

Public Document Pack

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

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

MID DEVON DISTRICT COUNCIL

PLANNING COMMITTEE

A MEETING of the **PLANNING COMMITTEE** will be held in the Phoenix Chamber, Phoenix House, Tiverton on Wednesday, 1 March 2017 at 2.15 pm

The next ordinary meeting of the Committee will take place on Wednesday, 29 March 2017 at 2.15 pm in the Phoenix Chamber, Phoenix House, Tiverton

STEPHEN WALFORD

Chief Executive
21 February 2017

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 - 16*)

To receive the minutes of the previous meeting.

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 17 - 64*)

To consider the planning applications contained in the list.

7 **THE DELEGATED LIST** (*Pages 65 - 86*)

To be noted.

8 **MAJOR APPLICATIONS WITH NO DECISION** (*Pages 87 - 90*)

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

9 **APPEAL DECISIONS** (*Pages 91 - 92*)

To receive for information a list of recent appeal decisions.

10 **URGENT WORKS NOTICE AND REPAIRS NOTICE - BELL COTTAGE, WOODLAND HEAD YEOFORD** (*Pages 93 - 100*)

To consider a report of the Head of Planning and Regeneration seeking approval to an Urgent Works Notice under Section 54 and a Repairs Notice under s48 of the Planning (Listed Building and Conservation Areas) Act 1990 for the temporary works to a grade 2 Listed Building namely Bell Cottage, Woodland Head, Yeoford, EX17 5HF to make it wind and weather tight and for works necessary to preserve the building. Additionally authority is also sought to commence preparatory work for compulsory purchase.

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 1 February 2017
at 2.15 pm

Present Councillors

Mrs F J Colthorpe, 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

Also Present Councillor(s)

D R Coren and C J Eginton

Present Officers:

Jenny Clifford (Head of Planning and Regeneration), Thea Billeter (Area Planning Officer), Simon Trafford (Area Planning Officer), Christie McCombe (Area Planning Officer) and Sally Gabriel (Member Services Manager)

127 **APOLOGIES AND SUBSTITUTE MEMBERS**

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

Cllr Dolley thought that he had given his apologies for the previous meeting and therefore apologised retrospectively for his absence for the meeting on 4 January 2017.

128 **PUBLIC QUESTION TIME (00-02-40)**

Mr Andrew Herniman spoke in relation to item 10 on the agenda, Howden Court, he asked, are the committee members aware of the recommendations on footpaths in the latest Official Police Security Initiative document Secured by Design 2016? The following is verbatim from that document and is highly pertinent to today's determinations:

'Routes for pedestrians, cyclists and vehicles should be integrated to provide a network of supervised areas to reduce crime and anti-social behaviour. Public footpaths should not run to the rear of and provide access to gardens, rear yards or dwellings as these have been proven to generate crime. Designers should consider making the footpath a focus of the development and ensure that they are:

- As straight as possible

- Well lit
- Devoid of potential hiding places
- That they should be overlooked by surrounding buildings and activities and be well maintained so as to enable natural surveillance along the path and its borders.

It is important that the user has good visibility along the route of the footpath. The footpath should be as much 'designed' as the buildings.

The need for lighting will be determined by local circumstances. In an inner city environment the lighting of a footpath is generally only effective in reducing crime levels (or preventing them from arising) if it is matched with a high degree of natural surveillance from surrounding buildings where reaction to an identified incident can be expected i.e. a witness calls the police, or the footpath is well used.'

In the light of that document, are the committee members aware that the proposed footpath:

- Runs to the rear of Howden Court and Groomes House
- Is not straight
- Will not be lit
- Is not visible by surrounding buildings so cannot enable natural surveillance along the path and its borders
- It does provide potential hiding places
- It is not effective in reducing or preventing crime levels and antisocial behaviour

It is hoped that due consideration will be given by the committee to the Police Security Initiative document, Secured by Design 2016, when a decision is made about this proposed footpath.

Mrs Herniman, also speaking in relation to item 10, Howden Court, asked, are the committee members aware that at the time the planning application was submitted for approval, it was pointed out by the developer to the Planning Officers that the pathway, because of the variance in elevations, would be impossible to be built to adoptable standard? I'm wondering if anyone from the planning committee came to see these difficult elevations prior to granting consent?

In recent weeks, councillors on the planning committee, who have made a site visit, have been appalled that this was part of the consent in the first place. It seems ridiculous that originally, when Heritage was granted planning permission, Heritage had to put in a road, which curved three times to get to the top. Now you are deliberating on a footpath, which was also going to include a cycle path originally, which is to have forty steps to ascend a near vertical hill.

I feel if a site visit had taken place at the very beginning, the committee would have seen that the proposed footpath was not fit for purpose. No one will use it. The security of various properties will be put at risk. My question, my plea is, please think seriously about this and make a pragmatic decision and not one that just fulfils policy.

Mr Cook spoke in relation to items 4 and 5 on the Plans List, acoustic fencing on Blundells Road, Tiverton. He stated that the application covered a condition change to the original planning application for acoustic fences which were put into the original design something like two years ago. It is an interesting fact that the sound or traffic noise consultant who designed the original planning application is not involved in the latest design and the condition for secondary fences has now been put in as the original fence was not in the right position or wouldn't have had any effect at all. The fact that it is now going to be put in a different position we consider to be a vast improvement on what we were faced with. However, at a meeting which Neil Parish MP attended on our behalf with Devon Highways, we asked that the fence, or so called 'baffle' for traffic noise, at the eastern end, on the westbound slip road, should be at least 3 metres high, if not more, to cut off the noise angle. What is more important is the visual angle for people living in houses close by.

As a point of interest, the World Health Organisation recommends that the maximum decibel level for residential properties should not be more than 55 decibels. Noise consultants have a wonderful way of producing noise level permissions on the basis that it is taken over twelve hours and the figures are spread over some other equation. The point is this, I live in Uplowman Road and so do many others and we suffer at the moment, as we have it recorded on our own machines, 68 – 71 decibels, although the argument will be that that is only a passing figure and why worry about it because it's only now and again. That is the rather laboured and if you like, the difficult way of presenting it to people living in houses. At the moment we are being faced with figures by the noise consultants that some of the houses will still be suffering with a 68 decibel level. In other words the planning department are designing the road levels that we will have to live with and people coming on behind us well above the maximum levels recommended by the World Health Organisations. This needs to be considered and we would like to make two requests:

1. That you ask the consultants, or you ask the planning department, that they provide a minimum 3 metre high fence at the eastern end and;
2. What methods will be used to reduce decibel levels at each house on the western side of Uplowman Road?

Mrs Westcott spoke in relation to item 1 on the Plans List, Cheriton Bishop. She stated that she wished to clarify her role in relation to the letters of objection. She was the Parish Councillor who was asked by the Parish Council to represent them on the Community Land Trust and she did not receive any benefit from doing this unless you count working with a number of committed individuals with public benefit at the heart.

129 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 4 January 2017 were approved as a correct record and signed by the Chairman.

130 **CHAIRMAN'S ANNOUNCEMENTS (00-15-45)**

The Chairman had no announcements to make.

131 **DEFERRALS FROM THE PLANS LIST (00-16-00)**

The Chairman informed the meeting that Item 2 (Land South of Lea Road, Tiverton) had been deferred to allow additional time for further consideration of the application.

132 **THE PLANS LIST (00-17-03)**

The Committee considered the applications in the plans list *.

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

(a) No 1 on the Plans *List (16/01699/FULL – Erection of 8 affordable dwellings with associated access, parking, drainage and landscaping at land at NGR 271041 93178, Yeoford Road, Cheriton Bishop)*

The Area Planning Officer outlined the contents of the report by way of presentation highlighting the site location plan and the scope of the application site. He outlined the planning history for the site and the already approved scheme that had not been progressed because of funding issues. A new funding stream had been identified and therefore a fresh application was before Members today. He explained the proposed layout of the affordable dwellings, the dimensions and design details which had a similar approach to existing dwellings in the area. Members were shown photographs from various aspects of the site which highlighted the distance from the village centre.

Consideration was given to:

- The history of the Community Land Trust, its work in progressing the project and the local housing need for affordable dwellings in the area.
- The need for the affordable housing to go to local people and the use of the local cascade system.
- The details of the proposed S106 Agreement.
- Issues relating to the lack of a footpath close to the site and the need for safe access.
- The possibility of the speed limit being managed.

RESOLVED that planning permission be granted subject to the prior signing of a S106 agreement to secure an education contribution (£13,652 and £2,603) and to ensure the retention of all the housing as affordable housing in perpetuity, the inclusion of a local allocations policy, that the Community Land Trust retains a legal interest and conditions as recommended by the Head of Planning and Regeneration.

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

Notes:

- (i) Cllrs D R Coren and P J Heal made declarations in accordance with the Protocol of Good Practice for Councillors in dealing with Planning matters as they were Ward Members and had been involved in discussions regarding the application;
- (ii) The Chairman read a letter on behalf of the Objectors to the application;
- (iii) Mr Gorringe spoke on behalf of the applicant;
- (iv) Mr Byron-Edmond read a representation from the Vice Chairman of the Parish Council;
- (v) Cllrs D R Coren and P J Heal spoke as Ward Members.

(b) No 2 on the Plans *List (16/01707/FULL – Outline for the erection of 41 dwellings and formation of vehicular aces – land at NGR 295527 113644 (South of Lea Road) Tiverton).*

This item had been deferred as outlined in Minute 131.

(c) No 3 on the Plans *List (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)*

The Area Planning Officer outlined the contents of the report by way of presentation stating that outline approval had been granted in 2014 and that reserved matters were now before Members. She highlighted the site layout, block plan and proposed landscaping, the internal layout of the proposed buildings and elevations. The petrol station plans were viewed and photographs were shown from various aspects of the site. Members were also directed to the decision notice for the outline approval which highlighted the conditions already agreed.

Consideration was given to:

- The need to consider the application before the committee
- The locations of the petrol stations
- The design and massing of the main structure and the need for a 2 storey building

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 J Roach)

Notes:

- (i) Cllrs Mrs H Bainbridge, Mrs Collis, Mrs F J Colthorpe, R J Dolley, P J Heal, F W Letch, B A Moore, R F Radford, Mrs J Roach, 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 the application;

- (ii) Cllr Mrs F J Colthorpe declared a personal interest as one of the applicants was known to her;
- (iii) Cllrs Mrs H Bainbridge and Mrs C Collis spoke as Ward Members;
- (iv) Cllrs Mrs C Collis and R J Dolley requested that their vote against the decision be recorded.

(d) No 4 on the Plans *List (16/01757/FULL – Variation of condition 15 of planning permission 14/01168/FULL for the relocation of acoustic fence - land at NGR 298079 113306 (off the A361) Blundells Road, Tiverton).*

The Area Planning Officer outlined the contents of the report by way of presentation highlighting applications that had been approved in 2014 which had included a bund and a primary acoustic barrier along with the southern side of the application site.

Condition 15 had highlighted the requirement for a secondary acoustic fence and noise modelling had taken place with regard to the best location for the bund and the fence. She outlined the different option positions modelled, highlighting each on a plan and explained that noise and visual impact had been measured; Position 1 measured little mitigation against noise or visual impact, Position 2 which was on top of the embankment adjacent to the A361 provided a reduction in noise over a greater area but that there was no mitigation for near neighbours; Position 3 extended the primary acoustic barrier by 180 metres further east and noise modelling had shown a reduction in noise to properties close to the site. She also explained the legislation where any reduction in noise of 1 db was seen to be an audible improvement perceivable to the human ear. She also stated that the new road surface proposed would reduce the noise to some extent.

Referring to the questions posed in public question time she stated that the ground levels across the site varied with the properties at the eastern end being at a higher level; even if a 3 metre high fence was erected there would be little mitigation to residents because the properties were already at a higher level. The Head of Planning and Regeneration explained the detail of the World Health Organisation guidance with regard to acceptable noise levels and that the planning system approach sought to ensure that the pre-existing noise situation was not made any worse but there was no requirement for betterment.

Consideration was given to:

- The location of the acoustic fence and road surface changes
- The impact of the development on local properties
- The fact that a 0.5db advantage was not perceivable to the human ear and therefore mitigation was measured on a 1db level improvement
- The changes to ground levels on the eastern side of the site

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 J Roach)

Notes:

- (i) Cllrs Mrs F J Colthorpe and R F Radford declared personal interests as Devon County Councillors;
- (ii) Cllr R L Stanley declared a personal interest as he knew some of the objectors;
- (iii) The Chairman read an email from Dr Bell on behalf of the objectors.

(e) No 5 on the Plans *List (16/01759/FULL – Variation of condition 15 of planning permission 14/00667/MFUL for the relocation of acoustic fence - land at NGR 298039 113326 (off the A361) Blundells Road, Tiverton).*

The Area Planning Officer outlined the contents of the report by way of presentation highlighting applications that had been approved in 2014 which had included a bund and a primary acoustic barrier along with the southern side of the application site.

Condition 15 had highlighted the requirement for a secondary acoustic fence and noise modelling had taken place with regard to the best location for the bund and the fence. She outlined the different option positions modelled, highlighting each on a plan and explained that noise and visual impact had been measured; Position 1 measured little mitigation against noise or visual impact, Position 2 which was on top of the embankment adjacent to the A361 provided a reduction in noise over a greater area but that there was no mitigation for near neighbours; Position 3 extended the primary acoustic barrier by 180 metres further east and noise modelling had shown a reduction in noise to properties close to the site. She also explained the legislation where any reduction in noise of 1 db was seen to be an audible improvement perceivable to the human ear. She also stated that the new road surface proposed would reduce the noise to some extent.

Referring to the questions posed in public question time she stated that the ground levels across the site varied with the properties at the eastern end being at a higher level; even if a 3 metre high fence was erected there would be little mitigation to residents because the properties were already at a higher level. The Head of Planning and Regeneration explained the detail of the World Health Organisation guidance with regard to acceptable noise levels and that the planning system approach sought to ensure that the pre-existing noise situation was not made any worse but there was no requirement for betterment.

Consideration was given to:

- The location of the acoustic fence and road surface changes
- The impact of the development on local properties
- The fact that a 0.5db advantage was not perceivable to the human ear and therefore mitigation was measured on a 1db level improvement
- The changes to ground levels on the eastern side of the site

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 J Roach)

Notes:

- (i) Cllr R L Stanley declared a personal interest as he knew some of the objectors;.
- (ii) The Chairman read a letter from Dr Bell on behalf of the objectors.

133 THE DELEGATED LIST (1-47-09)

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

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

134 MAJOR APPLICATIONS WITH NO DECISION (1-50-00)

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

It was **AGREED** that:

Application 17/00001/MOUT – land adjacent to Highfield, Bickleigh be brought before the committee for determination and that a site visit take place.

Application 16/01988/MOUT – Knowle Lane, Cullompton be brought before committee for determination if minded to approve.

Application 16/01932/MFUL – land at Higher Barn, Bampton be brought before committee for determination but that no site visit take place.

Members were also asked to consider whether a new application at Dulings Farm, Coplestone (which had only recently been validated) should be brought before the committee for determination – this was agreed.

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

135 APPEAL DECISIONS (1-54-55)

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.

136 APPLICATION 11/01927/MFUL - ERECTION OF 36 DWELLINGS WITH ASSOCIATED ACCESS ROAD, CAR PARKING, LANDSCAPING AND DEMOLITION OF EXISTING OUTBUILDINGS ADJACENT TO HOWDEN COURT, - LAND AND BUILDINGS AT NGR 294646 111535 HOWDEN COURT, TIVERTON (1-55-17)

The Committee had before it a *report of the Head of Planning and Regeneration providing updated information following consideration of the proposed footpath link between the new housing estate and Palmerston Park at a previous meeting.

The Area Planning Officer outlined the contents of the report highlighting discussions at a previous meeting when Members had deferred the decision to allow further discussion to take place with the developer with regard to the formation of a footpath between Howden Court and Palmerston Park. He outlined the revised route shown in appendix 2 of the report and the officer's recommendation that policy AL/TIV/10 should be followed.

He explained by way of presentation the site layout and the route of the footpath as stated in the approved application, Members viewed photographs from various aspects of the site which included the existing footpath to Exeter Road.

Consideration was given to:

- Who would use the proposed footpath
- The fact that the Highway Authority did not propose to adopt the footpath
- Whether the footpath would improve the connectivity of the site to Palmerston Park
- Whether the area would be lit
- The area was not in the ownership of the developer and whether access would be restricted
- An offsite financial contribution towards the Palmerston Park play area that that had been paid as part of the original S106 agreement
- The Crime Support Officer's original representation to the application
- Whether a financial contribution could be sought in place of a footpath in this instance
- The fact that the proposed footpath would be difficult for pushchair users or cyclists
- The fact that 95% of the residents did not want the path
- There were other footpaths/steps in Tiverton which were as steep
- The policy requirement

RESOLVED that: the requirement for the footpath link between the Howden Court development and Palmerston Park be waived and instead an offsite financial contribution be made towards enhanced pedestrian facilities in Tiverton town centre and that delegated authority be given to the Head of Planning and Regeneration to negotiate this in consultation with the Ward Members.

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

Notes:

- (i) Cllrs Mrs H Bainbridge, Mrs Collis, Mrs F J Colthorpe, R J Dolley, P J Heal, F W Letch, B A Moore, R F Radford, Mrs J Roach, 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 the application;

- (ii) Cllr R J Dolley declared a personal interest as Ward Member as he had been involved in discussions regarding the application;
- (iii) Cllr R L Stanley declared a personal interest as he knew some of the objectors;
- (iv) Mr Reetz spoke on behalf of the objectors;
- (v) Cllr Mrs Harrower spoke on behalf of Tiverton Town Council;
- (vi) Cllr R J Dolley spoke as Ward Member and voiced the concerns of local people;
- (vii) Cllr P J Heal requested that his vote against the decision be recorded;
- (ix) Cllr R J Dolley requested that his abstention from voting be recorded;
- (x) The following late information was reported: 30.11.2016 Members deferred making their final decision on whether the proposed link between the site and Palmerston Park as approved under LPA ref: 11/01927/MFUL, 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.

1st February 2017

Five letters from the general public have been received since the report was published. One letter confirms support for the delivery of the footpath, and the other four letters raises concern about it being delivered given that there is considered to be very little support to use it as a route into Tiverton given the steepness of the route, and also concerns about as to who will liable for it given that Devon County Council have confirmed that they will not adopt or maintain it. The acceptability of the route through the estate and along Exeter Road into Tiverton is also highlighted.

One of the letters considers that the officer report does not articulate the views of local stakeholders. However, the report prepared for the meeting on the meeting on 30th November clearly set out the views of local residents and is attached as an appendix in the report pack. On this basis it is considered that views of local residents are clearly set out for Committee members.

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

137 **PLANNING PERFORMANCE (3-00-35)**

The Committee had before it and **NOTED** a report * of the Head of Planning and Regeneration providing the Committee with information on the performance of Planning Services for quarter 3 of the 2016/17 financial year. She outlined the contents of the report highlighting the performance to date and stating that the Government had set a range of additional performance targets in order to drive performance, speed and quality were now being measured and non-majors were

now a requirement in that 65% needed to be determined within 8 weeks (over a 2 year period).

Consideration was given to the number of enforcement cases outstanding and the measure of quality being addressed by the number of appeals overturned.

