

# Public Document Pack

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

## MID DEVON DISTRICT COUNCIL

### PLANNING COMMITTEE

**A MEETING** of the **PLANNING COMMITTEE** will be held in the Phoenix Chamber, Phoenix House, Tiverton on Wednesday, 5 October 2016 at 2.15 pm

The next ordinary meeting of the Committee will take place on Wednesday, 2 November 2016 at 2.15 pm in the Phoenix Chamber, Phoenix House, Tiverton

#### **STEPHEN WALFORD**

Chief Executive  
27 September 2016

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

### A G E N D A

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

#### **1 APOLOGIES AND SUBSTITUTE MEMBERS**

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

#### **2 PUBLIC QUESTION TIME**

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

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

#### **3 MINUTES OF THE PREVIOUS MEETING (Pages 5 - 26)**

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

#### **4 CHAIRMAN'S ANNOUNCEMENTS**

To receive any announcements the Chairman may wish to make.

5 **DEFERRALS FROM THE PLANS LIST**

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

6 **THE PLANS LIST** *(Pages 27 - 70)*

To consider the planning applications contained in the list.

7 **THE DELEGATED LIST** *(Pages 71 - 88)*

To be noted.

8 **MAJOR APPLICATIONS WITH NO DECISION** *(Pages 89 - 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 **APPLICATION 16/00458/FULL - ERECTION OF 3 DWELLINGS AND ASSOCIATED INFRASTRUCTURE FOLLOWING REMOVAL OF EXISTING NURSERY BUILDING AT ACTION FOR CHILDREN, CREDITON AREA CHILDRENS CENTRE, NEWCOMBES, CREDITON** *(Pages 93 - 106)*

To receive a report of the Head of Planning and Regeneration regarding the above application which had been deferred from a previous meeting to allow for further discussion to take place between the applicant, the Town Council and Ward Members with regard to design, access issues onto Jockey Hill and traffic generation.

11 **APPLICATION 16/00180/FULL - ERECTION OF 2 DWELLINGS FOLLOWING DEMOLITION OF EXISTING DWELLINGS (REVISED SCHEME) AT 19 EXETER ROAD, SILVERTON** *(Pages 107 - 130)*

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

12 **APPLICATION 14/01332/MOUT - OUTLINE FOR A MIXED USE DEVELOPMENT COMPRISING OF A PRIMARY SCHOOL AND PRE-SCHOOL WITH ANCILLARY FACILITIES INCLUDING SPORTS PITCH AND PARKING AND TURNING AREA; ERECTION OF UP TO 25 DWELLINGS WITH PARKING AND OPENS PACE - LAND AT NGR 288080 098230 - EAST OF STATION ROAD, NEWTON ST CYRES** *(Pages 131 - 150)*

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

13 **PERFORMANCE** (Pages 151 - 156)

To consider a report of the Head of Planning and Regeneration providing information on the performance of Planning Services for Quarter 1 of the 2016/17 financial year.

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

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

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

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

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

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

Tel: 01884 234229

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Public Wi-Fi is available in all meeting rooms.

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## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **PLANNING COMMITTEE** held on 7 September 2016 at 2.15 pm

### **Present Councillors**

Mrs H Bainbridge, Mrs C Collis,  
Mrs F J Colthorpe, R J Dolley, P J Heal,  
F W Letch, B A Moore, R L Stanley and  
Mrs G Doe

### **Apologies Councillor(s)**

D J Knowles, R F Radford and J D Squire

### **Also Present Councillor(s)**

R M Deed, Mrs J Roach and F J Rosamond

### **Present Officers:**

Jenny Clifford (Head of Planning and Regeneration), Thea Billeter (Area Planning Officer), Tina Maryan (Area Planning Officer), Simon Trafford (Area Planning Officer), Christie McCombe (Area Planning Officer), Dean Titchener (Principal Forward Planning Officer), Sally Gabriel (Member Services Manager) and Ian Sorenson

## 64 **APOLOGIES AND SUBSTITUTE MEMBERS**

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

Apologies were also received from Cllr D J Knowles and J D Squire.

## 65 **PUBLIC QUESTION TIME (00-02-02)**

Heather Woodman, representing her client and referring to item 12 (19 Exeter Road) on the agenda, stated that at the last meeting the Committee had spoken about the merits of the proposal. The implications report before you today sets out in detail the fact that this application does introduce change to this part of Exeter Road and that the decision on this application requires a very balanced judgement. We listened to the Members discussion on the website and looked again at the scheme following the meeting in July and the revised plans that you have today have been submitted for your consideration that address those concerns that you raised and as your planning and conservation officers advise they do improve the proposal. It is still considered that to provide two three bedroomed houses on this site is more desirable for the village in principle. Silverton property prices are at a premium, it would be for more affordable for local people who wish to trade up to have a family house rather than a single four plus bedroomed house on this site. The two dwellings have now been set back further into the site as the Members and conservation officer indicated

they wanted and this has reduced the impact of the building on the street scene. The access into the site has been moved into the centre so that much of the stone boundary wall along the frontage is now retained and the sense of enclosure is maintained and the conservation area is enhanced because there were concerns about the loss of this stone wall so parking and turning for vehicles has now been provided behind the wall so that vehicles can enter and leave in forward gear as you indicated you desired.

Further landscaping is also proposed with the site especially on the boundary with Orchard Jeffrey, that's the house that is 22 metres to the north, so the new landscaping breaks up the gable of the north building and the modest increase in height will subsequently have little impact now. Conditions can be attached to this landscaping so that it can be maintained in perpetuity.

The consultation responses on the new plans are that the highways authority has no objection and the conservation officer has advised that this scheme is far less harmful so her previous recommendation for refusal is not repeated. The planning officer's recommendations are that the new plans are an improvement. It's considered that your previously stated concerns have now been fully considered and addressed. The consultation responses from your various officers on the changes to the submitted plans that improve the siting, scale and parking and effect on the character and appearance of the conservation area show that the reasons suggested for refusal cannot now be sustained so on the balance of consideration of all material considerations, the scheme before you is now acceptable under your planning policies and the applicant asks that you approve it now please.

Mr Ian Pike speaking in relation to item 14 on the agenda (Conigar Close, Hemyock), stated that his main concern was the affordable properties. He is Hemyock born and bred, his family had lived in Hemyock since at least 1725 and as things stand he would be the last in the family to live in the village. His daughter unfortunately had to move away from the village because she couldn't afford to live there. She works in the village, her partner has an agricultural contracting business which is based in the village and the majority of his work is in Hemyock and neighbouring parishes. They are unfortunately unable to afford market value properties because they are either on a national living wage or just above. He went on to state that he had three grandsons the eldest of whom started Hemyock Primary School on Monday and he has two year old twin brothers who started pre-school in Hemyock on Monday. They are desperate to come back to the village and it is extremely sad that families like ours who have lived there and whose ancestors have lived there and worked in the farming industry making Hemyock what it is today, cannot afford to live there. I think that affordable housing should be provided and unfortunately with the cut in government funding we have to have market value properties built as well. We need to do something for the longevity of villages like Hemyock.

Over the last 30 years I've watched it develop with the result that the majority of the houses are out of the reach of the locals and the majority of the new residents commute to and fro bringing traffic problems which a lot of people are using as an objection against this application. My daughter at the moment will be making three return trips from the village some days of the week purely to get the boys to and from school. If this application is approved and they are lucky enough to get one of these properties it's a five minute walk to and fro. My other daughter has moved away because of work. They both went to Hemyock Primary School where there were 52

children, of these there are 5 still living in the village. One of those did end up in a shared equity property so obviously the affordable housing does help.

Mr Peter Davies, referring to item 12 (19 Exeter Road) stated that he lived opposite this property. One of the reasons that the Committee were minded to refuse the application was over development. This has not been addressed at all in the revised scheme and we still have two detached houses replacing a small bungalow on a small plot. The Committee was also unhappy with the street scene. The houses will still have an overpowering visual effect. Positioning them back just one metre will be totally insignificant. The conservation officer was minded not to refuse the application on the basis that the boundary frontage would be retained to a great extent, would you clarify how this would be possible given that the 25 metre visibility display will require 80% of the boundary to be below 600 millimetres? Will the planning officer confirm that apart from the 25% of the boundary on the northern end she still maintains that the hedge bank is 900 millimetres or above? The loss of 80% of the hedge bank, an important conservation feature in this road and which was previously 1.7metres high will open up the scene completely. There will be a large open frontage creating a suburban feel and completely out of context. It will not preserve or enhance the conservation area. The visibility splay is shown on drawing 02P16 cuts across the land of both number 19 and 21 Exeter Road, is this acceptable in planning terms given the inhabitants would have no control over future developments? In conclusion therefore this scheme does not overcome the reasons for objection previously expressed.

Mr Steve Batt spoke in relation to item 13 on the agenda (Church Green, Bickleigh) and informed the Committee that he was a long term resident of Bickleigh having lived there for over 30 years. A few weeks ago we were able to view Mid Devon's working file and we could not see any of the significant input from the Parish Council within this file which gave you a lot of detailed evidence and information countermending much of the misinformation in the planning documents. I did drop these documents into Mrs Gabriel yesterday, if you wish to see them they are all here. They include a review plan survey, which we did for the local village 2 years ago, a detailed analysis, south west archaeological report, some new historic research and a short detailed historic conservation area appraisal. Also just to remind you the 46 letters of objection from local residents. We do believe our inputs would have assisted your case officer in coming to quite a different conclusion. Do you have any evidence rather than assertions that our inputs were looked at in any detail?

The Parish Council did write to Mrs Clifford on 10 August 2016 expressing concern about the slipping in of changes at the last moment and concern about the definite lack of liaison regarding the documents and other pertinent information which was sent to you. The Parish did receive a response on the 3 September 2016 but there are still a number of inconsistencies. The two issues I really want to concentrate on are firstly the heritage asset listing of Church Green. It was recorded on the original heritage asset list. We assume that Mid Devon prior to its insertion carried out a check against Historic England criteria? The Parish Council only received notification of its delisting some time after the delisting letter from Mrs Clifford was sent to the owner. We were not consulted about the site meeting last year nor were we consulted in any way after this meeting. We wondered why it was suddenly de-listed without any reference to the parish, in fact Mrs Clifford says it was 'marginal and could be reviewed'. Whilst it was stated that both sides made submissions regarding the sites history and use we were not asked whether we had any fresh evidence of



information. We do have more information to hand now. It should be noted that our original information was backed up with evidence rather than merely assertions, for example, we offered 10 affidavits regarding regular use by members of the community going back at least 7 decades. We wonder why you did not ask for that information to be provided. Our understanding is that it is not necessary to meet all of the Historic England criteria and interestingly it does not have to be used as a green so I think there is a bit of a misunderstanding here. If you look 'green' is not even within Historic England's wording. As you may well know Historic England definition of 'social and community value', not the word 'value' and not 'green'. It's a place of local identity, distinctiveness, social interaction and coherence often residing in tangible aspects of heritage contributing to the collective memory of a place and I think we've provided a lot of information over many years to confirm that.

We note Mrs Clifford's comments received by the Parish Council this week when she said 'Church Green is an interesting, substantially undeveloped plot in the centre of a conservation area with a very important setting and view implications for the church and Bickleigh Castle as well as other listed buildings'. The conservation officer says that change must preserve and enhance the conservation area. Three questions then. Bearing in mind Mrs Clifford's comments, how can this proposed development be anything but damaging to this special site without any tangible benefits being demonstrated? The houses are not for local need and they could be built anywhere. Why have the Bickleigh Local History group not had a response from Mrs Clifford regarding the request for relisting which was sent on 27 June 2016? Finally, in the same way that you say Church Green cannot be designated as open green space because of objections then surely the Green should remain as a listed local heritage asset because of the valid outstanding objections from the village and anyway even if it is delisted how can the application suddenly become less damaging than it was before, nothing is changed in terms of the view since the last refusal?

Kerry Peters also spoke in relation to item 13 (Church Green, Bickleigh). Our understanding is that local green space designation is a product of local plan and survey. The criteria are, close proximity to the community it serves and demonstrably special, local significance, historic significance, tranquillity, wildlife, local in character and not extensive. The 1960's picture emailed yesterday of Bickleigh's historic core, which I have a copy of here, shows the Green in the foreground and show a quintessential Devon scene with a church, thatched cottages and a pretty orchard in the bottom right corner, now known as Church Green. The Parish Council submitted Church Green to be designated as local green space back in August 2013.

As an out of settlement community we also carried out our own local plan survey in March 2014 in response to your requests for parishes to feed into the review process. We supplied committee members with a copy of this survey yesterday in case you had not already seen it. Household responses were analysed by Parish Councillor, Professor Adam Scaife. We believe this is another example of where Bickleigh residents views have been ignored as it was perfectly clear from the survey that there was an overwhelming majority of households in favour of keeping the whole of Church Green as an open space. The percentage response rates in our survey were far higher than many other national response rates. Ours was 67%, with 90% in favour of the status quo i.e. keeping Church Green as an open space. The results of this survey are backed up the 46 letters of objection received in the latest planning application to build on Church Green. Are these very high numbers of letters not valid either? Our arguments for local green space listing seem therefore to have



perfect validity. We assume that this was checked by your officers last year as Church Green was included in the local plan as local green space so my question is should the fact that Church Green already appears in the draft local plan as local green space be given no weight whatsoever when so much work has been put in by both the Bickleigh community so far to reach this stage and has it in the local plan? We are all at the local level and have made decisions based on guidelines given so it's hard to see what objections can be raised about this designation going forward.

Jill Brownlow, also speaking with regard to the same application, stated that the planning officer writes in his report advising acceptance of the proposed development which although it is not policy compliant because of the absence of a 5 year plan of supply of deliverable housing land it should be given approval. However, Mrs Jenny Clifford is on record as saying that more than sufficient land has been put forward for development to satisfy the 5 year plan. In the report it is also stated that Mid Devon District Council's policies are out of date. He then goes on to justify granting approval by quoting these policies. One of my questions is, are your policies relevant or not? Secondly the historic environment is an asset, this is in policy DM27 and I quote "The historic environment is of great cultural, social, economic and environmental value". It contributes significantly to our quality of life and to the character of the village. It represents a non-renewable source which once lost is gone forever. Do you truly believe that these proposed buildings and concomitant infrastructure will preserve or enhance the very core of Bickleigh's conservation area? Your Core Strategy also states that previous experience within the district has shown that allocating market housing in the villages has not produced additional nor supported services or facilities and therefore does not help to deliver sustainable development. How can this application be sustainable and not harmful?

Mr Bill Croome speaking in relation to item 12 (Exeter Road) stated that he lived in Exeter Road and that over the past few years this part of Silverton village has come under pressure from over development. Permission has been granted for two rear garden developments, one was built out on a large scale. A third proposal is to come forward for a large house to the rear of the Three Tuns pub. As members will have seen from their recent site inspection a bungalow nearby has been replaced by a large two storey house. May I ask the planning officer if her reservations about the scaling and massing of the two houses proposed at number 19 remain unchanged in the light of the revised scheme which is on a site which is 10% smaller than a similar one in Newport Road and would she agree that the urban style of design will be out of character with the area?

Mr Nick Dyer speaking in relation to item number 11 on the agenda (Station Road, Newton St Cyres) stated that he had been a resident of Station Road for over 30 years. He had some questions regarding recommendation number 2 on the planning officers report, namely. The recommendation to approve a one way scheme in Station Road at its junction with the A377. If it is approved it would mean that the road would never be fully widened to allow two way traffic this is likely to be disastrous for road safety in the future and I have the following questions. The Committee originally approved condition 10 of the outline consent in October 2014 on the basis of plans produced to them on behalf of the applicant and the highway authority which showed the narrow section of Station Road being widened for two way traffic. The relevant part of the condition that it required highway improvement works, quote 'inclusive of and not limited to road widening'. Why is a managed one way scheme being recommended despite the wording of condition 10 when the

committee presumably anticipated on the basis of the plans submitted to them at the time that the road would be fully widened for two way traffic?

Secondly why was the proposal for a one way scheme slipped into a S106 agreement entered into in April this year, some 18 months after the original approval to grant consent without any previous public consultation or discussion when all the original objectors to the outline application had raised the Station Road issue as a major concern? Why even now was the proposal not expressly mentioned in the Council's circular letter to objectors advising them of this committee meeting leaving them to find it if they are sufficiently internet savvy in the planning report posted only last week? Why is a one way scheme being proposed when even the stage one road safety audit on behalf of the applicant recommends that the road is widened for two way traffic before the school is occupied and why does the officer report state that the safety audit had been misinterpreted by a local resident who I assume is me when I have set out in detail to the planning officer why the Council has misinterpreted it but I have received no reasoned rebuttal of the points I have made? Why does the officer report failed to mention the relevant parts of the safety audit in order to support the planning officers recommendation? I have a copy of the safety audit and also a copy of my comments on it as to why it does not recommend what the officer report states and I am happy to pass those over to anybody who is interested and indeed I have submitted a copy by email to the committee.

As I think he will be telling you later, it is known that the owner of the third party land which is required to permit widening for two way traffic has not been approached by or on behalf of the original applicant or the current developers except for an initial request, I think well over a year ago, to obtain two valuations as to the amount by which his property would be devalued if he disposed of the land. He obtained and provided those valuations but has heard nothing since from either the original applicant or the current developers. It is also know that the landowner is prepared to dispose of it for a reasonable price and does require anything like key ransom value as is claimed in the officers report. Why has the Council allowed itself to be misled by incorrect claims that the applicant or the developer have sought to enter into negotiations and an incorrect claim that the landowner has demanded key ransom value? Lastly why is there such haste to decide on recommendation 2 when a short delay would not put back start on the new school and that short delay would enable proper negotiations for the purpose of the land to take place?

#### **66 MINUTES OF THE PREVIOUS MEETING (00-30-18)**

The minutes of the meeting held on 3 August 2016 were approved as a correct record and signed by the Chairman.

#### **67 CHAIRMAN'S ANNOUNCEMENTS (00-31-12)**

The Chairman had the following announcements to make:

- She reported that Cllr Knowles was still in hospital following surgery and on behalf of the Committee conveyed her best wishes to him.
- Following decisions at Full Council (31 August 2016), some changes had been made to procedures followed by the Committee, the objector would now speak

before the applicant and Ward Members would be given 5 minutes to speak on Ward issues whether or not they were on the Planning Committee.

## 68 ENFORCEMENT LIST (00-33-05)

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

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

Arising thereon:

a) No. 1 in the Enforcement List (***Enforcement Case ENF/16/00131/AGTIE–Breach of Condition (f) of planning permission 88/1726/OUT which states: the occupation of the dwelling shall be limited to a person solely or mainly employed; or last employed in the locality in agriculture, as defined in Section 290(1) of the Town and Country Planning Act 1971 (including dependants of such person residing with him or her) or widow or widower of such a person - Nethercott, Brithem Bottom***).

The Area Planning Officer outlined the contents of the report stating that the issue to be discussed was non-compliance with an agricultural occupancy condition. An application had been received to amend the condition which had been refused on the grounds that no information had been provided to demonstrate that the property had been marketed for sale under the terms of the condition, in an appropriate way for an appropriate period of time or at an appropriate price. No substantive evidence had been provided to indicate that there was no need for an agricultural occupancy condition on the property.

The property owner stated that she had had some tenants who had complied with the agricultural occupancy but that she would like to rent the property out at a reasonable rent so she could keep the property for the family and wanted the agricultural tie lifted.

