59
23.09.2016	21.11.2016 Grant permission	16/01471/FULL	Mr J Brooke, Hemyock Products Ltd Land at NGR 315110 112641 Bolham House Farm Erection of 3 biomass boilers and associated infrastructure to provide heat to existing poultry operation	Clayhidon 15
23.09.2016	25.11.2016 Grant permission	16/01475/FULL	Mr James Persey Land at NGR 303945 104694 (North of Chaldon Farm) Mutterstock Erection of a poultry building (678 sq. m.); formation of access, associated hardstanding and track	Cullompton 21
23.09.2016	25.11.2016 Grant permission	16/01476/FULL	Mr James Persey Land at NGR 303971 104730 (North of Chaldon Farm) Mutterstock Erection of a poultry building (678 sq. m.); formation of access, associated hardstanding and track	Cullompton 21
23.09.2016	21.11.2016 Grant permission	16/01483/CLP	Mrs Beverly Chester 10 Newton Court Bampton Certificate of lawfulness for the proposed installation of a ground floor	Bampton 01

			window on side elevation	
26.09.2016	29.11.2016 Grant permission	16/01484/HOUSE	Mr & Mrs Holland 37 The Brendons Sampford Peverell Erection of first floor extension	Sampford Peverell 42
27.09.2016	25.11.2016 Grant permission	16/01497/FULL	Mr A Wiggins Land at NGR 292642 106848 (Twinoaks Farm) Bickleigh Erection of a multi-purpose agricultural storage building (729 sq.m.)	Bickleigh 02
28.09.2016	14.12.2016 Grant permission	16/01491/FULL	Mr Frank Morrison Milverton Lodge 22 The Avenue Retention of dwelling as 8 studio flats and 1 maisonette	Tiverton 52
28.09.2016	28.11.2016 Grant permission	16/01496/FULL	Mr Blanco-Guzman Land at NGR 306633 119715 (Wardmoor) Holcombe Rogus Erection of an open fronted monopitch barn	Holcombe Rogus 29
28.09.2016	22.11.2016 Grant permission	16/01507/FULL	Mr Simon Parish Tanyard Farm Willand Erection of an office/store building and associated works	Willand 59
29.09.2016	02.12.2016 Grant permission	16/01502/FULL	Miss C Worley Land and Building at NGR 303228 102339 (Langford Court South) Retention of fishing lodge for proposed holiday let use	Cullompton 21

29.09.2016	23.11.2016 Grant permission	16/01508/TPO	Mr Futchter 10 Marguerite Road Tiverton Application to crown raise 1 Oak tree to give a 5m clearance above ground and reduce height and spread by approximately 2m protected by Tree Preservation Order 87/00002/TPO	Tiverton 52
29.09.2016	23.11.2016 Approval of Prior Approval	16/01509/PNCOU	Mrs Wendy Quick Land and Buildings at NGR 284044 103062 (Barton Cross) Prior notification for the change of use of agricultural building to dwelling under Class Q	Upton Hellions 55
29.09.2016	22.11.2016 Grant permission	16/01516/HOUSE	Mr & Mrs T Fernbank Bluebell Cottage 3 Hillcrest Erection of single storey side and rear extension	Willand 59
29.09.2016	28.11.2016 Withdrawn	16/01522/PNAG	Mr Kevin Bateman Land at NGR 298152 106895 Netherstonhaies Prior Notification for the erection of an agricultural storage building	Bradninch 04
29.09.2016	21.11.2016 Refuse permission	16/01526/FULL	Mr J Cooney Land at NGR 302666 114116 (West of Pullet) Turnpike Variation of condition 2 of planning permission 16/00995/FULL for the substitution previously approved plans to enable the development of 2 storey dwellings on plots 3 and 4	Sampford Peverell 42
29.09.2016	28.11.2016 Permitted with	16/01530/FULL	Mr R Hart 50 Station Road Hemyock	Hemyock 26

	Conditions to Discharge		Erection of 2 semi-detached dwellings following demolition of outbuildings and alterations to vehicular access	
30.09.2016	22.11.2016 Development Acceptance	16/01512/PNCOU	Mrs D Luffman Nibbs Washfield Prior notification for the change of use of agricultural building to dwellinghouse under Class Q	Washfield 56
30.09.2016	23.11.2016 Grant permission	16/01514/LBC	Ms A Thomas Old Cordwents 1 Lower Town Listed Building Consent for replacement of weather boarding to gable end, strengthening of existing supporting structure, and installation of wall insulation to internal lining of gable wall	Halberton 25
30.09.2016	24.11.2016 Approval of Prior Approval	16/01527/PNCOU	Mr P Labdon Cullompton United Charities Charity House Prior notification for the change of use of offices to 2 dwellings under Class O	Cullompton 21
30.09.2016	07.12.2016 Grant permission	16/01531/LBC	Mr Terry Edwards Drews Farm Ashill Listed Building Consent to rebuild collapsed wall to rear and insert full length window, replace staircase and balustrading, rebuild porch, construct support buttress and replace window in front elevation	Uffculme 53
30.09.2016	09.12.2016 Grant permission	16/01533/FULL	Mr P Labdon Cullompton United Charities Charity	Cullompton 21

			House External alterations including the replacement of 2 doors, replacement of 2 existing roof lights, and installation of 1 new roof light	
30.09.2016	29.11.2016 Grant permission	16/01534/HOUSE	Mr Ward 1 The Barns Hollacombe Erection of single storey extension	Crediton Hamlets 19
30.09.2016	05.12.2016 Grant permission	16/01536/HOUSE	Mrs A Mason 16 Duke Street Cullompton Erection of first floor extension	Cullompton 21
03.10.2016	07.12.2016 Grant permission	16/01523/TPO	Mr R Norton Land at NGR 276642 103016 (Rear of 22 Mill Avenue) Copplestone Application to remove the limb of 1 Oak tree protected by Tree Preservation Order 97/00009/TPO	Copplestone 62
03.10.2016	25.11.2016 Grant permission	16/01537/FULL	Mr N Weston Land and Buildings at NGR 296164 122410 (Kersdown Barton) Ford Road Erection of an agricultural livestock building	Bampton 01
03.10.2016	13.12.2016 Grant permission	16/01539/FULL	Mr & Mrs Hull Land and Buildings at NGR 305087 118250 Ford House Conversion of former agricultural buildings to dwelling and carport/playroom	Holcombe Rogus 29
03.10.2016	14.12.2016 Grant permission	16/01540/FULL	Mr & Mrs Hull Land and Buildings at NGR 305037 118140 Ford House	Holcombe Rogus 29

			Conversion of former agricultural building, kennel runs and garage to dwelling and erection of first floor extension	
03.10.2016	22.11.2016 Grant permission	16/01543/FULL	Mr D A & Mrs I A Wotton Land at NGR 291588 118784 (Sherwood) Stoodleigh Erection of an agricultural livestock building	Stoodleigh 48
03.10.2016	29.11.2016 Grant permission	16/01544/HOUSE	Mrs Robbins 20 Winswood Crediton Erection of single storey extension following demolition of storage building	Crediton Town 18
04.10.2016	30.11.2016 Grant permission	16/01545/LBC	Mr S Burrett The Retreat Gravel Walk Listed Building Consent to install flue in chimney and cowl on top	Cullompton 21
04.10.2016	25.11.2016 Grant permission	16/01546/HOUSE	Mr Guy Busby 21 Fore Street Silverton Formation of a new window opening on gable wall	Silverton 45
04.10.2016	25.11.2016 Grant permission	16/01547/LBC	Mr Guy Busby 21 Fore Street Silverton Listed Building Consent for installation of a replacement window and formation of a new window opening on gable wall	Silverton 45
04.10.2016	22.11.2016 Grant permission	16/01550/LBC	Messrs D Carter & M Peters Flat 9 Collipriest House Listed Building Consent for internal	Tiverton 52

			alterations	
04.10.2016	28.11.2016 Grant permission	16/01556/FULL	Mr R Persey Land and Buildings at NGR 305188 112386 (Hitchcocks Business Park) Uffculme Erection of cafe and wc block with associated car parking and seating area	Halberton 25
04.10.2016	05.12.2016 Grant permission	16/01558/HOUSE	Mr & Mrs Summers Oakdene Shillingford Erection of a replacement porch and single storey extension and replacement of a garage with double carport and potting shed	Clayhanger 14
04.10.2016	06.12.2016 Permitted with Conditions to Discharge	16/01560/FULL	Mr Malcolm Mackenzie Cove Orchard Cove Erection of dwelling to replace previous dwelling destroyed by fire	Tiverton 52
05.10.2016	15.12.2016 Grant permission	16/01535/FULL	Mr Angus Wiggins Land and Buildings at NGR 292281 106856 Twin Oaks Erection of a general purpose agricultural building	Bickleigh 02
05.10.2016	02.12.2016 Grant permission	16/01542/TPO	Mr Piers Cotting Land at NGR 299881 103957 (Dukes House) High Street Application to remove 3 Holm Oak trees to ground level and reshaping of 1 Holm Oak tree in accordance with Phase 1 of the Management Plan protected by Tree Preservation Order	Bradninch 04

			09/00009/TPO	
05.10.2016	28.11.2016 Grant permission	16/01563/FULL	Mr H Carew Land at NGR 297033 109765 Overlands Farm Change of use of agricultural land for erection of stable and access track	Halberton 25
07.10.2016	02.12.2016 Grant permission	16/01580/ADVERT	Tesco Stores Ltd Tesco Express Unit 1 Advertisement Consent to display 3 fascia signs (2 internally illuminated) and 6 non-illuminated signs	Tiverton 52
10.10.2016	05.12.2016 Grant permission	16/01555/TPO	Mrs Kathy Holland Southfield Southfield Drive Application to crown lift 1 Fir tree protected by Tree Preservation Order 99/00007/TPO	Crediton Town 18
10.10.2016	08.12.2016 Grant permission	16/01585/HOUSE	Mr C Ward Old School House Blackborough Erection of two storey and single storey side extensions following removal of conservatory	Kentisbeare 32
10.10.2016	13.12.2016 Permitted with Conditions to Discharge	16/01587/FULL	Mrs Taylor Land and Building at NGR 286533 106254 (Adjacent to Dunns Cottage) Cheriton Fitzpaine Erection of dwelling	Cheriton Fitzpaine 12
11.10.2016	09.12.2016 Grant permission	16/01586/FULL	Mr C Hopkins Land at NGR 303812 111477 (Mid Devon Business Park) Four Cross Avenue	Halberton 25