Note: *Report previously circulated, copy attached to minutes;

(The meeting ended at 5.37 pm)

CHAIRMAN

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PLANNING COMMITTEE AGENDA - 1st March 2017

Applications of a non-delegated nature

- | <u>Item No.</u> | <u>Description</u> |
|-----------------|---|
| 1. | 16/01524/FULL - Repositioning of retaining structure at Land at NGR 294775 111860, Palmerston Park, Tiverton.
RECOMMENDATION
Grant permission subject to conditions. |
| 2. | 16/01707/MOUT - Outline for the erection of 41 dwellings and formation of vehicular access at Land at NGR 295527 113644, (South Of Lea Road), Tiverton.
RECOMMENDATION
Subject to the provision of a Section 106 Agreement/Unilateral Undertaking and conditions grant permission. |
| 3. | 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 at Land at NGR 288080 098230, East of Station Road, Newton St Cyres.
RECOMMENDATION
Approve Reserved Matters subject to conditions |
| 4. | 16/01967/FULL - Change of use of common room to 1 bedroom bungalow at Building at NGR 301779 106783 (Common Room), Woolcott Way, Cullompton.
RECOMMENDATION
Grant permission subject to conditions. |
| 5. | 17/00073/FULL - Retention of building works and new work to provide a dwelling (Revised scheme) at Land and Buildings at NGR 282555 99153, (Beare Mill), Crediton.
RECOMMENDATION
Refuse permission. |

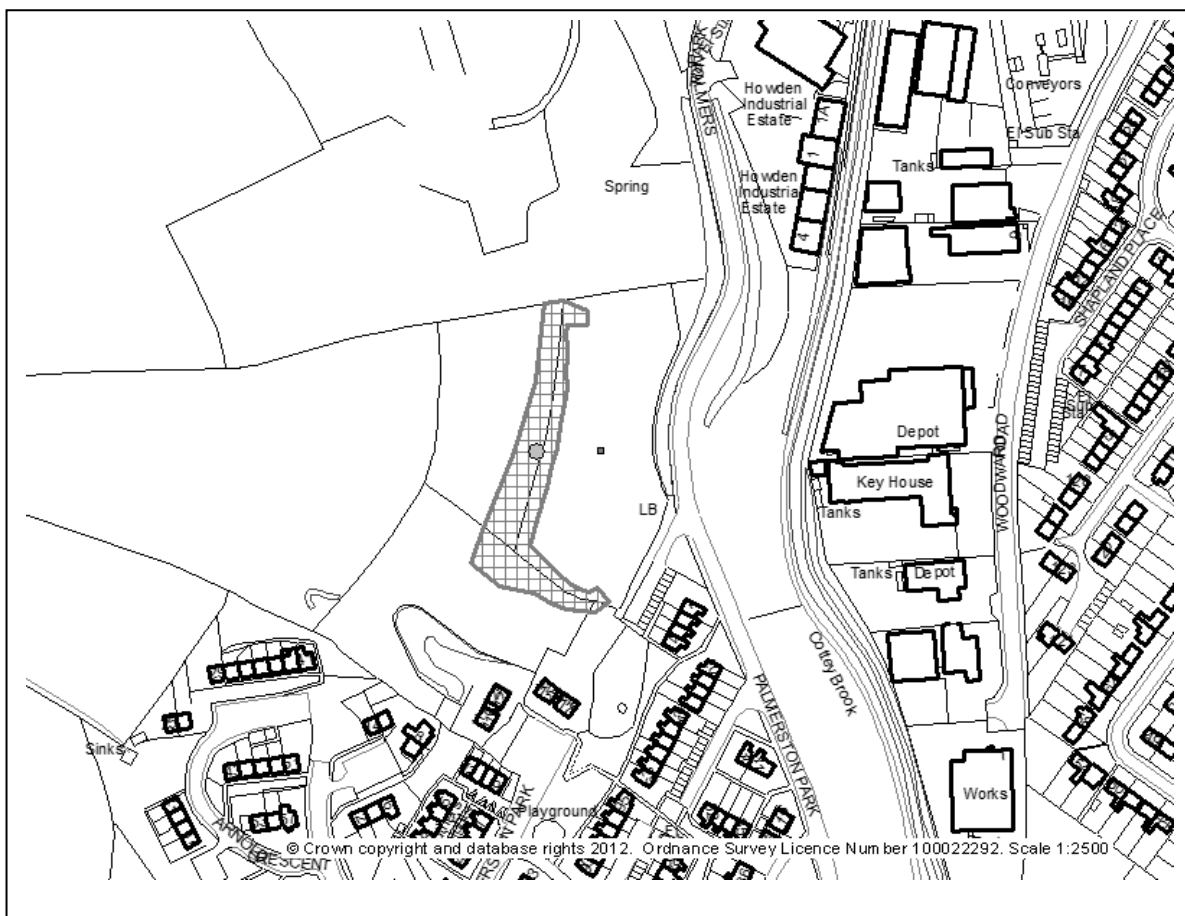
Grid Ref: 294775 : 111860

Applicant: Mr A Busby, Mid
Devon District Council

Location: Land at NGR 294775
111860 Palmerston
Park Tiverton Devon

Proposal: Repositioning of
retaining structure

Date Valid: 9th January 2017



Application No. 16/01524/FULL

RECOMMENDATION

Grant permission subject to conditions.

PROPOSED DEVELOPMENT

The application is retrospective in respect of the repositioning of a retaining structure to be rear of a development granted planning permission under reference 15/00779/MFUL for the erection of 26 affordable dwellings at Palmerston Park.

The ground levels on the housing development site sloped steeply upwards from the road to the east to the site boundary to the west. The planning permission for the 26 affordable dwellings included ground works to level the site and included the provision of a retaining structure to a height of approximately 13 metres at its highest point. Details of the retaining structure were conditioned for approval prior to its construction and it was envisaged that the retaining structure would feature planting to have a "green wall" effect.

Ground works to level the site have now taken place and following further ground investigation and soil analysis, it has become apparent that in order to install a "green wall", more land was required than was originally anticipated. The proposed terraced green wall extends outside of the original red line boundary for the development site and therefore a new planning application is required for the repositioned structure.

The redesigned retaining structure takes the form of a terraced green slope extending from the rear of the proposed dwellings up to field level behind. The retaining structure is up to 14 metres wide at its highest point, being a maximum 15 metres high. The land take for the retaining structure is approximately 0.3 hectares.

The retaining structure comprises stone filled mesh units with soil filled units on the face of the slope seeded with various grasses. Drainage is built into the retaining structure in the form of internal drains that outfall to the development's surface water drainage system and a nearby culvert.

All other aspects of the development remain as originally approved. The retaining structure has been constructed and this planning application is retrospective.

APPLICANT'S SUPPORTING INFORMATION

Design and access statement
Ground investigation report
Geotechnical investigation and contamination assessment report
Calculations

PLANNING HISTORY

15/00779/MFUL - PERMIT date 30th July 2015
Demolition of existing garages and erection of 26 dwellings with associated works

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)
COR2 - Local Distinctiveness
COR18 - Countryside

Mid Devon Local Plan Part 3 (Development Management Policies)
DM2 - High quality design

CONSULTATIONS

HIGHWAY AUTHORITY - 17th January 2017 - No comments.

ENVIRONMENT AGENCY - 13th February 2017 - Operational development less than 1ha within Flood Zone 1 - No consultation required - see surface water management good practice advice - see standard comment.

TIVERTON TOWN COUNCIL - 17th January 2017 - Support.

REPRESENTATIONS

None

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The key issues in determination of this application are:

- 1. Design and effect on the amenities of future residents and the visual amenities of the area**
- 2. Drainage**

- 1. Design and effect on the amenities of future residents and the visual amenities of the area**

The height of the retaining structure is similar to that previously approved. Any alterations to the height are due to the increase in the depth of the wall on the sloping ground. The levels at the base of the wall are unchanged from those previously approved.

The repositioned retaining structure would provide a softer backdrop to the approved development, being a shallower slope than previously approved and seeded with grasses and clover. Once the grasses and clover has established, it is considered that there would be a positive effect on the character of the area and on views of the site from various public vantage points in the area. The planting scheme would provide a naturally green finish to the wall that will not require maintenance.

The retaining structure is already in place and pre-seeded before construction of the dwellings themselves has commenced and therefore the planting should be well established before the dwellings are occupied.

The shallower retaining structure would also have a positive effect on the amenities of future occupiers of the dwellings, particularly in relation to the use of the rear gardens backing onto the slope. A close boarded fence at the base of the slope will separate it from the gardens.

A chain link safety fence will be provided at the top of the retaining structure and a native hedge provided to the rear of that. Overall, the repositioning of the retaining structure would provide a more attractive backdrop to the development that would have a positive effect on the amenities of the future residents of the development, when compared with that originally approved. The development is considered to be in accordance with policy COR2 of the Mid Devon Core Strategy (LP1) and DM2 of the Local Plan 3 Development Management Policies in this respect.

- 2. Drainage**

The retaining structure will incorporate surface water drainage channels with an outfall to the development's surface water drainage system and also to a nearby culvert. A French drain will be provided in the field at the top of the retaining structure, taking water away from the top of the wall. Whilst options have been considered for the final outfall(s), details of the final connections are still to be confirmed and it is

recommended that these details are conditioned for approval. Subject to this, it is considered that surface water drainage has been appropriately considered and the repositioning of the retaining structure would not increase the risk of flooding elsewhere, in accordance with policies COR11 and DM2 of the Local Plan 3 Development Management Policies.

CONDITIONS

1. The date of commencement shall be taken as 9th January 2017, the date when the application was registered by the Local Planning Authority.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. Within 3 months of the date of this decision notice, final details of the drainage outfall(s) from the retaining structure and French drain shall be submitted to and approved in writing by the Local Planning Authority. The approved drainage shall be implemented within 1 month of approval of the outfall details and only such approved drainage outfall(s) shall be used and shall thereafter be permanently retained and maintained for that purpose.
4. The retaining structure shall be seeded with the approved grass and clover mix within 9 months of the date of this decision notice. Within a period of 5 years from the completion of the seeding, any plants which die, are removed or become seriously damaged or diseased shall be replaced, or the earth reseeded, in the next planting season with others of similar species.

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 development does not increase the risk of flooding elsewhere in accordance with policies COR11 and DM2 of the Local Plan 3 Development Management Policies.
4. To ensure that the development makes a positive contribution to the character and amenity of the area in accordance with Policy DM2 of Local Plan Part 3 (Development Management Policies).

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

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

Application No. 16/01707/MOUT

Plans List No. 2

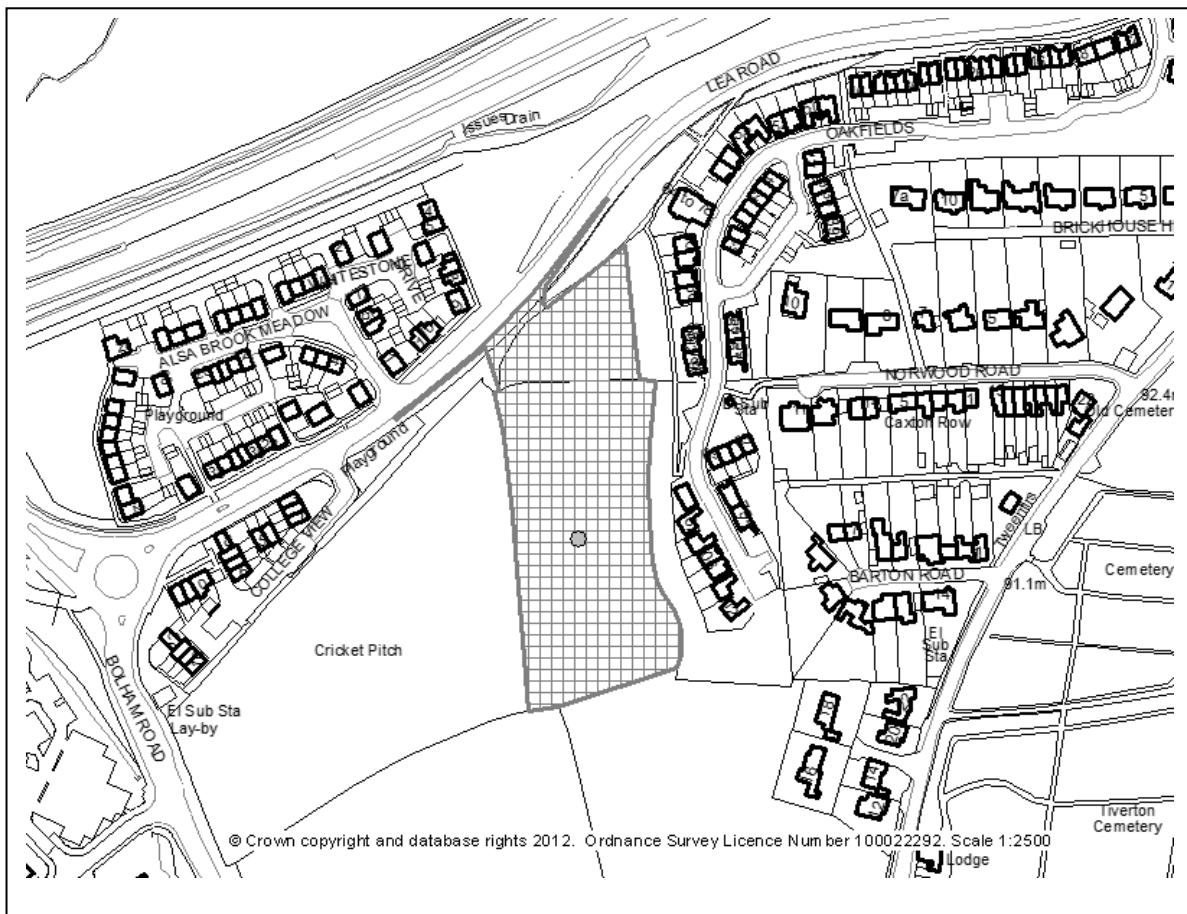
Grid Ref: 295527 : 113644

Applicant: The Frankpitt Family Trust

Location: Land at NGR 295527 113644 (South Of Lea Road) Tiverton Devon

Proposal: Outline for the erection of 41 dwellings and formation of vehicular access

Date Valid: 2nd November 2016



Application No. 16/01707/MOUT

RECOMMENDATION

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

RECOMMENDATION

Grant subject to conditions and the prior signing of a S106 to secure:

1. The provision of 12 affordable dwellings on site (35%)
2. A financial contribution of £49,405 towards the provision of a new play area garden at the entrance to Amory Park, including new fencing, entrance gates, furniture and signs
3. A financial contribution of £139,933 towards the provision of additional primary education facilities

PROPOSED DEVELOPMENT

The proposal is an outline application for the erection of 41 dwellings (12 affordable) on land south of Lea Road and to the west of the existing Moorhayes development at Oakfields. Access is to be from Lea Road and is to be determined under this outline application. Layout, scale, appearance and landscaping have been reserved for later consideration under a reserved matters application.

The site comprises approximately 1.29 hectares of sloping pasture land between the existing residential development at Oakfields, Moorhayes, and the school sports pitches fronting Bolham Road. Planning permission was previously granted under reference 07/01559/MFUL for the erection of 95 dwellings on a larger parcel of land including the site the subject of this application, however, that planning permission was not implemented and has now expired. This site was allocated for residential development in a previous plan. There is no current development allocation. It is within the settlement limits of Tiverton.

A suitable surface water drainage scheme with attenuation is proposed.

APPLICANT'S SUPPORTING INFORMATION

Design and access statement
Heads of terms
Drainage strategy report
Ecological appraisal
Energy statement
Flood risk assessment
Planning statement
Residential travel plan
Transport statement
Geotechnical and environmental investigation
Storm sewer calculations

PLANNING HISTORY

07/01559/MFUL Erection of 95 dwellings, access roads, pedestrian footpath links, landscaping and associated works - PERMIT - 08.02.2008

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR1 - Sustainable Communities
COR2 - Local Distinctiveness
COR3 - Meeting Housing Needs
COR9 - Access
COR11 - Flooding
COR13 - Tiverton

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

AL/DE/3 - Affordable Housing Site Target
AL/DE/4 - Occupation of Affordable Housing
AL/DE/5 - Inclusive Design and Layout
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
DM28 - Green infrastructure in major development

CONSULTATIONS

TIVERTON TOWN COUNCIL - 17th January 2017

Having provided the amended information Tiverton Town Council is now satisfied and therefore supports the application.

7th December 2016 - Deferred. Concerns regarding gradient profile, the flooding history in the area and soil characteristic. There are also concerns over drainage plans. Felt that more information was required before a recommendation could be made.

HIGHWAY AUTHORITY - 15 November 2016 -

Observations:

The proposed development has been subject to pre application advice and the site already has the benefit of an existing consent which has lapsed. The proposal is acceptable to the Highway Authority in principle and the point of access in relation to the existing highway network and planned redevelopment of the school is also acceptable.

The application is will all matter reserved except for access therefore the following conditions need to be imposed.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, RECOMMENDS THAT THE FOLLOWING CONDITIONS SHALL BE INCORPORATED IN ANY GRANT OF 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. No development shall take place until a surface water drainage scheme has been submitted to and approved in writing by the County Planning Authority. Unless it is demonstrated that it is unfeasible to do so, the scheme shall use appropriate Sustainable Urban Drainage Systems. The drainage scheme shall be designed so that there is no increase in the rate of surface water runoff from the site resulting from the development and so that storm water flows are attenuated. The development shall be carried out in accordance with the approved scheme.

REASON: To protect water quality and minimise flood risk in accordance with Flood Management Act

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

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

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

- (a) the timetable of the works;
- (b) daily hours of construction;
- (c) any road closure;
- (d) hours during which delivery and construction traffic will travel to and from the site;
- (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
- (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
- (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County Highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
- (h) hours during which no construction traffic will be present at the site;
- (i) the means of enclosure of the site during construction works; and
- (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
- (k) details of wheel washing facilities and obligations
- (l) Details of the amount and location of construction worker parking.

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

REASON: To ensure the proper development of the site.

LEAD LOCAL FLOOD AUTHORITY - 3rd January 2017 - stage, assuming that the following pre-commencement planning conditions are imposed on any approved permission:

No part of the development hereby permitted shall be commenced until a programme of percolation tests has been carried out in accordance with BRE Digest 365 Soakaway Design (2016), and the results approved in writing by the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. A representative number of tests should be conducted to provide adequate coverage of the site, with particular focus placed on the locations and depths of the proposed infiltration devices.

Reason: To ensure that surface water from the development is discharged as high up the drainage hierarchy as is feasible.

No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The design of this permanent surface water drainage management system will be informed by the

programme of approved BRE Digest 365 Soakaway Design (2016) percolation tests and in accordance with the principles set out in the Drainage Strategy Layout (Drawing No. C151789-C100, Rev. P4, dated 13th December 2016).

Reason: To ensure that surface water runoff from the development is discharged as high up the drainage hierarchy as is feasible, and is managed in accordance with the principles of sustainable drainage systems.

Advice: Refer to Devon County Council's Sustainable Drainage Guidance.

Observations:

Following my previous consultation response FRM/MD/01707/2016, dated 23rd November 2016), the applicant has submitted additional information in relation to the surface water drainage aspects of the above planning application, for which I am grateful.

The applicant has submitted a letter (Ref. C151789/MJE/001, dated 16th December 2016) which states that the area used for the calculation of the site's greenfield runoff rates has been reduced to 0.898 ha.

This has been accompanied by a Drainage Strategy (Report No. C151789, Rev. -, dated 13th December 2016), MicroDrainage model outputs (dated 14th December 2016), and a Drainage Strategy Layout (Drawing No. C151789-C100, Rev. P4, dated 13th December 2016), which are all acceptable.

The aforementioned letter also provides, in this instance, an acceptable justification for the use of 30% as the climate change uplift value for the proposed surface water drainage management system.

Furthermore, the aforementioned letter satisfactorily addresses the issues relating to the proposed permeable paving and underground attenuation tanks, as well as long term storage.