Consideration was given to the agricultural occupancy condition, the size of the dwelling and the evidence required to instigate the lifting of the condition.

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

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

Note: Mrs Emmet, property owner, spoke.

b) No. 2 in the Enforcement List (***Enforcement Case ENF/09/00048/LIS–without listed building consent the execution of works for the alteration (the works) to the listed building namely the removal of timber windows and doors in the facade and inserting uPVC windows and a door – 5 Dukes Cottages, Bow***).

The Area Planning Officer outlined the contents of the report highlighting the breach via a selection of photographs. He explained that the cottages had been listed in 1986 and that works to No 1 Dukes Cottages had taken place prior to the listing. The owners of No. 5 Dukes cottages had been requested to rectify the breach with regard to the windows and the door, but had not done so.

Consideration was given to whether the windows at the rear of the property were also uPVC and the steps required to rectify the breach.

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

(Proposed Cllr B A Moore and seconded by Cllr Mrs G Doe)

Note: Cllr Mrs H Bainbridge made a declaration in accordance with the Protocol of Good practice for Councillors dealing in planning matters as she had received a telephone call from the property owner.

#### 69 **DEFERRALS FROM THE PLANS LIST (00-53-57)**

The Chairman informed the meeting that Item 1 (Hayden End, Blackborough) on the Plans List had been deferred.

#### 70 **THE PLANS LIST (00-54-40)**

a) No 1 on the Plans List ***(16/00817/FULL – Construction of an all-weather riding arena at Land at NGR 311229 111913 (Hayden End) Blackborough)***

This item had been deferred as stated in Minute 69.

(b) No 2 on the Plans List ***(16/01007/FULL– Variation of Condition (7) of planning permission 00/01534/FULL to allow the holiday lodge to be used as a dwelling from September to April inclusive and remain as a holiday let at all other times - Gilberts Lodge, Morebath.***

The Area Planning Officer outlined the contents of the report and explained that it had been demonstrated that the property was not viable as a holiday cottage in the winter months and that the applicant had requested that the condition be varied to allow short term lets in the winter months and that it would return to holiday lodge for the summer.

Consideration was given to:

- Planning policy
- Whether enough evidence had been gathered to demonstrate the lack of viability for holiday use throughout the winter months.

**RESOLVED** that permission be granted to vary Condition 8 of planning permission 00/01534/FULL to allow the holiday lodge to be used as a dwelling from September to April inclusive and remain as a holiday let at all other times subject to conditions as recommended by the Head of Planning and Regeneration.

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

Notes:

- (i) Cllr B A Moore declared a Disclosable Pecuniary Interest as he was the applicant and left the meeting whilst a decision was taken;
- (ii) Cllr R L Stanley declared a personal interest as the applicant was a fellow Ward Member and close associate;
- (iii) Cllr Mrs H Bainbridge declared a personal interest as she owned holiday cottages;
- (iv) Cllr Mrs H Bainbridge requested that her vote against the decision be recorded;
- (v) Cllr F W Letch requested that his abstention from voting be recorded;
- (vi) The following late information was reported: Morebath Parish Council had considered the planning at its meeting yesterday evening, and their comments are: "Morebath Parish Council has no grounds for objection, however if the property was to be converted to a dwelling on a permanent basis, the Council would expect to see a new planning application for change of use, so as to not set a precedent for development creep."

(c) No 3 on the Plans List (***16/01090/FULL– Installation of 2 replacement windows with doors at Tiverton Library and Learning Centre, Phoenix House, Tiverton***)

The Head of Planning and Regeneration outlined the contents of the report stating that the application to remove windows and replace with doors would allow weekend access to the Library without the entire Council building being unlocked.

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

(Proposed by the Chairman)

Note: Cllr R L Stanley declared a personal interest as the Cabinet Member for Housing.

## 71 THE DELEGATED LIST (1-12-05)

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

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

## 72 MAJOR APPLICATIONS WITH NO DECISION (1-12-32)

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

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

## 73 APPEAL DECISIONS (1-14-22)

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.

## 74 APPLICATION 14/01332/MOUT - OUTLINE FOR A MIXED USE DEVELOPMENT COMPRISING OF A PRIMARY SCHOOL AND PRE-SCHOOL WITH ANCILLARY FACILITIES INCLUDING SPORTS PITCH AND PARKING AND TURNING AREA; ERECTION OF UP TO 25 DWELLINGS WITH PARKING AND OPEN SPACE AT LAND AT NGR 288080 0982230 - EAST OF STATION ROAD, NEWTON ST CYRES (1-15-39)

The Committee had before it a \* report of the Head of Planning and Regeneration regarding the above application. The Area Planning Officer outlined the contents of the report by way of explanation, highlighting the illustrative masterplan for the site and explaining the history to the site and the outline application determined by the Committee in 2014. Following consideration of the S106 agreement, the developers had requested that Condition 6 and 10 be amended changing pre commencement to pre-occupation.

He referred the Committee to the access issues to the site and the programme of works identified (highlighted in appendices A and B) and the original formation of a two way access to Station Road from the A377. The Road Safety Audit had however stated that a one way system would be appropriate. This would also allay problems with attaining a piece of land owned by an adjoining resident.

A representative from Devon County Council Highways Authority outlined the pre application discussions that had taken place regarding a priority scheme and the road safety audit stages that had taken place. He informed the meeting that there were concerns regarding a one way system but that it was not possible to impose a condition that required the purchase of 3<sup>rd</sup> party land.

The Area Planning Officer provided answers to questions posed in public question time:

- Why Appendix B was not included in the signed S106 agreement – ongoing work had taken place with the Highway Authority, there had been a need to discharge Condition 10, however the plan had not been discharged and that was why it was before the Committee today.
- The officer report ignored advice in the Road Safety Assessment process - Mr Sorenson had answered that, the issue was about road safety.
- The advice had been contrary to the Road Safety Audit – that was the Highway Authority view.



- The recommendation is being put to the meeting because the land had not been acquired – the update sheet clarified the situation with regard to advice from the Highway Authority, a detailed response set out in the report justified the recommendation.

Consideration was given to:

- Road safety and the issue of backing-up onto the A377 and the results of the road safety audit
- The preference of the Highway Authority
- Issues regarding the purchase of 3<sup>rd</sup> party land to progress a two way system
- The need for the developer and the 3<sup>rd</sup> party land owner to negotiate further
- Construction traffic entering the site

**RESOLVED** that

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

6. Neither the new school building and associated facilities nor the new housing shall be occupied until the following works have been completed:

- a) The access road has been laid out, kerbed, drained and constructed up to base course level for the first 20.00 metres back from its junction with the public highway
- b) The ironwork has been set to base course level and the visibility splays required by this permission laid out
- c) The footway on the public highway frontage required by this permission has been constructed up to base course level

10. Neither the new school building and associated facilities nor the new housing shall be occupied until the off-site highway works for the provision of a junction improvement scheme, at the junction of Station Road and the A377, inclusive of but not limited to road widening, Signing and lining, and the enhancement of pedestrian crossing facilities has been approved in writing by the Local planning Authority and has been constructed and made available for use.

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

**FURTHER RESOLVED** that

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



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

Notes:-

- (i) Mr Graham (Objector) spoke;
- (ii) Miss Smith (Agent) spoke;
- (iii) Mr Sorenson (Devon County Council Highway Authority) spoke;
- (iv) Cllr Mrs G Doe requested that her abstention from voting in (a) be recorded;
- (v) Cllrs Mrs H Bainbridge and Mrs F J Colthorpe requested that their vote against (b) be recorded;
- (vi) The following late information was provided: Two local residents have circulated a number of emails (via the Committee Clerk) regards this agenda item. Issues relating to highway safety and capacity are covered in the reports and the Highway Officer from Devon County Council will provide clarification at the meeting on Wednesday. This update note clarifies the issue of the process that has been followed by the parties regarding the acquisition of the land that would be necessary to complete a two passing system.

The owner of the land has stated that there has been no meaningful discussions regarding the acquisition of his land since the outline consent was granted back in 2015. Whilst it is not a condition of the planning permission for the LPA to oversee this process it would appear that, the landowner has stated in his email, t a baseline value of £20,000 has been established for the section of his garden that would be required. In addition the landowner has stated his Solicitor and Kingswood Homes (the developer) have been in contact with the landowner's solicitor setting out the basis for any negotiations. What is evident from the correspondence that has been provided to the Case Officer is that expectations of an appropriate land value exceed the baseline value as referred to above.

Members are however advised that on the basis of the advice provided by the Highway officer at Devon County the design of the junction improvements as shown on the drawing attached at appendix B to the report (a one way managed system), which has now been subject to a Stage 1 and 2 Road safety Audit, is considered acceptable in highway safety terms for existing and proposed users of the highway.

Finally to assist Members understand the operational context of the junction, based on TRICS data, the development in conjunction with existing traffic levels , would generate predicted peak hour traffic flows of no more than 2 cars per minute passing through the junction.

7<sup>th</sup> September 2016 –

One further objection has been received which raises concerns about both the recommendations covered in the report for reasons relating to highway safety concerns. It is considered that the junction improvements should include the additional land so that a two way system can be achieved.

Officer Response: The justification for the two recommendations are clearly set out in the report.

Page 86/87/91: amend the drafting of recommendation 1 and to the drafting of point 2.8 (which is to be read in conjunction with 2.7) as set out below. The drafting changes to the text as set out in the report as circulated are considered necessary to add clarity to the scope of control imposed by the revisions to conditions 6 and 10.

Page 86/87:

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

6. Neither the new school building and associated facilities nor the new housing shall be occupied until the following works have been completed:

- a) The access road has been laid out, kerbed, drained and constructed up to base course level for the first 20.00 metres back from its junction with the public highway
- b) The ironwork has been set to base course level and the visibility splays required by this permission laid out
- c) The footway on the public highway frontage required by this permission has been constructed up to base course level

10. Neither the new school building and associated facilities nor the new housing shall be occupied until the off-site highway works for the provision of a junction improvement scheme, at the junction of Station Road and the A377, inclusive of but not limited to road widening, Signing and lining, and the enhancement of pedestrian crossing facilities has been approved in writing by the Local planning Authority and has been constructed and made available for use.

Page 91:

2.8 Neither the new school building and associated facilities nor the new housing shall be occupied until the off-site highway works for the provision of a junction improvement scheme, at the junction of Station Road and the A377 as shown on drawing number 4058 rev D hereby approved have been constructed and made available for use.

(vii) \*Report previously circulated copy attached to minutes.

**75 APPLICATION 16/00180/FULL - ERECTION OF 2 DWELLINGS FOLLOWING DEMOLITION OF EXISTING DWELLING (REVISED SCHEME) AT 19 EXETER ROAD, SILVERTON (2-08-32)**

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

The Area Planning Officer answered questions posed in public question time:

- With regard to the visibility splay and the height of the bank - the Manual for Streets requires visibility up to 25 metres above a height of 600mm with no obstruction. The height of the hedge bank at 900 mm was acceptable as it was still below driver eye line. Part of the visibility splay was outside the control of the application in that it crossed the neighbouring property, but this was acceptable to the Highway Authority as at this point it crossed the neighbour's drive
- The scale and massing remained the same, the application had been considered on balance and would still sit in line with No 21 Exeter Road, there would be reasonable sized gardens and acceptable separation.

She outlined the contents of the report reminding the meeting of the site location plan, and providing photographs of the property to be demolished and the street scene; Members viewed the original plans and the revised drawings which would move the property back marginally and the amendment to the access which would allow a turning point, therefore removing the need to reverse onto the highway.

Consideration was given to:

- The revised plans that had been submitted
- The fact that some people had not been able to comment on the revised plans
- The policy for speaking to an implications report
- The consultation that had taken place
- Design issues and possible overdevelopment of the site

**RESOLVED** that the application be deferred to allow public speaking to take place at the next meeting in the interest of fairness.

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

Notes:

- (i) Cllrs Mrs H Bainbridge, Mrs C A Collis, Mrs F J Colthorpe, R J Dolley, P J Heal, F W Letch, B A Moore and R L Stanley made declarations in accordance with the protocol of good practice for Councillors dealing in planning matters as they had received correspondence regarding the application.
- (ii) Cllr Mrs J Roach spoke as Ward Member;
- (iii) A proposal to refuse the application was not supported;
- (iv) The following late information was reported: SILVERTON PARISH COUNCIL (6/9/16): the proposed development is too large, represents overdevelopment of the site, is overbearing and will dominate and change the appearance of Exeter Road. Concerns are also expressed relating to loss of Devon hedge bank and volume of traffic that will use the proposed access.

Resident (31/8/16): concern that the Conservation officer has misunderstood the revised proposal that the height of the hedgebank is ambiguously labelled

as 'below 900mm'. The revised drawings indicate that the visibility splay cuts across the neighbouring property – land beyond the applicants control.

Resident (26/8.16): comments of support withdrawn.

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

**76 APPLICATION 16/00465/OUT - OUTLINE FOR THE ERECTION OF 4 DWELLINGS (REVISED SCHEME) AT LAND AND BUILDINGS AT NGR 294162 107150 (SITE ADJACENT TO BICKLEIGH CHURCH), BICKLEIGH (2-53-00)**

The Committee had before it a \* report of the Head of Planning and Regeneration regarding the above application which had been deferred from the previous meeting so that a site visit could be made by the Planning Working Group.

The Principal Planning Officer and the Head of Planning and Regeneration provided responses to questions posed within public question time:

- The views of the residents had been taken into consideration; there had been opportunity for involvement in the application as there were 2 stages of consultation and at the previous committee meeting along with involvement in the site visit.
- The application had to be determined on the basis of national and local policy evidence and material consideration. A number of revisions had been made to the scheme in response to objections from the parish Council and local residents.
- The impact on the historic environment had been considered and 3 stakeholders including Historic England and the Conservation Officer had provided responses. None were recommending refusal, Mid Devon's Conservation Officer noted that only less than substantial harm arose. Devon County Council's archaeology team were satisfied that mitigation via the use of conditions was acceptable.
- With regard to the local heritage asset listing, the site was originally identified on the heritage asset list, this was subject to information coming from local parties, some of which agreed and some disagreed. The site was removed from the register and a letter sent on 16 November 2015 to that effect, having reassessed the issues against criteria for selection.
- The Conservation Officer had stated that more information was required to assess the impact – this was provided by the applicant and used to inform the assessment of impact to the historic environment.
- With regard to green space – the site was proposed as Local Green Space in the Local Plan Review – however the Local Plan Review had yet to be adopted and there were objections to the designation, it would now rest with the inspector at examination.
- With regard to the application being less damaging than the previous with regard to the historic environment - more information was available to enable a fuller assessment of the scheme's impact.
- With regard to relevant planning policies, consideration had to be given to the Uffculme appeal decision regarding land supply, in which the inspector concluded policies COR 3, COR 17 and COR 18 were not up to date. The Local Plan Review would rectify this.

- Reference to the Core Strategy and services and infrastructure, the 4 dwellings would not lead to an increase in services or facilities, however the level of facilities within the village was a consideration in reaching the recommendation to approve the scheme.

He continued by outlining the contents of the report by way of presentation, highlighting the site plan, the proposed elevations of the development, the proposed section drawings and photographs from various aspects of the site.

The representative from Devon County Council Highway Authority stated that with regard to the visibility splay, as the road was single track you could take the visibility from the centre of the carriageway. There were also a lot of brambles that could be removed which would aid visibility and result in less hedge removal.

Consideration was given to:

- The site visit that had taken place
- The possible negative impact on local wildlife
- The trees and general landscaping of the site
- The careful design work that had taken place
- Planning policy and the recent appeal decision
- The local infrastructure surrounding the site
- The condition and appearance of the site, its surroundings and the character of the village

**RESOLVED** that planning permission be granted subject to conditions as recommended by the Head of Planning and Regeneration with 2 additional conditions stating:

1.No development shall begin until a scheme for tree planting and tree management has been submitted to, and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the completion of the development and shall thereafter be permanently retained, managed and maintained in accordance with the approved scheme. New tree planting should be in accordance with the processes laid out in 'BS8545:2014 Trees: from nursery to independence in the landscape – Recommendations'.

2.No development shall begin until an Arboricultural Method Statement and Tree Protection Plan has been submitted to, and approved in writing by, the Local Planning Authority. The approved Arboricultural Method Statement and Tree Protection Plan shall be strictly adhered to before and during construction of the approved development.

Reasons:

1.To safeguard the character and appearance of the area in accordance with Policy DM2 of the Local Plan Part 3: Development Management Policies.

2.To ensure the development makes a positive contribution to the character and appearance of the area by protecting existing trees during development in accordance with policy DM2 of the Local Plan Part 3: Development Management Policies.

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

Notes:

- (i) Cllrs Mrs H Bainbridge, Mrs C A Collis, Mrs F J Colthorpe, R J Dolley, P J Heal, F W Letch, B A Moore and R L Stanley made declarations in accordance with the protocol of good practice for Councillors dealing in planning matters as they had received correspondence regarding the application;
- (ii) Cllr R J Dolley declared a personal interest as both sides were known to him;
- (iii) Mrs Hetherington spoke in objection to the scheme
- (iv) Ms Banks (Agent) spoke;
- (v) Cllr Harrison (Bickleigh Parish Council) spoke;
- (vi) Cllr R M Deed spoke as Ward Member;
- (vii) Cllrs B A Moore and R L Stanley requested that their vote against the decision be recorded;
- (viii) The following late information was reported: Supporting information submitted –

Arboricultural Input Assessment Plan Drawing Ref 04728-AIA.TPP-Aug2016 dated 3.8.16

Since the application was considered at the Planning Committee meeting of 3rd August, the application paperwork has been supplemented with additional information and assessment of the existing trees on site. The additional information includes an assessment of amenity value of the trees by the Council's Tree Officer and an Arboricultural Impact Assessment from the applicant's arboriculturist. The Council's tree officer assessment scoring confirms their initial view that the trees do not have significant enough amenity value to warrant protection by a Tree Preservation Order.

The Arboricultural Impact Assessment provides a more detailed evaluation of the existing trees on site than previously provided by the applicant. It confirms the tree grouping to the south of the development is of moderate quality though is reasonably visible in the local landscape. The assessment states that the loss of the tree group is unfortunate, but notes that the trees are not particularly well-formed, having grown at such close spacing; the trees within the group are aerodynamically dependant on each other having developed together from a young age and recommends phased removal and replacement tree planting. These proposals have already been taken into account in the consideration of the application. One further tree, located to the west of the tree group is noted of low quality and is also recommended for removal because of its poor structural



condition. The tree has significant bark inclusion and weak union between its two main stems. The removal of this tree is not noted in the committee report, being new information arising from the impact assessment. Given its poor condition, its loss is considered a minor impact and mitigation planting would ensure provision of a more suitable long-term replacement. The impact assessment recommends the imposition of conditions for the management and maintenance of the trees and the protection of existing trees during construction phases. The following conditions are therefore proposed to be added to any permission if granted in addition to those stipulated in the report:

1.No development shall begin until a scheme for tree planting and tree management has been submitted to, and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the completion of the development and shall thereafter be permanently retained, managed and maintained in accordance with the approved scheme. New tree planting should be in accordance with the processes laid out in 'BS8545:2014 Trees: from nursery to independence in the landscape – Recommendations'.

2.No development shall begin until an Arboricultural Method Statement and Tree Protection Plan has been submitted to, and approved in writing by, the Local Planning Authority. The approved Arboricultural Method Statement and Tree Protection Plan shall be strictly adhered to before and during construction of the approved development.