			Erection of 4 industrial units (Revised scheme)	
11.10.2016	23.11.2016 Grant permission	16/01598/FULL	Mr W J Howe Land at NGR 306191 107570 (South Of Moorlands) Retention of change of use of agricultural land to form new access	Kentisbeare 32
11.10.2016	05.12.2016 Grant permission	16/01603/HOUSE	Mr S Glendinning 34 Westfield Bradninch Erection of a two-storey and single storey extensions	Bradninch 04
12.10.2016	21.11.2016 No Objection	16/01576/CAT	Mr R Emerson Dove Cottage Hemyock Road Notification of intention to fell 1 Silver Birch and 1 Holly tree within the Conservation Area	Culmstock 22
12.10.2016	23.11.2016 Grant permission	16/01605/LBC	Mr & Mrs N Jones-Fraser Ashley Court Ashley Listed Building Consent to raise height of fireplace mantle and slate plinth, re-plaster, open alcove to side and repair limecrete floor in kitchen	Tiverton 52
12.10.2016	06.12.2016 Grant permission	16/01606/FULL	Mr J Ayre Land at NGR 279852 111695 (Westcott Dairy) Witheridge Erection of an agricultural livestock building (800sqm)	Thelbridge 50
12.10.2016	15.12.2016 Grant permission	16/01608/FULL	Mr P Walters Gardeners Nursery Uffculme Change of use of agricultural land for the permanent retention of 4 decking	Burlescombe 06

			bases with safari tents and shower/toilet room for holiday purposes	
12.10.2016	07.12.2016 Grant permission	16/01611/CLP	Mrs S Gordon The Cider Press Whitnage Certificate of Lawfulness for the proposed use as a dwelling not restricted by holiday let conditions	Sampford Peverell 42
13.10.2016	08.12.2016 Permitted with Conditions to Discharge	16/01604/FULL	Mr R Greenhill Land at NGR 316711 110152 (Ten Oaks Farm) Clayhidon Variation of condition (2) of appeal decision APP/Y1138/W/16/3145647 relating to planning application 15/01622/FULL to allow the substitution of previously approved plans	Clayhidon 15
13.10.2016	05.12.2016 Grant permission	16/01612/HOUSE	Mrs J Zebedee 2 Perley Cross Hemyock Road Erection of single storey extension and decking following demolition of existing single storey extension	Culmstock 22
14.10.2016	23.11.2016 Grant permission	16/01615/LBC	Mr & Mrs N Jones-Fraser Ashley Court Ashley Listed Building Consent to create 2 new bathrooms and alter 2 existing bath/toilet rooms	Tiverton 52
17.10.2016	14.12.2016 Permitted with Conditions to Discharge	16/01621/FULL	Mr Winston Scoble Land and Buildings at NGR 314393 113576 The Old Storage Building, Culmbridge Mill Conversion of barn to dwelling	Hemyock 26

18.10.2016	14.12.2016 Grant permission	16/01617/HOUSE	Mrs Helen Knight 28 Fairfield Sampford Peverell Erection of two storey extension	Sampford Peverell 42
18.10.2016	14.12.2016 Permitted with Conditions to Discharge	16/01622/HOUSE	Mr E Heathcoat Amory Chevithorne Barton Chevithorne Erection of extensions and other external alterations	Tiverton 52
18.10.2016	14.12.2016 Permitted with Conditions to Discharge	16/01623/LBC	Mr E Heathcoat Amory Chevithorne Barton Chevithorne Listed Building Consent for internal and external alterations, including erection of extensions	Tiverton 52
18.10.2016	23.11.2016 Grant permission	16/01626/HOUSE	Mr & Mrs R Marett Sunnymead Kings Mill Road Erection of a single storey extension and detached garage following demolition of garage and outbuilding	Cullompton 21
18.10.2016	15.12.2016 Grant permission	16/01635/FULL	A Hill Land and Buildings at NGR 306638 114240 (Down Farm) Burlescombe Erection of a storage building	Uffculme 53
21.10.2016	12.12.2016 Grant permission	16/01639/HOUSE	Mr I Read Four Seasons Bungalow Oakford Erection of an extension	Oakford 39
21.10.2016	15.12.2016 Grant permission	16/01643/TPO	Ms Lizzie Gillis Land at NGR 301155 107495 (Adjacent Milkmoor) Tiverton Road Application to remove 3 branches overhanging the site boundary from 1 Willow tree protected by Tree	Cullompton 21

			Preservation Order 00/00006/TPO	
24.10.2016	15.12.2016 Grant permission	16/01649/TPO	Mr Simon Richardson 20 Lupin Way Willand Application to coppice a Hazel and Field Maple hedgerow and remove up to 4 branches of 1 Oak tree protected by Tree Preservation Order 02/00005/TPO	Willand 59
24.10.2016	15.12.2016 Grant permission	16/01657/HOUSE	Mr & Mrs Philip West Ashcott Battle Street Erection of a two storey extension	Clayhidon 15
25.10.2016	15.12.2016 Grant permission	16/01654/FULL	Mr Nigel Hill Land at NGR 287754 104345 (Lower North Coombe) Stockleigh Pomeroy Erection of a general purpose agricultural building	Stockleigh Pomeroy 47
25.10.2016	06.12.2016 Grant permission	16/01658/CLP	Mr A Bell Land at NGR 301918 109809 (East of Moorstone Barton Farm) Brithem Bottom Certificate of Lawfulness for the proposed installation of an underground cable and associated works between the boundary of Stoneshill Farm Solar Park and overhead line	Halberton 25
25.10.2016	13.12.2016 Grant permission	16/01659/HOUSE	Mr M Syvret Carthouse Whitnage Erection of single storey extension	Sampford Peverell 42

26.10.2016	12.12.2016 Grant permission	16/01660/FULL	Mr Stephen Barnard The Birches Kentisbeare Change of use of agricultural land to erect 2 domestic garden sheds and retention of 1 domestic shed	Kentisbeare 32
26.10.2016	07.12.2016 Withdrawn	16/01663/HOUSE	Mr & Mrs Mann Bella Vista Coldridge Erection of ground floor annexe and first floor extension	Coldridge 16
27.10.2016	22.11.2016 Withdrawn	16/01674/PNHH	Mr Trevor Russell Quarryfield Langford Road Prior Notification for the erection of an extension, extending 8m to the rear, maximum height of 5.3m, eaves height of 2.4m	Newton St Cyres 37
27.10.2016	13.12.2016 Permitted with Conditions to Discharge	16/01691/HOUSE	Mr M Takle 1 Withy Close Tiverton Erection of two storey extension	Tiverton 52
28.10.2016	06.12.2016 Withdrawn	16/01683/ADVERT	Mr R Lucas, Mid Devon District Council Roundabout at NGR 295650 112384 (Phoenix House) Phoenix Lane Advertisement consent for the erection of 1 free standing sign	Tiverton 52
28.10.2016	15.12.2016 Grant permission	16/01688/ADVERT	Mr D Rigby One Stop Community Stores Ltd 1 Station Road Advertisement Consent to display 1 externally illuminated fascia sign and 4 other non-illuminated signs	Willand 59

31.10.2016	06.12.2016 Grant permission	16/01694/LBC	Mr & Mrs M Donald Uplowman House Uplowman Listed Building Consent for the installation of door to replace existing window	Uplowman 54
01.11.2016	05.12.2016 No Objection	16/01703/CAT	Mr Aston Key River House Huntsham Notification of intention to reduce the canopy of 1 Hornbeam tree by 1 - 1.2m within the Conservation Area	Huntsham 30
02.11.2016	28.11.2016 Development Acceptance	16/01706/PNAG	Mr D Gruncell Land at NGR 270971 107640 Road from West Barton Cross to Aller Bridge Prior notification for the erection of an extension to existing agricultural storage building	Nymet Rowland 38
03.11.2016	15.12.2016 Permitted Development	16/01713/CLP	Mr Adrian Mills 67 Highfield Close Lapford Certificate of lawfulness for the proposed erection of a summerhouse	Lapford 33
03.11.2016	30.11.2016 Development Acceptance	16/01714/PNAG	Mr R Stanton Land at NGR 277333 104723 (Woodparks) Copplesstone Prior notification for the erection of an agricultural fodder storage building	Sandford 43
03.11.2016	30.11.2016 Development Acceptance	16/01715/PNAG	Mr R Stanton Land at NGR 277385 104789 (Woodparks) Copplesstone Prior notification for the erection of an agricultural machinery storage building	Sandford 43

04.11.2016	15.12.2016 Withdrawn	16/01718/FULL	Mr Nick Helsing, Press Properties 8 Cockpit Hill Cullompton Variation of condition 2 of planning permission 15/01579/FULL to allow substitute plans in respect of change of design	Cullompton 21
07.11.2016	07.12.2016 Grant permission	16/01721/FULL	Mr & Mrs G Warren Land at NGR 294528 107026 Road from The Bothy to Shotash Farm Erection of an agricultural barn for livestock and storage	Bickleigh 02
07.11.2016	07.12.2016 Grant permission	16/01724/LBC	Mr Ashley Smith Lower Woodhouse Cottage Thelbridge Listed Building Consent for erection of a stud wall to separate bedroom; erection of a stud wall in downstairs bathroom; installation of a chimney liner and installation of bathroom in bedroom 3	Thelbridge 50
09.11.2016	12.12.2016 No Objection	16/01737/CAT	Mr Flowers 17 Blundells Avenue Tiverton Notification of intention to reduce one Lawson Cypress tree by 4-5 metres within a Conservation Area	Tiverton 52
11.11.2016	13.12.2016 No Objection	16/01746/CAT	Mr Andrew Epstein Church of St Thomas of Canterbury Lapford Notification of intention to reduce the height of 9 Yew trees by 1m within the Conservation Area	Lapford 33

14.11.2016	13.12.2016 No Objection	16/01755/CAT	Mr Ellis 33 Park Road Tiverton Notification of intention to reduce 1 Magnolia tree by 2.5m and 1 Cherry tree by 2 within the Conservation Area	Tiverton 52
14.11.2016	13.12.2016 No Objection	16/01756/CAT	Mr Findlay 35 Park Road Tiverton Notification of intention to fell 1 Maple tree to ground level within the Conservation Area	Tiverton 52
14.11.2016	15.12.2016 Grant permission	16/01770/HOUSE	Mr D G Harris Fair View Culmstock Erection of extension following demolition of existing conservatory	Culmstock 22
18.11.2016	15.12.2016 No Objection	16/01783/CAT	Mrs Penelope Butler Cracklehayes Lower Town Notification of intention to reduce to 1.8m 1 Field Maple and reduce 1 Maple by 2.5m within a Conservation Area	Halberton 25
18.11.2016	13.12.2016 Development Acceptance	16/01807/PNAG	Mr M Watson Land at NGR 290282 116005 Deepaller Farm Prior Notification for the erection of an agricultural storage barn	Tiverton 52

Background Papers: Contained in application files referred to.