23rd November 2016

Recommendation:

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

Observations:

The Drainage Strategy Layout (Drawing No. C151789-C100, Rev. P2, dated 5th July 2016) shows that the total area being drained is 0.434ha, although the proposals are to discharge the surface water runoff at the greenfield runoff rates calculated for the total site area of 1.24ha. The applicant must note that, in accordance with Chapter 24.2 of CIRIA's SuDS Manual (C753), the runoff areas used in greenfield runoff rate calculations must be consistent. The applicant will therefore be required to revise the proposed off-site discharge rates to accord with the area being positively drained to the proposed surface water drainage management system.

I would also note that the aforementioned drawing refers to the use of the 1 in 100 year (+30% allowance for climate change) rainfall event. However, following the publication of the Flood Risk Assessments:

Climate Change Allowances document (dated 19th February 2016) by central government, the applicant will be required to use a climate change uplift value of 40% when sizing the proposed surface water drainage management system for this development.

The aforementioned drawing also proposes the use of permeable paving, which I would support in-principle as it will serve to manage some of the surface water runoff generated from this proposed development at source, in accordance with the SuDS Management Train. However, in the absence of infiltration testing results at the locations and depths of the proposed permeable paving at this outline stage, the applicant will be required to treat these areas as being lined and therefore positively draining to the attenuation systems. This is also particularly important because the site is located on a steep slope, and as such the use of

infiltration devices needs to be carefully considered to ensure that infiltrating water will not raise groundwater levels, emerge further downslope, or destabilise the slope itself.

In the meantime, the applicant must also note that where infiltration is not used, long term storage must be provided in order 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.

The aforementioned drawing also refers to the possible provision of an impermeable bund on the western boundary of the site in order to manage exceedance flows. I would support the incorporation of such a feature given the gradient of the site and the need to minimise the risk of off-site flooding during exceedance events.

I also note that the aforementioned drawing shows that the privately maintained attenuation feature is a underground tank. However, the applicant should note that these underground crates cannot be considered as a truly sustainable means of drainage because they do not provide the required water quality, public amenity and biodiversity benefits, which are some of the underpinning principles of SuDS.

Consequently, above-ground attenuation features should be utilised unless the applicant can robustly demonstrate that they are not feasible; in almost all cases, above- and below-ground features can be used in combination where development area is limited.

HISTORIC ENVIRONMENT SERVICE - 7th November 2016

I refer to the above scheme 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.

Based on the information available in the Historic Environment Record to date the Historic Environment Team has no comments to make on this scheme or any future planning application for the development of this site.

ENVIRONMENTAL HEALTH - 9th November 2016 - Contaminated Land - No objections

Air Quality - No objections

Drainage - No objections

Noise & other nuisances - To reduce the likelihood of nuisance from the storage of refuse the following should be applied:

Three-storey residential flats with communal refuse facilities

Internal Storage

To help residents within the flats to actively move towards a culture of recycling wherever possible, we encourage architects / designers to provide space (typically in the kitchen area of each property) for residents to be able to separate out waste into two different containers - one for recyclable and one for non-recyclable waste.

External Storage

It is recommended that space be provided for communal refuse and recycling facilities in line with the revised British Standard BS5906 Waste Management in Buildings.

Housing Standards - No comments

Licensing - No comments

Food Hygiene - N/A

Private Water Supplies - N/A

Health and Safety - No objection enforced by HSE

NATURAL ENGLAND - 10th November 2016

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

The Wildlife and Countryside Act 1981 (as amended)

The Conservation of Habitats and Species Regulations 2010 (as amended)

Natural England's comments in relation to this application are provided in the following sections.

Statutory nature conservation sites - no objection

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

Protected species

We have not assessed this application and associated documents for impacts on protected species. Natural England has published Standing Advice on protected species. You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence is needed (which is the developer's responsibility) or may be granted.

If you have any specific questions on aspects that are not covered by our Standing Advice for European Protected Species or have difficulty in applying it to this application please contact us with details at consultations@naturalengland.org.uk.

Local sites

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

Biodiversity enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application.

This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) of the same Act also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'.

Landscape enhancements

This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature. Landscape characterisation and townscape assessments, and associated sensitivity and capacity assessments provide tools for planners and developers to consider new development and ensure that it makes a positive contribution in terms of design, form and location, to the character and functions of the landscape and avoids any unacceptable impacts.

Sites of Special Scientific Interest Impact Risk Zones

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

DEVON, CORNWALL & DORSET POLICE - 9 November 2016 -

I have read the Design and Access statement and am disappointed to find that there is no mention of Crime and Disorder even though it is a material consideration.

It is appreciated that this is at the outline stage, but early consultation with the police frequently prevents delays further down the process when crime and disorder issues present a problem with the layout of a submitted design.

The seven attributes of Crime Prevention Through Environmental Design (CPTED) are key to ensuring a safe and sustainable community, in addition to the layout the physical security is now a consideration.

Based on the limited indicative plans available, the police make the following initial comments from a designing out crime point of view.

A physiological barrier at the entrance to this development such as a change in road colour to define the private road and brick pillars would emphasise privacy and give a gated impression.

Car parking provision will require careful consideration if tension between neighbours from unsocial parking is to be avoided. On street parking, whilst being overlooked can leave vehicles vulnerable to opportunist car crime and vandalism.

Courtyard parking should be small in size and close to the owners homes or it will not be used resulting in vehicles being parked on streets and pavements.

Whilst 'communal open space' is indicated, there appears to be no provision of LAP or LEAP, likely resulting in young people playing in the street and parking courts leading to conflict with car owners.

I would like to see a very strong definition between what is private and what is public land, with strong defensible space. It is unclear what boundary treatments are to be used.

HOUSING ENABLING & BUSINESS SUPPORT MANAGER - 13th January 2017

Good to see all affordable rent, but if not then 60/40 affordable rent/shared ownership.

Percentage would like to see 20% 1 Bed, 50% 2 Bed, 30% 3 Bed

1 Bed 2 units

2 Bed 6 units

3 Bed 4 units

DEVON COUNTY EDUCATION - 12th January 2017

Since the pre-app response we have changed our education infrastructure plan that sets out the contribution rates for primary and secondary education. Please see below for an updated response for the above application. There is currently capacity at secondary level and therefore a contribution towards secondary will no longer be sought.

The proposed 41 family-type dwellings will generate an additional 10.25 primary pupil and 6.15 secondary pupils.

Devon County Council will seek a contribution towards additional education infrastructure at both the local primary school that serve the address of the proposed development. The primary contribution sought would be £139,933 (based on the current DfE extension rate of £13,652 per pupil) which will be used to provide primary education facilities in the Tiverton area. There is currently capacity at the nearest secondary school and therefore a contribution towards secondary education would not be required.

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.

LEAD LOCAL FLOOD AUTHORITY - 2nd January 2017

Our objection is withdrawn and we have no in-principle objections to the above planning application at this stage, assuming that the following pre-commencement planning conditions are imposed on any approved permission:

No part of the development hereby permitted shall be commenced until a programme of percolation tests has been carried out in accordance with BRE Digest 365 Soakaway Design (2016), and the results approved in writing by the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. A representative number of tests should be conducted to provide adequate coverage of the site, with particular focus placed on the locations and depths of the proposed infiltration devices.

Reason: To ensure that surface water from the development is discharged as high up the drainage hierarchy as is feasible.

No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The design of this permanent surface water drainage management system will be informed by the programme of approved BRE Digest 365 Soakaway Design (2016) percolation tests and in accordance with the principles set out in the Drainage Strategy Layout (Drawing No. C151789-C100, Rev. P4, dated 13th December 2016).

Reason: To ensure that surface water runoff from the development is discharged as high up the drainage hierarchy as is feasible, and is managed in accordance with the principles of sustainable drainage systems.

Advice: Refer to Devon County Council's Sustainable Drainage Guidance.

Observations:

Following my previous consultation response FRM/MD/01707/2016, dated 23rd November 2016), the applicant has submitted additional information in relation to the surface water drainage aspects of the above planning application, for which I am grateful.

The applicant has submitted a letter (Ref. C151789/MJE/001, dated 16th December 2016) which states that the area used for the calculation of the site's greenfield runoff rates has been reduced to 0.898 ha.

This has been accompanied by a Drainage Strategy (Report No. C151789, Rev. -, dated 13th December 2016), MicroDrainage model outputs (dated 14th December 2016), and a Drainage Strategy Layout (Drawing No. C151789-C100, Rev. P4, dated 13th December 2016), which are all acceptable.

The aforementioned letter also provides, in this instance, an acceptable justification for the use of 30% as the climate change uplift value for the proposed surface water drainage management system.

Furthermore, the aforementioned letter satisfactorily addresses the issues relating to the proposed permeable paving and underground attenuation tanks, as well as long term storage.

REPRESENTATIONS

1 representation summarised as follows:

The land is subject to covenants which restrict its use to agricultural only.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in determining this application are:

1. Principle of development
2. Access
3. Drainage and ground stability
4. Indicative layout, including parking and potential effects on neighbouring residents
5. Landscaping and ecology
6. Open space, section 106 and other financial considerations

1. Principle of development

The site is within the defined settlement boundary of Tiverton where the principle of new residential development is acceptable under policies COR1, COR3, COR9, COR12 and COR13 of the Mid Devon Core Strategy which seek to focus development in the most sustainable locations, close to services, facilities and public transport provision.

The site is on the western edge of the Moorhayes development and is close to retail and leisure facilities, bus transport and schools and has previously been granted planning permission for residential development under reference 07/01559/MFUL, although that planning permission was not implemented.

The application is outline with access to be determined and all other matters reserved for later consideration.

2. Access

It is proposed to provide a new vehicular access from Lea Road. The Highway Authority is satisfied with the proposals, subject to conditions relating to provision of the access, estate roads, parking and drainage. The estate road design to be approved by condition and as part of the layout under reserved matters needs to include the design of any retaining walls as the proposed development would be on sloping land.

The location and design of the access has taken into consideration the proposals for a future new access to the west of the site to serve the relocated Tiverton High School, should this come forward, and the Highway Authority has confirmed that the proposals under this application will not compromise the school's future plans.

The proposal is considered to comply with policy COR9 of the Mid Devon Core Strategy in respect of transport planning, accessibility and road safety, and policy DM2 of the Local Plan 3 Development Management Policies in respect of creation of accessible places that encourage sustainable modes of travel such as walking and cycling.

3. Drainage and ground stability

The surface water drainage system is intended to be an adoptable network of attenuation tank sewer pipes with an outfall into the public surface water sewer system at rates no greater than the existing greenfield run-off rates. Storm event overflows will be held in a cellular attenuation tank and drain back through into the system once water levels have reduced. A further above-ground attenuation feature along the western hedge boundary is proposed to intercept any further exceedance flows.

Investigations have confirmed that a SUDS system is not suitable for this site due to the borderline suitability of the ground conditions for infiltration and the sloping nature of the site. It may be possible to use permeable paving, subject to further infiltration testing being carried out. South West Water has confirmed in principle that it will accept storm water into the public system, subject to confirmation of run-off rates.

Following revisions to the surface water drainage strategy, Devon County Council as Lead Local Flood Authority has withdrawn its previous objection to the proposed drainage system and has confirmed the revised surface water drainage strategy is acceptable in principle, subject to conditions relating to further percolation testing and detailed design of the surface water drainage system.

Foul drainage will discharge into the public sewer.

Subject to the implementation of the approved drainage system, it is not considered that the development would increase flood risk elsewhere. The proposed development is therefore considered to comply with policy COR11 of the Mid Devon Core Strategy in respect of flood risk and policy DM2 of the Local Plan 3 Development Management Policies in respect of appropriate foul and surface water drainage systems being provided.

Further to concerns raised by the Town Council, the applicant has submitted a copy of the geotechnical and environmental report originally submitted for the previous 2007 application. This report indicates that around 25-30% of the proposed dwellings will be on raised ground meaning that foundations will need to be piled, but that the remainder of the site would be suitable for traditional foundations. The report confirms that the investigation confirms that the site is suitable geotechnically and environmentally for residential development.

The applicant has also commissioned a further engineers report on ground stability in order to address the Town Council's concerns and Members will be updated on this. However, the report is expected to reflect the report previously submitted.

4. Indicative layout, including parking and potential effects on neighbouring residents

Although the layout of the site is reserved for later consideration under a reserved matters application, an indicative layout plan was submitted which demonstrates that it is possible to construct 41 dwellings on the site, with an appropriate level of parking to meet the parking standards required by policy DM8 of the Local Plan 3 Development Management Policies (average 1.7 car parking spaces per dwelling) and Mid Devon's SPD on parking provision.

The indicative plan shows the parking well-related to the dwellings, however, it shows long ranks of parking in front of the dwellings resulting in a somewhat car dominated environment. Effort has been made to reduce the car dominated appearance by interspersing the parking with planting. Whilst the indicative layout is not considered to demonstrate good design by reason of the car dominated street scene, the application is outline only and the layout plan does demonstrate that the number of dwellings proposed is achievable. At reserved matters stage, the applicant will need to ensure that the proposal represents good design in accordance with Mid Devon's policies.

The indicative plans shows a mix of 1, 2 and 3 bedroom houses and 1 and 2 bedroom flats, with the flats being shown at the northern end of the site, close to the access and in the south western corner. The houses are shown to have a reasonable standard of private amenity space. The flats shown do not have private amenity space, but it is reasonable to expect flats to lack private amenity space.

The reserved matters application will be expected to detail adequate waste storage facilities as required by policy DM14 of the Local Plan 3 Development Management Policies and Mid Devon's SPD on waste storage, and to consider the comments of the Police in terms of providing a safe environment as required by policy DM2 of the Local Plan 3 Development Management Policies. The energy statement submitted to comply with policy DM3 details ways of increasing the development's sustainability including fabric insulation, efficient lighting and heating systems and solar voltaic panels. The detail will be provided at reserved matters stage.

The site is at a lower level than the existing development at Oakfields with a green buffer between the two sites. The existing Oakfields development provides a "hard edge" to the Moorhayes development being three storeys on the visible west elevation, and there is an opportunity for this development to help to soften that edge. Scale and appearance are reserved matters, however, subject to design, it is not considered that the development would adversely affect the visual quality of the built realm or affect the privacy and amenity of the existing neighbouring residents to any material degree.

5. Landscaping and ecology

The site is well-defined by boundary hedges which are mature and link into a wider hedgerow network and are considered to support nesting birds and may function as commuting routes for bats and other wildlife. It is currently intended that the existing hedges will remain. There are recommendations in the ecology report for landscaping of the site which takes the form of low maintenance wild grassland areas with low intensity tree planting, including fruit trees and native species. Hedging is recommended for boundary treatments.

However, as landscaping is a reserved matter, the final landscaping scheme will depend on the layout submitted at reserved matters stage. As the scheme will require some raising of ground levels due to the sloping nature of the site, the landscaping will also need to act as a screen within the landscape, for example if there are raised parking areas as shown on the indicative plan.

The ecology report recommends a construction ecological management plan to ensure that boundary features are protected and negate the need for further surveys. Subject to this, it is considered that the site can be developed without harming protected species and the landscaping can provide a dual amenity and wildlife role, providing linking habitats, in accordance with policies COR2 of the Mid Devon Core Strategy which seeks design which sustains Mid Devon's environmental assets, DM2 of the Local Plan 3 Development Management Policies which requires development to make a positive contribution to biodiversity assets and use landscaping to create visually attractive places, and policy DM28 which seeks green infrastructure in major development.

6. Section 106 and other financial considerations

The proposal includes the provision of 12 affordable dwellings on site. This provision accords with the requirements of policy AL/DE/3 of the AIDPD which requires open market housing sites of more than 4 dwellings to provide affordable housing of 35% applied to the number of dwellings by which the site exceeds the 4 dwelling threshold (41 - 4 x 35%), rounded down to the nearest whole. The applicant has agreed to enter into a Section 106 Agreement to secure 12 on site affordable dwellings. Policies AL/DE/4 requires affordable housing to be limited to households in need of affordable housing and this will also be secured within the Section 106 Agreement. Policy AL/DE/5 seeks an inclusive design and layout for the affordable housing and this policy will be addressed at reserved matters stage. Mid Devon's SPD on meeting housing needs provides additional guidance on affordable housing which should also be taken into account at the reserved matters stage.

No formal open space is intended to be provided on site. The site is close to the Mid Devon leisure centre and Moorhayes community centre which provide sport and play areas. There is a children's play area nearby in Marley Close and the site is also within 1.8 km from Amory Park sports ground. Policy AL/IN/3 of the AIDPD and Mid Devon's SPD on open space seek financial contributions towards play areas and open space facilities where no on site provision is made. Accordingly, the applicant has agreed to enter into a Section 106 Agreement to secure a financial contribution of £49,405 towards the provision of a new play area garden at the entrance to Amory Park, including new fencing, entrance gates, furniture and signs.

Policy AL/IN/5 of the AIDPD provides that where new housing development will lead to education facilities being over-subscribed, the development will cover the cost of the additional facilities necessary. Devon County Education has requested a financial contribution of £139,933 towards the provision of additional primary education facilities. No contribution towards the provision of secondary education facilities is being sought. The applicant has agreed to enter into a Section 106 Agreement to secure this sum.

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). Assuming completion in 2017/18 the award would be paid over a period 5 years, amounting to £231,740. If completion takes place in 2018/19, the period would be reduced to 4 years, amounting to £185,392.

CONDITIONS

1. Before development begins, detailed drawings to an appropriate scale of the layout of the site, the scale and appearance of the buildings and the landscaping (the Reserved Matters) shall be submitted to and approved in writing by the Local Planning Authority.
2. Application(s) for approval for all the Reserved Matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
3. The development hereby permitted shall begin either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the Reserved Matters which have been approved, whichever is the later.
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 its surroundings.
5. No development shall begin until percolation tests have been carried out and the results approved in writing by the Local Planning Authority. Such tests shall be carried out in accordance with a programme of testing which shall have been previously approved in writing by the Local Planning Authority, based on BRE Digest 365 Soakaway Design (2016) and adequate coverage of the site, with particular focus placed on the locations and depths of the proposed infiltration devices.
6. No development shall begin until a detailed design for the proposed permanent surface water drainage management system has been submitted to and approved in writing by the Local Planning Authority. The design of this permanent surface water drainage management system will be informed by the programme of approved BRE Digest 365 Soakaway Design (2016) percolation tests required by condition 5. above and in accordance with the principles set out in the Drainage Strategy Layout (Drawing No. C151789-C100, Rev. P4, dated 13th December 2016).
7. 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. Construction shall take place only in accordance with the temporary surface water drainage management plan.
8. No development shall take place until a Construction Ecological Management Plan has been submitted to and approved in writing by the Local Planning Authority, in accordance with the recommendations in the submitted Ecological Appraisal by Crossman Associated dated 22nd February 2016. The development shall proceed only in accordance with the approved Construction Ecological Management Plan.
9. No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall include:
 - a) the timetable of the works
 - b) daily hours of construction
 - c) any road closure
 - d) hours during which delivery and construction traffic will travel to and from the site
 - e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits
 - f) the compound/location where all building materials, finished or unfinished products, parts, crates,

- packing materials and waste will be stored during the demolition and construction phases
- g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County Highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority
 - h) hours during which no construction traffic will be present at the site
 - i) the means of enclosure of the site during construction works
 - j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
 - k) details of wheel washing facilities and obligations
 - l) details of the amount and location of construction worker parking.

The development shall proceed only in accordance with the approved Construction Management Plan.