Reasons:

1.To safeguard the character and appearance of the area in accordance with Policy DM2 of the Local Plan Part 3: Development Management Policies.

2.To ensure the development makes a positive contribution to the character and appearance of the area by protecting existing trees during development in accordance with policy DM2 of the Local Plan Part 3: Development Management Policies.

In addition, it should be noted that the officer's report incorrectly states that Bickleigh Castle (grade I listed building and conservation area) lies 1.5km to the south west of the site. The distance has been re-measured and is approximately 600 metres. This is not considered to alter the conclusions in relation to the impact on the historic environment as the less than substantial harm identified is associated with change to views to and from the church. The church has also now been able to confirm the height of the tower, which is 18.2 metres from the centre crenellation to the ground. A spiral staircase leading to the tower roof is external to the tower and has its own conical roof which adds 0.7m to the overall height. The applicant has amended the cross sectional drawings using a height of 18.9m accordingly.

The planning committee working group also asked if further consideration could be given to reducing the size of the visibility splay and the associated loss of hedgerow. Subsequently the site was visited by the case officer and Devon County Council's highway officer. The latter confirmed that the



width of the splay was at the lowest level relative the local speed limit and could not be reduced further. However, the size of the splay was measured to determine the exact extent of the impact on the hedge. The highways officer estimated that the actual loss of hedgerow may be less than that identified on the plans, potentially being down to 5m on the south side of the proposed access (as opposed to approximately 10m). Bramble growth along the frontage of the hedgerow to the south of the proposed access artificially enlarges the depth of the hedgerow, with the bank set back relatively deep. Once the overgrowth is removed the bank is unlikely to be affected to the extent identified. To the north of the proposed access the boundary the splay overlaps with the existing access so the loss of hedgerow is about 6m from the edge of the proposed access – this will be lost as it is proposed as part of the footpath to the site. In total the loss of hedgerow is likely to be approximately 16-20m (having taken account of the loss from the proposed access road of 4.5m) – the range being dependent on the amount to be reduced on the south side;

(ix) \*Report previously circulated, copy attached to signed minutes.

**77 APPLICATION 16/00918/MOUT - OUTLINE FOR THE ERECTION OF 22 DWELLINGS AT LAND AT NGR 313224 113301 (WEST OF CONIGAR CLOSE), CULMSTOCK, HEMYOCK (3-48-00)**

The Committee had before it a report \* of the Head of Planning and Regeneration regarding the above application. The Area Planning Officer outlined the contents of the report highlighting the proposal for 14 market dwellings and 8 affordable homes. The proposed development was outside the settlement limit and she explained the policy issues with regard to the principles for development and the 5 year land supply issue. Members viewed a presentation which highlighted the proposed site layout, the extension to Griffin Close the retention of the trees and photographs from various aspects of the site.

Consideration was given to:

- The work taking place between the Community Land Trust and West of England Homes
- The application had been worked up over a period of time in response to local need
- The cascading process with regard to the affordable homes.

**RESOLVED** that planning permission be granted subject to:

The signing of a Section 106 agreement in respect of :

- a) The provision of 8 affordable dwellings on the site
- b) A financial contribution of £26,510 towards improvements to Higher and Lower Millhayes open spaces
- c) A financial contribution of £73,495 towards additional secondary education infrastructure and secondary education transport costs

Conditions as recommended by the Head of Planning and Regeneration with an amendment to Condition 14 to state: No development shall begin until a detailed permanent surface water drainage management plan has been submitted to and approved in writing by the Local Planning Authority, to include details of the gradients of the attenuation pond and long term management and maintenance plans for the SUDS scheme. The detailed permanent surface water drainage management plan shall be in accordance with the principles of sustainable drainage systems, and those set out in the submitted Flood Risk Assessment and Drainage Strategy Report (No. FRA01 Rev – dated May 2016).

And that negotiations take place on the allocation cascade agreement for the affordable homes

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

Notes:

- (i) Cllr R L Stanley declared a personal interest as Cabinet Member for Housing
- (ii) Cllr P J Heal declared a personal interest as Chairman of the Homes Policy Development Group;
- (iii) Mr Punnet spoke as a supporter of the scheme;
- (iv) Cllr F J Rosamond spoke as Ward Member;
- (v) The following late information was reported: 2<sup>nd</sup> September 2016 –

Hemyock Parish Council has noted that their comments on foul drainage have not been addressed in the officer's report. South West Water has a duty to accept connections into its system for new dwellings. SWW receives a list of all planning applications and comments only on those applications where it has concerns, for example it will object if it has concerns over the capacity of the sewage system to take additional foul drainage. SWW has not commented on this proposal and it is therefore accepted that the SWW has no issues with the additional foul drainage from this development.

6<sup>th</sup> September 2016 –

Additional response from Devon County Lead Local Flood Authority –

Following my previous correspondence (FRM/915/2016, dated 26th August 2016), the developer has contacted me in order to clarify the surface water drainage management proposals for this site, for which I am grateful.

The developer has confirmed that the design infiltration rate of  $3.89 \times 10^{-6}$  is a calculated value based on intrusive ground investigations as part of the Phase 1 development, which is acceptable.

The developer has also confirmed that the proposals to discharge the surface water runoff from the highway have been agreed with my colleagues in Highways, and that they are complemented by various highway drainage improvement works secured as part of the Phase 1 development, which is also acceptable.

I am therefore happy to confirm that my objection is withdrawn, and that if the Planning Case Officer is minded to grant permission in this instance, that the following pre-commencement planning condition is imposed:

□ No part of the development hereby permitted shall be commenced until a detailed permanent surface water drainage management plan is submitted to, and approved in writing by, the Local Planning Authority, with consultation with Devon County Council as the Lead Local Flood Authority. This detailed permanent surface water drainage management plan will be in accordance with the principles of sustainable drainage systems, and those set out in the Flood Risk Assessment and Drainage Strategy Report (Report No. FRA01, Rev. -, dated May 2016).

Reason: To ensure that surface water 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.

Officer comments:

Page 158 of the committee agenda refers to Members being updated with the final comments of the Lead Local Flood Authority. The response has now been received and they have confirmed that they confirm their objection is withdrawn and the drainage scheme is acceptable, subject to a condition relating to a detailed surface water drainage management plan being submitted.

Amended condition 14.

No development shall begin until a detailed permanent surface water drainage management plan has been submitted to and approved in writing by the Local Planning Authority, to include details of the gradients of the attenuation pond and long term management and maintenance plans for the SUDS scheme. The detailed permanent surface water drainage management plan shall be in accordance with the principles of sustainable drainage systems, and those set out in the submitted Flood Risk Assessment and Drainage Strategy Report (No. FRA01 Rev – dated May 2016).

7<sup>th</sup> September 2016

Housing and Enabling Officer –

Just to confirm that I'm happy with the mix of 4 AF Rents, 3 SO & 1 Starter home;

- (vi) \*Report previously circulated copy attached to signed minutes.

(The meeting ended at 6.50 pm)

**CHAIRMAN**



## PLANNING COMMITTEE AGENDA - 5th October 2016

### Applications of a non-delegated nature

- | <u>Item No.</u> | Description  |
|-----------------|--|
| 1.              | <p>16/00750/FULL - Variation of condition (2) of appeal decision APP/Y1138/A/14/2211282 relating to planning application 13/01170/FULL to allow the substitution of previously approved plans<br/>at Land at NGR 284927 114041 (Edgeworthy Farm), Nomansland, Devon.<br/><b>RECOMMENDATION</b><br/>Grant permission subject to conditions.</p> |
| 2.              | <p>16/00817/FULL - Construction of an all-weather riding arena at Land at NGR 311229 111913 (Hayden End), Blackborough, Devon.<br/><b>RECOMMENDATION</b><br/>Grant permission subject to conditions.</p>   |
| 3.              | <p>16/00922/FULL - Erection of a dwelling at The Three Tuns, Exeter Road, Silverton.<br/><b>RECOMMENDATION</b><br/>Subject to the provision of a Section 106 Agreement grant permission.</p>   |
| 4.              | <p>16/00964/FULL - Conversion of redundant stables to dwelling at Hackpen Stables, Blackborough, Devon.<br/><b>RECOMMENDATION</b><br/>Refuse permission.</p>   |
| 5.              | <p>16/01184/LBC - Listed Building Consent for internal and external alterations including relocation of the kitchen at 10 Briton Street, Bampton, Tiverton.<br/><b>RECOMMENDATION</b><br/>Grant Listed Building Consent subject to conditions.</p>   |

**Grid Ref:** 284714 : 114143

**Applicant:** Cranbrook Renewables Limited

**Location:** Land at NGR 284927 114041  
(Edgeworthy Farm) Nomansland  
Devon

**Proposal:** Variation of condition (2) of appeal  
decision APP/Y1138/A/14/2211282  
relating to planning application  
13/01170/FULL to allow the  
substitution of previously approved  
plans

**Date Valid:** 16th May 2016



## **Application No. 16/00750/FULL**

### **RECOMMENDATION**

Grant permission subject to conditions.

**This application is to be determined by the Planning Committee as the original application was determined by the Planning Committee in 2013.**

### **PROPOSED DEVELOPMENT**

This application seeks to vary condition 2 of appeal decision APP/Y1138/A/14/2211282 which relates to planning application 13/01170/FULL to allow the substitution of previously approved plans.

The above appeal granted planning permission with conditions in May 2014 for the construction and operation of a 200kW anaerobic digester with associated equipment and infrastructure at Edgeworthy Farm. Edgeworthy Farm is an existing dairy farm unit.

A concurrent Costs appeal was also granted with a full award of appeal costs to the appellant in that case. The approved anaerobic digester has not been installed on the site although some excavation works have commenced and a building has been erected on part of the application site. The planning permission granted for the installation of an anaerobic digester at Edgeworthy Farm is theoretically able to be implemented.

Since the development of the site for an anaerobic digester was granted on appeal in May 2014 permission has subsequently been approved (under application reference 15/01611/MFUL) for the erection of poultry units, biomass boiler unit, attenuation pond, access track, hardstanding, landscaping and associated infrastructure on land adjacent to the approved anaerobic digester, that also forms part of Edgeworthy Farm.

This application seeks to change the layout and appearance of the plant and equipment that together form the anaerobic digester. This has become necessary as the company that were supplying the plant/equipment approved on appeal are no longer in business. A table comparing the list of the approved plant/equipment/buildings and the proposed plant/equipment/buildings is included in the material considerations section of this report.

As this application is a Section 73 'variation of condition' application and the agent has only indicated a proposed change to condition 2, relating to the substitution of the approved plans with new plans, all information relating to the anaerobic digester that was considered as part of the original application and appeal is still relevant and as such is not required to be reconsidered or reassessed. This includes information such as the Transport Statement, Habitat survey report, flood risk assessment, environmental review. A supporting statement was submitted with regards to this current Section 73 application to vary the approved plans.

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

Information statement in support of Section 73 application.

Information linked to the original grant of planning permission: Transport statement, habitat survey report, flood risk assessment and environmental review.

### **PLANNING HISTORY**

11/01955/FULL Erection of two 20kW wind turbines mounted on 20 metre towers - PERMIT  
13/01170/FULL Erection of an anaerobic digester, associated equipment and infrastructure (APPEAL ALLOWED WITH CONDITIONS 23.5.14) - REFUSE  
14/02000/FULL Erection of an anaerobic digester, associated equipment and infrastructure (Revised Scheme) - WITHDRAWN



15/01611/MFUL Erection of 5 poultry units (5040 sq. m) and biomass boiler unit; formation of attenuation pond, access track, and hardstanding; landscaping; and associated infrastructure - PERMIT (on land to east of the anaerobic digester)

## **DEVELOPMENT PLAN POLICIES**

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

COR2 - Local Distinctiveness

COR5 - Climate Change

COR11 - Flooding

COR18 - Countryside

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

DM1 - Presumption in favour of sustainable development

DM2 - High quality design

DM5 - Renewable and low carbon energy

DM6 - Transport and air quality

DM7 - Pollution

DM22 - Agricultural development

## **CONSULTATIONS**

ENVIRONMENT AGENCY - 1st August 2016 - No objection to the proposed variation.

We have issued a Waste Management Licence for the site and the plant should be operated in accordance with this.

**WITHERIDGE PARISH COUNCIL** - 6th June 2016 -No objection subject to there being no adverse impacts over and above those associated with the previous application granted.

### **HIGHWAY AUTHORITY** - 7th June 2016

Observations:

The revised building and storage appear to be larger than previous which would lead to potential increase in feed stock and traffic generation. The applicant has not submitted details of the impact of the larger buildings or traffic generations.. The Highway Authority would seek a traffic statement indicating any variations to traffic generation and changes to feedstock sources, or justifications to show the new buildings will not generate additional traffic.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, IS LIKELY TO RECOMMEND REFUSAL OF PLANNING PERMISSION, IN THE ABSENCE OF FURTHER INFORMATION

1. Adequate information has not been submitted to satisfy the Local Planning Authority that the proposal is acceptable in terms of access, contrary to paragraph 32 of the National Planning Policy Framework contrary to paragraph 32 of the National Planning Policy Framework.

**CRUWYS MORCHARD PARISH COUNCIL** - 14th June 2016 - Cruwys Morchard Parish Council unanimously agreed to object to this application for the following reasons:-

1) The Parish Council originally supported the application as they considered it to be a small 'on farm' digester which was to be used to support the small farming business at Edgeworthy. The Planning Officer's original report stated that it had been considered as an on farm AD to process slurry from Edgeworthy Farm and not as a general waste facility. This application indicates that it could become much larger with the potential for further applications to increase its output which would be to the even greater detriment to the local area in particular regarding increased heavy goods traffic.

2) It has become apparent that the Greener for Life Group and the associated Companies such as the applicant in this case, Cranbrook Renewables Ltd. repeatedly submit applications to increase the size of the plant and associated infrastructure with piecemeal applications which once approved are difficult to control.

3) Construction of the plant has been commenced but the Enforcement Officer has stated that it is in breach, having not been built in accordance with approved plans. How will any further development be controlled for example the size of the tank is far larger than is necessary to produce the 326 kwe requested.

4. The Planning Officer recognised in August 2013 that the ground on which it was proposed to site the Digester had a low drainage potential. Pictorial Evidence from October 2015 and a statement from the Enforcement Officer in February 2016 confirm that the current excavations on the AD plant site area part filled with water. It is known that the water table in this area is high and we would question how drainage to support the proposed 5 metre depth of both the new Digester Tank and Digestate tank in this current submission will be achieved. We would suggest that consultation with the Environment Agency is essential regarding this.

5) The proposed gas flare appears to be next to the hedgerow bordering the unclassified, publically maintained road which could be unsafe.

The Appeal Decision to grant the approval of APP/Y1138/A/14/2211282 contained conditions which should be enforced and additional ones added to ensure that the plant cannot be increased in size by the addition of a second CHP and increased feedstock for example. There has already been an 11000 volt electricity cable laid between Edgeworthy Farm and Menchine and no explanation as to its use and thousands of tons of silage has recently been stored at Edgeworthy.

**NATURAL ENGLAND** - 2nd June 2016 - No comments.

**ENVIRONMENTAL HEALTH** - 6th June 2016 - Contaminated Land - N/A

Air Quality - N/A

Environmental Permitting - EA permit required

Drainage - No objections

Noise & other nuisances - No objections

Housing Standards - N/A

Licensing - No comments

Food Hygiene - N/A

Private Water Supplies - A PWS has been identified for this proposal address, and has been sampled and Risk Assessment carried out, therefore no further comment.

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

**TEMPLETON PARISH COUNCIL** - 14th June 2016 - Our Parish Council wish to request you Object to this Planning Application for the following reasons:-

- 1) The changes and amendments will facilitate a considerable potential increase in the energy production capacity of this AD.
- 2) If potential for additional power production is granted within this application how would Council prevent, given past experience and under present Planning and Conditions guidance, any future Appeal from Applicant to increase capacity being automatically approved. We feel it would be argued as unreasonable to prevent any commercial expansion of any business/industry whereby the Council had already approved the capability for such expansion. It seems apparent from information gathered from across the South West that GFL Group and Associated companies favour submitting confusing inaccurate information and data so as to misinform Local Planning Authorities as to the full impact and consequences of the Application submitted.

- 3) No commencement of the digestate pipeline from the AD to the specified lands as included in Condition 6 relating to the Approved Appeal Decision APP/Y1138/A/142211282. This even though the AD is already part completed (albeit not in accordance with the actual plans Approved) and appears to have an electrical connection to the operational Menchine AD.
- 4) Have Councillors considered the required sustainable acreage to safely dispose of digestate which is only a fertiliser and not a 'waste', when put on farm land and disposed of in accordance with Best Practice and NVZ regulations. It is a pollutant just like slurry if not disposed of properly.
- 5) This is relevant as the lands named in Condition 7 of the approved Appeal as being the only source of the specified/ approved feedstocks slurry, cow manure, grass and maize are being utilised at present to service other AD's.
- 6) Why has no Environmental permit been requested to run parallel with this Application (as per recommendation by Environment Agency)?

Although we request you to Refuse this Application should Councillors be minded to approve we ask that all the above comments and previous conditions of the Appeal Decision APP/Y1138/A/142211282 need inclusion within any Approval albeit with modification to facilitate the interpretation of Condition guidance.

Our reasons are for the benefit and clarity of Planning intent and purpose and to ensure unambiguous Operation of AD within the parameters of the Approved Appeal Decision as above, as well as to enable successful Enforcement should need arise.

We firmly believe that the above Conditions are necessary to ensure the future operations of this Application will be kept within the parameters of this Application and previous Appeal Approval Decision as above; whilst offering some protection to local residents amenities, and the wider Environment from potential pollution of water air and soil.

## REPRESENTATIONS

7 representations have been received, including a letter from the Campaign for Protection of Rural England (CPRE). The comments received have been summarised as follows:

1. The variation will give the applicant the means to increase capacity and production from the AD, to over double that considered by the Inspector;
2. No EIA was completed for the original application;
3. Need to assess cumulative effect of this proposal with the chicken farm and existing dairy herd;
4. Concern regarding increase in traffic from other development in the area;
5. Environment Agency consultation is required;
6. High water table makes digging deeper excavations difficult;
7. Concerns regarding capabilities and suitable farm land to accommodate both liquid and solid digestate;
8. Should have manure/digestate risk management;
9. No details of the 'lagoon' have been provided - unclear where this is/going to be proposed;
10. Potential to considerably increase the energy production capacity of the AD;
11. Concern regarding low drainage potential at site for digester and digestate tanks and standing waste in current partial excavations on site;
12. Concern about how electricity produced on site will be monitored as new electricity cable laid between Menchine Farm and Edgeworthy;
13. Need to ensure digestate main is provided;
14. Records relating to plants operation, including origin, destination, type and weight of vehicle load, content, gross and net weights and should be produced to LPA on quarterly basis as required at Menchine - to measure disruption to local amenity;
15. Concern that proposals will not be built in accordance with proposed plans;
16. Increased size of digester tank is bigger than needed to produce 200 KW from the AD and likely that a future application will be submitted to increase output, with associated increase in feedstock and transport requirements;

17. Digester tank should be smaller;
18. Silage has been stock piled at Edgeworthy.

Campaign to protect Rural England

1. CHP capacity should be limited;
2. Future application to increase output likely;
3. More digestate created to be disposed of;
4. Proposed digester could produce 330KW of electricity;
5. No bunding around digester and digestate tanks, a sufficient bund is required;
6. Digestate main needs to be provided;
7. Government is going to bring in feedstock restrictions under FITs scheme to minimise use of crops;
8. Suggested changes to conditions

**MATERIAL CONSIDERATIONS AND OBSERVATIONS**

The main considerations in the assessment of this application are:

1. **Changes to the design and layout of the anaerobic digester;**
2. **Visual impact;**
3. **Highways;**
4. **Drainage;**
5. **Any other issues**

**1. Changes to the design and layout of the anaerobic digester**

As stated above, this application seeks to replace the approved plans with amended plans submitted with this application. The red line of the application site remains as was approved. The equipment that together would form the Anaerobic Digester would all be within the red line. The changes to the plans relate to the layout and positioning of the plant and equipment within the red line of the application site that together form the anaerobic digester.