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Major Applications with no Decision

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

<i>Item</i>								<i>Expected Decision Level</i>	
<i>No.</i>	<i>Weeks</i>	<i>TARGET DATE</i>	<i>REFVAL</i>	<i>PROPOSAL</i>	<i>LOCATION</i>	<i>NAME</i>	<i>Delegated</i>	<i>Committee</i>	
1	0	10/03/2017	16/01899/MARM	Reserved Matters application to revise the layout for plots 164-176 as approved under planning references 12/00277/MOUT and 14/01047/MARM to include an addition 4 dwellings (increase from 13 dwellings to 17 dwellings), and associated access road and drainage infrastructure	Land at NGR 294659 113730 (Farleigh Meadows) Washfield Devon	Mr Simon Trafford	DEL		
2	0	15/03/2017	16/01898/MARM	Reserved Matters in respect of appearance, landscaping, layout, and scale following Outline approval 14/00830/MOUT	Land at NGR 284242 99827 (Wellparks) Exeter Road Crediton Devon	Mr Simon Trafford	COMM	COMM	
	1	06/03/2017	16/01888/MOUT	Outline for the erection of up to 40 dwellings, formation of 64 space car park to service Copplestone Railway Station, public open space, vehicular access from Shambles Drive, pedestrian links and associated infrastructure	Land at NGR 276566 103177 (Old Abattoir Site) Shambles Drive Copplestone Devon	Mr Simon Trafford	DEL		
	1	07/03/2017	16/01836/MARM	Reserved Matters (layout, scale, appearance and landscaping) for the erection of 25 dwellings with parking and open space, following Outline approval 14/01332/MOUT	Land at NGR 288080 098230 East of Station Road Newton St Cyres Devon	Miss Helen Govier	COMM	COMM	
5	2	28/02/2017	16/01788/MFUL	Erection of extension to existing industrial unit for Class B8 use (1,660sqm) and additional 18 car parking spaces	Pencarrie Ltd Unit 14 South View Estate Willand Cullompton Devon EX15 2QW	Ms Naomi Morgan	DEL		
6	3	17/02/2017	16/01773/MARM	Reserved Matters for the erection of mixed use facilities building with associated parking and highway works following Outline approval 13/00947/MOUT	Land at NGR 305036 113872 (Junction 27) Sampford Peverell Devon	Miss Thea Billeter	DEL		
7	3	20/02/2017	16/01811/MOUT	Outline for the erection of up to 259 dwellings, with public open space, landscaping and associated infrastructure	Land at NGR 303184 110348 Silver Street Willand Devon	Miss Thea Billeter	COMM	COMM	
8	4	15/02/2017	16/01772/MOUT	Outline for the erection of upto 40 dwellings (including affordable housing), public open space and associated infrastructure	Land at NGR 313382 113489 Culmstock Road Hemyock Devon	Ms Tina Maryan	COMM	COMM	

<i>Item</i>							<i>Expected Decision Level</i>	
<i>No.</i>	<i>Weeks</i>	<i>TARGET DATE</i>	<i>REFVAL</i>	<i>PROPOSAL</i>	<i>LOCATION</i>	<i>NAME</i>	<i>Delegated</i>	<i>Committee</i>
9	5	08/02/2017	16/01734/MARM	Reserved Matters for the erection of 13 dwellings following Outline approval 16/00693/MOUT	Land at NGR 310280 114261 Hunters Hill Culmstock Devon	Ms Tina Maryan	DEL	
10	6	01/02/2017	16/01707/MOUT	Outline for the erection of 41 dwellings and formation of vehicular access	Land at NGR 295527 113644 (South Of Lea Road) Tiverton Devon	Ms Tina Maryan	DEL	
11	7	23/01/2017	16/01592/MFUL	Erection of an agricultural building for livestock housing/handling (1121sqm)	Beacon View Stoodleigh Tiverton Devon EX16 9QG	Mrs Alison Fish	DEL	
12	12	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
13	25	19/09/2016	16/00924/MOUT	Outline for the erection of upto 60 dwellings and means of access	Land and Buildings at NGR 277744 102582 (East of Dulings Farm) Coplestone Devon	Mr Simon Trafford	COMM	COMM
14	28	01/09/2016	16/00825/MFUL	Construction of an anaerobic digestion plant including vehicular access from Down End, provision of infrastructure works to support the plant including creating compensatory flood storage and regrading of land and landscaping and all associated works and development	Land at NGR 284938 100390 (Goosealler Marshes) Commonmarsh Lane Lords Meadow Industrial Estate Crediton Devon	Mr Simon Trafford	COMM	COMM
15	132	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	Mrs Christie McCombe	COMM	COMM
16	137	28/07/2014	14/00604/MFUL	Erection of care home and 12 apartments with associated access, parking and landscaping, following demolition of existing hospital buildings (Revised Scheme)	Post Hill Nursing Home 36 Post Hill Tiverton Devon EX16 4ND	Miss Lucy Hodgson	COMM	COMM

<i>Item No.</i>	<i>Weeks</i>	<i>TARGET DATE</i>	<i>REFVAL</i>	<i>PROPOSAL</i>	<i>LOCATION</i>	<i>NAME</i>	<i>Expected Decision Level</i>	
							<i>Delegated</i>	<i>Committee</i>
17	191	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

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Agenda Item 9

Application No. 16/01180/FULL

Agenda Item

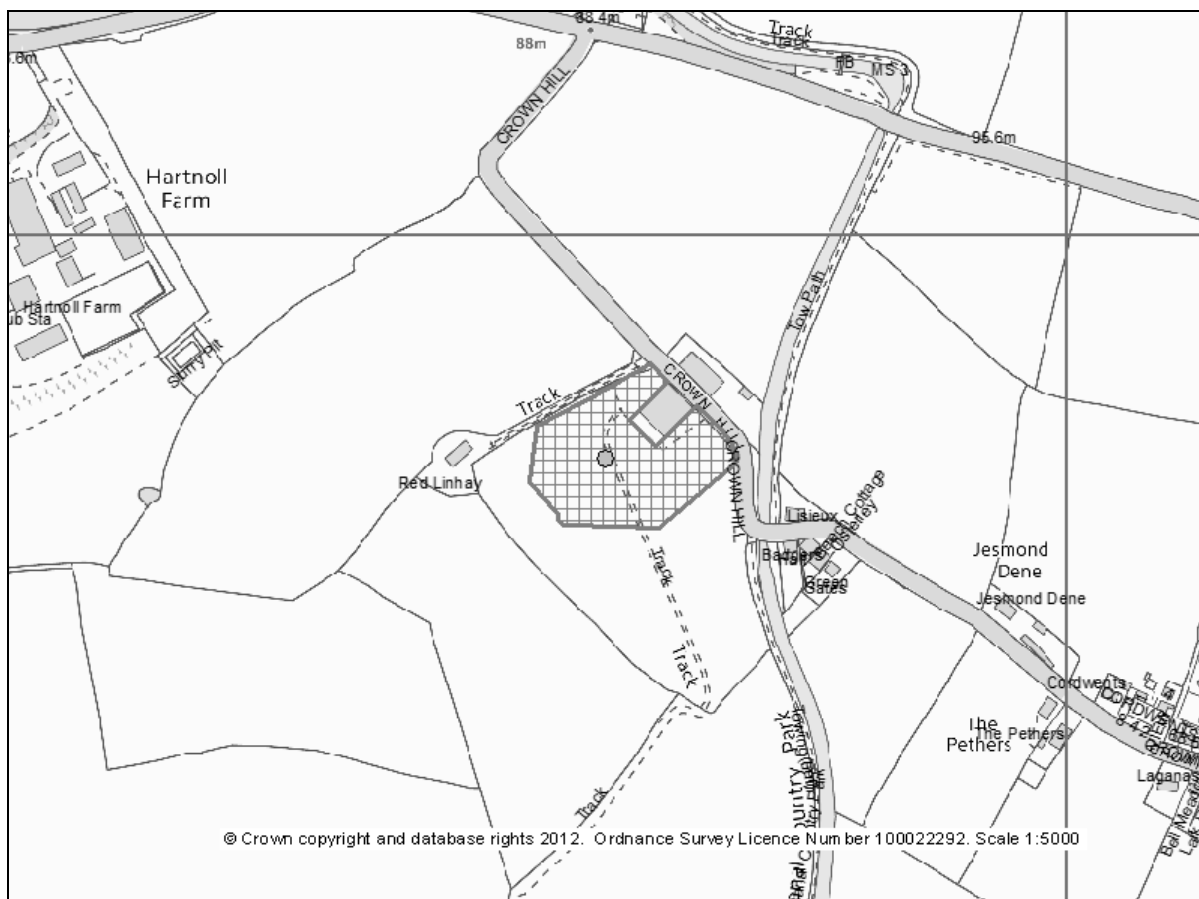
Grid Ref: 112764 : 299621

Applicant: Mr David Manley

Location: Land at NGR 299621
112764 (Red Linhay)
Crown Hill Halberton

Proposal: Variation of condition
2 of planning
permission
15/01034/MFUL to
allow substitute plans

Date Valid: 26th August 2016



AGENDA ITEM

PLANNING COMMITTEE
4th January 2017

REPORT OF THE HEAD OF PLANNING AND REGENERATION

**16/01180/FULL - VARIATION OF CONDITION 2 OF PLANNING
PERMISSION 15/01034/MFUL TO ALLOW SUBSTITUTE PLANS -
LAND AT NGR 299621 112764 (RED LINHAY) CROWN HILL
HALBERTON**

REASON FOR REPORT:

To determine the planning application.

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:

The Council must be in a position to defend and substantiate each of its reason for refusal.

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.