10. 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.
11. No other 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 shown on drawing number 151789-T01 have been laid out
 - c) The footway on the public highway frontage shown on drawing number 151789-T01 has been constructed up to base course level
 - d) A site compound and car park have been provided in accordance with details approved under condition 9.
12. Within twelve months of the first occupation of the first dwelling in an agreed phase of the development, all roads, footways, footpaths, drainage, statutory undertakers' mains and apparatus, junction, access, retaining wall and visibility splay works shall be completed in accordance with the details approved under condition 10.
13. Within twelve months of substantial completion of the development, all landscaping, including planting, seeding, turfing and earth reprofiling, shall be completed in accordance with a landscaping scheme that shall have been previously submitted to and approved in writing by the Local Planning Authority. Within a period of five years from the completion of the development any plants which die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.
14. The development hereby approved shall not be carried out otherwise than in accordance with a phasing programme which shall previously have been submitted to and approved in writing by the Local Planning Authority.

REASONS FOR CONDITIONS

1. In accordance with the provisions of Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 Planning and Compulsory Purchase Act 2004.
2. In accordance with the provisions of Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 Planning and Compulsory Purchase Act 2004.

3. In accordance with the provisions of Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 Planning and Compulsory Purchase Act 2004.
4. To ensure that adequate information is available for the proper consideration of the detailed proposals.
5. To ensure that surface water from the development is discharged as high up the drainage hierarchy as is feasible.
6. To minimise flood risk and provide appropriate 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).
7. To ensure surface water run-off does not increase flood risk in the area or deposit mud and debris from the site on the road during the construction period in accordance with policy COR11 of the Mid Devon Core Strategy (Local Plan Part 1).
8. To ensure protected species are not harmed by the development and the existing hedges continue to contribute towards the visual amenities of the area in accordance with policies COR2 of the Mid Devon Core Strategy (Local Plan Part 1) and DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).
9. 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 Local Plan Part 3 (Development Management Policies).
10. To ensure that adequate access and associated facilities are available for the traffic attracted to the site in accordance with policies COR9 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 ensure that the access arrangements are completed within a reasonable time in the interests of safety and the amenity of residents in accordance with policies COR9 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 the development is suitable for occupation by residents, in accordance with policy DM2 of the Local Plan Part 3 (Development Management Policies).
13. To ensure the development makes a positive contribution to the visual amenities of the area in accordance with COR2 of the Mid Devon Core Strategy (Local Plan Part 1) and DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).
14. To ensure the proper development of the site.

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The proposed development is acceptable in that the site is within the defined settlement boundary of Tiverton where the principle of new residential development in a sustainable location, close to services, facilities and public transport, is acceptable. The access onto Lea Road is considered to be acceptable in terms of accessibility and highway safety and the development would provide suitable surface water and foul drainage systems to ensure flood risk is not increased elsewhere. Details of the site layout, landscaping and the appearance of the dwellings are reserved for later consideration under a reserved matters application. However, it is considered that a suitable development is capable of being provided on the site, taking into account parking standards, visual amenity, biodiversity and green infrastructure, and the living conditions of existing residents. The development will provide 12 affordable dwellings on site and financial contributions

towards public open space and improvements to primary and secondary education facilities will be secured by a Section 106 legal agreement. The development will also generate the payment of a New Homes Bonus.

The proposal is considered to comply with the relevant policies: COR1, COR2, COR3, COR9 and COR13 of the Mid Devon Core Strategy (Local Plan Part 1), AL/DE/3, AL/DE/4, AL/DE/5, AL/IN/3 and AL/IN/5 of the AIDPD (Local Plan Part 2), DM2, DM3, DM8 and DM28 of the Mid Devon Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.

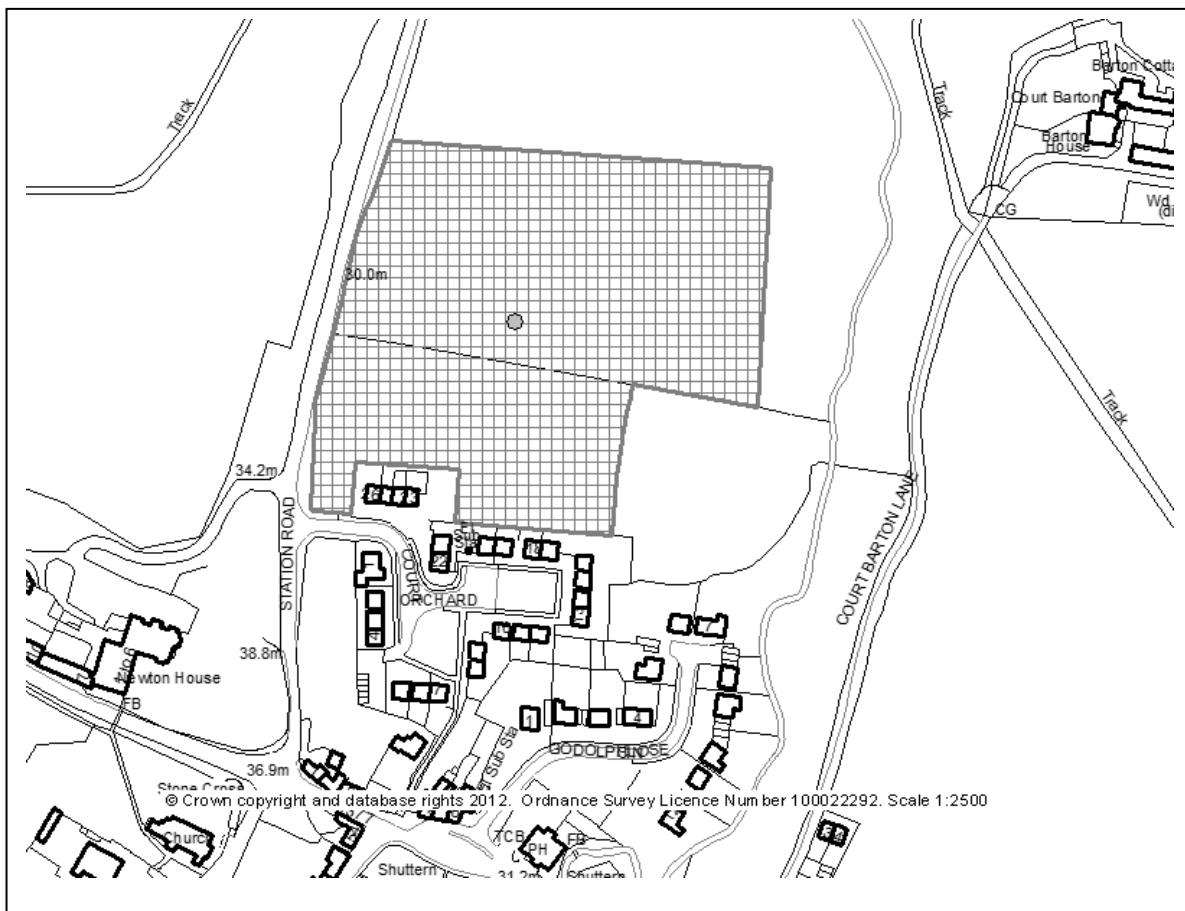
Grid Ref: 288101 : 98177

Applicant: Mrs Smith, Kingswood Homes (UK) Limited

Location: Land at NGR 288080 098230 East of Station Road Newton St Cyres Devon

Proposal: Reserved Matters (layout, scale, appearance and landscaping) for the erection of 25 dwellings with parking and open space, following Outline approval 14/01332/MOUT

Date Valid: 6th December 2016



Application No. 16/01836/MARM

RECOMMENDATION

Approve Reserved Matters subject to conditions

PROPOSED DEVELOPMENT

Outline consent has been granted for a mixed use development comprising of a primary school and pre-school with ancillary facilities including sports pitch and parking and turning area; erection of up to 25 dwellings with parking and open space. The reserved matters consent for the school was granted in September 2016 (see section below).

This application seeks consent for the reserved matters relating to the residential element of the outline consent: appearance, landscaping, layout and scale. The scheme as proposed shows a layout for 25 dwellings. In terms of the layout the plans demonstrate that the units will be mainly detached. They are arranged along the side of the main spine road into the site from Station Road, around a small courtyard to the south east of the site backing on to Court Orchard, and around the green space which provides the focal point for the scheme towards the northern side of the site. A semi-detached pair are provided adjacent to number 26 Court Orchard, accessed directly from Court Orchard.

The outline consent secured the access arrangements to the site and required, by condition, the provision of a footway between the school site and Court Orchard. The plans demonstrate that this will be provided across the site frontage and will be facilitated by removing the existing hedgerow between the access points to the school and the residential development. A new hedge bank boundary will be provided, set back approximately 2m from the edge of the highway. The new hedge bank will utilise the existing stone walling with a laurel hedge on top of the bank behind a post and rail fence.

The scheme proposes 8 x 5 beds, 10x 4 beds and 7x 3 beds. The design utilises traditional materials including render, brick, weather boarding and roof tiles although seeks to provide a more contemporary appearance through the use of features such as corner glazing panels and entrance canopies. The windows to be of grey uPVC. All the dwellings have side access to the rear gardens to allow for refuse storage.

14/01332/OUT grants consent for the provision of a primary school and pre-school with ancillary facilities including sports pitch and parking and turning area as well as erection of up to 25 dwellings with parking and open space. The application was reported to planning committee on 22nd October 2014 and consent was granted on 4th April 2016.

APPLICANT'S SUPPORTING INFORMATION

Application Form
Red line site plan
Arboricultural Impact Assessment Report by Aspect Tree Consultancy (October 2016)
Carbon Reduction Statement
Design and Access Statement
Ecology Letter by EPS ecology (May 2016)
Phase 2 Geo-environmental Investigation by Clarkbond Engineering Consultants (August 2016)
Statement of Community Involvement
Elevations and Floor Plans

PLANNING HISTORY

None

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
COR11 - Flooding
COR17 - Villages
COR18 - Countryside

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

AL/DE/1 - Housing Plan, Monitor and Manage
AL/DE/2 - Overall Affordable Housing Provision
AL/DE/5 - Inclusive Design and Layout
AL/IN/3 - Public Open Space
AL/IN/6 - Carbon Footprint Reduction

Mid Devon Local Plan Part 3 (Development Management Policies)

DM1 - Presumption in favour of sustainable development
DM2 - High quality design
DM3 - Sustainable design
DM8 - Parking
DM14 - Design of housing
DM27 - Development affecting heritage assets

CONSULTATIONS

LEAD LOCAL FLOOD AUTHORITY - 3rd January 2017

We have no in-principle objections to the above planning application, from a surface water drainage perspective, at this stage.

Observations:

The surface water drainage aspects of the proposed development will be secured through the discharge of Condition 9 and Condition 15 of the outline planning permission 14/01332/MOUT). Consequently, I have no in-principle objections to this reserved matters application at this stage.

I note that we have been formally consulted to submit comments on discharging the aforementioned conditions and I will be providing the Local Planning Authority with my consultation response in due course.

ENVIRONMENT AGENCY - 23rd December 2016

We have no objections to this application

Reason

The proposed SuDS pond is located just outside Flood Zone 3 and accordingly we have no flood risk management concerns.

HIGHWAY AUTHORITY - 19th December 2016

The Local Planning Authority will be aware of the comments and conditions set out at Outline which are relevant to the current application. Highway Authority would wish to make no further comment on the application and the estate road will be adopted through a section 38 legal agreement. The detail design of the road, inclusive of drainage etc will be dealt with at that stage. The layout parking visibility and materials are acceptable to the Highway Authority but the following conditions will need to be imposed.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, RECOMMENDS THAT THE FOLLOWING CONDITIONS SHALL BE INCORPORATED IN ANY GRANT OF PERMISSION

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

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

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

- A) The cul-de-sac carriageway including the vehicle turning head within that phase shall have been laid out, kerbed, drained and constructed up to and including base course level, the ironwork set to base course level and the sewers, manholes and service crossings completed;
- B) The cul-de-sac footways and footpaths which provide that dwelling with direct pedestrian routes to an existing highway maintainable at public expense have been constructed up to and including base course level;
- C) The cul-de-sac visibility splays have been laid out to their final level;
- D) The street lighting for the 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

NEWTON ST CYRES PARISH COUNCIL - 9th January 2017

Councillors have asked for clarification as to whether there is a dedicated footpath running from Court Orchard alongside the Road up to the new School. The footpath would need to be wide enough for pushchairs to pass easily past each other. It is difficult to tell from the site layout plans posted on the portal if there is a footpath or not.

If there is not a footpath, then the Parish Council would object strongly, as getting children safely from the A377 to the new school, promoting walking to school and also allowing the school to run a walking bus, is a major objective in supporting the project.

ENVIRONMENTAL HEALTH - 15th December 2016

Contaminated Land - N/A on these reserved matters

Air Quality - N/A on these reserved matters

Environmental Permitting - N/A on these reserved matters

Drainage - I have no objection to this proposal

Noise & other nuisances - I have no objection to this proposal

Housing Standards - No comment

Licensing - No comment

Food Hygiene - Not applicable

Private Water Supplies - Not applicable mains water to be used

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

HISTORIC ENVIRONMENT SERVICE - 15th December 2016 - No comments

DEVON, CORNWALL & DORSET POLICE - 7th December 2016

It is now widely accepted that a key strand in the design of a 'sustainable' development is its resistance to crime and anti-social behaviour.

The seven attributes of Crime Prevention Through Environmental Design (CPTED) are key to ensuring a safe and sustainable community, in addition to the layout, the physical security is now a consideration: Building Regulations - Approved Document Q - Security.

As from October 2015 there is a new security element within the Building Regulations, namely Approved Document Q (ADQ). ADQ creates security requirements in relation to all new dwellings including those resulting from a change of use, for example commercial, warehouse or barns undergoing conversion into dwellings. It also applies to Conservation Areas.

All doors at the entrance to a building, including garage doors where there is a connecting door to the dwelling and ground floor, basement and other easily accessible windows including roof lights, must be shown to have been manufactured to a design that has been tested to an acceptable security standard.

To fully comply with the requirements of ADQ it is recommended that all doors and windows meet the standards and specifications of Secured by Design (SBD). SBD requires that doors and windows are not only tested by the product manufacturer, but that independent third-party certification from a UKAS accredited independent third-party certification authority is also in place. This requirement exceeds the requirements of ADQ.

Secured by Design (SBD) is a national police crime prevention initiative that aims to reduce burglary and other crime using the principles of good design and appropriate physical security.

The general layout proposed will provide both active frontages and good overlooking to the new internal streets which is welcome.

Perimeter security is one of the basic principles of crime prevention, being the first line of defence against unwanted trespassers, as such all rear boundary treatments must be 1.8m high, as a minimum requirement, and be solid and robust to prevent being breached. Close boarded fencing or walls would be deemed appropriate. If more surveillance is required or 1.8m would feel too closed in for smaller gardens then a 1.5m solid structure with a .3m trellis topping would be acceptable. It is accepted that on some occasions gradients of land or other permanent solid structures can have an impact on the need, choice and height of boundary treatments but these should be assessed on their own merits to ensure the boundary treatment is appropriate to any potential risk of trespass

An early point to consider is that if existing hedgerow is likely to comprise new rear garden boundaries as appears will be the case then it must be fit for purpose. They should be of sufficient height and depth to provide both a consistent and effective defensive boundary as soon as residents move in. If additional planting will be required to achieve this then temporary fencing may be required until such planting has matured. Any hedge must be of a type which does not undergo radical seasonal change which would affect its security function.

Plots 3, 9, 10, 17, 25 appear to have an expanse of open frontage. Open frontage, particularly, but not exclusively, on corner plots, can frequently lead to conflict for many reasons; desire lines for pedestrians and cyclists are created, dog fouling, ball games and anti-social behaviour for example. Therefore it is recommended that front and side boundaries be continued to clearly define private space and give ownership. This could be achieved with a simple knee rail or bank and/or planting. It is also recommend involving defensible planting of spiny or thorny plants which can help prevent graffiti, loitering, and the playing of ball games against perimeter fencing and walls.

Appropriate plant species include Holly (*Ilex aquifolium*), Hawthorn (*Crateagus* spp), Berberis (*Berberis julianae*), Firethorn (*Pyracantha* spp), Blackthorn (*Prunus spinosa*), and Rose (*Rosa rugosa/canina*).

The Public Open Space (POS) is well overlooked, and having spoken with the architects I am advised that this area is to 'open' on all sides. I would request some form of formal boundary be installed around this space and supplemented with defensive planting adjacent to the marked parking spaces. This will prevent children from running out into the roadway and offer some protection to parked vehicles from stray footballs etc and thus reduce the opportunity for community conflict.

Designing out crime at the design stage prevents years of misery for some residents. It is appreciated that some of the above may already be incorporated but should any clarification or further discussion is required please do not hesitate to contact me.

NATURAL ENGLAND - 12th December 2016 - No comments

SPORT ENGLAND - 9th December 2016 - The proposed development is not considered to fall either within our statutory remit (Statutory Instrument 2015/595), or non-statutory remit (National Planning Policy Guidance Par. 003 Ref. ID: 37-003-20140306) upon which we would wish to comment, therefore Sport England has not provided a detailed response.

General guidance and advice can however be found on our website:
<http://sportengland.org/facilities-planning/planning-for-sport/development-management/planning-applications/>

If the proposal involves the loss of any sports facility then full consideration should be given to whether the proposal meets Par. 74 of National Planning Policy Framework, is in accordance with local policies to protect social infrastructure and any approved Playing Pitch Strategy or Built Sports Facility Strategy that the local authority has in place.

If the proposal involves the provision of a new sports facility, then consideration should be given to the recommendations and priorities set out in any approved Playing Pitch Strategy or Built Sports Facility Strategy that the local authority may have in place. In addition, such facilities, to ensure they are fit for purpose, should be designed in accordance with Sport England, or the relevant National Governing Body, design guidance notes:
<http://sportengland.org/facilities-planning/tools-guidance/design-and-cost-guidance/>

If the proposal involves the provision of additional housing (<300 units) then, if existing sports facilities do not have the capacity to absorb that additional demand, new sports facilities should be secured and delivered in accordance with any approved local policy for social infrastructure, local standards and/or priorities set out in any Playing Pitch Strategy or Built Sports Facility Strategy that the local authority has in place.

Please note: this response relates to Sport England's planning function only. It is not associated with our funding role or any grant application/award that may relate to the site.

SOUTH WEST WATER - 8th December 2016

I refer to the above and would advise that South West Water has no objection.

As made known in response to the outline submission a public water main runs within the site which will require diversion.

REPRESENTATIONS

At the time of writing this report, no letters of representation have been received.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in determination of this application are:

1. **Policy**
2. **Layout and Design Quality**
3. **Impact on general amenities of the area (existing residents)**
4. **Design of landscaped areas**
5. **Parking Provision**
6. **Other issues- ecology, trees,**

1. Policy

The site is located just outside of the settlement boundary of Newton St Cyres and is therefore considered to be a countryside location where development is strictly controlled. However the principle of residential development on this site has been established by the outline consent as set out above. The outline consent does not have any obligation for the provision of affordable housing as the market housing was required to enable the delivery of the new primary school which is to be located between the proposed housing and the SUDs area to the north.

The policies relevant to consideration of the reserved matters are set out above and will be addressed in the relevant sections below.

2. Layout

The proposed scheme utilises the means of access as approved by the outline consent with the main spine road being 5m wide. From this a shared surface, to be block paving, services plots 17-25 around the 'village green'. The comments from the police have requested some form of formal boundary to be installed around this space and supplemented with defensive planting adjacent to the marked parking spaces. The applicant's agent proposes to leave sides of the green space open and in this instance this is considered to be acceptable. The highway arrangements incorporate turning heads to enable refuse vehicles to service the site. The Highway Authority have not raised any objections to the scheme subject to reiteration of conditions that have been included on the outline consent.