The changes to the size of the various pieces of equipment, plant and buildings required to form the anaerobic digester installation are included in a table below. From this table it becomes apparent that the most significant change to the proposed site layout relates to the size and appearance of the digester and digestate tanks. The excavation of the site required to accommodate the originally approved tanks has already been partially completed. The approved digester and digestate tanks measured 3m in height with 2m of the height of the tanks below ground level. These original tanks measured 43m long and 6.35m wide. They each had a capacity of 828.7m<sup>3</sup>. The proposed digester and digestate tanks are cylindrical and have a diameter of 14m and a height of 7m, with 5m of the height below ground level. Each proposed cylindrical tank has a volume capacity of 1077.58m<sup>3</sup>.

The proposed digester and digestate tanks would have a volume capacity approximately 30% greater than the approved tanks. Concern has been raised by members of the public and local Parish Councils regarding the additional capacity of the digester tank as it is perceived that this could encourage additional feedstock to be brought on to Edgeworthy Farm, which in turn could increase the number of traffic movements associated with the operation of the anaerobic digester. A number of conditions are proposed that would control the movements to and from the site, including a condition limiting the anaerobic digester capacity to 200kW. It is considered that the conditions imposed on the operation of the anaerobic digester will adequately control its operation. Further planning applications would be required should the operators of the AD wish to make further changes to the development.

Table 1 Approved plans equipment and S73 Plans Equipment

Approved Plans Equipment	S73 Plans Equipment
Two rectangular digester tanks of height above ground of 1m (with 2m below ground), length 43.5m,	1 Digester tank - 14m diameter x 7m height (5m below ground) <b>(2m above ground - higher by 1m</b>

width 6.35m and capacity 828.7m <sup>3</sup> . There would be 4m between the two tanks. One end of each of the digester tanks would have three gas collection domes.	<b>than approved.</b> 1 Digestate storage tank - 14m diameter x 7m height (5m below ground) <b>(2m above ground - higher by 1m than approved)</b>
A double membrane gas holder of height 5.8m, diameter 11m and capacity of 250m <sup>3</sup>	Gas dome - Diameter 11m x 5.8m height <b>Same</b>
A solids feeder of height 4.3m, length 5m, width 2.4m and capacity 16m <sup>3</sup>	Solids feeder - 2.8m height x 9.7m x 7m <b>(lower but wider)</b>
A process building of height 4.6m, length 6m and width 5m, housing the control panels for the anaerobic digester	Process building (and housing the CHP) - 4.7m height x 8m x 10.5m <b>(one building combining Process building and CHP)</b>
A Combined Heat and Power (CHP) unit 8m long, 6.1m high and 3m wide contained within an acoustic box.	CHP contained with Process Building above <b>(one building combining Process building and CHP)</b>
A separator and tower measuring 6m high, 5m long and 3m wide.	Separator - 6.1m x 2.7m x 2.8m height <b>(lower by 3.2m)</b>
A macerator and discharge pump measuring 2.8m long , 2.4m wide and 1.3m high	None
None	Pre-slurry buffer tank - 5.3m diameter x 5m height (3m below ground) (2m above ground)
None	Holding tank - 4m diameter x 3m height
None	Gas flare - 6m height
None	LV Panel - 2.8m height x 5.9m x 4.2m
None	Radiator - 2.7m x 2m x 1m height
None	CHP Radiator - 1m x 1m x 1.2m height

Each of the pieces of equipment are shown on the submitted plans. As stated above, although the individual elements of the AD are different to those originally approved, the area of land required for the AD remains the same.

In order to ensure the external appearance of the AD equipment is acceptable, a condition has been imposed to require these details to be agreed with the LPA prior to their installation on site.

Both individually and collectively, it is considered that the proposed equipment that is now proposed to form the AD installation, is acceptable. The design of the equipment and its layout reflects its purpose and function. The overall scale of the proposed development is not significantly different to the approved scheme. While certain elements of the equipment will be a different shape and appearance to the approved equipment it is not considered that there would be any additional impact as a result of these changes.

Table 1 lists the approved and proposed equipment. The provision of a gas flare is introduced by the proposed scheme. This has been relocated during the course of the consideration of the application so that it is away from the public footpath. Although the gas dome and digester/digestate tanks are a different shape and size the proposed appearance is more akin to the typical appearance of an AD installation.

A number of objections have been received regarding the capacity of the digester and digestate tanks. The proposed equipment would have an additional 30% capacity over and above that of the previously approved equipment. This is partially as a result of the design of the equipment but also stated by the Agent to be in accordance with guidance from the Environment Agency with regards to planning for more contingency storage.

As a condition is proposed that would limit the installed capacity of power output from the AD and conditions relating to the origin, type and number of vehicle movements to and from the AD plant are also proposed, it is considered that any concerns regarding the risk of additional traffic movements (that might have potential to be contrary to highways advice or the environmental amenity of nearby properties), can be controlled and regulated. It is not considered that the changes to the AD equipment will have any adverse impact on the residential amenity of any nearby residents.

Overall, as the baseline studies and information that were submitted with the approved AD scheme are stated to remain the same as was considered on appeal in 2013/2014, the only aspect of the approved scheme that is currently being considered is the change to the physical equipment that will be installed to form the AD. The proposed conditions are considered to provide relevant controls and restrictions with regards to the operation of the AD. This includes stating the installed capacity of the AD to be no greater than 200kW in accordance with the supporting information submitted with the 2013 application and considered by the Planning Inspectorate.

The principal of providing an anaerobic digester facility at Edgeworthy Farm has already been established. The proposed changes to the appearance and layout of the equipment that will form the AD are considered to be acceptable as they will not result in any additional impacts that were not considered under application 13/01170/MFUL. The proposed development is therefore in accordance with policy DM5 Local Plan Part 3 (Development Management Policies) which states that the benefits of renewable and low carbon - development will be weighed against its impact.

## **2. Visual Impact**

The Planning Inspector's report with regards to the approved scheme concludes that the AD would not have a detrimental impact on the visual amenity of the area.

The submitted plans indicate that the proposed equipment would be grouped together and close to existing farm buildings. The equipment would be lower than the existing farm buildings and therefore views of the AD installation would be very limited. Although the AD equipment would appear 'new', at first, over time the equipment would sit comfortably alongside the existing farm buildings and would not compete with the height or overall mass of the current farm buildings.

The supporting statement indicates that the key potential visual impact views would be from the unnamed road to the north of the site and from the track to the east of the site. Following a visit to the site, it is considered that this is a fair assessment with regards to the visual impact of the proposed development. It is considered that the proposed AD equipment would not result in any additional visual impact over an above the approved development. Elements of the equipment would have a very different appearance to the approved scheme, but this does not equate with the development being visually harmful.

Policy DM5 states that renewable energy proposals will be permitted where they do not have significant adverse impacts on the character, amenity and visual quality of the area. It was concluded by the Planning Inspectorate that the approved scheme would not have significant impacts on the visual quality of the area. Although the proposed equipment has a different appearance, the extent of the development in terms of the siting, height and position within the site is not so different to the approved scheme to result in the proposed equipment having significant adverse impacts on the amenity or visual quality of the area. In this regard the development is therefore in accordance with policy DM5. Additionally, it is considered that the proposed development demonstrates an understanding of the characteristics of the site and the surrounding area as well as integrating the AD equipment alongside the farm buildings. Neither will the visual changes to the appearance of the AD equipment have any adverse impacts of the residential amenity of any nearby residents. The proposal is therefore also in accordance with policy DM2 Local Plan Part 3 (Development

Management Policies).

### **3. Highways**

A Transport Statement was provided with the original application 13/01170/MFUL. The Agent has stated that the Transport Statement is the same for the current application and that the Section 73 application relates only to the AD equipment that is proposed to change. The Highway Authority have indicated that due to the potential additional capacity of the AD installation that a revised transport statement is required. As a condition is proposed to restrict the installed capacity of the AD installation to 200kW in line with the assessments of the Planning Inspectorate on the approved scheme, revised comments from the Highway Authority are expected and will be given as an update.

The capacity of the digester and digestate tanks is considered to be relevant as additional capacity could result in additional traffic movements to and from the site and this would need to be considered in detail to assess the capability of the local highway network to accommodate any additional traffic. This would require the submission of a revised Transport Assessment. The agent has stated that the type and number of traffic movements are not intended to change and therefore a revised Transport Statement has not been submitted. In order to ensure that the additional capacity of the digester and digestate tanks does not encourage additional traffic movements to and from the site, a condition has been imposed that restricts the power generation from the AD plant to 200kW. This reflects the size of AD installation that was assessed by the Planning Inspectorate during the previous appeal.

The advice from the Highway Authority will be updated prior to the Planning Committee meeting.

### **4. Drainage**

There is currently a fairly large excavation on the site that has been partially filled with standing water for a number of months. This situation has occurred as the drainage from the excavation has not been completed. A number of the representations received refer to inadequate drainage at the site and due to ground conditions the difficulty in adequately draining the site.

The partial excavation on the site represents the proposed location of the digester and digestate tanks. When installed the tanks would be 2m above ground level. The agent has confirmed that when the tanks are installed the excavation would be lined appropriately and the tanks will be bunded. The tanks will be encased in a thick impenetrable geomembrane and in between the lining and the tanks themselves a leak detection system would be installed. The system would be checked daily and linked to an out of hour's alarm.

Beyond the geomembrane a ground water drainage system is proposed. Any groundwater around the tank base would be transferred into a deep inspection chamber with a valved outfall. The level of groundwater would be checked daily and either be gravity fed into the land ditch on lower sides of the farm buildings or pumped away should the ditch be at capacity.

No below ground pipe work is proposed and therefore any potential leak would be collected by the dirty surface water drainage. If an emergency spill occurred on the site it is proposed that this would be directed into the existing slurry lagoon on the south side of the current farm buildings.

The submitted information also states that the site would be fully sealed to prevent any dirty water entering the ground and a separate drainage system would be installed to collect potentially contaminated water and recirculate it through the AD process. All clean roof water will be collected and piped off the site via a valved inspection chamber.

The Environment Agency are aware of the additional information that was received regarding drainage and bunding on the site. They have raised no objection to the current proposals. The application has demonstrated a process for managing any issues relating to the level of groundwater in the area as well as controlling and separating clean and dirty surface water. The process for managing an emergency spillage has also been identified as requiring the use of the existing slurry lagoon. The local planning authority have no information to suggest that the proposed processes to manage groundwater, surface water and a spillage in an emergency are unacceptable. Therefore the proposal is considered to be in accordance with policy

COR11 (Mid Devon Core Strategy) with regards to ensuring development does not increase the risk of flooding properties elsewhere and in accordance with policy DM2 Local Plan Part 3 (Development management Policies) as an appropriate drainage scheme has been submitted. Although the proposal for disposal of clean surface water may not represent a particularly sustainable drainage system, the reuse of dirty water into the AD process is considered to be sustainable.

On balance it is considered that the drainage and bunding solutions for the development are acceptable and in accordance with policy COR11 and policy DM2.

## 5. Other Issues

There are not considered to be any other issues to take into account in the assessment of this Section 73 application to change the details of the anaerobic digester equipment to be installed on the site.

## CONDITIONS

1. The development hereby permitted shall be begun before the 23rd May 2017.
2. The development hereby permitted shall be carried out in accordance with the following approved drawings: WIN01\_EDG4\_SP\_005 Site Plan; WIN01\_EDG4\_ELO\_005 Elevation overview; WIN01\_EDG4\_Elev\_NO\_004 North Elevation - Section A with existing buildings; WIN01\_EDG4\_Ele\_Nb\_006 -North Elevation - Section B; WIN01\_EDG4\_Elev\_E\_006 East elevation with existing buildings; WIN01\_EDGE4\_Elev\_Sa\_006 South elevation - Section A with existing buildings; WIN01\_EDE4\_Elev\_Sb\_006 South elevation - Section B with existing buildings; WIN01\_EDGE4\_Elev\_Sc\_006 South elevation - Section C with existing buildings; WIN01\_EDGE4\_Elev\_W\_006 West elevation - with existing buildings; WIN01\_EDG4\_SPOv\_004 Site plan overlay Proposed and Approved Developments; Fig 1 Overview of Digestate Main location - Mid Devon.
3. No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction shall be carried out in accordance with the approved Plan.
4. No development shall take place until a Transport Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include details of vehicle types and sizes to be used and methods to ensure that mud, manure and silage or other materials is not deposited on the public highway. The hereby permitted development shall only be operated in accordance with approved Plan.
5. The operator of the development hereby approved shall keep records to include the number of vehicles which enter or leave the site associated with the operation hereby approved. The records shall also include the size, type and load details, as well as the vehicles point of origin or destination. These records shall be made available to the local planning authority within 14 days of a request that they are to be inspected.
6. Notwithstanding the details on the approved drawings, the anaerobic digester hereby permitted shall not be brought into its intended use until:
  - A digestate pipeline has been laid and is operational;
  - Insofar as the pipeline is in the Mid Devon local planning authority area it has been installed in accordance with details that have previously been submitted to and approved in writing by the local planning authority;
  - Insofar as the pipeline is in the North Devon local planning authority area it has been installed in accordance with a planning permission for it;

The pipeline shall be retained and operated as such thereafter and it shall be the only means by which Digestate is transported to fields for spreading.



7. The feedstock for the anaerobic digester shall be slurry, manure, grass and arable crops only. The slurry and manure shall be that produced only at Edgeworthy Farm, Merrifield Hayes Farm and Pulsards Farm, Cruwys Morchard.
8. No development shall take place until details of the external finishes and colours of the building materials to be used shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include details of the final colour of the gas domes. Development shall be carried out in accordance with the approved details and it shall be retained as such thereafter.
9. There shall be no external lighting associated with the development hereby permitted unless in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority.
10. No development shall take place until details of existing ground levels and proposed floor levels shall be submitted to and approved in writing by the Local Planning Authority. The development hereby permitted have been carried out in accordance with the approved details.
11. No development shall take place until a sustainable drainage system for the management of surface water from the development, including a timetable for its provision, has been submitted to and approved in writing by the Local Planning Authority. The sustainable drainage system shall be completed in accordance with the approved details and timetable and it shall be retained and operated as such thereafter.
12. The development hereby permitted is for the erection of an Anaerobic Digester with an installed capacity of 200kW. The anaerobic digester shall be carried out in accordance with the approved plans.

## **REASONS FOR CONDITIONS**

1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of proper planning.
3. To minimise any impact of the proposal on the road network and to protect the amenity of nearby residents in accordance with the National Planning Policy Framework and policies DM2 and DM7 Local Plan Part 3 (Development Management Policies).
4. To minimise any impact of the proposal on the road network.
5. To minimise any impact of the proposal on the road network.
6. To minimise any impact of the proposal on the road network.
7. The application has been considered as an on-farm anaerobic digester to process slurry from Edgeworthy Farm and not as a general waste facility and consideration of the impacts on the environment, neighbouring residents and the road network has been made on this basis and in order to accord with Policies DM2, DM5 and DM22 of the Local Plan Part 3 (Development Management Policies).
8. To protect the character and appearance of the area in accordance with Policies COR2 of the Mid Devon Core Strategy (Local Plan Part 1) and DM2, DM5 and DM22 of the Local Plan Part 3 (Development Management Policies).
9. To protect the rural character of the area in accordance with Policies COR2 of the Mid Devon Core Strategy (Local Plan Part 1) and DM2 and DM5 Local Plan Part 3 (Development Management Policies).

10. For the avoidance of doubt and to protect the rural character of the area in accordance with Policies COR2 of the Mid Devon Core Strategy (Local Plan Part 1) and DM2 and DM5 Local Plan Part 3 (Development Management Policies).
11. To ensure adequate facilities are provided for the disposal of surface water from the development in accordance with Policy DM2 of Local Plan Part 3 (Development Management Policies).
12. For the avoidance of doubt, to minimise any impact on the highway network and to ensure the development operates in accordance with submitted details.

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

The proposal is considered to be acceptable as planning permission has previously been granted for the installation of an anaerobic digester on the site and this current application proposes to alter the layout and appearance of the equipment/plan required to form the Anaerobic Digester. Approval of this application would result in the Anaerobic Digester having a different appearance and a larger capacity digester tank than approved on appeal under application reference 13/01170/FULL. The digester will produce renewable electricity and process raw slurry and manure. A proportion of the resulting digestate will be pumped to nearby fields in order to reduce tanker movements on the road network. The proposed Anaerobic Digester is to be located adjacent to an existing farm unit and is considered to have an acceptable visual impact. The permission granted at appeal under reference 13/01170/MFUL is not able to be completed as the technology contractor is unable to provide the equipment. This has necessitated a change to the layout and appearance of the equipment to be used to form the Anaerobic Digester. It is not considered that the change of the site layout and appearance of the equipment will result in any material harm to the living conditions of neighbouring occupiers and, through the imposition of conditions, any environmental impacts relating to surface water drainage, biodiversity off-setting can be mitigated. The proposal is considered to comply with the relevant Policies: COR2, COR5, COR11 and COR18 of the Mid Devon Core Strategy (Local Plan Part 1) and Policies DM1, DM2, DM5, DM6, DM7 and DM22 of the Mid Devon Local Plan Part 3 (Development Management Policies).