Risk Assessment:

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

Consultation carried out with:

1. **HALBERTON PARISH COUNCIL** 28th September 2016
The PC strongly opposed any variation to the existing plans
2. **BURLESCOMBE PARISH COUNCIL** 6th September 2016 -
Burlescombe Parish Council have no comments to make on this application.
3. **BUTTERLEIGH PARISH COUNCIL** No reply
4. **CULLOMPTON TOWN COUNCIL** No Reply
5. **SAMPFORD PEVERELL PARISH COUNCIL** No reply
6. **TIVERTON TOWN COUNCIL** no reply

7. **UFFCULME PARISH COUNCIL** No reply
8. **WILLAND PARISH COUNCIL** 14th September 2016
At the meeting of the Planning Committee on 8 September 2016 it was agreed by Willand Parish Council that they unanimously object to this further application and strongly recommend that the Planning Authority stand firm by its current decision for the site which has already been manipulated and amended a number of times.

This company has a number of sites in the area and most, if not all, of the sites have been subjected to amendments having been built in a different manner to that approved. Changes in technology or amended advice have been cited as reasons on a number of occasions which tends to suggest that incorrect or incomplete information had been provided by the applicant and accepted by officers.

The additional structure on the site had been refused by the Planning Authority and the amendment to condition 2 is seen as trying, yet again, to amend a decision by the authority in order to give the potential for increased capacity and stop enforcement action. The wish to remove condition 23 tends to support this view.

If the restriction on output capacity is removed, then there is the potential to increase output and later argue for feedstock transport restrictions to be removed allowing even more traffic movements on roads unsuitable for such use. Willand speak with some experience having had Devon County Council permit a doubling + of feedstock tonnage through a section of the village. There is a potential of more to come to a site in the area where the original application was submitted and approved only to find that one of the feedstock sources had not been secured to the capacity stated.

The latest objection submission by Dr Bratby surely warrants close attention and given suitable weight when compared to that provided by the applicant.

9. **HISTORIC ENVIRONMENT SERVICE** No Reply
10. **DEVELOPMENT SERVICES MANAGER (PROPERTY SERVICE)** No Reply
11. **LEAD LOCAL FLOOD AUTHORITY** No Reply
12. **NATURAL ENGLAND** 13th September 2016 -
Natural England currently has no comment to make on the variation of condition 2 and the removal of condition 23.

Natural England currently has no further comment. Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again.

Before sending us any further consultations regarding this development, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

13. **GRAND WESTERN CANAL** No Reply
14. **HIGHWAY AUTHORITY** 13th September 2016 -
The Head of Planning, Transportation and Environment, on behalf of Devon County Council, as Local Highway Authority, has no objection to the proposed development.
15. **DEVON, CORNWALL & DORSET POLICE** 1st September 2016 -
No comments at this time.
16. **RIGHTS OF WAY OFFICER EAST** No Reply

17. **ANIMAL & PLANT HEALTH AGENCY** No reply

18. **ENVIRONMENTAL HEALTH 13th September 2016 -**

Contaminated Land - No objection.

Air Quality - No objection.

Environmental - No objection.

Drainage - No objection.

Noise and Other Nuisances - No objection.

Housing Standards - N/A

Licensing -No comments.

Food Hygiene - N/A

Private Water Supplier - No comment.

Health and Safety - No objection to this proposal enforced by HSE.

8th November 2016

The comments made on the 12th September were specified as I believed that there would be no increase in the sound levels from the site with the proposed substitute plans and removal of condition 23 relating to power capacity. Taking this into consideration I would recommend that the same condition applied to 15/01034 is applied to this application.

Noise emissions from the Red Linhay Anaerobic Digester site at the nearest noise-sensitive locations are not to exceed the decibel levels stipulated below, day or night.

Daytime Noise Level 07.00am – 23.00pm shall not at the boundary of any noise sensitive premises exceed the decibel level 41 dB (LAeq1hr)

Night-time Noise Level 23.00pm – 07.00am shall not when measured at 3.5m from the façade of any noise sensitive premises exceed the decibel level 33 dB (LA90 15min).

Daytime (Evening) & Night-time Noise Level 19.00pm – 23.00pm the Maximum Instantaneous Noise Level shall not when measured at 3.5m from the façade of any noise sensitive premises exceed 55 dB(LAFmax) evening (19.00-23.00hrs) and night-time (23.00–07.00hrs).

*(From the noise data supplied)

The average daytime background noise level is 36 dB (LA90 1hr) plus 5 dB exceedance

The average night-time background noise level is 28 (LA90 15min) plus 5 dB exceedance

However, now having studied the acoustic report there are a number of items that require further clarification:

1. The technical specifications for the CHP units and chillers super enclosure are required in order to demonstrate that it has the capacity to apply the necessary noise mitigation.
2. The technical specifications for the transformer enclosure is required in order to demonstrate that it has the capacity to apply the necessary noise mitigation.
3. The technical specifications for the gas compressors enclosure are required in order to demonstrate that they have the capacity to apply the necessary noise mitigation.
4. The technical specifications for the triolet pit coverings are required in order to demonstrate that they have the capacity to apply the necessary noise mitigation.
5. The technical specifications for the triolet motors enclosure is required in order to demonstrate that it has the capacity to apply the necessary noise mitigation.
6. The technical specifications for the dryer belt motors enclosure is required in order to demonstrate that it has the capacity to apply the necessary noise mitigation.

7. The technical specifications for the conveyor belt/s are required in terms of noise and vibration in order to demonstrate that they will not have any impact on the sites noise environment.

8. The results of the assessment indicate that with the above noise mitigation in place the noise levels at P1 will be 30dB(A) and at P2 24dB(A). Further information is required on the statistical parameter and time period used.

Without this information I would recommend that the application is refused.

Following the submission of further information as set out in the planning application including the provision of acoustic boxes and panels the Environmental Health have been further consulted and their response is

7th December 2016

I do not require any further details on the levels of mitigation and I am happy with the information that has been sent. I have no objections to this application.

1.0 RECOMMENDATION

1.1 Grant permission subject to conditions.

2.0 PROPOSED DEVELOPMENT

2.1 Planning permission was granted in 2015 for the erection of an anaerobic digester at this site. Development is underway, however this application seeks to vary the approved plans condition to allow a number of alterations to the approved scheme. The table below sets out the approved elements of the scheme under planning permission reference 15/01034/MFUL, with any alterations to the respective elements now proposed, shown in bold.

2.2 Approved development 15/01034/MFUL

- A digester tank: height 8m, diameter 25m and capacity 3926 cubic metres with a gas collection dome above of height 5.5m. overall height from excavated site is 13.5m – **No change**
- A digestate storage tank: height 8m, diameter 25m and capacity of 3926 cubic metres – **No change**
- A buffer tank: height 4m and diameter 9m – **No change**
- A control cabin housing the control panels for the anaerobic digester: 12 long, 3m wide, and 2m high – **No change**
- 1 x CHP unit (combined heat and power unit): 13.5m long and 3 m wide contained in an acoustic box including a chimney of 7m - **2 x CHP units – second unit to be provided inside the container originally permitted as an office. To include external exhaust. (Retrospective)**
- Control building 14m long x 7m wide x 3m high – **No change**
- Gas compressor building 8m x 3.5m x 3m high – **No change**
- Transformer, HV switch each 2.5m x 2.5m x 2.4m high – **No change**
- LV panel 12m x 2.5m x 2.5m high – **No change**

- Office 13.5m x 2.5m x 2.5m high – **Location of office changed to CHP unit as above. Additional 2 office/welfare buildings 6m x 2.5m x 2.8m high located adjacent to the Weigh Bridge. (Retrospective)**
- Solids feeder 9m x 4m x 4m high – **No change**
- 2 x Dryers 43m x 6m x 3.5m high - **Single larger dryer 30m x 7m x 3.7m to replace the approved two units. To include the addition of a dried digestate storage bunker with cover 6.4m x 6.1m x 5.3m height, Feeder hopper 7.7m long, 3m depth and 3.9m high and 2 conveyors one 7.6m long connecting the feeder hopper to the dryer and a 10m long conveyor to be located from the dryer to the storage bunker.**
- Gas flare 6m x 3m x 4.8m high - **The relocation of the flare from its present approved location to the south of digestate tank to a location north west of the anaerobic digester. The flare will be 6m x 3m x 4.8m high consisting of an enclosed flame area in steel. (Retrospective)**
- A separator frame and clamp: 9m long, 7m wide, and 5.5m high – **No change**
- Feedstock clamps comprising 2 bays: 60m x 30m x 4m high proposed to hold material – **No change**
- A concrete yard for vehicular movements – **No change**
- A GRP kiosk to house metering circuit breaker – **No change**
- New element - **The inclusion of a pit mounted Weigh Bridge 19m x 3.8m located toward the entrance of the site (Retrospective)**
- New element - **Additional 2 office/welfare buildings 6m x 2.5m x 2.8m high located adjacent to the Weigh Bridge.**

The application as originally submitted sought to remove Condition 23 on the previous permission. This aspect of the application has now been withdrawn and no longer seeks the removal of Condition 23:

'The permission hereby granted is for a 500kw anaerobic digester only. Power generation from the development shall not exceed 500kw 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.'

Therefore even though there will be 2 CHP units capable of providing 1000kw the above condition remains in place only allowing 500kw averaged over a month period.

The Anaerobic Digester (AD) will be fed by a maximum of 13,925 tonnes of feedstock per annum (the same figure as 15/01034/MFUL) comprising the following as set out in the Odour Management Plan submitted with this application and 15/01034/MFUL:

- Cow slurry - 2,000 tonnes
- Farmyard manure - 1,000
- Chicken manure - 2,000 tonnes
- Maize - 4,444 tonnes
- Grass Silage – 2981 tonnes
- Beet – 1500 tonnes

The manures will be sourced from Swanhams Farm located approximately 4.25 km east of Halberton and Rix Farm located immediately north of the A361 between Tiverton and Bolham. The maize, grass and beet silage will be sourced from a number of local sites named by the applicant as Hartnoll

Farm, Manley Lane, Maunders and 'Plots' all located within approximately 3km of the AD site and Wellington Farm which is located approximately 20km away. There is no change to the previously approved scheme over this.

The resulting products from the AD plant are digestate, heat and biogas which generate electricity via the CHP. The heat will be used on site to heat the digester and control cabin. The digestate will be in two forms, liquid and solid and used as a soil conditioner/fertiliser on land at Hartnoll Farm and Manley Lane. The electricity will be used to run the plant itself and the rest exported to the National Grid.