Apart from the village green the site includes landscaped areas within the northern part of the site beyond the school. It is proposed to provide a new native hedgerow to enclose the northern boundary as well as a 400sqm ecology area that will mitigate the impacts of the development in terms of biodiversity. This area will also accommodate the SUDs infrastructure for the scheme. The details of the SUDs scheme have been approved by the Lead Local Flood Authority in accordance with the details pursuant to discharge conditions 9 and 15 of the outline consent.

3. Design quality

The site is located at the edge of the existing village where the prevailing context directly adjacent comprises semi-detached bungalows of rendered appearance with tiled roofs and a terrace of four two storey properties constructed predominantly of a brick appearance with feature timber cladding panels and a slate roof. The proposed dwellings all provide accommodation over two storeys and tend to be larger detached properties, whilst this is not necessarily directly reflective of the adjacent development the layout and density are considered to be similar and overall it is considered that the layout provides a suitable design solution for the site whilst being reflective of the character of the edge of village location. The layout provides a density of 23.8dph which falls below the minimum threshold of 30-40 in village locations as set out by policy COR1 of the Mid Devon Core Strategy (Local Plan part 1) however it is considered that the layout as proposed provides a suitable density of development for this location. The density requirements of this policy were also written at a time when national minimum density requirements applied. This is not now the case. the external appearance and material palette has been outlined above. The Conservation Officer has not raised any concerns about the proposals in terms of how the development addresses the Conservation Area, and overall it is considered that the design strikes an acceptable balance between reflecting the character of the

village and providing a slightly more contemporary approach in accordance with policy DM2.

All of the dwellings benefit from private amenity space. The dwelling sizes range as set out above, all the house types exceed the overall floor space requirements set out by the Government's nationally described space standards. However seven of the properties do not meet all the technical requirements set out by part 10 of the space standards. Specifically, within four of the three bedroom properties the single bedroom does not provide 7.5m² of floor space, providing a room sized at 5.64m². In one of the five bedroom properties the single bedroom is 3.575m long by 1.721m wide and therefore is not compliant with the 7.5m² threshold (6.15m²) and the minimum width 2.15m. Finally two of the four bed properties have two single bedrooms that fall below the required 7.5m² (6.8m²). This issue was raised with the applicant's agent who has revised the designs to ensure that the overall floor space exceeds that required by the floor space standards. It is noted that it will be up to the future occupiers to decide whether the rooms that fall under the required size are suitable to be used as a bedroom or study and furthermore the internal configurations of rooms could be changed in future without any consent from the Local Planning Authority. On this basis it is considered that despite falling slightly short of some technical elements of the standards the dwellings will provide an acceptable level of amenity for future occupants.

A schedule of the materials to be used on site have been provided and appear to be acceptable. A condition will be imposed for provision of the samples to ensure that the detail is appropriate to the character and appearance of the area.

A variety of boundary treatments are proposed. On boundaries to the side and rear of dwellings these are mainly 1.8m high close boarded timber fences which will provide suitable privacy between properties. At the corner of the entrance to the site the boundary to plot 25 will be a stone wall and to the side of plot 17 there will be a 1.8m high red multi brick wall with piers. The external boundaries of the site are proposed to be laurel hedging. The boundary with Station Road, as described above, will retain the existing stone walling with a laurel hedge on top of the bank behind a post and rail fence, this will respect the character and appearance of the area whilst providing suitable privacy for the properties within the site.

In summary the layout as proposed is considered to present an efficient and effective use of the site. The scheme is considered acceptable in terms of the quality of the housing, the visual appearance of the new buildings, and in terms of the standard of the accommodation for the future occupiers and in this respect the application is considered to meet with the requirements of policies DM2 and DM14 of the Mid Devon Local Plan Part 3 (Development Management Policies) which seek high quality design.

4. Impact on the character and appearance of the Newton St Cyres conservation area

The site is located just outside of the Newton St Cyres conservation area and therefore has the potential to impact on the character and appearance of the designated heritage asset. As set out above, the design of the proposed development is considered to respect the character and appearance of the area. Whilst there will be some visual impact from the edge of the conservation area the development would not have a significant impact on the significance or character of the conservation area. The site shares very limited boundary with the conservation area and given the existing context of residential development provided by the neighbouring 1970's bungalows, it is not considered that the proposed development would result in harm to the setting of the conservation area in accordance with policy DM27. The comments of the Conservation Officer, as set out above, support this assessment:

The case officer has discussed the application scheme with the Conservation Officer and having considered the scheme detail and its position in relation to the Conservation Area no concerns are raised in terms of harm caused to the setting of the heritage asset.

5. Impact on general amenities of the area (existing residents)

The new dwellings will sit between the existing Court Orchard residential estate and the site of the proposed school, with the trim trail and SUDS provision beyond this to the north. The southern boundary of the site borders the existing residential development. The relationship with the existing properties is considered to

be acceptable, providing a separation distance of 19.5m between the rear of the two storey terrace 23-26 Court Orchard and the rear of the proposed dwellings. Although the separation distance between the two properties in the south west corner of the site and the existing houses falls just short of 10m, the side of the new houses will present to the rear of the existing houses and the windows on these elevations will be on ground floor level only. On this basis it is not considered that the proposal would result in any unacceptable impacts in terms of being over bearing, or resulting in loss of light or privacy.

No comments have been received from local stakeholders expressing concern about the design and layout details of the development that are proposed. The Parish Council sought clarification as to whether there is a dedicated footpath running from Court Orchard alongside the road up to the new school. As stated above the provision of a foot way across the site frontage to link to the primary school is included as part of the design and is included on these plans.

6. Parking Provision

Policy DM8 requires the provision of 1.7 parking spaces per dwelling which across the whole site would generate a need for 43 spaces in order to be policy compliant. The parking has been accommodated on plot with each dwelling having at least one parking space and many of the larger properties having 2-3 spaces. Many of the properties also have garages which are generally located to the side (both detached and attached). The parking is generally provided to the side of the dwellings in front of the garages, although in the courtyard area, two dwellings are provided with parking directly in front. In addition, three visitor parking spaces are allocated across the site. A total of three houses have a covered type arrangement whereby the two parking spaces shown as provided within, and to the rear of, the covered area. In addition, two properties have a drive through garage with a parking space both to the front and rear.

There is some concern that the design of these two house types could result in enclosure of the drive through the covered area to provide storage space and result in the loss of the parking spaces within and to the rear and as such lead to parking on street. This element of the proposal has been discussed with the applicant's agent who has advised that they have utilised the drive through arrangement to minimise the impact of the car parking such that it doesn't dominate the street scene in accordance with the principles of the Council's SPD on the provision of parking in new developments. A condition will be imposed to ensure that the drive through garages and car ports and spaces to the rear are retained for the purposes of car parking only. Nevertheless, the parking arrangements of these units remains of concern.

Overall, the plans demonstrate a total of 55 parking spaces. 8 of these are provided in or to the rear of the drive through garages however even if those spaces were excluded the scheme would still meet the minimum requirement set out by DM8. On this basis it is considered that parking arrangements for the scheme overall sufficiently comply with the requirements of policy DM8 and the Council's SPD on the provision of parking in new developments. However despite the proposed condition there remains a risk of inadequate parking for individual places. This must be resigned in the overall assessment of the scheme.

7. Other issues- ecology, trees

The initial Ecological Impact Report (EclA) submitted at the time of the outline application was based upon some assumptions as to the presence of legally protected species, further survey work was required to confirm the ecological baseline of the site and to confirm that the mitigation proposed is appropriate. The addendum to the report confirms that the additional survey work has been carried out and the mitigation measures as set out in the EclA and addendum and there will be no significant adverse residual impacts to protected species or habitats and the development has the potential to deliver minor ecological gain. A letter has been provided from EPS ecology (May 2016) to confirm that there has been no material change in the ecological value of the site since 2014 and therefore the findings of the 2014 EclA and addendum are sufficient to determine the proposal.

The development will result in the loss of some trees within the site. The removal of the trees and hedgerow to the front of the site are required to facilitate the provision of the footway in accordance with the outline approval. The loss of these features will have an impact on the visual amenity of the site particularly as

viewed from Station Road. However the impact is considered to be modest negative given the mitigation proposed through reuse of the earth and stone walling to reform the boundary. The trees within this hedgerow are of low quality and their loss, in addition to the trees and hedgerow within the site are not considered to be significant to the overall character and appearance of the area and will be offset by the provision of mitigation planting within the site. The Ash trees to the south east corner of the site are proposed to be retained. The arboricultural report concludes that appropriate mitigation can be provided within the scope of the site and further details of the planting of native species within the area of the SUDs will be required as this is not shown on the plans.

Maintenance of the public open space as proposed, in addition to the SUDs scheme, is covered by condition on the outline consent and is therefore considered to be addressed.

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development shall not be commenced until the trees shown for retention within the Arboricultural Impact Assessment Report prepared by Aspect Tree Consultancy have been protected in accordance with the tree protection measures detailed in the Tree Protection Plan reference 04653 TPP_RevA received on 28th November 2016. The protection measures shall be maintained during the whole period of site excavation and construction. The area surrounding each tree/hedge within the approved protective fencing shall remain undisturbed during the course of the works, and in particular in these areas:
 - i. There shall be no changes in ground levels
 - ii. No materials or plant shall be stored
 - iii. No buildings or temporary buildings shall be erected or stationed
 - iv. No materials or waste shall be burnt; and
 - v. No drain runs or other trenches shall be dug or otherwise created without the prior written consent of the Local Planning Authority.
3. Prior to their use on site samples of the materials to be used for all the external surfaces of the buildings shall be submitted to and approved in writing by the Local Planning Authority. Such approved materials shall be so used and retained.
4. No hard landscaping works in the areas shown on the approved plan(s) shall begin until samples of the surfacing materials to be used in those areas have been submitted to, and approved in writing by, the Local Planning Authority. Such approved works shall then be carried out before the development hereby permitted is first brought into its permitted use, (in any phase) and shall be so retained.
5. Prior to occupation of any of the dwellings on this site, additional details of the hedgerow and tree planting on the site shall be submitted to and approved in writing by the Local Planning Authority. The approved details of the planting in addition to all seeding, turfing or earthworks comprised in the approved details of landscaping as shown on the submitted plans, shall be carried out within 9 months of the substantial completion of the development, (or phase thereof), whichever is the sooner; and any trees or plants which within a period of five years from the implementation of the scheme (or phase thereof) , die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. Once provided, the landscaping scheme shall be so retained.
6. The parking spaces within the car ports and/ or drive through garages on plots 4, 10, 18, 22 and 25 as shown on the approved plans shall be permanently retained and made available for vehicular parking.
7. Prior to the occupation of any of the dwellings on the site, details of refuse storage arrangements shall be submitted to and approved in writing by the Local Planning Authority. Implementation shall be in

accordance with these agreed details prior to the occupation of the dwelling to which it relates and be so retained.

REASONS FOR CONDITIONS

1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order to ensure that damage does not occur to the trees during building operations in accordance with policy DM2 of Local Plan Part 3 (Development Management Policies).
3. To ensure the use of materials appropriate to the development/works in order to safeguard the visual amenities of the area and in accordance with Mid Devon Core Strategy (Local Plan Part 1) Policy COR2 and Local Plan Part 3 (Development Management Policies) Policies DM2, DM14 and DM27.
4. To ensure the use of materials appropriate to the development/works in order to safeguard the visual amenities of the area and in accordance with Mid Devon Core Strategy (Local Plan Part 1) Policy COR2 and Local Plan Part 3 (Development Management Policies) Policies DM2 and DM14.
5. To safeguard the character and amenities of the area in accordance with Policies DM2 and DM14 of Local Plan Part 3 (Development Management Policies).
6. To ensure that an appropriate level of parking provision is retained in order to protect the general amenity of the area in accordance with Policy COR2 and Local Plan Part 3 (Development Management Policies) Policies DM2 and DM8.
7. To ensure that there is appropriate facilities for refuse storage on site in accordance with Policy DM14 of Local Plan part 3 (Development Management Policies).

INFORMATIVE NOTE

1. In respect of the requirements of condition 7, you are advised to have regard to the refuse storage for new residential properties in accordance with Supplementary Planning Document 2017.

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

This is a reserved matters application for the erection of 25 dwellings with parking and open space. The site is outside the settlement boundary of Newton St Cyres however the principle of residential development in this location has been established by the outline consent 14/01332/OUT which also secured provision of the new primary school. Overall it is considered that the proposed layout, design, density and scale of the development is acceptable and will respect the character and appearance of the surrounding area. Sufficient parking has been provided. It is not considered that the proposed development would harm the amenity of neighbouring occupiers, or the general amenity of the area, neither is it considered that the new dev will adversely affect the character or appearance of the Newton St Cyres Conservation Area. On this basis the proposal is recommended for approval in accordance with Policy COR1, COR2, COR3, COR8, COR9 and COR11 of the Mid Devon Core Strategy, AL/IN/3 of the Mid Devon Allocations and Infrastructure Development Plan Document (Local Plan part 2) and Mid Devon Local Plan part 3 (Development Management Policies) DM1, DM2, DM3, DM8, DM14 and DM27.

Grid Ref: 301780 : 106783

Applicant: Mr Mike Lowman, Mid Devon District Council

Location: Building at NGR 301779 106783 (Common Room) Woolcott Way Cullompton Devon

Proposal: Change of use of common room to 1 bedroom bungalow

Date Valid: 26th January 2017



Application No. 16/01967/FULL

RECOMMENDATION

Grant permission subject to conditions.

PROPOSED DEVELOPMENT

The Application seeks the conversion of a former common room associated with a group of attached bungalows at Woolcott Way to a one bedroom dwelling. The properties are set out in an L-shape and are single storey units with the common room located in the north eastern corner accessed via a covered walkway between the units. The properties have shared communal space as indicated on the plan attached to the application. There are to be no external alterations to the building with only minor alterations internally to provide the appropriate living space.

In addition there is to be the provision of two further parking spaces within the wider site to accommodate traffic associated with the development.

All common rooms in the ownership of Housing Revenue Account (HRA) were subject to a review carried out by the Tenants Together Group in 2016. The findings concluded in respect of Woolcott Way that the common room was underused, and when used it was utilised by organisations and individuals that had little or no association with the tenants on site. It was the basis of this tenant group report that led to a Homes Policy Development Group (PDG) report being approved (and subsequently approved by Cabinet and Council) to close this and two other common rooms in the district and apply for planning permission to convert them into residential accommodation. Whilst this explains some of the background to the application, this proposal must be considered on its planning merits alone.

APPLICANT'S SUPPORTING INFORMATION

Plans
Flood Risk Assessment
PDG report

PLANNING HISTORY

No Planning History

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR14 - Cullompton

Mid Devon Local Plan Part 3 (Development Management Policies)

DM2 - High quality design
DM8 - Parking
DM14 - Design of housing
DM15 - Dwelling sizes
DM25 - Community facilities

CONSULTATIONS

HIGHWAY AUTHORITY - 13th February 2017 - No response received at the time of writing this report.

ENVIRONMENT AGENCY - 30th January 2017

Recommend that the surface water drainage system is designed to the appropriate standards. The appropriate standards are that all off-site surface water discharges from the development should mimic

'greenfield' performance up to a maximum 1 in 10 year discharge. On-site all surface water should be safely managed up to the '1 in 100 + climate change' conditions.

CULLOMPTON TOWN COUNCIL - 13th February 2017 - Recommend grant permission. It is further recommended that the windows in this proposed unit are enlarged.

ENVIRONMENTAL HEALTH - 30th January 2017

Contaminated Land - no objection to this proposal

Air Quality - no objection to this proposal

Environmental Permitting - N/A

Drainage - no objection to this proposal

Noise & other nuisances - no objection to this proposal

Housing Standards - No comment

Licensing - No Comments

Food Hygiene - Not applicable

Private Water Supplies - Not applicable

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

REPRESENTATIONS

No representations received at the time of writing this report.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The primary material considerations in assessing this application are:-

- 1 **General Context**
- 2 **Loss of Community facilities**
- 3 **Amenity and impact on neighbours**
- 4 **Highways**
- 5 **Other Issues**

1 **General Context**

The complex of 7 one bedroom terraced bungalows and the former common room is located within the settlement limits of Cullompton where policy COR14 of the Mid Devon Core Strategy (Local Plan Part 1) permits additional residential development. The site is accessed off Woolcott Way, a no through road. The properties are at the end of the hammer head, set within small communal gardens and two parking spaces for the complex.

The proposal seeks no external changes other than the provision of 2 number parking spaces located to the front of the site.

2 **Loss of Community facilities**

Although the common room originally was for the use of the residents of the bungalows, over time the room has been used for other outside individuals and organisations. It is therefore considered that this small area of space has provided, to a limited extent, provided a community facility to the wider populace of Cullompton. Although it has not been used exclusively as such.

Policy DM25 of the Local Plan Part 3 (Development Management Policies) considers the development of community facilities and also their loss. Such losses must consider if the loss will damage the settlement's ability to meet its day to day needs where this facility would be totally lost to the community.

Analysis of room usage indicates that it is under utilised although has been used on occasions as a meeting

room facility. It is noted that a range of alternative meeting room options remain in Cullompton and the proposed change of use is not considered to have a significant impact upon the availability of such potential facilities locally.

With the subsequent proposal to change the present use to residential the loss of the space is considered to be acceptable, bearing in mind the lack of use, shortage of available parking spaces and the possible impact the use had on the neighbouring units.

It is considered that the proposal meets with policy DM25 of the Local Plan Part 3 in respect of the loss of community facilities and that adequate facilities of this type remain available within Cullompton.

3 Amenity and impact on neighbours

Mid Devon Local Plan Part 3 (Development Management Policies) DM2 relates to high quality design and is an overarching policy to ensure proposals and development has a clear understanding of the characteristics of the site, and the wider surrounding area. It requires proposals to represent an effective use of the site, with integrated design with surrounding buildings, without unacceptably adverse effect on the privacy and amenity of the proposed or neighbouring properties and uses. Policy DM14 of the same document sets out requirements for new housing development, including requirements for suitably sized rooms and overall floorspace, adaptable dwellings and private amenity space to reflect the situation of the property.

No allocated amenity space is proposed to serve the property, rather the complex is served by an area of communal space. Given the size of the proposed property and its location, it is considered that this arrangement is suitable.

Policy DM15 of the Local Plan Part 3 (DMP) builds upon DM14 and sets out minimum dwelling sizes for new properties but these have been replaced by the Government with nationally described space standards. The proposed unit is a one bedroom single storey unit with a floor area of 6.6m x 6.6m = 43.56sqm. The national space standard requires a minimum floor area of 39sqm for a 1 bedroom, 1 person dwelling over one floor. The proposal includes a bedroom which meets with the requirements of the standard but at the time of writing, the proposals do not include the required 1 sq m. of internal storage space.

Based on the information received it is considered that the proposed change of use is likely to have no adverse impacts on the neighbouring properties. There have been no written comments from any of the neighbouring properties. The proposal intends no external alterations and there will be no issues of overlooking. It is therefore considered that the proposed will meet with Local Plan Part 3 (DMP) Policies DM2, DM14 and DM15.

4 Highways

At present there has been no comment from the Highway Authority although it is anticipated that they will refer Officers to their standing advice as the proposal is for a single dwelling. At present there are only two parking spaces associated with the existing dwellings at Woolcott Way and the provision of an additional unit of accommodation will increase the pressure for on-street parking. With the inclusion of the 2 additional parking spaces as part of this development, and no proposed changes to the access it is considered that there will be no adverse impacts on the highways due to the proposed change of use. It is therefore considered that the proposed is compliant with policies DM2 and DM8 of the Local Plan Part 3 in respect of highway safety and parking provision. A condition is recommended to be imposed to secure the additional parking spaces.