**Application No. 16/00817/FULL**

**Plans List No. 2**

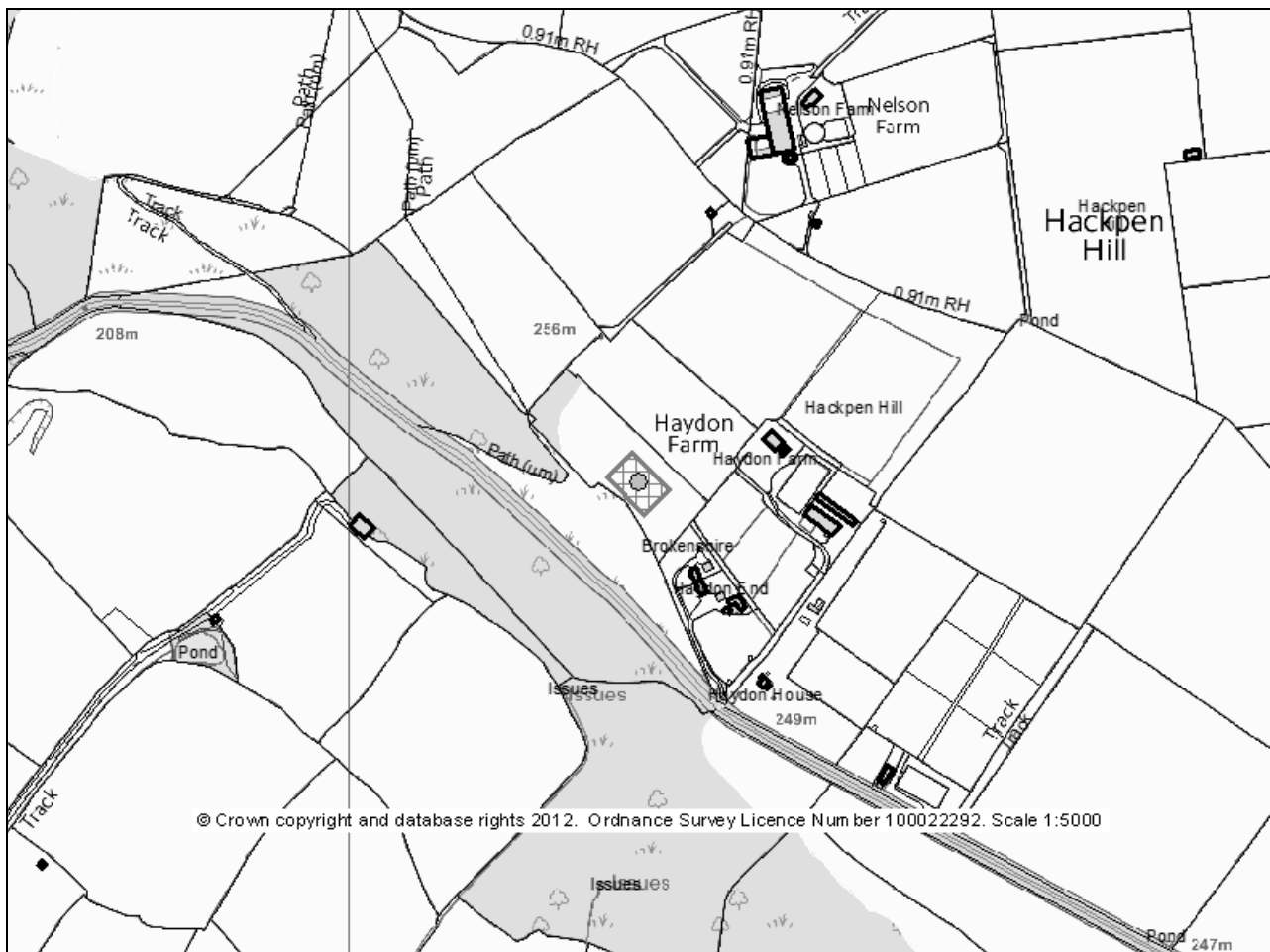
**Grid Ref:** 311230 : 111913

**Applicant:** Mrs F Bentley

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

**Proposal:** Construction of an all-  
weather riding arena

**Date Valid:** 23rd May 2016



**Application No. 16/00817/FULL**

**RECOMMENDATION**

Grant permission subject to conditions.

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

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

**PROPOSED DEVELOPMENT**

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

**APPLICANT'S SUPPORTING INFORMATION**

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

**PLANNING HISTORY**

None.

**DEVELOPMENT PLAN POLICIES**

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

COR2 - Local Distinctiveness  
COR18 - Countryside

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

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

**CONSULTATIONS**

**BLACKDOWN HILLS AONB PARTNERSHIP - 26th August 2016 -**

Thank you for seeking comments from the Blackdown Hill AONB on this application. I have noted recent revised plans, in particular the proposed landscaping. I would suggest reconsidering the beech hedge indicated: reinforcing existing boundaries with additional planting of locally native species will contribute more to conserving and enhancing the special qualities and local character of the AONB (and provide the intended visual screening), rather than an arbitrary length of hedge that has no relationship to the existing field pattern.

Overall in this case it looks as if the wider landscape and visual impact of the arena would be limited as a result of being located adjacent to properties and woodland on the plateau. Nevertheless, to maintain the

rural character and appearance of this part of the AONB the details of the scheme will be important and so, in addition to the above point about planting, we would wish to ensure that;

- o earth works are kept to a minimum apart from necessary levelling,
- o the fencing is restricted to simple post and rail and of natural timber finish,
- o the colour of the arena surface is a darker, natural tone,
- o there will be no lighting or additional structures, and
- o the use is restricted to personal use.

I hope these comments are helpful to your consideration of this application.

**UFFCULME PARISH COUNCIL - 9th June 2016**

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

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

**HISTORIC ENVIRONMENT SERVICE - 13th June 2016**

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

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

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

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

**Reason**

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

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

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

## UFFCULME PARISH COUNCIL - 13th September 2016 -

The Council's previously submitted response remains, no additional comments.

### REPRESENTATIONS

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

- o An enormous all weather arena placed next to the public footpath would have a significant detrimental visual impact for the footpath users and impact on wildlife.
- o Create an eyesore for footpath users and the neighbouring property
- o Concern uses of footpath would spook horses in the arena, fear of liability for this.
- o Loss of privacy for neighbouring property, overlooking as a result of the arena. Existing deciduous bank screening means there is an open view between the arena and the neighbouring properties private garden most of the year, resulting in a significant loss of privacy and a negative impact on quality of environment. Due to glazing on the property, those using the arena will see into the garden, living room, dining room and downstairs bedroom of the neighbouring property.
- o The proposed arena will generate a greater use of the back access track (vehicular and animals) increasing disturbance.
- o Unacceptable to plant Leyland cypress trees in the AONB to screen the arena, they would add to the eyesore from 2 Haydon End and from the public footpath adjacent to the field. This is not in keeping with the natural environment as they are not a native species and are known to cause problems between neighbours
- o There are numerous arenas in the area none of which are as large or in close proximity to a neighbours house or garden.
- o Object to a commercial sized area within close proximity of a neighbouring property. Need for an arena of this size is questioned.
- o Drainage concerns. The neighbouring property has had problems with excess water run off. Standing water in the corner of the field flowed onto the public footpath and onto the highway.
- o Issue with the water table levels and saturation of the neighbouring garden area, prohibiting the drains, septic tank and soak-away for the 2 Haydon End from functioning and rendering the house unusable. A processing plant and higher level soakaway has been installed next to the bank adjacent to the proposed arena site. Object to an arena sited in close proximity due to rainwater dispersed from the arena soakaway potentially saturating the neighbouring garden and soakaway with excess water, particularly as the garden is at a lower level than the arena site, with the land sloping towards the garden.
- o The arena could be relocated to the field south of the applicants house if a smaller arena was proposed but they state this isn't possible due to size, cost and visual impact in this area, this reasoning is invalid, this alternate location is preferable.
- o Concern over potential damage to the drainage system of the neighbouring property
- o Concern the arena may be covered in the future
- o Applicants currently use an arena within 100 metres of their property
- o Concern over use of floodlights
- o Concern over commercial use such as equestrian clinics
- o Object to the revised plan from the 11th of August
- o Object because the ground percolation test failed and stated the site is on a clay bed unsuitable for a soakaway.
- o The failed percolation test validates the objections, moving the arena makes no difference as the site slopes towards the neighbouring property and drainage system
- o Any disturbance or change to the sub surface will have a significant and negative impact on the neighbouring drainage system with high risk of system failure.
- o Rainwater is unable to effectively soakaway underground due to the clay bed
- o The water table is exceptionally high and the ground becomes saturated very quickly
- o Due to the field slope water drains underground through the subsoil into neighbouring garden at lowest point
- o Excess water would cause the neighbouring soakaway to become saturated causing sewage to back up, as happened earlier in the year. The engineers who installed the new system advised underground water from the field was the cause of the previous system failure.
- o The plans offer no detail of construction or drainage and reiterate concerns that rain water will drain south easterly into neighbouring garden at a faster rate.

- o Additional letters of support are a generic letter.
- o Within 200m there is an all weather arena within 10m of the road which poses no danger or distraction to drivers due to screening, the citing justification has no credibility.
- o Inaccurate incorrect and irrelevant information has been submitted.
- o Future weather patterns and the impact of this on surface water and sub surface water courses are unpredictable. We have experienced very wet conditions in 2012 and 2015, and may experience much wetter in the future.
- o The field is an unsuitable site. Action will be taken if neighbouring drainage system is disturbed or fails as a result of the decision.

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

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

## **MATERIAL CONSIDERATIONS AND OBSERVATIONS**

The main issues in the determination of this application are:

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

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

Policy COR2 of the Mid Devon Core Strategy (Local Plan Part 1) seeks to ensure high quality sustainable design which preserves and enhances the qualities of the natural landscape within Mid Devon, including protected landscape areas and the historic environment. In addition, Policy COR18 of the Mid Devon Core Strategy (Local Plan Part 1) seeks to control development outside defined settlement boundaries but permits appropriately scaled rural uses. More specifically, Policy DM23 of the Local Plan Part 3 (Development Management Policies) provides policy support for equestrian facilities where they are well integrated with their surroundings, being of an appropriate location, scale, design and material so as not to harm the character and landscape of the rural area or the amenity of nearby residents. In addition, equestrian development must not result in an unacceptable increase in traffic on the local highway network.

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

A number of letters of objection have been submitted in relation to the application concerning the size of the



proposed arena; in particular that it is a commercial size and the need for this is questioned. The applicants state the proposed arena is for personal use only and will limit their need to exercise their horses on the dangerous lanes surrounding the site which are subject to heavy traffic use. A planning condition is recommended to restrict any commercial use of the arena and to ensure that it is used for private domestic equestrian purposes only. This is considered sufficient to address concerns that the arena will not be used commercially. Additionally, although the size of the arena is relatively large, it is not uncommon to have an arena of this size, or indeed much larger for training, particularly for training large horses. The standard 20x40 metre arena is the smallest size of arena used for equestrian purposes. It is often desirable to have a larger arena and in this instance it is considered the proposed arena is of an appropriate scale for its purpose in accordance with this element of policy DM23.

The other policy tests contained in DM23 are considered in detail in the sections below.

## **2. Impact on the privacy of the neighbouring property**

Policy DM23 requires that equestrian facilities are designed so as not to harm the amenity of nearby residents. A number of objections have been received in relation to this application concerning the loss of privacy to the neighbouring property, along with concerns about site drainage detrimentally impacting upon the neighbouring properties drainage system.

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

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

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

In addition, on the boundary between the properties there is a planted bank, this provides a very good level of screening at present during the summer months, but due to the deciduous nature of the trees the level of screening decreases during the winter. In order to mitigate this it is proposed to plant the bank with mixed native species to infill the existing gaps. This planting will comprise of 9 Holly, 14 Beech and 8 Hawthorn, totalling 31 plants. This additional planting will provide increased visual screening between the properties, particularly during the winter months particularly as Holly is evergreen. As a further screen, the south eastern boundary of the arena will be planted with a Beech hedge screen which will retain its leaves during the winter months. This will be a single row of 600 centres planted with 300mm sets. The screening proposed and the separation distance between the properties is considered to adequately mitigate any impact on the privacy of the occupiers of 2 Haydon End.

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

When considering the amenity of the neighbouring property, concern has been raised about the proposed drainage and its adequacy, in particular this is due to the problems experienced by the occupiers of 2 Haydon End, who state they have had issues with drainage and the functioning of their septic tank and soakaway, which last year rendered their house unusable. It is submitted that these issues were due to the high water table in this area, and as a result a new higher level soakaway has been installed in the garden

area of number 2 next to the bank adjacent to the site of the arena. The objections raise concerns about increased water runoff as a result of the arena and the impact this could have on the new soakaway system serving number 2.

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

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

An independent flood risk assessment prepared by Stuart Michael Associates Consulting Engineers has been submitted. In summary this report states that:

- The arena will not generate increased runoff or increase flood risk.
- Any rain falling on the arena will infiltrate through the permeable surface of the arenas construction and through to the impermeable clay layer where it will flow along the top of the clay and dissipate into the surrounding soil, or if the soil is saturated will continue downhill towards the southwest boundary of the field.
- It is recommended that the arena base is laid so that it falls in a north to south direction to mimic the existing situation.
- The plateau formed by the arena and its permeable sub surface will have a small attenuation effect on the flow of water through the arena construction.
- The report confirms there would be no increase in flood risk in extreme events.
- Overall the report concludes the flood risk will be managed acceptably and the proposed arena should not increase flood risk elsewhere.

An additional drainage plan has been received to reflect the recommendations of the drainage report, the base of the arena will be laid so that it falls in a north to south direction. The drainage proposal has also been considered by Steve Densham (Development Services Manager) who raises no concerns to the proposal.

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

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

The proposed arena will require some ground levelling works, however this location has been chosen due to

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

The proposed arena is in a well screened location by virtue of the mature trees and hedgebank surrounding the site. The letters of objection raise concerns that the Uffculme Footpath 29 runs adjacent to the sites south west boundary on the other side of the hedgebank, and that the arena would negatively impact upon this. However due to the significant screening views from the footpath are limited. The objection letters raise further concerns about flood lights and future covering of the arena, it is not appropriate or relevant to consider speculative future application to cover the arena in the determination of this application. In relation to floodlights, a condition is recommended to ensure no lighting is installed unless approved by the Local Planning Authority; in general, arena flood lighting is not considered appropriate in the AONB, in order to protect the landscape and dark skies of the AONB.

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

A consultation response has been received by the AONB Partnership. Their response suggests the removal of the beech hedge and only reinforcing existing boundaries with planting of native species; they consider that this will contribute more to conserving and enhancing the special qualities of the AONB, as the new hedge has no relationship to the existing field pattern. However, it has been stated that the Beech hedge could be kept if agreed as screening with neighbours and applicants, but the benefits of this are considered limited. The AONB Partnership has further stated that there are limited wider visual impacts; that earth works should be kept to a minimum apart from necessary levelling; fencing should be restricted to simple post and rail timber fencing with a natural finish; the arena colour should be a darker natural tone; there should be no lighting or additional structures; and that the use should be restricted to personal use.

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

## **CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority. The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.
4. The arena hereby approved shall be used for private domestic equestrian purposes only, in association with the property currently known as Hayden End, Blackborough, EX15 2HX and shall not be sold, let or otherwise used for any commercial use. On becoming redundant for such purposes, the all-weather arena shall be removed, and all materials resulting from the removal shall be removed

from the site within 3 years.

5. No external lighting shall be installed on the site unless details have been previously submitted to and approved in writing by the Local Planning Authority.
6. Within the first planting season following the date of this decision notice and by 31st March 2017, the hedge planting shown on the proposed landscaping plan numbered GH/Bentley/03 Rev B and received by the Local Planning Authority on the 16th of August 2016 shall be provided and be so retained thereafter. Any trees or plants which, within a period of 5 years from substantial completion of the development, die are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.
7. The arena hereby approved shall be constructed only in accordance with the approved drainage plan titled Drawing reference GH/Bentley/04 Rev B and received by the Local Planning Authority on the 6th of September 2016, and shall be retained and maintained in accordance with the approved drainage details thereafter.

### **REASONS FOR CONDITIONS**

1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of proper planning.
3. To ensure, in accordance with paragraph 141 of the National Planning Policy Framework (2012) and the supporting text in paragraph 5.3 of the Mid Devon Local Plan Part 3: (Development Management Policies) Policy DM27 (2013), that an appropriate record is made of archaeological evidence that may be affected by the development.
4. To restrict the traffic generation caused by this site in the open countryside.
5. In order to protect the landscape and dark sky qualities of the Area of Outstanding Natural Beauty in accordance with Policy DM29 of the Mid Devon Local Plan Part 3 (Development Management Policies).
6. To ensure the development does not result in an unacceptably adverse impact on the privacy and amenity of the occupiers of the neighbouring property and to ensure the development makes a positive contribution to the rural character of the area in accordance with policies DM2 and DM22 of the Mid Devon Local Plan Part 3 (Development Management Policies).
7. To ensure surface water is adequately managed to protect the amenity of the neighbouring property, in accordance with Policy COR11 of the Mid Devon Core Strategy (Local Plan Part 1) and Policies DM2 and DM23 of the Local Plan Part 3 (Development Management Policies).

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

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

Application No. 16/00922/FULL

Plans List No. 3

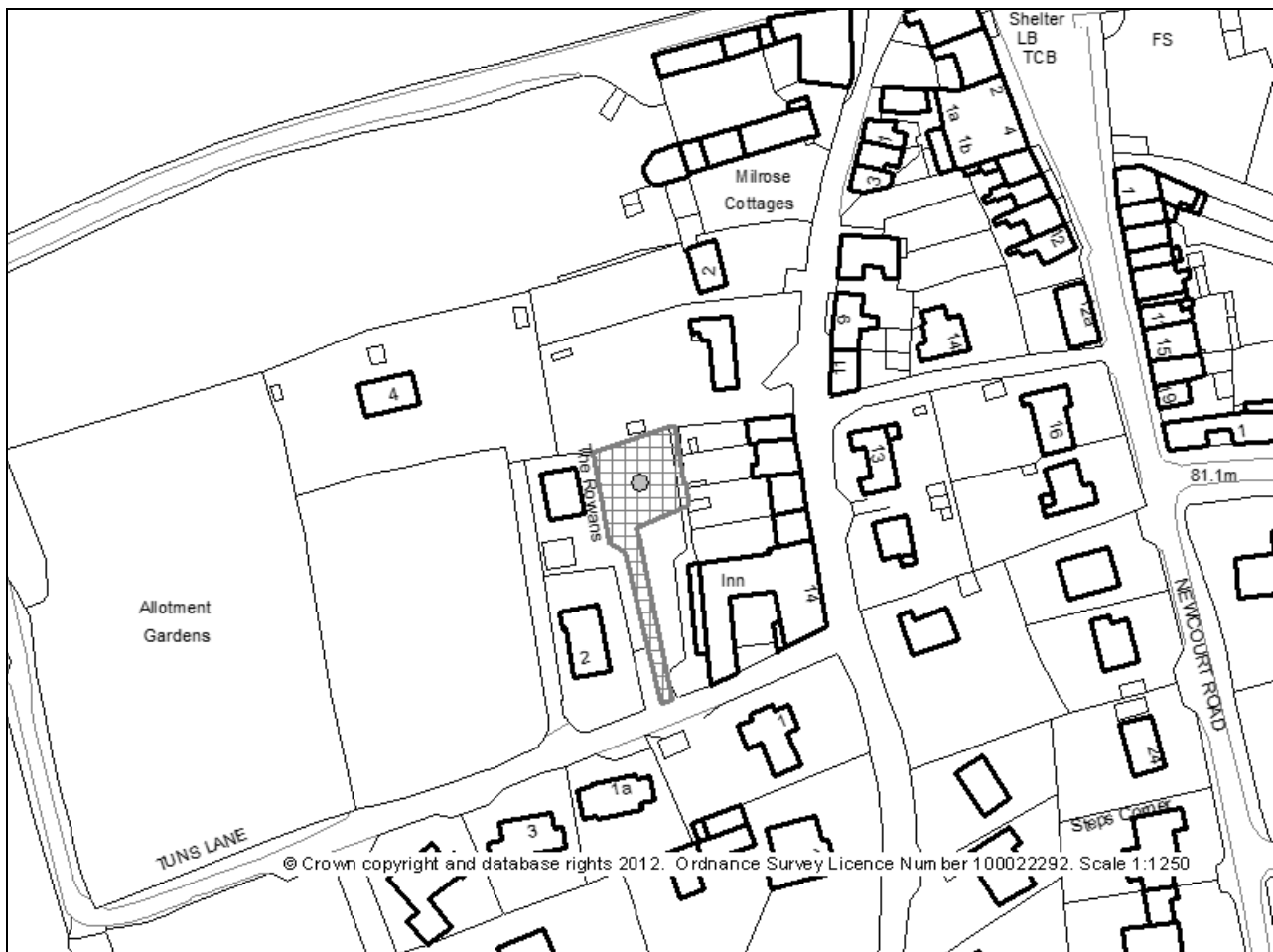
Grid Ref: 295502 : 102734

Applicant: Mr B Kilworth

Location: The Three Tuns  
Exeter Road Silverton  
Exeter

Proposal: Erection of a dwelling

Date Valid: 23rd June 2016



## **Application No. 16/00922/FULL**

### **RECOMMENDATION**

Subject to the provision of a Section 106 Agreement grant permission.