3.0 APPLICANT'S SUPPORTING INFORMATION

- 3.1 Plans
Noise information
Odour Management plan

4.0 PLANNING HISTORY

- 4.1 08/00282/PNAG Prior notification for the erection of an agricultural storage building - No objection
12/00585/PNAG Prior notification for the erection of an agricultural storage building
PRIOR APPROVAL REQUIRED - LETTER SENT 17TH MAY 2012 - No objection
12/00630/FULL Erection of an agricultural livestock building - PERMIT - June 2012
13/01605/MFUL Erection of a 500kW anaerobic digester and associated works with 4 silage clamps - NON MATERIAL AMENDMENT GRANTED 24TH MARCH 2015 - PERMIT
13/01605/MFUL/NMA Erection of a 500kW anaerobic digester and associated works with 4 silage clamps - Non Material Amendment to amend the route of a buried high voltage cable – PERMIT
15/01034/MFUL Erection of a 500kW anaerobic digester and associated works with 2 silage clamps PERMIT

5.0 DEVELOPMENT PLANS

5.1 Mid Devon Core Strategy (Local Plan 1)

COR1 - Sustainable Communities
COR2 - Local Distinctiveness
COR5 - Climate Change
COR18 - Countryside

Mid Devon Local Plan Part 3 (Development Management Policies)

DM1 - Presumption in favour of sustainable development
DM2 - High quality design
DM5 - Renewable and low carbon energy
DM6 - Transport and air quality
DM7 - Pollution
DM8 - Parking
DM22 - Agricultural development
DM27 - Development affecting heritage assets

6.0 REPRESENTATIONS

- 6.1 There have been 20 objections to the latest proposal, summarised as follows:
 - Manipulating the system to obtain permission
 - Increase in smells and probably increased traffic
 - Inconsistency within the odour report

- Removal of the 500kw ceiling will require the increase in material when capacity is not met.
- They should have got their figures correct and so reduce the amount of material to ensure no more than 500kw
- How can Environmental Health have no objections as there are 6 areas which are currently too loud.
- Scant regard for Planning Controls
- More noise will be created
- Storage of manure on site
- Industrialisation of the area
- Proposed new housing at Cordwents will be adversely impacted
- Impact on the Grand Western Canal

7.0 MATERIAL CONSIDERATIONS AND OBSERVATIONS

7.1 The primary material considerations in assessing this application are:-

1. Policy
2. Access and transport
3. Landscape and visual impacts and the Canal Conservation Area
4. Impact on neighbouring residents
5. Other impacts
6. Additional 500kw CHP unit
7. Planning balance

7.2 Policy

Mid Devon Core Strategy (LP1)

Policy COR1 seeks to ensure that growth is managed so that development meets sustainability objectives, brings positive benefits, supports the diverse needs of communities and provides vibrant, safe, healthy and inclusive places where existing and future residents want to live and work.

Policy COR2 seeks to sustain the distinctive quality, character and diversity of Mid Devon's environmental assets, preserve Mid Devon's landscape character, and promote the efficient use and conservation of natural resources of land, water and energy.

Policy COR5 seeks to contribute towards targets for the reduction of greenhouse gas emissions and support the development of renewable energy capacity in locations with an acceptable local impact including, visual, on nearby residents and wildlife.

Policy COR18 seeks to control development in the open countryside and specifically permits renewable energy developments.

Local Plan Part 3 (Development Management Policies)

Policy DM1 states that the Council will take a positive approach to sustainable development and approve wherever possible proposals that improve the economic, social and environmental conditions in the area.

Policy DM2 requires development to demonstrate a clear understanding of the site and surrounding area and to take into account impacts on local character and landscapes, biodiversity and heritage assets, impacts on neighbouring uses and appropriate drainage solutions.

Policy DM5 is designed to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily. It states that proposals for renewable or low carbon energy will be permitted where they do not have significant adverse impacts on the character, amenity and visual quality of the area, including cumulative impacts of similar developments, within the parish or adjoining parishes.

Policy DM6 requires development proposals that would give rise to significant levels of vehicular movement to be accompanied by a transport assessment to include mitigation measures.

Policy DM7 permits development where the direct, indirect and cumulative effects of pollution will not have an unacceptable negative impact on health, the natural environment and general amenity.

Policy DM22 permits agricultural development where it is reasonably necessary to support farming activity on the farm or in the immediate agricultural community, where it is located to minimise adverse effects on the living conditions of local residents and to respect the character and appearance of the area, and where it will not have an unacceptable adverse impact on the environment or the local road network.

Policy DM27 Seeks to protect heritage assets and their settings, including Conservation Areas recognising that they are an irreplaceable resource.

National Planning Policy Framework (NPPF)

The NPPF has a presumption in favour of sustainable development which requires development which accords with the development plan to be approved without delay. It specifically requires planning to encourage the use of renewable resources, for example, by the development of renewable energy and requires significant weight to be placed on the need to support economic growth through the planning system.

The NPPF sets out core planning principles which include: seeking to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, and; supporting the transition to a low carbon future in a changing climate, encouraging the reuse of existing resource and encouraging the use of renewable resources (for example by the development of renewable energy).

The NPPF suggests that developments should be located and designed where practical to accommodate the efficient delivery of goods and supplies.

The NPPF states that local planning authorities should not refuse planning permission for buildings or infrastructure which promote high levels of sustainability because of concerns about incompatibility with an existing townscape, if those concerns have been mitigated by good design (unless the concern relates to a designated heritage asset and the impact would cause material harm to the asset or its setting which is not outweighed by the proposal's economic, social and environmental benefits).

The NPPF states that local planning authorities should help increase the use and supply of renewable energies and design their policies to maximise renewable developments whilst ensuring that adverse impacts are addressed satisfactorily, including cumulative impacts. It states that applicants should not need to demonstrate the overall need for renewable energy and requires local planning authorities to approve applications where the impacts are (or can be made) acceptable.

The NPPF states that planning policies and decisions should aim to mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions; recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

7.3 Access and Transport

The application site is located approximately 1.5km west of Halberton and 5km east of Tiverton. The site is positioned south of Crown Hill. The applicant states that the site has been chosen for its proximity to the land which will provide the necessary feedstocks and the land over which the digestate can be spread.

The Transport Statement (TS) (set out in 15/01034/MFUL) states that vehicles related to the proposed AD plant would travel to and from the application site via Post Hill only. This is the same route taken by traffic generated by existing agricultural activities at Hartnoll Farm for the delivery of grain to the two storage barns and products for conditioning/fertilising land. This Transport statement is still relevant to this variation and will be part of the saved documents relating to this proposal as it is not proposed that the amount of feedstock would be altered by the current proposal and the application does not seek to vary the condition which relates to the source and amount of feedstock.

On this basis, the Highway Authority raises no objections to the proposal.

There will be no changes to the amount of traffic to and from the site to that already approved under 15/01034/MFUL.

7.4 Landscape and Visual Impacts and the Canal Conservation Area

The proposed changes to the approved plans are generally minor operational re-organisation and rationalisation of the working plant. The application seeks to retain the flare located to the north western corner of the site which will obscure its view within the landscape. The change of two dryers for one will have no intrinsic impact on the landscape or provide any adverse visual impact on the area. The inclusion of the two office buildings and weighbridge are required for the operation of the site, and are not highly visible in the landscape. This aspect of the application is also retrospective. The two conveyors and bins will be set against the existing concrete wall of the silage clamp.

The change to the original office area to house an additional CHP unit will be seen in context of the existing machinery and will have no adverse visual impact on the landscape or surrounding conservation area.

However after consideration of the noise assessment submitted it was clear from this initial information that further structures are likely to be required to cover some of the machinery on site to reduce the noise emissions to acceptable levels. Details have now been supplied of the style, size, height, mass of materials proposed and their locations. It is considered that the inclusion of these panels and containers will have no demonstrable visual impact on the Grand Western Canal Conservation Area or the wider landscape.

7.5 Impact on Neighbouring Residents

Odour

Concerns have been raised by objectors with regard to potential increase in odour as paragraph 9 of the applicants odour management plan states "Poultry manure is transported in a covered trailer and then stored appropriately to avoid odour release (under cover). Animal manures will only be stored on site for a maximum of 2 days before being used."

It has always been the intention that no farm yard manure of any type will be stored within the application site except within the sealed digestate storage tank, as set out in condition 8 of planning permission 15/01034/MFUL. There is to be no change to this condition.

The introduction of the additional CHP unit and the other changes will have no impact on the odour associated with the site over and above what has been established and to be controlled by the Environment Agency and their legislation. The additional CHP unit will only be run when the other CHP unit is under repair or undergoing maintenance.

Noise

The main sources of noise relating to this development are the related traffic movements from operations and the construction period, the unloading of materials on site, the running of the CHP units, the running of the dryer, conveyors and triolet (receptor vessel for the transfer of feedstock into the Anaerobic Digester) and the pumping of digestate to land.

The majority of these noise emissions have been considered in the previous planning approval 15/01034/MFUL. The additional items subject of this application have been considered by Iac Acoustic in their report submitted in support of the application who have suggested that further

acoustic measures are required in order to reduce noise emissions to acceptable levels, these include-

- 1 The need for a super enclosure to enclose both CHP units and chillers to reduce noise by 20dB(A)
- 2 The need for an enclosure around the transformer to reduce noise by 15dB(A)
- 3 The need to reduce noise from the gas compressor building by 20dB(A)
- 4 The need to reduce noise from the Triolet pit.
- 5 The need for an enclosure around the Triolet motors to reduce noise by 15dB(A)

These additional elements are set out in the information submitted as part of this application, they include 1. 2m acoustic absorber panels around the NE and S parameter of the CHPs (specifications provided)

2. Low level enclosures around the small, ground mounted, triolet motors (photos provided)
3. Internal panelling in the gas compressor building (no visual impact)
4. CHP fans removed from roofs of containers and ground mounted by the main digester tank (at lower level of the site - less visual impact).

These elements are shown on the submitted plans along with technical specifications which have been provided, and assessed by Environmental Health as being appropriate and relevant to control noise levels.

There is now on objections from Environmental Health.