5 Other issues

It is understood that the proposed unit is intended to be rented as a unit of affordable housing, as such it is considered that the proposal would not fall to require the payment of public open space contributions or air quality. As affordable housing it would not meet the requirement for such payments as set out in the public open space and air quality Supplementary Planning Documents.

The proposal is located within the critical drainage area of Cullompton. As there are to be no changes to the

building relating to the discharge of surface water there is no requirement to impose any specific condition relating to the unit. However the additional two parking spaces are to be conditioned in respect of supplying information as to the finish and ensuring there is no additional surface water run off than that already present on site.

Cullompton Town Council has raised no objection but has suggested that the windows are enlarged. This is not an element which is to be considered within this application as it is for a change of use only and would have no impact on the proposal. It will be for the applicant to consider this proposal.

Consideration should be given to the New Homes Bonus that would be generated by this application. If New Homes Bonus is distributed across the Council Tax bands in the same way as last year, the award for each market house is estimated to be £1,028 per year, (with affordable housing attracted a further £350 bonus). Assuming completion in 2017/18 the amount will be paid over a period of 5 years, amended to £6,890. If completion takes place in 2018/19, the period would be reduced to 4 years, amounting to £5,512.

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. Before the development hereby permitted is first brought into use, the parking areas indicated on the approved plans shall be surfaced and drained (to avoid surface water discharge onto the highway) in accordance with details that shall have been previously submitted to, and approved in writing by, the Local Planning Authority. Following their provision, these facilities shall be so retained.

REASONS FOR CONDITIONS

1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of proper planning.
3. In the interest of highway safety and to ensure that adequate on-site facilities are available for traffic attracted to the site in accordance with DM2 and DM8 of Local Plan Part 3 (Development Management Policies).

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The proposal is acceptable as the site is within the defined settlement limit of Cullompton where new residential development is permitted. It is considered that the proposed development will be compatible with its surroundings and will make a good use of underused common room amongst existing dwellings and provide a reasonable contribution to the housing stock for the area. It is considered that this proposal will reasonably complement the appearance of the street scene and be sympathetic in terms of the relationship with the adjoining buildings. The juxtaposition with the existing nearby residential development is considered to be such that no significant impact in terms of harming the privacy and creating overlooking of neighbouring properties will arise from this proposal. Adequate on-site parking and vehicle manoeuvring facilities can be provided to serve the property. The proposal is in accordance with policies COR14 of the Mid Devon Core Strategy (Local Plan Part 1) DM2, DM8, DM14, DM15, and DM25 of Local Plan Part 3 (Development Management Policies).

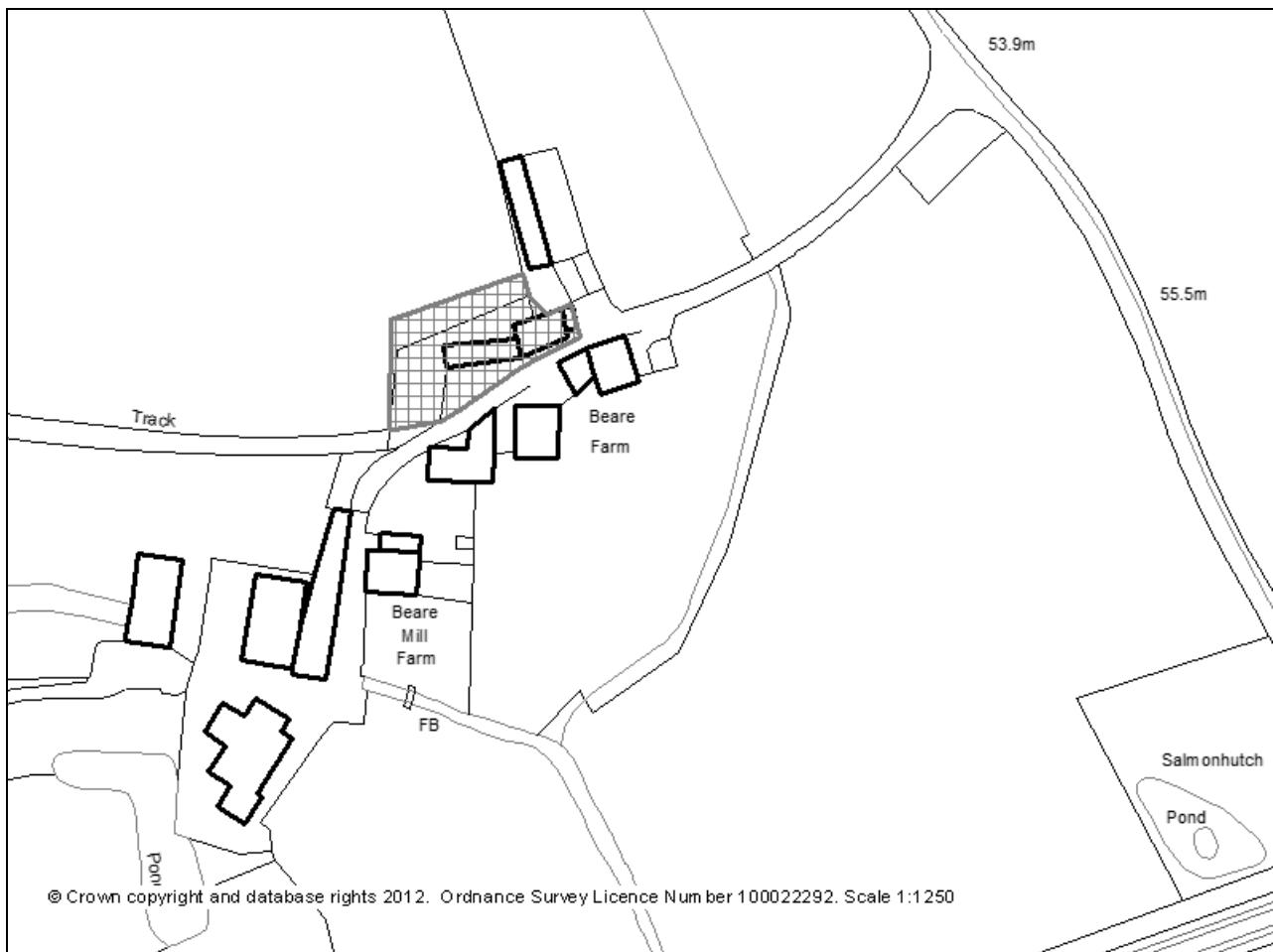
Grid Ref: 282555 : 99153

Applicant: Mr & Mrs C Tucker

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

Proposal: Retention of building
works and new work to
provide a dwelling
(Revised scheme)

Date Valid: 16th January 2017



Application No. 17/00073/FULL

RECOMMENDATION

Refuse permission.

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

To consider if the alterations to the scheme as now proposed are sufficiently comparable to the barn conversion that had the benefit of planning permission, and if so would this be reason to overcome the policy objection to the principal of allowing a new building dwelling on the site which is an open countryside location.

PROPOSED DEVELOPMENT

The applicant has described the proposals as for retention of building works and new work to provide a dwelling.

The site is on the footprint of a former agricultural barn, and 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.

This application proposes 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.

In addition to completing the development on the footprint of the former barn a single storey outshot to the northern elevation is proposed which is a maximum of 2.6 metres in width and facilitates a feature secondary access to the dwelling presenting as porch space, and a small utility room which is 4.0 metre squared. On the approved barn conversion scheme there was a simple door access from the north elevation.

To the front of the new dwelling a covered space is proposed to accommodate a boiler room with a rubble stone wall to provide a boundary and open space to store recycling and refuse containers.

At the committee meeting on the 1st February 2017, application ref: 16/01566/FULL was considered and refused for the reason as set out below. Following the refusal of this application the applicant has modified the scope of the new build in terms of the scope of the additional floor space proposed. The application as refused had included a single storey extension to the front of the building to provide an additional room offering approximately a further 29 square metres of floors pace, for clarification this aspect has been removed from this current application.

APPLICANT'S SUPPORTING INFORMATION

Application form

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

Design and Access Statement

Foul Drainage assessment

Wildlife Trigger Survey.

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
16/01566/FULL Erection of a dwelling - Refused for the following reason:

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.

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 - 26th January 2017 - Standing advice applies please see Devon County Council document <http://www.devon.gov.uk/highways-standingadvice.pdf>

CREDITON HAMLETS PARISH COUNCIL - 10th February 2017 - Crediton Hamlets Parish Council received a presentation from Simon Trafford and heard from the applicants. They also received a letter in support of the application from a resident. They resolved:

The Council has now received an explanation in respect of the history of the development of the site and the planning policies covering the current application. It is noted that the proposed footprint is similar to that originally approved.

In the light of what has now been described this Council feels it is not in a position to recommend either approval or refusal.

However in the event that approval is given it would seek to see the following conditions attached:-

1. Withdrawal of all Permitted Development Rights
2. Local/traditional materials be used wherever possible and a schedule of work agreed with the Planning Officer
3. It is recognised that these are exceptional circumstances and that they do not set a precedent for future applications

NATURAL ENGLAND - 25th January 2017

No comments.

HISTORIC ENVIRONMENT SERVICE - 30th January 2017

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 - Operational development less than 1ha. Within flood zone 1. No consultation required

23rd January 2017

Contaminated Land - no objections to this proposal

Air Quality- no objections to this proposal

Environmental Permitting - N/A

Drainage - no objections to this proposal

Noise & other nuisances -no objections to this proposal

Housing Standards - No comment

Licensing - No Comments

Food Hygiene - Not applicable

Private Water Supplies - Not applicable

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

REPRESENTATIONS

At the time of writing this report 33 letters of support have been submitted for the proposed new dwelling, and a single letter of objection. The grounds for objection are on the basis that a new build on the site is contrary to the terms of the permission that authorised the conversion of the barn to the dwelling application, a new build would be contrary to planning policy and that it would set a dangerous precedent.

In terms of the comments expressing support for the application nearly all of them noted their support for what the applicants are seeking to achieve on the site, noting the similarities between this current application scheme and the approved scheme to convert the barn, and finally without a building in place it is considered that harm would be caused to visual amenities of the area.

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.

Notwithstanding the above, taking into account the application scheme as it shown on the submitted plans and as described above, the single storey outshot as an addition to the north elevation and the boiler room housing to the east elevation are of a scale and design that could have been supported under DM11 if they had been proposed as part of the original barn conversion application (13/00981/Full).

In order to complete the assessment of the application there are 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 Mill. All these factors are material planning considerations which need to weigh against the policy provisions.

2. Other material considerations which should be weighed against policy

- a) The planning history (This section is as set out in the committee report for 16/01566/FULL)

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 (This section is as set out in the committee report for 16/01566/FULL)

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(This section is as set out in the committee report for 16/01566/FULL)

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, and the scope of the proposal as the applicants are now applying to complete it.

In the design and access statement submitted to support the application the applicant's agent has clarified as follows:

This application is a resubmission of 16/01566/FULL which had been refused by the Local Planning Authority. The extent of the works proposed in that application has been reviewed in consultation with the LPA. The scheme drawings have been amended to reduce the extent of a rear porch to retain an unbroken line to the original eaves line. A single storey extension which it was proposed to replace the former cart linhay has been omitted and is to be replaced by a much-reduced structure to house the buildings incoming services and refuse bins. The proposal drawings show the reconstruction of the Barn to its original form and to incorporate details and elements of the former structure.

This application seeks approval for the retention of works initiated for the conversion of a redundant farm building into a residential use and to complete the project to provide a new dwelling.

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. This has not happened and the applicants have already had one failed attempt to regularise the scope of the unauthorised works that have been completed to date and to secure approval to extend the building significantly beyond the footprint of the barn as it had previously stood on the site.

This application proposal seeks permission to complete the dwelling as a new build on a footprint which is much closer to the footprint of the original barn, and as stated above the proposed outshot to the northern elevation and boiler room housing are likely to have been considered acceptable if it had been proposed as an extension to the original barn. Likewise the changes to fenestration arrangements and introduction of a flue structure are considered to be de-minimus when compared to the scope of alterations approved as per the barn conversion scheme. The introduction of part boundary and part retaining wall at the front of the building will be the only noticeable visual change when approaching the Beare Mill complex from the public highway.

Crediton Hamlets Parish Council have assessed the merits of this revised application and their comments are set out above. They have suggested that if the application is approved, then conditions are recommended to ensure that future permitted development are withdrawn and samples of all materials to be used to complete the building should be agreed in advance with the local planning authority..

In summary the application scheme would recreate the group setting of the built complex at Beare Mill, which would be beneficial to the visual amenities of the locality. Furthermore it is not considered that the application scheme as the applicant has now applied to complete it would cause harm to the visual amenities and/or landscape character of the area.

Your officer's recommendation 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. The amount of New Homes Bonus that would be generated from this proposal if it were approved over a period of 5 years is therefore estimated to be £5,140 assuming 18/19 this would reduce to 4 years giving a New Homes Bonus estimate of £4,112. 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.

Summary

Planning application 16/01566/FULL for the erection of a dwelling also sought to retain and complete works and required assessment of the same planning issues against policy. It was refused in January 2017. The current application slightly amends the scheme but does not address the previous reason for refusal. The recommendation therefore remains one of refusal.

REASONS 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.

Mrs Jenny Clifford
Head of Planning and Regeneration

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DELEGATED APPLICATIONS AS AT - 17 February 2017

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

PURPOSE OF REPORT

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

RECOMMENDATION

That the report be noted.

DETAILS OF DECISIONS

DATE RECEIVED	DATE DETERMINED/ DECISION	REF NUMBER	APPLICANT PROPOSED DEVELOPMENT	PARISH/AREA
21.04.2016	15.02.2017 Permitted with Conditions to Discharge	16/00611/FULL	Peninsula Properties Reservoir at NGR 282480 100906 George Hill Conversion and extension of existing reservoir building to dwelling and formation of new access to serve the existing utilities	Crediton Town 18
12.07.2016	10.02.2017 Permitted with Conditions to	16/01072/FULL	Mr J Carey Land at NGR 291497 119187 (Ash Hill Farm)	Stoodleigh 48

	Discharge		Erection of an agricultural workers dwelling	
18.07.2016	08.02.2017 Approval of Prior Approval	16/01102/PNCOU	Mr Robert Hitchings Land and Building at NGR 300369 104999 (North Barn, Bowhill Farm) Prior notification for the change of use of an agricultural building to dwelling under Class Q	Bradninch 04
22.09.2016	13.02.2017 Grant permission	16/01452/FULL	Mr Ian MacNab Reservoir at NGR 291728 119213 Ash Hill Replacement of redundant underground reservoir with holiday let	Stoodleigh 48
07.10.2016	08.02.2017 Grant permission	16/01548/HOUSE	Ms Hilary Hardwicke Flat 7 The Old Coach House Installation of 2 replacement windows on front elevation	Tiverton 52
17.10.2016	02.02.2017 Permitted with Conditions to Discharge	16/01625/LBC	Dr C Thornett 2 Browns Cottages Stockleigh Pomeroy Listed Building Consent to remove external render and replace with ecoCork lime render; glasscrete floor system, open partially bricked up window and plastering of kitchen; and remove rear porch	Stockleigh Pomeroy 47
19.10.2016	15.12.2016 Grant permission	16/01638/FULL	Mr R Persey Hitchcocks Farm Uffculme Erection of building for storage of maintenance equipment, plant and machinery	Halberton 25

27.10.2016	25.01.2017 Grant permission	16/01675/LBC	Mr J Bundfuss Grattans Cottage Bow Listed Building Consent to repair lean-to roof and to install 5 replacement windows	Bow 03
31.10.2016	08.02.2017 Grant permission	16/01689/FULL	Mr S Broome Pallet Wood House Burlescombe Erection of single storey extension and retention of garden porch to rear	Culmstock 22
07.11.2016	07.02.2017 Permitted with Conditions to Discharge	16/01734/MARM	Mr A Lehner Land at NGR 310280 114261 Hunters Hill Reserved Matters for the erection of 13 dwellings following Outline approval 16/00693/MOUT	Culmstock 22
09.11.2016	23.01.2017 Grant permission	16/01761/FULL	Mr Hyde, DCC Bussell Plant Agric Contractors Upcott Lane Erection of 2.5m high fence in place of existing trees	Culmstock 22
09.11.2016	31.01.2017 Grant permission	16/01767/LBC	Mr L James 1 Millway Bradninch Listed Building Consent for the installation of two replacement windows	Bradninch 04
11.11.2016	02.02.2017 Permitted with Conditions to Discharge	16/01773/MARM	Friends Life Ltd Land at NGR 305036 113872 (Junction 27) Sampford Peverell Reserved Matters for the erection of mixed use facilities building with associated parking and highway works following Outline approval	Burlescombe 06

			13/00947/MOUT	
14.11.2016	14.02.2017 Grant permission	16/01757/FULL	Mr David Whitton Land at NGR 298079 113306 (Off The A361) Blundells Road Variation of condition 15 of planning permission 14/01168/MFUL for the relocation of acoustic fence	Tiverton 52
14.11.2016	14.02.2017 Grant permission	16/01759/FULL	Chettiscombe Trust Estate & Devon County Council Land at NGR 298039 113326 (Off The A361) Blundells Road Variation of condition 15 of planning permission 14/00667/MFUL for the relocation of acoustic fence	Tiverton 52
15.11.2016	30.01.2017 Grant permission	16/01785/FULL	Mrs Jane Tapp Land at NGR 285269 104995(Land off Preston Lane) East Village Change of use from agricultural to tourism, siting of 2 shepherd huts and associated works	Sandford 43
15.11.2016	23.01.2017 Permitted with Conditions to Discharge	16/01786/FULL	Mr & Mrs M Krombas Velthams Morebath Change of use of land to form vehicular access and drive	Morebath 36
15.11.2016	08.02.2017 Grant permission	16/01788/MFUL	Persey Property Partnership, C/o XL Planning & Design Ltd Pencarrie Ltd Unit 14 Erection of extension to existing industrial unit for Class B8 use (1,660sqm) and additional 18 car parking spaces	Willand 59