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

To consider if the proposal is unacceptable development in terms of its size, detrimental impact on neighbouring properties, overdevelopment of the site, and a loss of parking spaces for The Three Tuns.

### **PROPOSED DEVELOPMENT**

The application seeks permission for the erection of a two storey, 4 bedroom dwelling within the northern part of the car park that is currently associated with the Three Tuns public house in Silverton. The dwelling is proposed to have painted render walls (with some timber boarding), a slate roof, and either timber or aluminium fenestration. There is one first floor opening the eastern elevation (gable end), however this is for a bathroom and will be obscure glazed. There are no other openings proposed on the gable ends. The proposal includes the provision of two parking spaces specifically allocated for the dwelling. Following provision of the dwelling there would be approximately 12 parking spaces associated with the public house. The previously approved scheme on this site retained 18 parking spaces.

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

None

### **PLANNING HISTORY**

82/01322/FULL Erection of kitchen extension - PERMIT

84/01592/OUT Outline for the erection of a dwelling - REFUSE

87/02192/FULL Alterations to existing skittle alley to provide hotel accommodation and erection of single storey dwelling - PERMIT

91/00565/FULL Completion of previously approved staff accommodation dwelling and use for general residential purposes with provision of independent vehicular access - REFUSE

01/02020/FULL Erection of dwelling and alterations to access - PERMIT

14/00150/LBC Listed Building Consent for works within existing dining room and bedroom to provide additional letting rooms - PERMIT

14/01943/FULL Erection of dwelling - PERMIT

16/00156/FULL Erection of 3 dwellings and boundary wall following removal of block of five letting rooms, storage buildings and boundary wall - WITHDRAWN

16/00160/LBC Listed Building Consent for erection of 3 dwellings and boundary wall following removal of block of five letting rooms, storage buildings and boundary wall - WITHDRAWN

### **DEVELOPMENT PLAN POLICIES**

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

COR1 - Sustainable Communities

COR2 - Local Distinctiveness

COR17 - Villages

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

DM2 - High quality design

DM8 - Parking

DM14 - Design of housing

DM15 - Dwelling sizes

DM27 - Development affecting heritage assets

### **CONSULTATIONS**

**HIGHWAY AUTHORITY** - 6th September 2016 - With current consents it would be sufficient parking for the Pub, will need to review if application for conversions comes back in.

31st August 2016 - If there is to be no conversion of the buildings I would say I would probably accept, the number you have would be 11 for the pub and 1 for holiday let. If the pub owner is to convert he would be advised to do the pub as well. I would prefer to see the access further to the south, but that would necessitate the garage being pushed back so its entrance is at ridge line.

**SILVERTON PARISH COUNCIL** - 6th July 2016 - Having commented on the inadequacy of the plans available to view on line the Parish Council does, however, feel the application is an overdevelopment of the site and does not support the application.

**HISTORIC ENVIRONMENT SERVICE** - 12th July 2016 - The consent granted for a previous application for the development of this site was conditional upon a programme of archaeological work being undertaken - Condition 3 on application 14/01943/FULL.

I would therefore advise that any consent granted for this new planning application should also be conditional upon the same worded archaeological condition, namely:

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

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

Reason

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

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

## REPRESENTATIONS

3 letters of objection have been received. The objections have been summarised and raise the following concerns:

- o The plans ignore a 1 metre right of way for properties within Exeter Road
- o The window in the east facing wall should be frosted glass
- o The proposal will be overbearing and cause a loss of light
- o The proposal would dominate the surrounding area
- o Windows within the gable ends would create a loss of privacy
- o The outlook from neighbouring dwellings will be negatively impacted
- o The proposal will result in a loss of parking to the pub

## MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main material considerations in respect of this proposal are:

- 1) **Impact on the conservation area and visual impacts**
- 2) **Design**
- 3) **Impact on residential amenity**
- 4) **Parking and access**
- 5) **Other**

### 1) **Impact on the conservation area and visual impact**

The proposal is for the erection of a two storey, 4 bedroom detached dwelling within part of the car park of the Three Tuns public house. The public house is a listed building and is within the Silverton Conservation Area. The public house car park and the site of the proposed dwelling are outside the Conservation Area but adjacent to it. There are views toward the site from the Conservation Area.

The dwelling is proposed to have an external appearance of render with a slate roof and aluminium windows. Conditions have been suggested that require a sample of the slate to be submitted as well as details of the render finish and the working details of the doors and windows (as well as details of the recess of the windows).

An application for a similar, albeit smaller scheme was previously approved on the site. In the previous application the conservation officer noted:

"The car park is a rather bleak area at the moment and contributes negatively to the conservation area. The car park is big enough to amply fulfil the needs of the pub and therefore I do not think that this will jeopardise the viability of the pub.

The design of the house, its size, massing, height etc. are all reasonable give the context and neighbouring properties. There are some echoes of vernacular housing nearby and therefore it will not be an alien intrusion. Silverton has a huge range of house styles and therefore I think that this will fit in reasonably well. The conservation area will be either preserved or enhanced by the proposal with no harm being caused to heritage assets, and therefore I feel that the ethos of the NPPF and the Local Plan part 3 policies are fulfilled.

Recommend consent is granted subject to timber windows (not either / or as suggested in application)." The conservation officer was re-consulted as part of this revised scheme, and noted the changes in the scheme did not cause concern, and therefore no objections were raised.

As indicated by the conservation officer, the design of the house, including its size, massing and height are all reasonable within the context of the site and the surrounding residential properties. As Silverton has a wide range of housing styles and appearances the proposed dwelling is considered to fit in well as it has a fairly traditional appearance.

It is considered that the conservation area will be preserved by the proposal and it will cause no harm to surrounding heritage assets including nearby listed buildings and the Conservation Area. The proposal is therefore considered to be in accordance with policy DM27 LP3 and the NPPF.



## **2) Design**

As previously noted, the design of the proposal is not considered to cause harm to the character and appearance of the surrounding area. The proposed dwelling affords adequate levels of sunlight and private amenity space to the dwelling. The proposal has adequate parking (as discussed later), and the design and appearance of the proposal is acceptable when considering it against the range and style of the surrounding properties.

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

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

## **3) Impact on residential amenity**

Policies DM2 and DM14 require that new dwellings do not have an unacceptably adverse effect on the privacy or amenity of the proposed or neighbouring properties and uses. The proposed dwelling would be west of existing dwellings in Exeter Road (built at the lower ground level associated with Exeter Road) and east of a detached modern dwelling called The Rowans which is built on a similar (possibly slightly higher) ground level as the proposed dwelling.

Objections have been received from the occupiers of the nearest residential dwellings to the east and west, none received from the dwelling to the north. The dwelling to the north has a lapsed planning permission for the erection of a dwelling in the garden, and a live/undecided planning application for the erection of a new dwelling in the rear garden, which is currently being considered by the LPA.

The dwelling would be gable end/side on to the rear of dwellings to the west in Exeter Road and approximately 16m from the rear of the two nearest properties 6 and 8 Exeter Road. At this distance, although the dwelling may cast some shadow over the eastern end of these gardens toward the end of a sunny day, it is not considered that the dwelling would have an overbearing impact on these dwellings. There is no unobscured first floor gable end/side windows proposed on the east elevation of the dwelling which would ensure no loss of privacy for the occupiers of these properties. The dwelling is therefore considered to be in accordance with the requirements of policies DM2 and DM14 LP3.

Numbers 10 and 12 Exeter Road are listed dwellings and although there would be some views from the rear of these properties toward the new dwelling it is not considered that the proposed dwelling would have an adverse impact either on the privacy or amenity of these properties or on their setting in accordance with policies DM2, DM14 and DM27 LP3.

The Rowans is to the west of the application site and faces toward the proposed dwelling. In order to prevent any loss of privacy to the occupiers of this property there are no windows proposed in the first floor of the western gable end. There are patio doors proposed at ground floor giving access from the new dwelling on to a patio area, however, due to the existence of a fairly tall boundary fence between the Rowans and the proposed dwelling the use of the patio doors and patio will not result in any overlooking or loss of privacy to the occupiers of The Rowans. While the proposed dwelling will be visible from the front elevation dormer windows of The Rowans and there would be a view of the upper parts of the western gable end from the downstairs windows of The Rowans, as the dwelling would be approximately 10 metres from this property it is not considered that it would have a significant detrimental impact on the amenity of the occupiers of The Rowans in accordance with policies DM2 and DM14 LP3.

There are first floor windows which overlook the garden of 4 Exeter Road. While there is some vegetation on the northern boundary of the site which would assist in reducing how visible the proposed dwelling would

be from 4 Exeter Road it is neither high enough or thick enough to form a visual screen and prevent overlooking. 4 Exeter Road did benefit from planning permission for the erection of a dwelling within the rear garden; however, this has now lapsed without development commencing. An application has been submitted for a new dwelling in the rear garden of 4 Exeter Road, however, this is yet to be decided by the LPA. The LPA have considered a loss of privacy on the rear garden of 4 Exeter Road, and have not speculated on a potential loss of privacy on any dwelling which may be approved in this area in the future.

In this case the rear garden of 4 Exeter Road is sufficiently large and private areas within the garden will remain. Considering this, the two bedroom windows that will cause overlooking to the existing garden of 4 Exeter road are it are not considered to cause significant harm to the living conditions of the occupants and is therefore acceptable.

Permitted development rights are proposed to be removed by condition for any new first floor windows in the west, east and north elevations of the proposed dwelling to protect the privacy of the occupiers of surrounding properties.

#### **4) Parking and access**

The application proposes to use the northernmost part of the existing car park to the rear of the public house as the site for the new dwelling. The site area is approximately 187 square metres and this includes the footprint of the dwelling, the garden and patio as well as two parking spaces and access to the spaces. The site would be segregated from the remainder of the car park by a hedgerow and dwarf wall.

The car parking space within the existing car park is not set out into formal spaces although it is estimated that 12 parking spaces will be retained. Within the previously application, parking was discussed and it was noted 18 spaces would be required for retention, 5 for the letting rooms and 13 spaces for the public house.

As this proposal results in a clear loss of parking, advice for Devon County Council highways was sought. Highways raised no objection to the proposal. As Devon County Council do not consider 12 parking spaces as inadequate, the LPA raise no objection to the loss of parking.

It is understood that deliveries to the public house are taken in Exeter Road rather than from the car park to the rear and the Highways Authority have not raised any specific concerns regarding this approach. While there would be parking and turning for cars and smaller vehicles within the car park, it would not be suitable for the turning of delivery lorries.

The car park is accessed from Three Tuns Lane, which in turn is accessed from Exeter Road. Three Tuns Lane is fairly narrow in places and it would not be a suitable access road to serve significant additional development. However, it already serves a number of dwellings and it is not considered that the traffic associated with one additional dwelling would have a significant adverse impact on the local highway network.

The access into the car park is also used by the residents of an off site dwelling called The Rowans. This access arrangement would not be affected as a result of the erection of one additional dwelling. The new dwelling would have access through the centre of the car park and into the dwelling site (and allocated spaces) at the northern end.

The quantity of parking allocated for the dwelling and remaining for the public house is considered to be acceptable and in accordance with the requirements of policy DM8 LP3 and the provision of a new dwelling will not have any long term adverse effects on the access and parking associated with The Rowans and will provide sufficient access for the dwelling in accordance with the requirements of policy DM2 LP3.

## 5) Drainage, ecology, private right of way etc.

### Drainage

The proposed dwelling would be connected to the mains sewer and this connection would be used for both foul and surface water drainage.

### Ecology

The site is part of a tarmacked car park. The removal of the tarmac to form the site of a dwelling will not have any adverse impact on biodiversity and the bank/trees/hedgerow on the northern boundary of the site is proposed to be retained.

### Private right of way

Concern has been raised by the occupiers of 6-12 Exeter Road that a private right of way through the car park to the rear of their properties has been blocked off by the previous owner of the public house and not re-opened by the current owner of the public house. Issues regarding private rights of way are not planning considerations and are a civil matter. Personal legal assistance would need to be sought in order to address and private rights of way issues, the planning system is not able to address such issues.

## CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority. The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.
4. Prior to their use of the site samples of slate and details of the render to be used for all the external surfaces of the building shall be submitted to, and approved in writing by, the Local Planning Authority. Such approved materials shall be so used and retained.
5. Prior to their use on site working details of the new external doors/door frames/windows, including sections, mouldings and profiles, finishes and glazing shall be submitted to, and approved in writing by, the Local Planning Authority. Installation of the doors/doorframes/windows shall be in accordance with these approved details, and be so retained.
6. The external doors, door frames and windows hereby approved shall be recessed into the walls in accordance with details to be submitted to and approved in writing by the Local Planning Authority. These works shall be carried out in accordance with the approved details and be so retained.
7. Before the development hereby permitted is first brought into its permitted use, the first floor windows in the east elevation shall be non-opening, glazed with translucent glass, and be so retained.
8. Notwithstanding the provisions of Article 3 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no new windows or openings shall be inserted above ground floor level in the in the west, east or north elevations of the dwelling without the Local Planning Authority first granting planning permission.

9. Notwithstanding the provisions of Article 3 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development of the types referred to in Classes A, B, C, D, E, of Part 1, relating to the extension and alteration of the dwelling, extensions or alterations to its roof, the insertion of windows and/or roof lights, and the provision of outbuildings, shall be undertaken within the dwellings curtilage without the Local Planning Authority first granting planning permission.

## **REASONS FOR CONDITIONS**

1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of proper planning.
3. To ensure that an appropriate record is made of archaeological evidence that may be affected by the development in accordance with policy DM27 Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.
4. To ensure the use of materials appropriate to the development in order to safeguard the character and appearance of the conservation area in accordance with: Mid Devon Core Strategy (Local Plan 1) COR2, Local Plan Part 3 (Development Management Policies) DM2, DM14 and DM27.
5. To ensure the use of materials and detailing appropriate to the development, in order to safeguard the character and appearance of the conservation area in accordance with: Mid Devon Core Strategy (Local Plan 1) COR2, Local Plan Part 3 (Development Management Policies) DM/2, DM/14 and DM/27.
6. To ensure the use of materials and detailing appropriate to the development in order to safeguard the character and appearance of the conservation area and appearance of dwelling in accordance with: Mid Devon Core Strategy (Local Plan 1) COR2, Local Plan Part 3 (Development Management Policies) DM2, DM14 and DM27.
7. To safeguard the privacy of the occupiers of 4 Exeter Road and new dwelling within its garden in accordance with Policy DM13 of the Local Plan Part 3 (Development Management Policies).
8. To safeguard the privacy and amenity of occupiers of nearby residential properties in accordance with Mid Local Plan Part 3 (Development Management Policies) DM2 and DM14.
9. To safeguard the visual amenities of the area and amenities of neighbouring dwellings in accordance with policy DM2 and DM14 of the Local Plan Part 3 (Development Management Policies).

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

The planning application seeks permission for the erection of a dwelling on land that formally formed part of the Three Tuns Inn, public house. Planning permission for the erection of a dwelling on this site has previously been granted. The currently proposed dwelling is larger than the extant planning permission. It is considered that the proposed dwelling will not have any adverse impacts on the character or appearance of the Conservation Area, or result in any detrimental impact to the visual amenity of the area. The design of the dwelling is considered to be acceptable. It is not considered that the dwelling would have an unacceptable impact on the residential amenity of occupiers of neighbouring properties. The dwelling would have two parking spaces and 12 parking spaces would remain to serve the public house. The proposed dwelling is considered to be acceptable and in accordance with Policies COR1, COR2, COR17 of the Mid Devon Core Strategy (Local Plan 1), DM2, DM8, DM14, DM15, DM27 of the Mid Devon Local Plan Part 3 (Development Management Policies) and Government guidance in the National Planning Policy Framework and has been recommended for approval.

**Application No. 16/00964/FULL**

**Plans List No. 4**

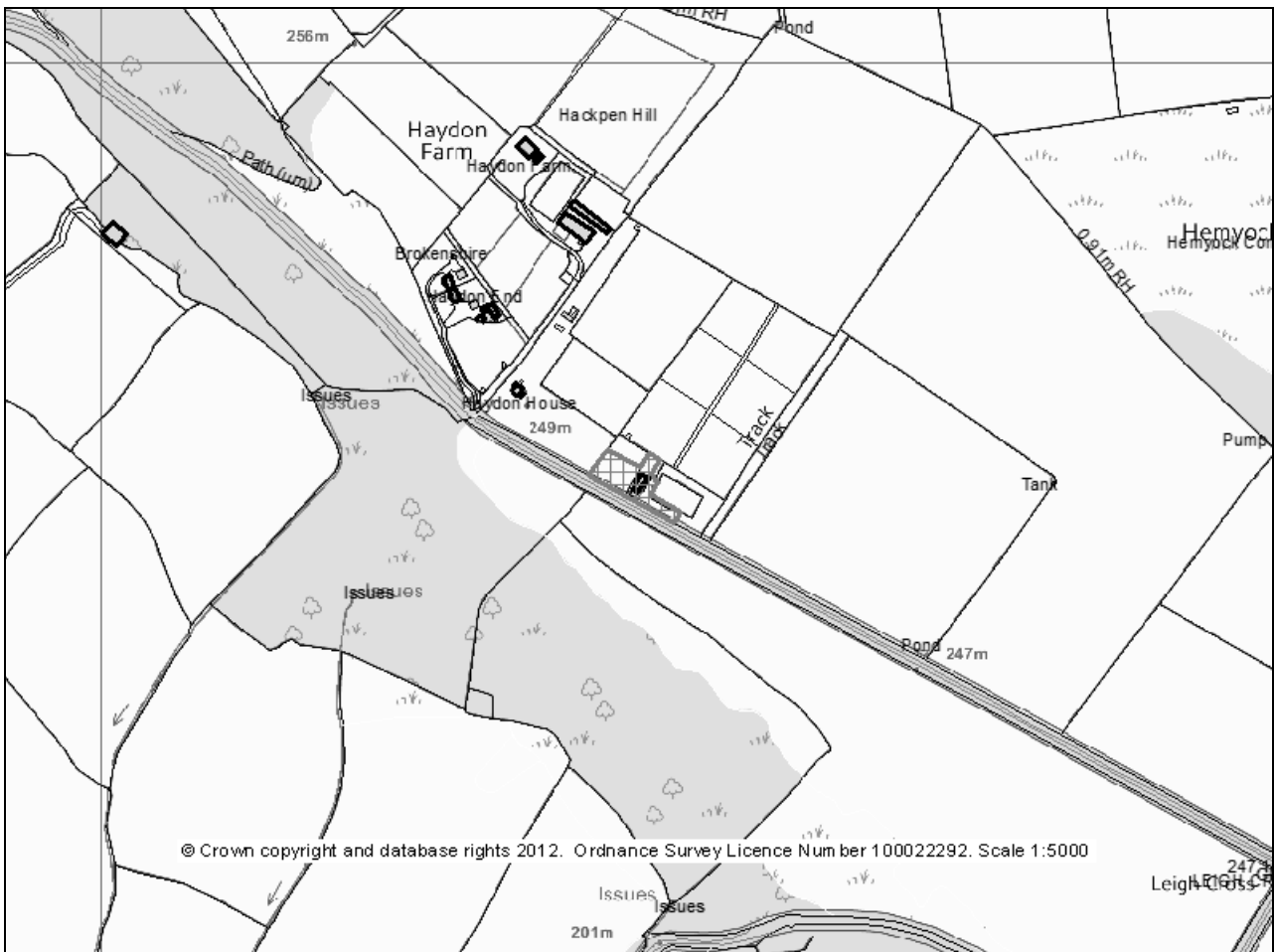
**Grid Ref:** 311447 : 111652

**Applicant:** Mrs M Newton-Yeo

**Location:** Hackpen Stables  
Blackborough Devon  
EX15 2HX

**Proposal:** Conversion of  
redundant stables to  
dwelling

**Date Valid:** 26th July 2016



**Application No. 16/00964/FULL**

**RECOMMENDATION**

Refuse permission.