7.6 Other Impacts

The operation of the biogas plant would be fully automated from an on-site central control panel which would monitor information transmitted from instruments around the plant. Marches Biogas (the technology provider) would provide a remote monitoring service via internet which allows changes to be made to the system remotely, while advice can be given over the phone. However an office building shown on the plan will be used as a maintenance office/workshop.

While the application states that the AD plant is designed to accommodate a variety of solid and liquid feedstock types to give the plant a greater degree of flexibility in the future, the application seeks permission for maize, beet, silage, slurry and chicken/farmyard manure only. Should the applicant wish to use different feedstock types in the future, an application to vary the planning permission would be required.

7.7 Additional 500kw CHP Unit

The installation of the second CHP unit on site without planning permission was considered previously at Planning Committee on 6th July 2016 at which time enforcement action to seek its removal was authorised. This application was validated on the 26th August 2016 with the second CHP unit on site being included within it. Accordingly it is appropriate to reconsider this issue in light of the application and supporting information that accompanies it.

The implications of not having a second CHP unit on site have been stated by Greener for Life (GFL), in that operating various other plants over the last 2 years and specifically Menchine Farm AD Plant, which is similar to Red Linhay, they understand the adverse environment and operational issues of having only a single CHP unit. In particular the amount of down-time and the ability to maximise the production of renewable energy. It is understood that the main reason for the additional CHP unit is to allow for increases in efficiency and to ensure that during maintenance and breakdown of the CHP unit the system will still provide output.

It has been raised that the inclusion of a further CHP unit is to provide additional output; initially the application was to also include the removal of condition 23 which limits the maximum output to 500kw averaged over a month period. This no longer forms part of the application having been withdrawn and the output of the site will remain 500kw averaged over a month.

If more than 500kw will be produced by the quantities of feed stock approved then a solution could be

to reduce the amount of material placed into the digester to ensure there is only 500kw produced, specific conditions are in place to ensure that the output is retained at that approved.

The Authority consider that with the systems in place to monitor gas production, that the site could easily be operated to ensure it remains within gas production parameters to ensure there are minimal losses of gas due to over production. The tank is designed to allow for variations of gas production and with good monitoring processes the correct mixture of material can be placed into the system to ensure an appropriate level of production.

The need to provide a second unit for periods of repair or breakdown is considered to be reasonable. However this should only be considered if the units are restricted for use only when the other is not operating in order that the power generation limits within Condition 23 are met.

7.8 Planning Balance

In general the alteration to changes in the location and type of equipment within the site has little impact on the overall scheme and have mainly been submitted to regularise outstanding items that were not covered within the previous application.

The changes/additions as set out and contained in this application do not represent any further detrimental impact on local amenity. It is confirmed that there will be no changes to feedstock volumes or traffic movements.

Fears have been raised as to future increases in materials and trips to the site if the additional CHP unit is installed, as the plant would not be operating at optimum capacity. There is concern that further feed stocks will be sought to bring the site up to full capacity. This application does not include any increases in feedstock and the two CHP units will not be run simultaneously so this cannot be deliberated as a material consideration in this instance.

On the 31st August 2015 the Chief Planner Steve Quartermain issued a letter entitled Green Belt protection and intentional unauthorised development, which has now been incorporated into the Government's Planning Practice Guidance. This letter/statement introduces a planning policy to make intentional unauthorised development a material consideration that would be weighed in the determination of planning applications and appeals.

Although there is no specific definition set out to define intentional, it is the view of Officers, that during the process of the various planning applications associated with this site, numerous developments have been undertaken which have required regularising and that the applicant has intentionally pressed forward with unauthorised development on the site in knowledge of the lack of planning permission. The latest being the re-siting of the items set out in this application. The applicant has relied upon the ability to submit retrospective applications to resolve outstanding issues.

The Government is concerned about the harm that is caused where the development of land has been undertaken in advance of obtaining planning permission. In such cases, there may be little opportunity to appropriately limit or mitigate the harm that has already taken place. Such cases can involve local planning authorities having to take expensive and time consuming enforcement action. The use of retrospective planning applications to regularise modifications undertaken by applicants has been a long standing means of ensuring developments are brought back to acceptability and is acknowledged in the Planning Practice Guidance.

Whilst some weight can be attributed to the fact that elements of the development have knowingly been undertaken without the benefit of planning permission, the amount of weight given to this is deemed to be limited and does not override the other material considerations which conclude that the development is acceptable.

Since the granting of the earlier consent some of the conditions have been discharged and the conditions listed below reflect that situation.

8.0 CONDITIONS

1. The date of commencement of this development shall be taken as the 26th August 2016 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 together with approved reports and statements listed on the decision notice. Elements of the anaerobic digester and associated works not varied by the approved plans, reports and statements submitted with this application shall be carried out in accordance with the approved plans, approved reports and statements under application 15/01034/MFUL.
3. The colour and finish of the building materials to be used (including the digester dome) shall be retained in accordance with the details as submitted and approved in writing by the Local Planning Authority on 27th October 2016 pursuant to 15/01034/MFUL.
4. Within 1 month of the date of this approval a Construction and Operational Environment and Traffic Management Plan shall have been submitted to and approved in writing by the Local Planning Authority.

The plan shall include details of:

1. hours of working;
2. hours of deliveries; including details of any importation of digestate associated with commencement of operations.
3. dust suppression management measures;
4. traffic management
5. vehicle routing to and from the site;
6. programme of works
7. parking for vehicles of site personnel, operatives and visitors;
8. storage of plant and materials;
9. loading, unloading and movement of plant and materials within the site.
10. facilities for cleaning wheels on exiting vehicles

All works and operations shall take place in accordance with the approved details during construction and operation phases of the development. The date the plant first becomes operational ("Operational" shall mean the first production of electricity to be exported to the grid) shall be confirmed in writing to the Local Planning Authority no more than one week following that date.

5. The passing bay on Crown Hill shall be completed in accordance with the details shown on plan '00030-GFL-Hartnoll-Passing bay' approved under planning permission 13/0160/MFUL within 3 months of the date the AD plant becomes operational ("Operational" shall mean the first production of electricity to be exported to the grid) and be so retained. Written confirmation of the date the AD plant first becomes operational shall be submitted to the Local Planning Authority within 1 week of this date.
6. The anaerobic digester facility hereby permitted shall not be brought into operation ("Operational" shall mean the first production of electricity to be exported to the grid) until a drainage scheme has been implemented in accordance with details that shall have been previously submitted to and approved in writing by the Local Planning Authority. Such scheme shall include details of the provision for the disposal of clean surface water by a Sustainable Urban Drainage System, and separate provision for disposal of foul waste and dirty surface/ yard water. The scheme shall include specifications and a timetable for implementation. The water management system shall be completed in accordance with the approved details and retained and maintained for that purpose at all times.
7. There shall be no storage of chicken and farmyard manures or slurry within the application site except within the liquids buffer tank and feeder hopper (triolet) serving the AD digester approved as part of this planning application.

8. All hedgerows within or on the boundary of the site located to the north west of the site and east adjacent to the highway shall be retained and maintained to a minimum height of 2 metres. Any trees or plants that die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
9.
 - i) The feedstock and approved quantities for the anaerobic digester shall be slurry, farmyard and chicken manure, grass and arable crops only, originally sourced from the sites named in Transport Statement of application 15/01034/MFUL only (Hartnoll Farm 62.13ha, Manley Lane 37.60ha, plots 41.48ha, Maunders 7.71ha, and Wellington 23.55ha and shown on plan/aerial photos Drawing numbers 13425/T04 Revision A and 13425/T05 Revision A set out in the approved transport statement date stamped 21st August 2015) under application 15/01034/MFUL.
 - ii) The ultimate destination for the digestate from the anaerobic digester shall be to the sites named in the Transport Statement of application 15/01034/MFUL Hartnoll Farm 62.13ha, Manley Lane 37.60ha, plots 41.48ha, Maunders 7.71ha only and shown on plan/aerial photos Drawing numbers 13425/T04 Revision A and 13425/T05 Revision A set out in the approved transport statement date stamped 21st August 2015) under application 15/01034/MFUL.
 - iii) A log book shall be maintained and completed detailing where and when the feedstock(s) for the AD plant have come from and where, when and mode of transport of the digestate leaving the site. 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 / digestate distribution.
 - iv) No other sites are to be utilised for either feedstock source or digestate destination. 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.
 - v) Records of feedstock input into the digester by weight from the hopper (triolet) 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.
10. Prior to installation, details of any external lighting including a lighting assessment which should include the following information:
 - o A description of the proposed lighting scheme together with hours of operation;
 - o A layout plan of the proposed development site showing the lighting scheme together with light spread, spill and intensity;
 - o Details of the proposed equipment design;
 - o An assessment of the impact of the proposed lighting upon ecology; neighbouring properties, roads and character of the site and its surroundings;
 - o Details of any proposed measures to mitigate or compensate for the possible impacts of the proposed lighting

shall be submitted to and approved in writing by the Local Planning Authority. Any approved external lighting shall be installed in accordance with the approved details and shall be so retained.
11. The storage of digestate or other hazardous substances must be within properly constructed bunded areas of sufficient capacity and containment, details of which are to be submitted to and approved in writing by the Local Planning Authority prior to the first storage of any digestate outside the digestate storage tank, separator fibre clamp and the dryer storage bunker. Such approved scheme shall be so retained.
12. A revised Tree Planting scheme and Landscaping Scheme shall be submitted to and approved in writing by the Local Planning Authority, and shall include details of any changes proposed in existing ground levels (including the Bund). All planting, seeding, turfing or earth reprofiling comprised in the approved details of planting and landscaping scheme shall be carried out within the next planting season following completion of the archaeological works,

October-March whichever is the sooner. 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, unless the Local Planning Authority gives written consent to any variation.

13. Noise emissions from the Red Linhay Anaerobic Digester site at the nearest noise-sensitive locations are not to exceed the decibel levels stipulated below, day or night.

Daytime Noise Level 07.00am - 23.00pm shall not at the boundary of any noise sensitive premises exceed the decibel level 41 dB (LAeq1hr)

Night-time Noise Level 23.00pm - 07.00am shall not when measured at 3.5m from the façade of any noise sensitive premises exceed the decibel level 33 dB (LA90 15min).

Daytime (Evening) & Night-time Noise Level 19.00pm - 23.00pm the Maximum Instantaneous Noise Level shall not when measured at 3.5m from the façade of any noise sensitive premises exceed 55 dB(LAFmax) evening (19.00-23.00hrs) and night-time (23.00-07.00hrs).