15.11.2016	20.01.2017 Refuse permission	16/01789/CLU	Mr & Mrs M Badham The Annexe Polford Cottage Certificate of lawfulness for the existing use of annexe as a separate dwelling in breach of condition (4) of planning permission 02/02248/FULL	Cheriton Bishop 11
16.11.2016	02.02.2017 Grant permission	16/01792/HOUSE	Mr N Trickey 7 Tamarind Willand Retention of conservatory	Willand 59
16.11.2016	19.01.2017 Grant permission	16/01793/FULL	Mr B Gratwicke Land at NGR 303020 109313(Digger Lakes) Willand Change of use of land for the erection of a shower/toilet facility	Willand 59
18.11.2016	09.02.2017 Grant permission	16/01808/ADVERT	Cardtronics UK Ltd, Trading As Cashzone Co -Operative Group Limited 135 High Street Advertisement consent for the retention of 1 non-illuminated logo panel and 1 non-illuminated surround sign for ATM	Crediton Town 18
18.11.2016	03.02.2017 Grant permission	16/01820/HOUSE	Mr Jeff Axtell 51 Water Lane Tiverton Extension to existing hardstanding following removal of part of wall and erection of a new wall	Tiverton 52
22.11.2016	24.01.2017 Grant permission	16/01823/HOUSE	Mr R Gurney Lower Swineham Farm Oakford Erection of two-storey rear extension following removal of single storey	Oakford 39

			extension	
24.11.2016	09.02.2017 Grant permission	16/01831/HOUSE	Mr C Berkley Higher Brownings Hemyock Erection of a garage/cycle shed/store with store/office above	Hemyock 26
25.11.2016	20.01.2017 Grant permission	16/01835/CLP	Mr & Mrs J C Wootton 4 Woodlands Newton St Cyres Certificate of Lawfulness for proposed erection of extensions	Newton St Cyres 37
25.11.2016	01.02.2017 Grant permission	16/01838/FULL	Mr Mark Snow Whiteball Self Storage Unit 11 Change of use of land from Sui Generis to Class B8 Storage and Distribution (self storage depot) - Revised Scheme	Holcombe Rogus 29
25.11.2016	31.01.2017 Grant permission	16/01842/HOUSE	Mr Michael Drown Pond House Stoodleigh Installation of 2 side and 1 rear dormer in dwelling and raising roof of garage with external staircase to provide playroom area	Washfield 56
28.11.2016	01.02.2017 Grant permission	16/01848/FULL	Clayhidon Village Hall Village Hall Battle Street Erection of extension and change of use of agricultural land to form additional parking area	Clayhidon 15
28.11.2016	30.01.2017 Grant permission	16/01852/FULL	Mrs C Hunt Land at NGR 290541 114121 (Great Bradley Cottage) Templeton Change of use of agricultural land to	Tiverton 52

			green burial ground	
29.11.2016	03.02.2017 Refuse permission	16/01841/FULL	Mr M Way Land at NGR 271147 112537 (The Allotment) Main Street Erection of dwelling and garage following demolition of garage	Chawleigh 10
29.11.2016	24.01.2017 Permitted with Conditions to Discharge	16/01844/FULL	Mr & Mrs Rudgley Barns at NGR 291423 107880 (Opera House) Cadeleigh Variation of condition 2 of planning permission 15/01859/FULL to allow the substitution of previously approved plans	Cadeleigh 09
29.11.2016	16.02.2017 Grant permission	16/01853/FULL	Ms S Howe Offices 1, 2 & 3 55 - 56 High Street Change of use of Offices (B1) to Complementary Therapy Treatment Rooms (D1)	Crediton Town 18
29.11.2016	20.01.2017 Grant permission	16/01854/HOUSE	Mr S & Mrs T Patchett Mead View Lower Town Erection of single storey extension	Halberton 25
29.11.2016	26.01.2017 Grant permission	16/01860/FULL	Ms A Brown and Ms S Keeping 29 High Street Cullompton Installation of 3 replacement windows at first floor level	Cullompton 21
30.11.2016	23.01.2017 Grant permission	16/01859/FULL	NET Coverage Solutions St Marys Church Bridge Street Installation of telecommunications equipment comprising 4 antennas located behind replica louvres,	Uffculme 53

			internal cabinets within the church tower, external meter pillar painted to match church stone, and ancillary development	
30.11.2016	24.01.2017 Grant permission	16/01861/HOUSE	Mr & Mrs Harvey 15 Camellia Close Tiverton Erection of single storey rear extension and two storey side extension	Tiverton 52
30.11.2016	07.02.2017 Permitted with Conditions to Discharge	16/01864/HOUSE	Mr M Hapgood & Ms S Slade Pirzwell Manor Kentisbeare Conversion of outbuildings for domestic use	Kentisbeare 32
01.12.2016	08.02.2017 Permitted with Conditions to Discharge	16/01851/FULL	B A & B D Parsons Land at NGR 314394 116150 Great Symons Burrow Farm Erection of an agricultural livestock shed and associated hardstanding (Phase 1)	Hemyock 26
01.12.2016	30.01.2017 Grant permission	16/01867/HOUSE	Mr Christian Hornung Shalom Clayhidon Erection of two storey extension and first floor dormer window extension to dwelling and conversion and extension to garage to form games room and first floor storeroom	Clayhidon 15
01.12.2016	08.02.2017 Permitted with Conditions to Discharge	16/01868/FULL	B A & B D Parsons Land at NGR 314394 116150 Great Symons Burrow Farm Erection of an agricultural livestock shed and associated hardstanding	Hemyock 26

			(Phase 2)	
01.12.2016	26.01.2017 Withdrawn	16/01869/FULL	Mr Kekilli 4 New Parade Anstey Crescent Conversion of convenience store to 2 flats	Tiverton 52
02.12.2016	16.02.2017 Grant permission	16/01856/ADVERT	Ms S Howe Offices 1, 2 & 3 55 - 56 High Street Advertisement Consent to display 1 painted fascia sign	Crediton Town 18
02.12.2016	07.02.2017 Grant permission	16/01870/HOUSE	Mr T Tout Orchard House Brays Close Erection of first floor extension	Crediton Town 18
02.12.2016	09.02.2017 Approval of Prior Approval	16/01871/PNCOU	Mr A Wiggins Land and Buildings at NGR 292763 106927 (Broadley Farm) Bickleigh Prior Notification for the change of use of agricultural buildings to 2 dwellinghouses under Class Q	Bickleigh 02
02.12.2016	23.01.2017 Grant permission	16/01872/FULL	Mr & Mrs Down, C/o XL Planning & Design Ltd Land and Buildings at NGR 302985 106462 Upton Farm Change of use of stable and erection of single storey extension and link building in association with existing Class D2 use	Cullompton 21
02.12.2016	16.02.2017 Permitted with Conditions to Discharge	16/01874/FULL	Mr & Mrs Hafstad Building at NGR 277964 95086 (Medland Manor) Cheriton Bishop Conversion of stable building to	Cheriton Bishop 11

			dwelling	
02.12.2016	30.01.2017 Grant permission	16/01875/HOUSE	Mr T Howe, C/O XL Planning & Design Ltd Warren Farm Kentisbeare Erection of extension to form double car port and oil store	Kentisbeare 32
05.12.2016	02.02.2017 Permitted with Conditions to Discharge	16/01878/FULL	Ms Jane Welsh Maybank Morchard Road Conversion of former slaughterhouse and loading bay to dwelling (part retention) and erection of a carport (Revised scheme)	Morchard Bishop 35
05.12.2016	20.01.2017 Grant permission	16/01884/ADVERT	Co-op Co -Operative Group Limited 135 High Street Advertisement Consent to display 1 internally illuminated fascia sign, 1 internally illuminated hanging sign, and 3 non-illuminated wall-mounted panels	Crediton Town 18
05.12.2016	23.01.2017 Grant permission	16/01886/HOUSE	Mr & Mrs Guppy Lower Hollacombe Hollacombe Erection of single storey extension	Crediton Hamlets 19
05.12.2016	07.02.2017 Grant permission	16/01887/TPO	Mr B Cork 18 Head Weir Road Cullompton Application to pollard 1 Oak tree protected by Tree Preservation Order 83/00003/TPO	Cullompton 21
06.12.2016	06.02.2017 Not Permitted	16/01882/PNCOU	Mr J Burrow Land and Buildings at NGR 272792	Zeal Monachorum 61

	Development		102677 (Serstone Farm) Down St Mary Prior Notification for the change of use of agricultural building to 3 dwellinghouses under Class Q	
06.12.2016	30.01.2017 Grant permission	16/01891/HOUSE	Mrs Alice Hutchinson 13 Barns Close Bradninch Conversion of garage to additional ancillary accommodation	Bradninch 04
07.12.2016	23.01.2017 Grant permission	16/01879/HOUSE	Mr T Russell Quarryfield Langford Road Erection of single storey rear extension	Newton St Cyres 37
07.12.2016	26.01.2017 Grant permission	16/01880/FULL	Mr M Kellaway Greenacres Cheriton Bishop Erection of extension to an existing agricultural building	Cheriton Bishop 11
07.12.2016	10.02.2017 Permitted with Conditions to Discharge	16/01892/FULL	Mr Tony Baker Land at NGR 294841 115256 (Adjacent to Pumping Station) Bolham Installation of hydropower scheme featuring new fish pass on Bolham Weir; extension to existing leat; Archimedean screw turbine; housing for generator and control system	Tiverton 52
07.12.2016	08.02.2017 Grant permission	16/01893/HOUSE	Mr & Mrs C Cleave Exehay Exebridge Erection of conservatory to rear	Bampton 01
07.12.2016	30.01.2017 Grant permission	16/01897/HOUSE	Miss Ve Mosteikaite 17 Lime Road Tiverton Addition of external timber cladding to	Tiverton 52

			single storey wing and the change of use of the existing garage to additional living accomodation.	
08.12.2016	01.02.2017 Grant permission	16/01900/HOUSE	Mr B Williams Old Oak Cottage Culmstock Erection of two-storey extension following removal of existing single storey structure	Culmstock 22
08.12.2016	02.02.2017 Permitted with Conditions to Discharge	16/01903/FULL	Mr P Huda The Coach House West Springfield Removal of condition (3) of planning permission 13/01275/FULL to allow annex over garage to be used a separate dwelling	Crediton Town 18
08.12.2016	07.02.2017 Permitted with Conditions to Discharge	16/01905/FULL	Mr & Mrs T Voaden Old Malt Scoop Inn Lapford Conversion and alterations of outbuilding into bed and breakfast accommodation	Lapford 33
08.12.2016	07.02.2017 Grant permission	16/01907/LBC	Mr & Mrs T Voaden Old Malt Scoop Inn Lapford Listed Building Consent for conversion and alterations of outbuilding into bed and breakfast accommodation	Lapford 33
09.12.2016	19.01.2017 No Objection	16/01896/CAT	Mr & Mrs Sprague Rose Cottage Fore Street Notification of intention to remove 1 Fir tree within the Conservation Area	Kentisbeare 32
09.12.2016	03.02.2017 Not Permitted	16/01906/PNCOU	Mr & Mrs G Pearcey Land at NGR 277560 103289	Copplestone 62

	Development		(Bewsley Farm) Copplestone Prior Notification for the change of use of agricultural building to dwelling under Class Q	
12.12.2016	03.02.2017 Grant permission	16/01901/TELCOM	Everything Everywhere Ltd Crediton Service Station Station Garage Prior notification for the replacement of telecommunications base station with 15m high slim monopole, 3 antennas, 1 cabinet, 5m high floodlight and ancillary works	Crediton Town 18
12.12.2016	20.01.2017 No Objection	16/01902/CAT	Mr Bruce Brown Land at NGR 302915 114363 Boobery Notification of intention to fell 6 Field Maples within the Conservation Area	Sampford Peverell 42
12.12.2016	07.02.2017 Permitted with Conditions to Discharge	16/01910/HOUSE	Mr & Mrs Edmonds Dunning House Tiverton Road Erection of car port/garden store, alterations to garden wall and entrance drive	Bampton 01
12.12.2016	07.02.2017 Permitted with Conditions to Discharge	16/01912/LBC	Mr & Mrs Edmonds Dunning House Tiverton Road Listed Building Consent for erection of car port/garden store, alterations to garden wall and entrance drive	Bampton 01
12.12.2016	09.02.2017 Grant permission	16/01914/HOUSE	Mrs Jill Carr 20 Meadows Road Sandford Conversion of existing garage to include erection of a pitched roof to also cover existing passageway and	Sandford 43

			provision of parking bay with dropped kerb	
12.12.2016	09.02.2017 Grant permission	16/01916/FULL	Mr & Mrs T Herniman Land and Buildings at NGR 271657 103354 Hayne Retention of change of use of agricultural land for siting of 1 mobile home and 1 shepherd hut and siting of 2 additional shepherd huts	Zeal Monachorum 61
13.12.2016	03.02.2017 Not Permitted Development	16/01909/PNCOU	Mr & Mrs R Mabon Land at NGR 266918 112551 (Barn At Rashleigh Barton) Prior notification for the change of use of agricultural building to up to 3 dwellings under Class Q	Wembworthy 58
14.12.2016	24.01.2017 Grant permission	16/01918/HOUSE	Mr & Mrs E Flower The Old Mill Barn Copplestone Erection of extension	Copplestone 62
14.12.2016	09.02.2017 Approval of Prior Approval	16/01922/PNCOU	Mr A Banks Land and Buildings at NGR 300839 113349 (Abbotshood Farm) Halberton Prior Notification for the change of use of agricultural building to dwelling under Class Q	Halberton 25
14.12.2016	10.02.2017 Grant permission	16/01923/HOUSE	Mr & Mrs Taylor Mear Cottage Black Dog Erection of a single storey extension	Morchard Bishop 35
14.12.2016	14.02.2017 Permitted with Conditions to Discharge	16/01925/FULL	Mr I Seatherton Barn at NGR 290869 107458 (East Dunster Farm) Cadeleigh Conversion of barn to dwelling	Cadeleigh 09

14.12.2016	14.02.2017 Permitted with Conditions to Discharge	16/01926/LBC	Mr I Seatherton Barn at NGR 290869 107458 (East Dunster Farm) Cadeleigh Listed Building Consent for conversion of barn to dwelling	Cadeleigh 09
14.12.2016	08.02.2017 Permitted with Conditions to Discharge	16/01930/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 (Revised Scheme)	Cullompton 21
15.12.2016	13.02.2017 Approval of Prior Approval	16/01931/PNCOU	Mr R Willett Land at NGR 303635 119529 (The Deer Barn) Hockworthy Prior Notification for the change of use of agricultural building to dwelling under Class Q	Hockworthy 28
15.12.2016	14.02.2017 Grant permission	16/01939/HOUSE	Mr Rob Broom River Vale Silverton Erection of two-storey rear extension and single storey front extension	Silverton 45
15.12.2016	13.02.2017 Grant permission	16/01941/HOUSE	Miss E Benjamin Wisteria House Cheriton Bishop Conversion of garage to annex	Cheriton Bishop 11
15.12.2016	09.02.2017 Grant permission	16/01944/TPO	Mr S Heath 34 Manning Avenue Cullompton Application to coppice 1 Common Ash protected by Tree Preservation Order 13/1997	Cullompton 21

16.12.2016	14.02.2017 Grant permission	16/01937/HOUSE	Mr & Mrs D Lee Leigh Cottage East Leigh Erection of two-storey extension, with basement following demolition of existing lean-to and single storey side extension	Coldridge 16
16.12.2016	10.02.2017 Permitted with Conditions to Discharge	16/01938/HOUSE	Mr D Garnsworthy Keldar View 2 Wayside Erection of a two-storey extension and porch	Cruwys Morchard 20
16.12.2016	14.02.2017 Grant permission	16/01945/ADVERT	Mr S Lee, Smarter Accounting 138 High Street Crediton Advertisement consent to display 2 externally illuminated fascia signs	Crediton Town 18
19.12.2016	01.02.2017 Grant permission	16/01946/LBC	Mr A Biddlestone Cobweb Cottage Bickleigh Listed Building Consent for installation of chimney liner, multi-fuel stove, register plate, and chimney pot with cowl	Tiverton 52
19.12.2016	15.02.2017 Permitted with Conditions to Discharge	16/01948/FULL	Mr J Opie, Goonvean Holdings Ltd Land and Buildings at NGR 303161 108402 (Venn Farm) Cullompton Variation of conditions 1, 2, 4, 5, 6, 8, 12, 13, 14, 15, 16, 18 and 20 to allow for phasing, to reflect details already permitted and to accord with the S278 process and removal conditions 9, 10 and 11 of planning approval 09/01573/MOUT	Cullompton 21
19.12.2016	10.02.2017 Permitted with	16/01949/OUT	Mr L Deem 17 Lamejohns Field Crediton	Crediton Town 18

	Conditions to Discharge		Outline for the erection of a dwelling	
20.12.2016	30.01.2017 No Objection	16/01947/CAT	Mr Brian Marchmont Land at NGR 308448 112396 (Craddock Lodge) Craddock Notification of intention to fell 2 Beech trees within the Conservation Area	Uffculme 53
20.12.2016	15.02.2017 Grant permission	16/01950/ARM	Mr & Mrs R Stokes Land at NGR 3035334 110531 (Townlands) Willand Reserved Matters for the erection of a dwelling following Outline approval 15/00955/OUT	Willand 59
20.12.2016	14.02.2017 Permitted with Conditions to Discharge	16/01951/FULL	Mr P Turner Parish Hall Stoodleigh Erection of new entrance and toilet block following demolition of existing lean-to	Stoodleigh 48
20.12.2016	14.02.2017 Permitted with Conditions to Discharge	16/01952/LBC	Mr P Turner Parish Hall Stoodleigh Listed Building Consent for internal alterations and erection of new entrance and toilet block following demolition of existing lean-to	Stoodleigh 48
20.12.2016	14.02.2017 Permitted with Conditions to Discharge	16/01959/FULL	Ms L McRae Land at NGR 302764 119932 (Oakbrook Farm) Hockworthy Erection of extension to existing agricultural barn	Hockworthy 28
21.12.2016	19.01.2017 Grant permission	16/01956/HRN	Mr David Carr Land and Building at NGR 291885	Thorverton 51

			100579 (South of Willhaven) Thorverton Hedgerow Removal Notice for the relocation of 52m of hedgerow	
21.12.2016	07.02.2017 Permitted with Conditions to Discharge	16/01965/FULL	Mr M Halse Coldharbour Mill Coldharbour Replacement of fire escape staircase and adjacent door and window openings	Uffculme 53
21.12.2016	15.02.2017 Permitted with Conditions to Discharge	16/01974/FULL	Mr Thistlethwaite Land at NGR 297183 111913 Cromwell Park Erection of 2 dwellings	Tiverton 52
22.12.2016	07.02.2017 Permitted with Conditions to Discharge	16/01966/LBC	Mr M Halse Coldharbour Mill Coldharbour Listed Building Consent for replacement of fire escape staircase and adjacent door and window openings	Uffculme 53
22.12.2016	25.01.2017 No Objection	16/01968/CAT	Mr Angus Gordon Castle Barton Tiverton Castle Notification of intention to fell 1 Lawson Cypress and 2 Leyland Cypress trees within the Conservation Area	Tiverton 52
23.12.2016	25.01.2017 No Objection	16/01981/CAT	Mr Angus Gordon Tiverton Castle Park Hill Notification of intention to carry out works to 1 Norway Maple, 2 Elm, 2 Sycamore, 1 Lime, 1 Wild Cherry, 1 Ornamental Cherry, 1 Yew and 1 Scots Pine in a Conservation Area	Tiverton 52

29.12.2016	30.01.2017 No Objection	16/01991/CAT	Mr Brian Marchant Nettlebed Craddock Notification of intention to fell 2 Beech trees in a Conservation Area	Uffculme 53
29.12.2016	14.02.2017 Grant permission	16/01992/CLP	Mr M Peacock 61 Townlands Bradninch Certificate of Lawfulness for the proposed formation of access and provision of hardstanding for the parking of vehicles	Bradninch 04
03.01.2017	31.01.2017 Development Acceptance	17/00002/PNFG	Mr Lewis Ames Land at NGR 306912 111082 (Smithincott Woodland) Gaddon Down Plantation Prior notification for the erection of a forestry storage building	Uffculme 53
03.01.2017	26.01.2017 No Objection	17/00005/CAT	Mr K Sproat Land at NGR 293903 107394 (Land at Bickleigh Mill) Bickleigh Notification of intention to fell 1 Ash tree and to remove other overhanging branches within the Conservation Area	Bickleigh 02
03.01.2017	08.02.2017 Grant permission	17/00011/HOUSE	Mr P & Mrs B Boax Acacia Cottage Sampford Peverell Erection of a first floor extension to include balcony	Halberton 25
04.01.2017	07.02.2017 No Objection	17/00008/CAT	Mr Neil Patterson Crediton Tool Hire Union Road Notification of intention to remove 12 Sycamore trees within the	Crediton Town 18

			Conservation Area	
04.01.2017	25.01.2017 No Objection	17/00014/CAT	Mr Dale Harris Vicarage House Hockworthy Notification of intention to reduce the crown of 1 Witch Hazel by 1m and fell 2 Ash trees within the Conservation Area	Hockworthy 28
04.01.2017	31.01.2017 No Objection	17/00017/CAT	Mr McNally Netherton Church Path Notification of intention to fell 1 Spruce and 2 Conifer trees within the Conservation Area	Halberton 25
04.01.2017	31.01.2017 No Objection	17/00018/CAT	Mr Date Woodlands Kentisbeare Notification of intention to remove a group of Conifer trees with the Conservation Area	Kentisbeare 32
05.01.2017	30.01.2017 Approval of Prior Approval	17/00021/PNAG	Mr D Bradner Land at NGR 297225 103560 (Greenslinch) Greenslinch Lane Prior Notification for the erection of an agricultural storage building	Silverton 45
06.01.2017	31.01.2017 No Objection	17/00031/CAT	Mr Lee Davis 16 High Street Halberton Notification of intention to remove 1 Apple tree within the Conservation Area	Halberton 25
06.01.2017	15.02.2017 Grant permission	17/00032/HOUSE	Miss S Pitts Little Whitnage Whitnage Retention of replacement boundary	Uplowman 54

			fence, erection of shed, and installation of oil tank on concrete base	
09.01.2017	26.01.2017 No Objection	17/00036/CAT	Mrs I Wotton Sherwood Stoodleigh Notification of intention to remove 1 Beech tree within the Conservation Area	Stoodleigh 48
09.01.2017	02.02.2017 No Objection	17/00040/CAT	Mr P Mercy 33 St Andrew Street North Tiverton Notification of intention to crown reduce 1 Acer and 1 Ash tree by approximately 10m within the Conservation Area	Tiverton 52
10.01.2017	13.02.2017 Grant permission	17/00051/HOUSE	Mr Nicholas Hayden Earlsland Cottage West End Road Erection of an infill extension and pergola	Bradninch 04
11.01.2017	07.02.2017 No Objection	17/00058/CAT	Ms Bindy Saywood The Old Rectory Church Street Notification of intention to carry out works to 1 Oak, 1 Cherry, 1 Silver Birch and to coppice 1 Oak tree within a Conservation Area	Sandford 43
12.01.2017	16.02.2017 No Objection	17/00059/CAT	Mrs J Stewart Garth Searle Street Notification of intention to crown reduce by approximately 4.5m 1 Magnolia, 1 Beech, and 1 Eucalyptus within the Conservation Area	Crediton Town 18

18.01.2017	16.02.2017 No Objection	17/00086/CAT	Mr Josef Millen-Cramer 10 Fore Street Morchard Bishop Notification of intention to remove 2 Holly trees within the Conservation Area	Morchard Bishop 35
23.01.2017	03.02.2017 Not Permitted Development	17/00115/PNAG	Mr Richard Heywood Land at NGR 304950 120383 (Lea Barton) Hockworthy Prior notification for the erection of an agricultural building to house cattle	Hockworthy 28

Background Papers: Contained in application files referred to.