**COUNCILLOR G HUGHES HAS REQUESTED THAT THIS APPLICATION BE DETERMINED BY THE PLANNING COMMITTEE FOR THE FOLLOWING REASON:**

1. To consider whether in the circumstances that it represents sustainable development and is affordable within the means of the applicant, and with regard to the reconstruction work that Policy DM11 does not apply.

**PROPOSED DEVELOPMENT**

Conversion of redundant stables to a one bedroom dwelling, at Hackpen Stables, Blackborough.

**APPLICANT'S SUPPORTING INFORMATION**

Plans  
Supporting Statement  
Bat and Protected Species Survey  
Structural Inspection Report  
FDA1

**PLANNING HISTORY**

92/01567/FULL Erection of 3 stables and tackroom - PERMIT  
03/05278/FULL Erection of equine exercise arena. - PERMIT  
07/00522/PE Proposed erection of dwelling - REC  
08/01537/FULL Erection of an agricultural storage barn - REFUSE  
08/01980/FULL Erection of equestrian storage barn and retention of change of use of land from agriculture to equestrian - PERMIT  
14/00956/FULL Retention of a shipping container/building to be used as storage/tack facility in association with equine use - REFUSE  
14/00958/CLU Certificate of Lawfulness for the retention of a caravan for residential purposes in excess of 10 years - REFUSE

**DEVELOPMENT PLAN POLICIES**

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

COR2 - Local Distinctiveness  
COR18 - Countryside

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

AL/IN/3 - Public Open Space

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

DM2 - High quality design  
DM8 - Parking  
DM11 - Conversion of rural buildings  
DM14 - Design of housing  
DM27 - Development affecting heritage assets  
DM29 - Protected landscapes

## CONSULTATIONS

**HIGHWAY AUTHORITY** - 8th August 2016 - Standing advice applies please see Devon County Council document <http://www.devon.gov.uk/highways-standingadvice.pdf>

**UFFCULME PARISH COUNCIL** - 10th August 2016 -  
No Objection.

**BLACKDOWN HILLS AONB PARTNERSHIP** - 11th August 2016 -  
The Blackdown Hills AONB Management Plan seeks to ensure that all development in the AONB will be of the highest quality and would conserve or enhance the special landscape qualities of the area. If the planning authority is minded to approve this application, in order to conserve and enhance rural character and appearance the AONB Partnership would like to see conditions attached that would maintain controls on further buildings and structures and ensure the retention and management of a boundary hedge comprising locally prevalent native species. Consideration of the spaces around the dwelling, including use of materials and domestic boundaries, will also be essential to ensure that it is well integrated into its surroundings.

**NATURAL ENGLAND** - 5th August 2016 - No comments

**ENVIRONMENTAL HEALTH** - 8th August 2016 -

Contaminated Land - No objection

Air quality - No objection

Environmental permitting - n/a

Drainage - Further information required on results of any percolation tests plus the details of the treatment plant is required - before I can make any recommendations.

Noise and other nuisances - no objection

Housing standards - no objection

Licensing - no comments

food hygiene - n/a

Private Water Supplies - Informative Note:

A private water supply has been identified at an adjacent address. If this proposal is to also use this water supply the accommodation will fall under the remit of the 'Private Water Supplies Regulations 2009' as a small supply and a wholesome supply (as defined in the regulations) must be provided. A risk assessment and sampling regime will need to be undertaken by this authority prior to any residential use. Please contact Public Health at Mid Devon District Council on completion of this development. If mains water is to be used in connection with this proposal I would have no comment.

Health and safety - no objection

**NATURAL ENGLAND** - 14th September 2016 -

Please refer to associated documents for comments.

## REPRESENTATIONS

Three letters of objection have been received in conjunction with this application, they are summarised as follows:

- o Land is unsuitable for a soakaway due to the clay. Sewage will seep through top soil into land of neighbouring property creating environmental health issues.
- o Concern over compatibility of dwelling with neighbouring agricultural use.
- o Environmental sensitivity, shipping container and mobile home on the site without permission, not in keeping with the AONB.
- o Equine use is in keeping with locality.
- o Doubt if the original proposal was for a house rather than a stable block that it would have been considered
- o Development will have a negative impact on the AONB.
- o Question implications of permission, on hundreds of other stables in the area, will set a precedent.
- o Illogical that removal of generator is a contribution towards the environment, as its instillation in the

- o first place lacked sensitivity for the environment.
- o Plans do not meet the requirements and criteria of DM11
- o No justification for retaining the mobile home.
- o The occupants of the property have not complied with the previous planning ruling, disappointed this has not been enforced properly
- o Horses are stabled nearby, but winter fodder has recently turned up, unclear if use is redundant, or if new stables could be applied for after this application.
- o Risk of contamination of water supply

Three representations have been received in conjunction with this application, they are summarised as follows:

- o A condition should be imposed that the dwelling is not occupied until a mains electricity supply is secured due to the noise and disruption of the generator associated with previous site activities
- o Positive to consider the environment and the AONB after the previous siting of shipping containers and a mobile home
- o Concerns over private water supply
- o Previously argued it is necessary to live on site for security of the property and their horses, question future use of paddocks and arena, along with subsequent applications for stables.

One hundred and seven letters of support have been received in conjunction with this application, they are summarised as follows:

- o To provide a safe and secure home for applicants family on her land
- o Stables have been on the site for 20 years
- o Land has been well cared for, improved and is well maintained
- o House would enhance the property without damaging surrounding landscape or adjacent properties and would improve the area
- o This type of application is why policy DM11 exists
- o Couple are without a home and there is a shortage of low cost homes nationally, local governments are not meeting targets for providing these homes.
- o Many residential properties along this road, some have features that are not in keeping with AONB - poolhouse, polytunnels. The proposals will not have a negative impact on the AONB, will have positive impacts.
- o Stables cannot be seen from the road
- o The stables are redundant and will quickly fall into disrepair and become an eyesore. Good reuse of a redundant building.
- o Proposed building is of a good design, is aesthetically pleasing, low impact, will enhance the site and is in keeping with the surrounding area.
- o Granting permission will not set a precedent, each case is considered on an individual basis
- o Opportunity for self-build, this should be encouraged, more housing is needed. Mid Devon's policies support self-build, low cost/affordable housing.
- o Public interest and sheer number of supporters must be taken into account
- o Applicants contribute towards the local community, they are currently homeless and this conversion would negate the need for them to take up other accommodation benefitting the local community
- o Biodiversity and wildlife has been taken into consideration
- o Traffic movements likely to decrease as they won't be travelling to and from the site and the entrance will be improved.
- o Added site security
- o Objections stem from fear of change to the existing environment
- o Not isolated due to the other nearby dwellings
- o Would be a small lawful dwelling for the applicants having been forced off the site.
- o Will create revenue for the Local Authority and help to meet the housing shortage
- o The AONB do not object to the proposal
- o Removal of the generator will enhance the area and remove any possible noise pollution
- o Environmentally friendly conversion
- o Need to live on site with horses as they are vulnerable
- o Many stable blocks of this design in use, so is definitely in keeping with the surrounding area



## **MATERIAL CONSIDERATIONS AND OBSERVATIONS**

The main issues in the determination of this application are:

1. **Planning Policy**
2. **Planning History**
3. **Character of the Building**
4. **Conversion Works**
5. **Site Access**
6. **Impact on the Character and Appearance of the Area of Outstanding Natural Beauty**
7. **Nature Conservation and Biodiversity**
8. **Financial Contributions**
9. **Whether the Proposal Represents Sustainable Development**
10. **Planning Balance Summary**

### **1. Planning Policy**

This application seeks planning permission for the conversion of a stable block to a dwelling at Hackpen Stables, Blackborough. The building is located to the north east of Blackborough, and within the Blackdown Hills Area of Outstanding Natural Beauty. The site is outside of an adopted settlement limit, as defined by the Mid Devon Local Plan Policies Maps (adopted October 2013). Whilst new residential development is restricted in countryside locations, a general principle is established for the reuse of redundant or disused buildings under Paragraph 55 of Part 6 of the National Planning Policy Framework, where the development would lead to an enhancement to the immediate setting.

Policy COR2 of the Mid Devon Core Strategy (LP1) seeks to ensure high quality sustainable design which preserves and enhances the qualities of the natural landscape within Mid Devon, including protected landscape areas and the historic environment. Policy COR18 of the Core Strategy 2007 seeks to restrict new development in the countryside, however, the policy allows for some appropriate rural uses, aimed at promoting sustainable diversification of the rural economy. These exceptions include appropriately scaled agricultural buildings, rural worker dwellings and employment development. COR18 does not support the conversion of redundant buildings to private dwellings; however National Planning Policy Framework (2012) and Policy DM11 of the Local Plan Part 3 (2013) take precedence. Therefore in this context, the Authority considers that policy COR18 carries little material weight.

Policy DM11 of the Local Plan Part 3 (Development Management Policies) expands on the overarching support in the NPPF and permits the conversion of rural buildings that are of substantial and permanent construction which positively contribute to an area's rural character for residential, tourism or employment uses.

### **2. Planning History**

The site has been subject to a number of previous applications in relation to the equestrian use between 1992 and 2008. In 2014 an enforcement notice was issued in relation to the siting of a caravan and a metal portacabin for human habitation on the site, in breach of planning control. The requirements of the notice were to cease the residential uses and remove the caravan and portacabin from the land. Following the enforcement notice, in 2014 an application was submitted for a certificate of lawfulness for the retention of a caravan for residential purposes in excess of 10 years. Alongside this was an application for the retention of a shipping container as a tack storage facility in association with the equine use. Both applications were refused. Following their refusal the enforcement notice was appealed under s174 of the Town and Country Planning Act 1990 on the ground that at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters. The evidence before the inquiry was that the site was occupied for safety and security reasons because of the horses and costly equipment on site, particularly as there had been a number of previous break ins. The Inspector dismissed the appeal in June 2015 and upheld the enforcement notice. The Inspector found there were many inconsistencies in the evidence provided and that on the balance of probabilities the caravan on the site was used for camping out, rather than in full residential occupation for the required 10 year period. The compliance period for carrying out the requirements of the notice was six months, this ended on the 26th of December 2016. Although it is believed that the residential occupation of the site has ceased, the

caravan and portacabin required to be removed by the notice are still in situ on the site. The Council continue to seek compliance with the notice and are currently pursuing prosecution.

Some of the representations suggest the applicant is homeless, however, the supporting letter submitted by the applicants agent alongside this application states the applicants "have now been forced to leave the land and have made alternative accommodation arrangements elsewhere in the area." In addition, it is stated that as they have vacated the site they are no longer able to safely or securely keep their horses on the site, which is why the stables have become redundant. As such, the Council do not believe that the applicants are homeless, and so it is not necessary to weigh this in the planning balance.

### **3. Character of the Building**

The first policy test of DM11 is that the building must positively contribute towards an areas rural character. The building subject to this application is a modern single storey stable building of a timber construction, with timber framed and clad walling on a brick plinth; the building has a profiled steel sheet roof covering. Although modern timber stable buildings of this type are commonly found in the countryside, they are not considered to positively contribute towards an area's rural character, they are merely functional buildings, and their impact on the countryside has been considered acceptable for the purposes of their justified rural use, in this instance, an equestrian use.

The Cambridge Dictionary defines character to mean "qualities that are interesting and unusual" it cannot be said that the application building has any interesting or unusual qualities that are worthy of retention, in order to justify the conversion and long term presence of this building as a dwellinghouse in the open countryside. Furthermore, in the supporting text to Policy DM11, it is stated that local vernacular architecture should be retained. In this instance, the building is not considered to have any positive contribution to the areas rural character, and has no local vernacular architecture to retain. This is emphasised by the conversion works detailed, which proposed to entirely remove the walls and roof covering of the existing building leaving only the frame, and replacing these materials with materials of a better quality to improve the appearance of the building.

A recent appeal was dismissed under policy DM11 for a relatively modern rendered garage/workshop building, also in Blackborough (application reference 15/00033/FULL, appeal ref: APP/Y1138/W/15/3134744). In this case the conversion works consisted of only internal works and the garage/workshop had been considered acceptable in policy terms to serve a dwellinghouse in 2007. The inspector in dismissing the appeal found that the building would not positively contribute towards the areas rural character due to its domestic construction and appearance contrary to policy, despite considering that the conversion would preserve the natural beauty of the Blackdown Hills AONB, and would sustain the existing character of the area.

The Authority considers that this building does not positively contribute to Mid Devon's rural character; the building is not of an overall shape, form or of materials that would warrant its retention. As such, it is considered that the building fails to meet the preliminary character test of Policy DM11 and does not result in an enhancement to the immediate setting as required by the NPPF.

In addition, Policy DM11 requires that the building is a redundant building, although information has been submitted stating the stables are no longer occupied due to site security reasons, it is unclear whether the equestrian use of the building and the wider site is entirely redundant so as to warrant its reuse for another purpose, particularly as the all-weather equestrian arena is proposed to remain in situ opposite the stable building.

### **4. Conversion Works**

Policy DM11 requires that:

The building can be converted without significant alteration, extension or rebuilding;  
The design will retain the original character of the building and its surroundings;

The proposed works do not involve any extension of the existing building. However, it is proposed to entirely replace the existing roof and walling material, this is considered to be a significant alteration to the building,

contrary to DM11. The submitted structural survey finds the building to be structurally sound and suitable for conversion with only minor works required to ensure the long term integrity of the property.

The design of the building aims to retain and upgrade the existing appearance of the building, whilst largely utilising the existing openings. The proposed materials include new a standing seam metal roof covering, new cedar clad walls, horizontal stained shiplap timber below the window openings, a stove pipe chimney and dark grey painted timber windows and doors. The proposed design is considered to respect the rural surroundings; however, this is insufficient to overcome the conflict with other elements of DM11.

It is proposed to deal with foul sewage with a package treatment plant, and surface water with a soakaway. Further details of the package treatment plant are required, along with further details that a soakaway is a suitable and effective way of dealing with surface water in this location.

Internally, the dwelling will be single storey, with one bedroom, a bathroom, study and kitchen/living space. The dwelling has an internal floor space of approximately 54 square metres, this exceeds the National Space Standards which require a single storey one bedroom, two person dwelling, to have a floor area of at least 50 square metres. The proposed dwellinghouse will have a reasonably sized garden. The private amenity space reflects the size, location, floor space and orientation of the property in accordance with policy DM14 of the Local Plan Part 3 (Development Management Policies). Within the existing lean to there is proposed to be a waste/recycling area for bin storage within close proximity of the access track, there is also sufficient space within the curtilage for any additional storage.

## **5. Access**

Policy DM11 requires that:

A suitable access to the building is in place or can be created without damaging the surrounding area's rural character and the road network can support the proposed use;

The building is accessed from an unclassified road via an existing access. The Highway Authority has raised no objections to the proposed development. The existing access is adequate to serve the building, has reasonable visibility and it is not considered that the movements associated with a dwelling on the site would be dissimilar to those associated with the equestrian use of the site. It is proposed to reposition the existing gates to be in accordance with Highways Standing advice that requires gates to open inwards only and set back from the highway, with no surface water to be discharged onto the highway.

In addition, policy DM8 stipulates that development must provide an appropriate level of parking, guiding that 1.7 spaces should be provided per dwelling. The proposed scheme provides sufficient hardstanding parking for in excess of two cars and is considered to be compliant with the Devon County Council Standing advice in terms of size, with adequate turning space; as such this policy requirement is met.

## **6. Impact on the character and appearance Area of Outstanding Natural Beauty**

The site is located within the Blackdown Hills Area of Outstanding Natural Beauty (AONB), policy DM29 sets out that development proposals in the AONB must demonstrate that the cultural heritage, character, appearance, setting and other special qualities of the landscape will be conserved or where possible enhanced. Although the site benefits from some screening from the existing hedgebank, this screening is significantly reduced in the winter months and so the proposed dwelling would be visible from the public highway during the winter months, with some more restricted views of the dwelling during the summer months.

The proposed conversion works are considered to result in some harm to the AONB, the conversion itself would not likely cause great harm to the existing character and appearance of the AONB, but would likely increase the length of time the structure is present within this open countryside location. In addition, the proposal will likely result in the domestication of the site and some sprawl of domestic paraphilia around the building, which is out of character with the rural nature of the site and will have a negative impact on the character, appearance, setting and other special qualities of the AONB.

## **7. Nature Conservation and Biodiversity**

Policy DM11 requires that:

The development will retain any nature conservation interest associated with the site or building, and provide net gains in biodiversity where possible.

A bat and protected species survey has been submitted in support of this application. The findings of the survey were that despite potential bat access points there were no signs of bats. The stables do not support a bat roost and the proposed works are unlikely to result in any disturbance to bats. The stables are also not considered to support a breeding or roosting site for barn owls. The survey did find that the site is currently an active nesting site for swallows; it is advised that works are commenced outside of nesting season. A positive biodiversity gain could be achieved by providing bat roosting provision, bird nesting cups and barn owl nesting provision. Overall, the proposal is considered to retain nature conservation interests associated with the site in accordance with this element of DM11.

## **8. Financial Contributions**

Policy AL/IN/3 of the Allocations and Infrastructure Development Plan Document makes clear that new housing developments will provide at least 60sqm of equipped and landscaped public open space per market dwelling, or a contribution per dwelling in accordance with the SPD. The SPD makes clear in paragraph 14 that the scheme for collecting contributions for off-site provision applies to all new housing, including single dwellings, whether built as tied accommodation, conversions of existing buildings, flats, maisonettes or permanent mobile homes. There is therefore a clear policy justification for this contribution.

As such, a financial contribution of £900 has been paid in accordance with policy AL/IN/3, towards landscaping improvements and the provision of park furniture at Higher and Lower Millhayes Open Spaces, Hemyock.

## **9. Whether the Proposal Represents Sustainable Development**

The NPPF establishes a presumption in favour of sustainable development. However, the NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused, unless other material considerations indicate otherwise. Policies COR 18 and DM11 should be given full weight in the decision making process.

Paragraph 55 of the NPPF sets out that Local Planning Authorities should avoid new isolated homes in the countryside unless there special circumstances. The building subject to this application is on the open countryside outside of any adopted settlement limit and is considered to be in an isolated location; its conversion would result in a new isolated home in the countryside. It is not considered that any of the special circumstances set out by the NPPF have been met, these include:

- the essential need for a rural worker to live permanently at or near their place of work in the countryside; or
- where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
- where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
- the exceptional quality or innovative nature of the design of the dwelling.  
Such a design should:-
- be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;
- reflect the highest standards in architecture;
- significantly enhance its immediate setting; and
- be sensitive to the defining characteristics of the local area.