*(From the noise data supplied)

The average daytime background noise level is 36 dB (LA90 1hr) plus 5 dB exceedance

The average night-time background noise level is 28 (LA90 15min) plus 5 dB exceedance

14. Once the plant is fully operational, the operator shall provide a further noise assessment demonstrating that the screening and acoustic panelling/boxes are adequate and provides enough protection to ensure that the typical minimum background sound level 22dB (LA90 15min) is not breached from the operation of the plant. This assessment must be submitted to the planning authority within 3 months from the Operational commencement of the AD unit ("Operational" shall mean the first production of electricity to be exported to the grid). A copy of the findings from the assessment and all recorded data and audio files obtained as part of the assessment shall be provided to the Local Planning Authority (in electronic form) within 28 days of completion of the analysis.

Where the assessment information confirms that the noise levels from the operation of the plant are above the typical minimum background sound level 22dB (LA90 15min) within any amenity areas 3.5m from the façade of any noise sensitive properties, the operator shall carry out works to mitigate such effects to comply with the noise condition, details of which shall have first been submitted in writing and approved in writing by the local Authority.

The assessment and any such noise mitigation works shall be completed within 6 months from the date of notification and be so retained. The date of notification is the date the operator is informed in writing by the Local Planning Authority detailing the inadequate screening.

15. The emergency flare stack shall not be operated for maintenance or for testing purpose except between 0700 and 1700 hours on any day (not including Bank Holidays).
16. Heavy and light Goods vehicles along with plant under the control of the operators which deliver waste, remove digestate or biofertiliser or operate at the site (the site is the area set out on the approved location plan outlined in red) shall only use non-intrusive broadband (white noise) vehicle noise alarms and/or reversing cameras. On such vehicles, there shall be no use of single or multi-pitch reversing beepers.
17. Written notification confirming the cessation of operations is to be given to the Local Planning Authority 3 months prior to the cessation of the use of the Anaerobic Digester plant hereby approved.
18. On the cessation of the use of the Anaerobic Digester plant hereby approved, the site shall be cleared of all buildings and structures, hardstandings bunds and any wastes within a period of six months from the date of cessation. After removal of the above, the surface of the site shall be regraded and be covered with topsoil to a depth of 500mm within a period of three months.

The site shall then be planted in accordance with details to be agreed in writing by the Local Planning Authority.

19. The agreed discharge of condition 20 associated with 15/01034/MFUL with regard to the amended shape of the bund and stock proof fencing shall be undertaken and completed prior to the development becoming first operational ("Operational" shall mean the first production of electricity to be exported to the grid) and the landscaping scheme shall be completed in accordance with the agreed details within the first planting season following the development becoming first operational. Once provided the bund and landscaping scheme shall be so retained. 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, unless the Local Planning Authority gives written consent to any variation.
20. The visibility splay at the site entrance shall be provided and laid out in accordance with plan 13425/T03 approved under planning permission 13/001605/MFUL within 1 month of the date of this permission with no obstructions within the visibility area over 1m above the adjacent carriageway level. It shall thereafter be so maintained for that purpose.
21. Within 1 month from the date of approval, details are to be provided in writing to the Local Planning Authority of the location and type of electronic system to be installed to monitor the number and type of vehicles entering and leaving the anaerobic digester site. Such approved system is to be installed and operational prior to the first operation ("Operational" shall mean the first production of electricity to be exported to the grid) of the anaerobic digester site. Such results of the monitoring system shall be submitted to the Local Planning Authority quarterly or within any other frequency as requested by the Local Planning Authority. The approved system is to be so retained.
22. The permission hereby granted is for a 500kw anaerobic digester only. Power generation from the development shall not exceed 500kw 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.
23. 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.
24. Within 1 month from the date of this permission, details are to be submitted to the Local Planning Authority of the location and specification of physical barrier to be provided to prevent vehicles bypassing the weighbridge to the lower part of the site. The physical barrier shall be erected prior to the first operation of the site in accordance with the details which shall first have been agreed in writing by the Local Planning Authority and shall thereafter be so retained. ("Operational" shall mean the first production of electricity to be exported to the grid).

9.0 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 ensure the use of materials appropriate to the development in order to safeguard the visual amenities of the area and the character and appearance of the conservation area in accordance with Mid Devon Core Strategy (Local Plan Part 1) Policy COR2 and Mid Devon Local Plan (Development Management Policies) DM2 and DM27.
4. To safeguard the amenities of the area and occupiers of nearby buildings in accordance with DM2 of the Local Plan Part 3 (Development Management Policies).

5. In the interest of highway safety and to ensure that adequate passing facilities are available for vehicles attracted to the site in accordance with DM2 and DM22 of the Local Plan Part 3 (Development Management Policies).
6. To ensure adequate facilities are provided for the disposal of surface water from the development in accordance with Policies DM2, DM22 and DM27 of the Local Plan Part 3 (Development Management Policies).
7. To reduce odour levels within the site and to prevent pollution of the water environment in accordance with Policy DM7 of Local Plan Part 3 (Development Management Policies).
8. In the interest of the visual amenity of the area and to protect the setting of the Grand Western Canal in accordance with Policies DM2, DM22 and DM27 of the Local Plan Part 3 (Development Management Policies).
9. The application has been considered as a site accepting these feedstock types only and not as a general waste facility and consideration of the impacts on the environment, neighbouring residents and the road network has been made on this basis and in order to accord with Policies DM5 and DM22 of the Local Plan Part 3 (Development Management Policies).
10. To protect the rural character of the area in accordance with Policies COR2 of the Mid Devon Core Strategy (Local Plan Part 1) and DM5, DM22 and DM27 of the Local Plan Part 3 (Development Management Policies).
11. To prevent pollution of the water environment in accordance with Policy DM7 of Local Plan Part 3 (Development Management Policies).
12. To ensure the archaeological works are completed prior to the planting of the screening to minimise disturbance to the planting scheme and to provide further screening for the site and assist with reducing any potential noise.
13. To minimise the potential for pollution and disturbance to local amenity, in accordance with Policy DM7 of the Local Plan Part 3.
14. To minimise the potential for pollution and disturbance to local amenity, in accordance with Policy DM7 of the Local Plan Part 3.
15. To minimise the potential for pollution and disturbance to local amenity, in accordance with Policy DM7 of the Local Plan Part 3.
16. To minimise the potential for pollution and disturbance to local amenity, in accordance with Policy DM7 of the Local Plan Part 3.
17. To ensure the Local Authority are made aware of the impending cessation of the use to enable proper consideration of the removal of the items on the site.
18. To achieve a satisfactory landscape/restoration.
19. In the interest of the visual amenity of the area in accordance with Policies DM2, DM22 of the Local Plan Part 3 (Development Management Policies).
20. To provide adequate visibility from and of emerging vehicles.
21. In the interest of highway safety and consideration of the impacts on the environment, neighbouring residents due to the number of movements to and from the site and in order to accord with Policies DM5 and DM22 of the Local Plan Part 3 (Development Management Policies).

22. To ensure the AD plant is in accordance with that as set out in the application and supporting information and in order to ensure that the impacts of the development are acceptable.
23. 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.
24. To ensure all vehicles entering and leaving the site pass over the weighbridge 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.

SUMMARY

While a number of objections have been received in response to the consultation on this proposal, it is not considered that the introduction of the additional CHP unit, the sound attenuation measures, weighbridge, office and resitting of various items within the site will harm the environment, the landscape, neighbouring residents and the Grand Western Canal to a degree to warrant refusal of the application when balanced against the benefits. The Anaerobic Digestion plant will process farm wastes into a product which will assist in improving land management techniques and will generate a source of renewable energy. The impact on the Grand Western Canal is considered to be limited and is considered to be outweighed by the benefits of the proposal. Any harm likely to arise from this proposal can be adequately mitigated by the imposition of conditions. It is considered that this proposal will not cause significant harm and that the benefits of granting planning permission outweigh any limited harm that may be caused. Accordingly the application is in accordance with Mid Devon Core Strategy (Local Plan Part 1) Policies COR1, COR2, COR5 and COR18, Local Plan Part 3 (Development Management Policies) DM1, DM2, DM5, DM6, DM7, DM8, DM22 and DM27, Devon Waste Local Plan policy WPC1 and the National Planning Policy Framework.

Contact for any more information	Daniel Rance, Ext 4929
Background Papers	15/01034/MFUL
File Reference	16/01180/FULL
Circulation of the Report	Cllrs Richard Chesterton Members of the Planning Committee

Application No. 16/00006/TPO

Grid Ref: 102539 : 282690

Location: Shute Cottage
Sandford CREDITON
Devon



REPORT OF THE HEAD OF PLANNING AND REGENERATION

Reason for Report:

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

RECOMMENDATION(S)

That the Tree Preservation Order is confirmed.

Relationship to Corporate Plan:

The proposal impacts upon the Corporate aim of 'Protecting the natural environment'

Financial Implications:

None

Legal Implications:

Tree Preservation Orders are made under the Town and Country Planning Act 1990 as amended by the Town and Country Planning (Tree Preservation) (England) Regulations 2012. Local Planning Authorities can make a Tree Preservation Order if it appears to them to be expedient in the interests of amenity to make provision for the preservation of trees or woodland in their area.

Risk Assessment:

None

Consultation carried out with:

1. The landowners and immediate neighbours have been notified of the imposition of the Tree Preservation Order and provided with the opportunity to object to its confirmation.

1.0 DESCRIPTION/SITE HISTORY

- 1.1 An objection has been received following the making of a Tree Preservation Order at Shute Cottage, Sandford, Crediton. Since the Tree Preservation Order was made a meeting has been held between the Tree Officer and the tree owner.

- 1.2 The Tree Preservation Order (TPO) was made following a Conservation Area notification to reduce the trees by 1/3 (6m) and pollard all growth back to the main branches. This specification was weighed up against the visibility of the trees in the conservation area of the village of Sandford. The work specification read to be likely to destroy the appearance of the trees, possibly leaving them looking unsightly and therefore reducing their amenity value in the village.
- 1.3 The trees both appear to be in good health and condition, but have been planted quite closely together so have formed a shared canopy. They are growing at a slightly raised elevation, making them quite prominent.