Major Applications with no Decision

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

<i>Item</i>								<i>Expected Decision Level</i>	
<i>No.</i>	<i>Weeks</i>	<i>TARGET DATE</i>	<i>REFVAL</i>	<i>PROPOSAL</i>	<i>LOCATION</i>	<i>NAME</i>	<i>Delegated</i>	<i>Committee</i>	
1	3	24/04/2017	17/00106/MOUT	Erection of 16 dwellings with access and associated works	Land at NGR 306965 113252 (North of Belle Vue) Ashley Road Uffculme Devon	Ms Tina Maryan	COMM	COMM	
2	3	28/04/2017	17/00136/MOUT	Outline for the erection of up to 60 dwellings and means of access (Revised Scheme)	Land and Buildings at NGR 277550 102582 (East of Dulings Farm) Copplestone Devon	Mr Simon Trafford	COMM	COMM	
Page 87	6	04/04/2017	17/00001/MOUT	Outline for the erection of 7 dwellings, improvements to access and change of use of agricultural land to community facility	Land and Buildings at NGR 294119 106891 (Adjacent to Highfield) Bickleigh Devon	Miss Lucy Hodgson	COMM	COMM	
	6	04/04/2017	16/01988/MOUT	Outline for the erection of up to 74 dwellings	Land at NGR 301106 107155 Knowle Lane Cullompton Devon	Miss Thea Billeter	COMM	COMM	
5	9	16/03/2017	16/01932/MFUL	Construction of 2 ponds, a wetland area, an attenuation basin and creation of additional 120m of Devon hedgebank	Land at NGR 294211 123012(Higher Barn) Bampton Devon	Miss Lucy Hodgson	COMM	COMM	
6	9	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	
7	10	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		
8	10	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	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	10	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
10	12	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
11	13	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
12	15	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	COMM	COMM
13	21	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
14	37	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	141	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	146	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	200	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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LIST OF APPEAL DECISIONS FROM 19 November 2016 to 18 January 2016

Application No	Description	Location	Officer Recommendation	Committee or Delegated	Decision	Appeal Type	Inspector Decision
15/00158/NUDRU	Appeal against	Land at 97524 124069 (Fourwinds) Morebath Devon EX16 9AU				Written Representations	Allowed in Part

Summary of Inspectors Comments

After this appeal was submitted by the appellant's agent to the Planning Inspectorate, two planning applications were submitted to the Council for the retention of the smaller barn, and the relocation of the other. The Council requested that this appeal be put on hold while the applications were considered; both were subsequently approved. The appeal was on two grounds; firstly that the steps required were excessive as it necessitated the removal of both buildings. The Inspector has varied the notice to reflect the circumstances following the approval of the Planning applications so that only the larger, more prominent building has to be removed. The second relates to the period of compliance being too short; the Inspector considers that the 3 month compliance period given by the Council is reasonable, and therefore the appeal fails on this ground.

16/00790/PNCOU	Prior notification for the change of use of agricultural building to 3 dwellings under Class Q	Stud Thorne Farm Stoodleigh Tiverton Devon EX16 9QG	Refusal of Prior Approval	Delegated Decision	Refusal of Prior Approval	Written Representations	Appeal Dismissed
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Summary of Inspectors Comments

Appeal dismissed on the basis that the location and siting of the building makes it otherwise undesirable and impractical for the building to change use. The change of use was considered to result in unacceptable living conditions for future occupiers due to the resultant noise and disturbance from the vehicle movements and activities of the large commercial racing enterprise operating from the site. Although holiday accommodation has been approved on site the Inspector considered that the issues of noise and disturbance would not be comparable to the situation for open market dwellings where noise would be ongoing and permanent issues for the occupants. The Inspector considered that the buildings had been in solely agricultural use and were structurally capable of conversion. No costs were awarded.

Application No	Description	Location	Officer Recommendation	Committee or Delegated	Decision	Appeal Type	Inspector Decision
16/00190/OUT	Outline for the erection of a dwelling	Green Acres Farm Coldridge Crediton Devon EX17 6BW	Refuse permission	Delegated Decision	Refuse permission	Written Representations	Appeal Dismissed

Summary of Inspectors Comments

The main refusal issue for consideration was whether the siting of a house in the open countryside accords with the approach of the development plan and national policy to new housing in the countryside and if not, whether there are any good reasons to depart from that approach.

The site currently accommodates a mobile home and a container which are unauthorised and are to be removed under the terms of an effective Enforcement Notice (which has also been subject to an appeal process). The appellant had suggested that a dwelling on the site would be more attractive than the mobile home and container currently in place. However the Inspector concluded that as the result of the requirement of the Enforcement Notice the mobile home and the container will be removed in the relatively near future. Furthermore he concluded that a dwelling on the site would bring a permanent residential presence that would appear sporadic, notwithstanding the row of existing dwellings opposite, and harmful to the character and appearance of the area.

**PLANNING COMMITTEE
1ST MARCH 2017**

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

BELL COTTAGE, WOODLAND HEAD, YEOFORD EX17 5HF

**Cabinet Member
Responsible Officer**

Cllr Richard Chesterton
Mrs Jenny Clifford, Head of Planning and Regeneration

Reason for Report: To seek approval to an Urgent Works Notice under Section 54 and a Repairs Notice under s48 of the Planning (Listed Building and Conservation Areas) Act 1990 for the temporary works to a grade 2 Listed Building namely Bell Cottage, Woodland Head, Yeoford, EX17 5HF to make it wind and weather tight and for works necessary to preserve the building. Additionally authority is also sought to commence preparatory work for compulsory purchase.

RECOMMENDATIONS:

- i) That delegated authority be given to the Legal Services Manager in conjunction with the Head of Planning and Regeneration to take legal action to include the service of an urgent works notice and / or repairs notice or notices. In the event of failure to comply with the urgent works notice, repairs notice or notices the consideration of prosecution proceedings, the issue of injunction proceedings or direct action.**
- ii) That delegated authority be given to the Legal Services Manager in conjunction with the Head of Planning and Regeneration to specify the requirements of the urgent works notice and repairs notice.**
- iii) That authority be given to the Legal Services Manager in conjunction with the Head of Planning and Regeneration to commence preparatory work for compulsory purchase.**

Relationship to Corporate Plan:

Homes: priority of planning and enhancing the built environment.

Environment: Aim 1 – Look after our heritage assets by managing designated conservation areas, protecting listed buildings and monuments and preserving trees that are important.

Financial Implications:

Cost of carrying out the works and costs to recover money spent. See main body of the report.

Legal Implications:

Service of notices and possible recovery of monies. See main body of the report.

Risk Assessment:

Without further intervention the risks are that the future of the building will remain uncertain with further deterioration to the detriment of its fabric. Continued damage to the Listed Building and neighbouring property if essential repair works are not carried out.

Consultation carried out with:

1. Legal Services.

1.0 URGENT WORKS NOTICE.

- 1.1 The condition of this Grade 2 listed house has been of concern to MDDC and the owners of the attached neighbouring property for some years. The last action agreed by the Planning Committee was in December 2012 when members agreed to the serving of an Urgent Works Notice on the owner to carry out repairs to make the house wind and weather tight. This involved comprehensive patch repairs rather than full recovering.
- 1.2 The procedure for serving the Urgent Works Notice includes giving formal written notice to the owner to carry out the works within a specified period. In the event that the work is not carried out as required then the Council has the authority to instruct the work to be carried out. The cost will then be claimed against the owner and a charge will be put on the building so that if and when it is sold the Council's cost can be recovered.
- 1.3 Attempts were made before the 2012 report to Committee to contact the owner with no success. The work was therefore carried out early in 2013 by a contractor engaged by MDDC. Since 2013 more attempts have been made to contact the owner. It has been discovered that he had purchased another property in MDDC area but this seemingly was not his permanent residence and to complicate matters has no letter box.
- 1.4 In December 2015 a Member of MDDC had an impromptu meeting with the owner at this other property and then in September 2016 a letter was received from him. The owner stated that he had not received any correspondence from MDDC other than the one sent in August 2016 that prompted his reply. The letter stated that it was his intention to 'fully and completely restore' Bell Cottage and to improve and extend it. Despite a further letter to the owner to seek to enter into meaningful dialogue no reply has been received. To date there is no further news of his current whereabouts despite attempts to locate him.
- 1.5 In the meantime Bell Cottage is vulnerable to further decay. A thatcher (the same contractor who carried out the previous work) has inspected the property and in his opinion more temporary repairs to the thatch are required to keep in intact. This action will again be a short term fix. But it will ensure that it remains wind and weather tight.

The work required would take approximately one day. The costs of the work will be charged against the property.

- 1.6 The use of an Urgent Works Notice is the most appropriate and quickest formal procedure that is open to the Local Planning Authority to address this current concern of upkeep. Authority is sought for this course of action.

2.0 REPAIRS NOTICE.

2.1 The need to serve a Repairs Notice.

2.1.1 The Planning (Listed Buildings and Conservation Areas) Act 1990 under section 48 provides a specific power to serve a Repairs Notice. Such notices are used in cases where protracted failure by an owner and/or management company to keep a listed building in reasonable repair places the building at risk. It is considered that the ongoing lack of repairs and maintenance place the building at risk. Given the listed status of the building it is considered that action is needed to prompt its repair.

2.1.2 The Repairs Notice must specify the works which the Authority considers reasonably necessary for the proper preservation of the building. These powers are not confined to urgent works (as discussed above) and therefore provide an opportunity to specify comprehensive works that are reasonably necessary for the preservation of the building. The works considered necessary will be drawn up through discussions with Building Control officers, Private Sector Housing and be based on a condition survey.

2.1.3 The works are likely to include:

- re-roofing in thatch (including re-pointing of chimney stacks where applicable),
- comprehensive repairs to guttering and rainwater systems,
- repairs to exterior render and internal plaster,
- repairs to all windows or replacement where necessary (including the replacement of window sills and lintels where water penetration has caused their deterioration),
- repairs to door cases where necessary to together with repairs to internal and external doors,
- repairs to internal staircases,
- repairs to interior flooring and ceilings where appropriate and
- checking and repair of electrical and fire alarm systems throughout the building.
- There has been partial collapse of an internal wall before the 2013 thatch work was carried out and this would be included in the specification.

2.2 Financial Implications.

2.2.1 There is no appeal against a Repairs Notice itself. If after a period of two months it appears that reasonable steps are not being taken for the proper preservation of the building the local authority can begin compulsory purchase proceedings under Section 47 of the Act. However, an owner who disputes some works contained in the Notice could undertake the non-disputed works alone. He/she will receive a Notice, initiating compulsory purchase. At this point the owner can apply under section 47(4) of the Listed Buildings Act 1990 for an order to halt compulsory purchase proceedings. The owner

would be entitled this if the court was satisfied that the non-disputed works which had been done by the owner constituted reasonable steps for preserving the building, and the remaining disputed works were excessive.

- 2.2.2 In accordance with section 48(3), a Repairs Notice may be withdrawn at any time. Notice of such withdrawal would need to be given immediately to the owner.
- 2.2.3 Members should note that serving a repairs notice does not commit the Council to purchasing the building and members would specifically need to approve such action. The aim of the Repairs Notice is to force the owner to undertake appropriate repairs, or for the freeholder to sell the property.
- 2.2.4 Currently there is no specification of works that would need to be included within repairs notice and accordingly no details of likely cost. This would be informed by a condition survey of the building which would allow such a specification to be drawn up. The first step in preparing for the issue of a repairs notice is therefore the commissioning of the condition survey of the building. Officers would like to commence this aspect in order to understand the works needed and cost and have authority in place to issue a repairs notice should it still be considered warranted once this information is gained.
- 2.2.5 It is hoped that the Council will not need to issue a repairs notice as a result of other legal avenues beyond the remit of the planning system. See 'note' below.

3.0 COMPULSORY PURCHASE.

- 3.1 It is clear from the history of this case that whilst actions such as the serving of an urgent works notice and / or repairs notice may address immediate concerns over the condition of the property, this is not a long term solution. This is underlined by the serving of a previous urgent works notice on a previous occasion and the currently need for another. Accordingly options need to be considered for a long term solution that will secure the future of the building given the lack of cooperation by the owner and difficulties in contacting him.
- 3.2 Local authorities have a range of legal powers to compulsorily acquire land in their area. Section 47 of the Planning (Listed Building and Conservation Areas) Act 1990 Act gives this power where it appears that reasonable steps are not being taken for properly preserving a listed building. A compulsory purchase order must be authorised by the Secretary of State. If the owner objects, he may apply to the Magistrates' Court for an order to stay compulsory purchase proceedings. The owner has a right of appeal to the Crown Court against the decision of the Magistrates' Court over this order. Compensation is payable to the owner if compulsory purchase action is taken. If the authority considers that the building has been deliberately allowed to fall into disrepair for the purpose of justifying its demolition and the development / redevelopment of the site, it may include in the compulsory purchase order a direction of minimum compensation. The issuing of a repairs notice is a required first step to acquisition of the building under these compulsory purchase powers.
- 3.3 The Department of Communities and Local Government issued updated guidance on the use compulsory purchase powers in 2015 including the following:

- i) An order should only be made where there is a compelling case in the public interest and should be regarded as a last resort measure in the event that attempts to acquire by agreement fail. The public benefit needs to outweigh the private loss as the human rights of the landowner will be interfered with, for which justification is required.
- ii) The authority should first seek to resolve the planning issue by other means.
- iii) The acquiring authority needs to show that it has a clear scheme for the use of the land, that the resources including funding are in place to achieve the scheme within a reasonable time-scale.
- iv) The authority will need to demonstrate that there is a reasonable prospect of the scheme going ahead and that impediments such as consents are in place or are unlikely to be withheld.
- v) The authority should first seek to acquire the land by negotiation. Informal negotiations with the owner can be undertaken in parallel with making preparations for compulsory purchase.

3.4 Recommendation (iii) above seeks authority to commence preparatory work for compulsory purchase. This does not commit the authority to purchase, but will allow early stage work to take place in the background and would benefit any such formal action that may be reconsidered in the future. Further authority would be needed for compulsory purchase itself and would be the subject of a further report. Preparatory work is expected to involve:-

Full specification of works.

The preparation of a full schedule of works to include the following list. This schedule will need to be carried out by a qualified building surveyor/architect commissioned by MDDC:

- essential preliminary works to comply with health and safety regulations, eg decontamination, asbestos management comprehensive repairs to the structural envelope, roof structure, roof covering, chimneystacks and flues, brick, stone masonry or other construction materials, timber frame, external finishes and cladding, rainwater goods and flashings
- measures to secure general structural stability in accordance with specialist structural engineering advice
- repair or reinstatement of external joinery, ironwork and architectural features
- internal structural repairs to floors, ceilings, walls and partitions
- repair and reinstatement of internal finishes – including plasterwork, floor surfaces
- basic internal and external redecoration
- repair or reinstatement of internal joinery, staircases, features and fittings
- works to enable the building to return to beneficial use, such as repairs to existing services/reinstatement of missing services

- repairs to boundary walls, gates, railings, and associated fittings, surfaces, pathways, entrance steps
- installation of additional security measures to prevent vandalism or unauthorised access following completion of works

(Reference: 'Stop the Rot' Heritage England publication)

Valuation

A full valuation of the property needs to be undertaken on behalf of MDDC.

This valuation need to include:-

- the optimum use of the building compatible with its historic character and setting, and relevant planning policies
- the marketability of the property: could it be marketed in its current state, or will a specialist purchaser, building preservation trust (BPT) or developer need to be lined up and a funding package assembled, perhaps as a back-to-back agreement.
- the amount of relevant land (if any) to be included in a CPO
- the estimated market value of the property in its present state and in a repaired state
- the estimated level of compensation

(Reference:'Stop the Rot' HE publication)

4.0 HUMAN RIGHTS AND EQUALITY ISSUES:

4.1 Many of the actions being considered in relation to this report could affect the land/property and the owner's rights under the provisions of Article 8 and Article 1 of the First Protocol of the Human Rights Act 1998. However, the Local Planning Authority feels it is pursuing a legitimate aim in seeking to ensure the preservation of a listed building, so as to prevent demonstrable harm to interests of acknowledged importance and to protect the environment.

4.2 The Human Rights provisions in relation to this case are qualified rights and the interference with those rights is considered to be proportionate so as to protect harm to the visual amenity identified. The steps proposed in the recommendations are considered proportionate and expedient way forward.

5.0 CONCLUSIONS.

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5.1 These measures are commended to Members due to the continuing deteriorating condition of Bell Cottage. A further report will come before this committee in the event that compulsory purchase is pursued.

NOTE

It is of importance to note here that MDDC Legal Service are in the process of taking separate action that it is not appropriate to elaborate on in this report. Suffice to say it is hoped that that action will lead to a satisfactory conclusion of the matter. However the authority sought within the recommendations will ensure that MMDC retains additional control over the future of this building.

Contact for any more information	Mr Paul Dadson, Senior Planning Officer (Conservation) 01884 234264
Background Papers	Stop the Rot - Historic England Advice Planning Committee December 2012
File Reference	N/A
Circulation of the Report	Cllr Richard Chesterton Members of the Planning Committee

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