2.0 AMENITY EVALUATION

- 2.1 The visual amenity of the trees is fairly low apart from one viewpoint, where it is quite significantly higher. The view when travelling from the square means that the trees are very visible. The proposed pruning work would have had a detrimental effect on the appearance of the trees in the Conservation Area.
- 2.2 When carrying out an amenity evaluation for the trees they received a score of 16, with greater than 15 being the benchmark for a tree to merit consideration for protection by TPO.
- 2.3 Within the garden there are several trees including a weeping willow. The concern was very much for the appearance of heavily pruned trees in the Sandford Conservation Area.

3.0 REPRESENTATION

- 3.1 One objection to the TPO has been made on the following grounds:
- 1) during the summer months our garden is approximately 70% covered in heavy shade
 - 2) our garden is completely covered in debris from the trees
 - 3) The crows have been causing significant damage to our thatch as they pull straw to make nests. This has to be repaired at significant ongoing expense.

4.0 MATERIAL CONSIDERATIONS AND RESPONSE TO THE OBJECTIONS

- 1) The trees are located in the furthest northern part of the garden of Shute Cottage. With regard to shading to the garden this is the best location for the trees to be in as shading will be minimal.
- 2) Unfortunately trees will and do shed small twigs, leaves, seeds etc. This is a natural cycle of a trees life.
- 3) Following a conversation from our Conservation Officer rooks taking material from thatch is a common problem. The best way to deal with the situation is to immediately repair the damaged area as they will mostly return to one particular area. They become 'fixated' on an area of thatch. If this area is immediately repaired

they are less likely to take thatch from elsewhere in the roof. It is likely that even if the trees are removed, rooks and birds from other areas may use the thatch.

5.0 CONCLUSION

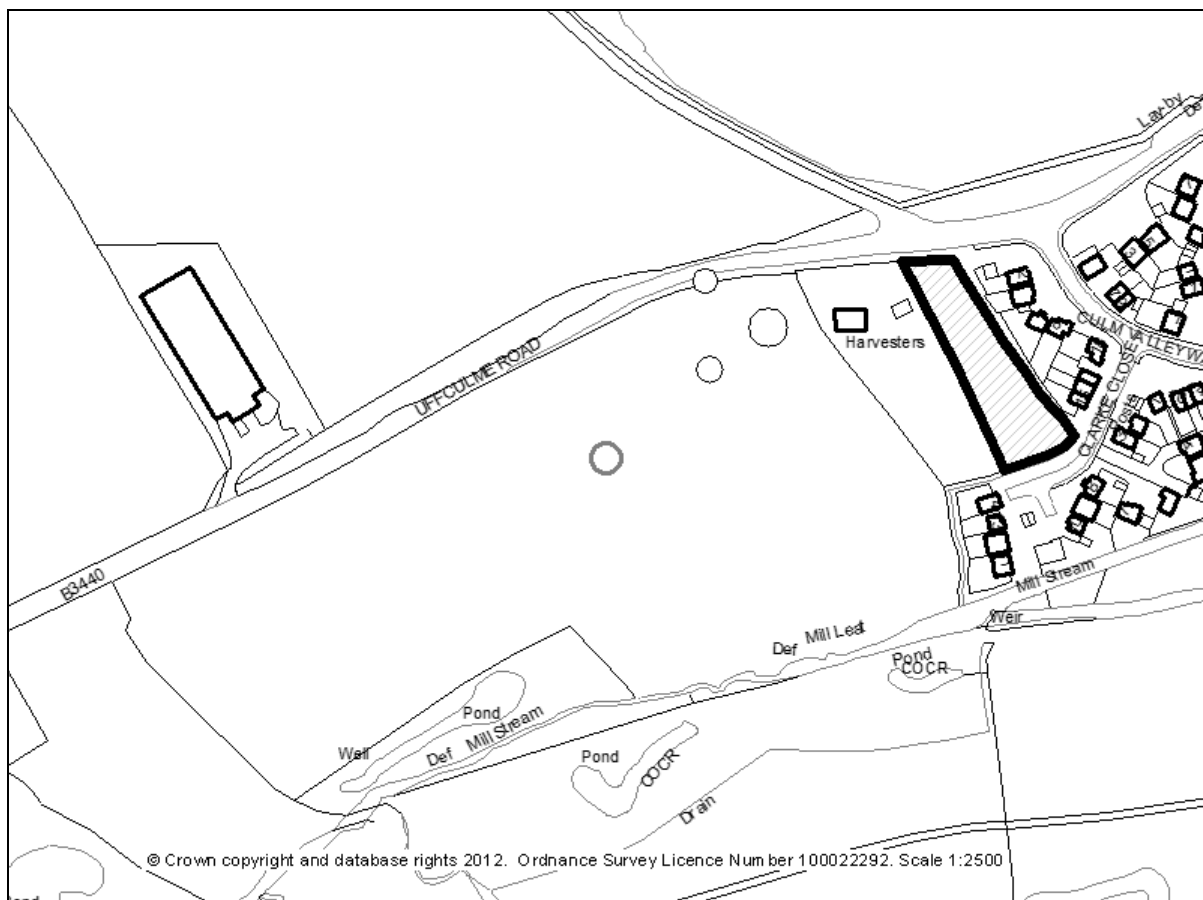
- 5.1 Due to the high visibility of the trees in the village, when travelling from The Square it was felt necessary to make a Tree preservation Order to preserve the appearance of the trees.

Contact for any more information	Cathy Lynch, Tree Officer 01884 234304
Background Papers	16/01347/CAT
File Reference	16/00006/TPO
Circulation of the Report	Cllrs Richard Chesterton Members of the Planning Committee

Application No. 16/00007/TPO

Grid Ref: 112080 : 305658

Location: Land at Grid
Reference 305658
112080 Uffculme
Devon



REPORT OF THE HEAD OF PLANNING AND REGENERATION

Reason for Report:

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

RECOMMENDATION(S)

That the Tree Preservation Order is confirmed

Relationship to Corporate Plan:

The proposal impacts upon the Corporate aim of 'Protecting the natural environment'

Financial Implications:

None

Legal Implications:

Tree Preservation Orders are made under the Town and Country Planning Act 1990 as amended by the Town and Country Planning (Tree Preservation) (England) Regulations 2012. Local Planning Authorities can make a Tree Preservation Order if it appears to them to be expedient in the interests of amenity to make provision for the preservation of trees or woodland in their area.

Risk Assessment:

None

Consultation carried out with:

1. The landowners have been notified of the imposition of the Tree Preservation Order and provided with the opportunity to object to its confirmation.

1.0 DESCRIPTION/SITE HISTORY

- 1.1 This Tree Preservation Order was made in response to a proposed development on land to the west of existing development at Uffculme forming part of Langlands Farm. Outline planning permission for the development of 60 dwellings has been granted on appeal. The Tree Preservation Order specifically protects four Oak trees within the site.

1.2 One letter of objection has been received in relation to Tree Preservation Order 16/00007/TPO. The objection seeks to modify the Order to not include T1. It is accepted that the Tree Preservation Order is relevant to T2, T3 and T4.

2.0 AMENITY EVALUATION

2.1 The trees add a significant amenity/landscape value to the surrounding area, which will be enhanced following the development of the site. Following an amenity evaluation of the trees, it was deemed necessary to place further protection on them, in the form of a Tree Preservation Order.

3.0 REPRESENTATION

3.1 One objection to the TPO has been made on the following grounds:

- The Planning Practice Guidance states that 'before authorities make or confirm an Order they should be able to show that protection would bring a reasonable degree of public benefit in the present or future.' Given the poor state of health of T1 it is questioned whether there is any benefit in seeking to protect it;
- Inclusion of T1 acts against future public benefit in that its health is likely to fade in the near future, such that its public benefit is reduced to zero, most probably in the short term;
- T1 will not provide future benefit to the same degree that a properly controlled landscaping strategy for the reserved matters can.

4.0 MATERIAL CONSIDERATIONS AND RESPONSE TO THE OBJECTIONS

4.1 This Tree Preservation Order was made on the more significant trees in response to proposed development on the site.

4.2 The four trees subject of the TPO are found toward the northern boundary of the site, with T2, T3 and T4 located toward the north eastern corner and T1 somewhat further to the west.

4.3 When referring to the Tree Survey Schedule submitted in support of the outline planning application, produced by Devon Tree Services, T1 is described as an English Oak in the age class 'Veteran'. Veteran trees are extremely valuable for wildlife. They are living ecosystems which support a huge variety of life. A veteran tree is of interest biologically, culturally or aesthetically because of its age, size or condition in relation to wildlife habitat. The features highlighted in the tree survey schedule such as the significant crown dieback and stem decay are what we would expect in a tree regarded as a veteran. The root loss due to ploughing is an assumption. In the experience of MDDC Tree Officer, when trees are exposed to regular ploughing they can produce a root system which may be regarded as deeper than that which would be considered typical. Problems may occur if ploughing suddenly commences, where it has not been done routinely, especially with deep pan ploughing.

- 4.4 The physiological and structural conditions of the tree have been rated as fair – poor. However the estimated remaining contribution in years is given as 40+ years, the same estimate as given to T2, T3 and T4. On this basis, concerns that the tree will begin to ‘fade’ in the short term are not accepted and the tree could potentially provide decades of public benefit and ecological benefit.
- 4.5 In relation to comments stating that the tree is in a poor state of health, the tree is regarded to be a veteran. Features such as dieback, crown retrenchment and decay are all seen to be beneficial indicators of a veteran tree. Most importantly Devon Tree Services have placed the tree into category A3 for retention (BS 5837: Trees in relation to design, demolition and construction – Recommendations). Trees with such a category are those regarded as the most desirable for retention. Throughout the Outline planning application process this tree was always earmarked for retention. The tree report suggests that the tree will be retained with a reduced Root Protection Area (RPA), reduced by 40%, which the MDDC Tree Officer objects to. Veteran trees require extra care throughout development. Older trees have been shown to be more sensitive and slower to adapt to the challenges faced with a changing environment through development. Where possible they should be afforded a larger RPA.
- 5.0 **CONCLUSION**
- 5.1 The Oak tree included in this Tree Preservation Order is worthy of this protection. The tree is in good condition for its veteran status, and likely to add significant amenity value to the site should it be developed. It is recommended that the Tree Preservation Order be confirmed without modification.

Contact for any more information	Cathy Lynch, Tree Officer 01884 234304
Background Papers	15/00108/MOUT
File Reference	16/00007/TPO
Circulation of the Report	Cllrs Richard Chesterton Members of the Planning Committee