The NPPF sets out that sustainable development has three key elements: economic, social and environmental roles. There would be limited economic benefits associated with the proposal. The proposed development does not require significant construction; rather it is a conversion on an existing structure. The Council would receive finance from the New Homes Bonus and a public open space payment of £900.

However, the Council have attached limited weight to this matter in the balancing exercise.

The social role of sustainability includes providing the supply of housing required to meet the needs of present and future generations. The Council note that the creation of a dwelling is a benefit of the scheme, albeit an extremely modest one. The applicant's case is that the proposal will create an affordable self-build family home. However, there is no guarantee that the dwelling will be affordable, or that it will remain occupied by the applicants, or be sold or rented to a local person or family.

Whilst the limited benefits of the proposed scheme are acknowledged, it is considered that they are outweighed in the planning balance by the harm outlined in the reason for refusal. In addition, despite the limited objections and the significant number of supporting letters, this is insufficient to negate the conflict with Local and National Policy.

Furthermore, the new house would not be sited in a location that would be accessible to local services and facilities; key services including shops, places of employment and education, health, sport and leisure facilities are not within close proximity of the appeal site. Whilst the Framework recognises that opportunities to maximise sustainable transport solutions will vary from urban to rural areas, the opportunities to use public transport in this instance are non-existent. There are no public footpaths or designated cycle routes which connect Blackborough to neighbouring towns and villages. Indeed, even if a future occupant was to walk to a village or town higher up in the hierarchy, the rural country roads are unlit and are unlikely to be used in inclement weather and during the evening.

The proposed development is unsustainable and therefore prejudices not just the golden thread that runs through National Policy but also the thrust of the adopted Local Plan.

## **10. Planning Balance Summary**

The site is located in the open countryside and is considered to be in an isolated location, the conversion of this building to a dwellinghouse would result in a new isolated dwelling in the countryside; no special circumstances have been identified to justify the creation of a new dwelling in the countryside, the proposal is therefore contrary to the adopted policies of the Mid Devon Local Plan and the National Planning Policy Framework.

In addition, the policy requirements of DM11 of the Local Plan Part 3 (Development Management Policies) cannot be met, as the building is not one that is considered to positively contribute towards the rural character, by virtue of its design and construction using modern materials lacking intrinsic merit so as to warrant its retention, the conversion works result in significant alteration and rebuilding and it is unclear whether the equestrian use is entirely redundant.

## **REASONS FOR REFUSAL**

1. It is the opinion of the Local Planning Authority that the building fails to meet the preliminary character test of Policy DM11. Despite being considered a rural building by virtue of its rural location, this stable block of a modern construction is not of a shape, form or materials that are worthy of retention. The building is not considered to be of any intrinsic merit, architectural or otherwise and isn't thought to positively contribute to Mid Devon's rural character. In addition there is no evidence to suggest that the building's permitted use is entirely redundant, and the proposed works, effectively stripping the building to its frame, results in significant alteration and rebuilding, contrary to Policy DM11. The proposed development is considered to be harmful to the character, appearance, setting and special qualities of the Area of Outstanding Beauty, due to the proposal securing the long term presence of the building within the rural landscape and the resultant domestic paraphernalia associated with a dwelling in this location. In addition, the existing building is located outside of an adopted settlement limit and is considered to be in an isolated location, as proposed the development would constitute a new isolated home in the countryside, contrary to policy. No evidence has been submitted to demonstrate that any of the other special circumstances set out in paragraph 55 of the National Planning Policy Framework have been met so as to justify a dwelling in this location. Overall, the proposed development is considered to be contrary to Policies COR2 and COR18 of the Mid Devon Core Strategy (Local Plan Part 1), and Policies DM11 and DM29 of the Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework. The application is therefore recommended for refusal.

**Grid Ref:** 296000 : 122094

**Applicant:** Mr Giuseppe Giorgione

**Location:** 10 Briton Street Bampton Tiverton Devon

**Proposal:** Listed Building Consent for internal and external alterations including relocation of the kitchen

**Date Valid:** 2nd August 2016



## **Application No. 16/01184/LBC**

### **RECOMMENDATION**

Grant Listed Building Consent subject to conditions.

### **PROPOSED DEVELOPMENT**

The proposal is to make internal alterations to the house, including the relocation of the kitchen into the existing dining room, alterations to the dining room fire place to raise the lintel height, the insertion of a wood burning stove into the living room with associated removal of a later fire insert and hearth, works to alleviate damp problems and works to the floors of the dining room and living room. The replacement of rainwater goods across the whole property and the re-rendering of the gable elevation are also included.

Therefore the main issues with regard to this proposal are:

1. Are the works appropriate for the proper preservation of the listed building?
2. Will the works cause harm to the listed building?

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

Heritage, Design and Access statement

Schedule of works

Photographs

Location plan

Indicative sketches of internal wall showing fireplace arrangement (dining room)

Floor plan (ground floor)

### **PLANNING HISTORY**

04/00295/LBC Listed Building Consent for external alterations including installation of roof lights, installation of replacement window casements and internal works including loft conversion - WDN

06/00291/LBC Listed Building Consent for works to 2 no. chimneys, removal and re-plastering of front and rear elevations, and internal alterations - PERMIT

09/01398/CAT Notification of intention to fell 1 Spruce Tree within a Conservation Area - NOBJ

16/01184/LBC Listed Building Consent for internal and external alterations including relocation of the kitchen - PCO

### **DEVELOPMENT PLAN POLICIES**

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

COR2 - Local Distinctiveness

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

DM27 - Development affecting heritage assets

### **CONSULTATIONS**

**HIGHWAY AUTHORITY** - 8th August 2016 -

No Comments

**BAMPTON TOWN COUNCIL** - 19th August 2016 -

No Objection.

## REPRESENTATIONS

None received.

## MATERIAL CONSIDERATIONS AND OBSERVATIONS

The primary material considerations in assessing this application are:-

- 1) **whether the work is appropriate for the proper preservation of the listed building, given its special architectural and/or historic interest**
- 2) **whether the work causes harm to the listed building**

This application relates to a grade II listed dwelling in Bampton conservation area. It is an early 19th century attached property with an attractive formal front elevation and a long garden to the rear which contains various small outbuildings. The proposal is to make internal alterations to the house, including the relocation of the kitchen into the existing dining room, alterations to the dining room fire place to raise the lintel height, the insertion of a wood burning stove into the living room with associated removal of a later fire insert and hearth, works to alleviate damp problems and works to the floors of the dining room and living room. The replacement of rainwater goods across the whole property and the re-rendering of the gable elevation are also included.

The ground floor of the house clearly has damp problems in the rear and gable wall and floors. The suspended timber floors in both rooms are springy and show signs of rot and damp next to the walls and in the corners in particular. Works to improve breathability of the gable wall and drainage around the house have already been carried out and have improved the situation to a degree but it is likely that the sloping rear garden and part-retaining nature of the gable are the cause of the problem and neither of these can be improved further with external alterations. The works requested include the replacement of the timber floors, joists and wall plates where rotten and in the instance of the dining room, either timber replacement or replacement with an insulated and DPMD concrete floor. The works are considered to be carefully considered and justified and in the circumstances, acceptable. They will lead to the longer term viability of the house through the creation of a better standard of living environment with the reuse and retention of as much historic fabric as possible.

The kitchen is proposed to become a utility room with no associated changes requiring consent. The kitchen will move to the current dining room. The application requests raising the lintel above the existing fireplace to allow a cooker to be used in this location. The existing fireplace is an unsecured later timber insert and is of no historic interest. There may well have been a range in this room originally as the room itself was likely to have been the kitchen. The creation of a higher lintel and inserted cooker will not harm the listed building and the very minor removal of (possibly) historic material is acceptable.

It is proposed to remove the existing living room fireplace insert with a wood burning stove. Whilst the timber mantelpiece is likely to be contemporary with the house (and will not be affected by the proposal), the insert is cast iron with a tiled surround and is likely to date from the 1920s or 1930s. The tiled hearth is a late 20th century feature and is also proposed to be removed and replaced with a slate or stone hearth. The loss of the cast iron insert and associated tiles is acceptable given their later date.

The application also seeks to replace rainwater goods on the house and carry out re-rendering works using lime on the gable end - these are retrospective elements of the application but have been done after discussions with the conservation officer. The materials used and specifications are all accepted and benefit the condition and visual appearance of the listed building. Other minor works of repair to outbuildings and boundary walls and minor landscaping works to the rear of the house are specified in the application but do not require listed building consent. They are included for information and to identify the conservation led approach to the ongoing restoration of the building.

The application is carefully supported, appropriately detailed and there is clear justification for the works within it. The proposal creates no harm and is therefore in compliance with both national guidance (NPPF) and local policies (COR2 and DM27). This report and its conclusions incorporate the views of the Conservation Officer.



## **CONDITIONS**

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

## **REASONS FOR CONDITIONS**

1. In accordance with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of safeguarding the character and appearance of the listed building.

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

The proposed works are considered to be acceptable and will not lead to harm to the listed building. The works are carefully specified, justified and are (in part) necessary for the proper repair and restoration of the building. The proposal is therefore in accordance with the Mid Devon Local Plan Part 3 (Development Management Policies) Policies DM2 and DM27 and the National Planning Policy Framework and should be granted consent.

Mrs Jenny Clifford  
Head of Planning and Regeneration

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**DELEGATED APPLICATIONS AS AT - 22 September 2016**

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

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**PURPOSE OF REPORT**

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

**RECOMMENDATION**

That the report be noted.

**DETAILS OF DECISIONS**

<b>DATE RECEIVED</b>	<b>DATE DETERMINED/ DECISION</b>	<b>REF NUMBER</b>	<b>APPLICANT PROPOSED DEVELOPMENT</b>	<b>PARISH/AREA</b>
25.02.2016	25.08.2016 Grant permission	16/00302/FULL	Ms F Parker & Mr J Day Land and Buildings at NGR 315838 114830 (Cornerways) Rosemary Lane Erection of a rural workers dwelling	Clayhidon 15
01.03.2016	21.09.2016 Permitted with Conditions to Discharge	16/00319/FULL	Trinity Moor Ltd Land at NGR 296008 112954 (Former Hare & Hounds Car Park) 138 Chapel Street Erection of 2 dwellings (Plots 1 and 2) and associated works	Tiverton 52

18.04.2016	16.09.2016 Development Acceptance	16/00589/PNHH	Mr J Curtis 53 Boobery Sampford Peverell Prior Notification for the erection of an extension, extending 4m to the rear, maximum height of 2.9m, eaves height of 2.2m	Sampford Peverell 42
20.04.2016	26.08.2016 Refuse permission	16/00606/TPO	Mr Peter Blake 1 The Gables Willand Application to reduce crown by 1-2m of 2 English Oak trees protected by Tree Preservation Order No. 08/00004/TPO	Willand 59
21.04.2016	31.08.2016 Permitted with Conditions to Discharge	16/00610/FULL	Mr & Mrs Old Land and Buildings at NGR 296128 123030 (Knowle) Bampton Conversion of redundant building to dwelling, formation of vehicular and pedestrian access and part re- alignment of existing track (Revised scheme)	Bampton 01
25.04.2016	08.09.2016 Grant permission	16/00635/FULL	Mr P White Moorhayes Community Association Moorhayes Community Centre Construction of a play area and re- siting of pedestrian access and pathway from Rooks Way	Tiverton 52
25.04.2016	08.09.2016 Grant permission	16/00636/ADVERT	Mr P White Moorhayes Community Association Moorhayes Community Centre Advertisement consent to display 2 non-illuminated post signs, 1 non-	Tiverton 52

			illuminated entrance sign and 3 non-illuminated directional signs	
18.05.2016	08.09.2016 Permitted with Conditions to Discharge	16/00781/HOUSE	Mr & Mrs Deuchar Bridge Farm The Strand Alterations to existing single storey outbuildings to form additional living accommodation	Culmstock 22
18.05.2016	08.09.2016 Permitted with Conditions to Discharge	16/00782/LBC	Mr & Mrs Deuchar Bridge Farm The Strand Listed Building Consent for alterations to existing single storey outbuildings to form additional living accommodation, and demolition of garden wing including storage barn	Culmstock 22
19.05.2016	05.09.2016 Grant permission	16/00786/LBC	Greenslade Taylor Hunt Greenslade Taylor Hunt 5 & 3A Fore Street Listed Building Consent for re- positioning of external doorway and alteration to form internal opening between 5 and 3A Fore Street	Tiverton 52
20.05.2016	15.09.2016 Grant permission	16/00785/FULL	Greenslade Taylor Hunt Greenslade Taylor Hunt 5 & 3A Fore Street Re-positioning of existing doorway	Tiverton 52
23.05.2016	06.09.2016 Grant permission	16/00809/FULL	Mrs L Winter Stoney Farm Pennymoor Siting of a temporary agricultural worker's dwelling (twin unit)	Cruwys Morchard 20
26.05.2016	05.09.2016 Permitted with	16/00839/FULL	Mr Chris Reed 47 Mill Street Crediton	Crediton Town 18

	Conditions to Discharge		Variation of Condition 13 of Planning Permission 14/02130/MFUL to take account of revised Arboricultural report	
06.06.2016	30.08.2016 Grant permission	16/00867/HOUSE	Mr & Mrs N Sydenham 80 Higher Cotteylands Tiverton Erection of two storey extension to rear and porch to front	Tiverton 52
09.06.2016	01.09.2016 Permitted with Conditions to Discharge	16/00925/FULL	Mr & Mrs J & K Milverton Land and Buildings at NGR 273422 95535 (Barton Farm) Change of use of building from wedding venue (Class D1/D2) to holiday let (Class C) with associated alterations (part retrospective); change of use of agricultural hardstanding to car park for use in association with wedding venue (Class D1/D2) and change of use of part agricultural field to camping associated with wedding venue (D1/D2)	Hittisleigh 27
09.06.2016	01.09.2016 Grant permission	16/00927/LBC	Mr & Mrs J & K Milverton Land and Buildings at NGR 273422 95535 (Barton Farm) Listed Building Consent for the change of use of building from wedding venue (Class D1/D2) to holiday let (Class C) with associated alterations (part retrospective)	Hittisleigh 27
13.06.2016	06.09.2016 Grant permission	16/00903/FULL	Mr & Mrs Rees Bewsley Croft Copplestone Erection of single storey rear	Copplestone 62

			extension and erection of stable block in adjoining field	
16.06.2016	12.09.2016 Permitted with Conditions to Discharge	16/00935/FULL	Mr P & Mrs J Gosling Land at NGR 272532 106901 (1 Kelland Cottages) Change of use of land for siting of holiday lodge (Revised Scheme)	Lapford 33
17.06.2016	26.08.2016 Grant permission	16/00939/HOUSE	Lady Reay Timewell House Morebath Erection of a pool pavilion building with associated steps and surrounding walls and greenhouse	Morebath 36
17.06.2016	26.08.2016 Permitted with Conditions to Discharge	16/00948/FULL	Verbeer Manor Verbeer Manor Willand Retention of mixed use building to house the site biomass system, staff office and rest room facilities	Willand 59
20.06.2016	26.08.2016 Grant permission	16/00951/HOUSE	Mrs C Hague Old Croyle House Kentisbeare Erection of an Orangery following demolition of existing conservatory	Kentisbeare 32
20.06.2016	07.09.2016 Grant permission	16/00956/FULL	Mr R Cornish, Mr J Cornish & Sons Land and Buildings at NGR 304532 117878 Besley Lake Farm Erection of building over existing external feeding yard	Holcombe Rogus 29
20.06.2016	26.08.2016 Grant permission	16/00957/HOUSE	Mr A Rooker 11A Colebrooke Lane Cullompton Erection of single storey rear extension	Cullompton 21

23.06.2016	25.08.2016 Grant permission	16/00981/FULL	Mrs Sinead Berry Land at NGR 305183 113288(Moorhayes Farm) Sampford Peverell Erection of stables	Burlescombe 06
23.06.2016	14.09.2016 Permitted with Conditions to Discharge	16/00985/FULL	Mr J Wride Exe Valley Practice 3 Coach Road Conversion of existing practice to dwelling with parking and garden	Silverton 45
24.06.2016	25.08.2016 Grant permission	16/00987/FULL	Mr R Down Land and Building at NGR 303018 106493 Upton Erection of a building to be used in association with existing D2 use for weddings (Revised scheme)	Cullompton 21
24.06.2016	15.09.2016 Refuse permission	16/00988/FULL	Mr J Littlefield Cleave Farm Lapford Removal of Condition 3 of planning permission 15/01830/FULL to allow the use of the 2 barns as ancillary accommodation	Lapford 33
27.06.2016	26.08.2016 Grant permission	16/00990/FULL	Mr R & Mrs J Hughes Land at NGR 303888 119718 Hurds Farm Change of use from agricultural land to outdoor manege with associated access for leisure use	Hockworthy 28
28.06.2016	02.09.2016 Grant permission	16/01004/FULL	Mr C Ferris Unit 3 Westward Business Centre Change of use from Class B8 (industrial unit) to Class D2 (Assembly and Leisure), and alterations to North	Crediton Town 18



			elevation to enable disabled access	
29.06.2016	26.08.2016 Permitted with Conditions to Discharge	16/00989/LBC	Mr Ivan & Mrs Christine Munn Fairfield Cottage Colebrooke Lane Listed Building Consent for internal and external alterations	Cullompton 21
29.06.2016	08.09.2016 Grant permission	16/00991/FULL	Mr Stuart Parnell Cats Castle Shillingford Erection of a replacement dwelling and garage	Bampton 01
29.06.2016	30.08.2016 Withdrawn	16/00993/HOUSE	Mrs Hilary Hardwicke Flat 7 The Old Coach House Installation of 2 replacement windows on front elevation	Tiverton 52
01.07.2016	25.08.2016 Grant permission	16/01015/FULL	Mr J Coleman Land at NGR 278149 103404 (Pelistry Farm) Higher Furzeland Erection of an agricultural building for rearing free range ducks	Sandford 43
01.07.2016	30.08.2016 Grant permission	16/01016/HOUSE	Mr & Mrs K Finan 25 Old Road Tiverton Erection of two storey extension and balcony	Tiverton 52
01.07.2016	05.09.2016 Grant permission	16/01023/HOUSE	Mr & Mrs M Koukoudakis 4 Higher Town Court Rensey Lane Installation of 2 velux rooflights and retention of 1 existing rooflight	Lapford 33

01.07.2016	05.09.2016 Grant permission	16/01024/LBC	Mr & Mrs M Koukoudakis 4 Higher Town Court Rensey Lane Listed Building Consent for the installation of 2 velux rooflights and retention of 1 existing rooflight	Lapford 33
04.07.2016	31.08.2016 Grant permission	16/01030/HOUSE	Mr Pearce Oxclose Station Road Erection of replacement garage/workshop with games room above	Crediton Hamlets 19
04.07.2016	30.08.2016 Grant permission	16/01031/FULL	Mr R Thomas Thomas Westcott 49A - 49B St Peter Street Change of use of office (A2) to dwelling (C3)	Tiverton 52
06.07.2016	26.08.2016 Development Acceptance	16/01035/PNCOU	Mr & Mrs K Roberts Buildings at NGR 300030 102309 (Poundapitt Farm) Bradninch Prior notification for the change of use of agricultural building to dwelling under Class Q	Cullompton 21
06.07.2016	05.09.2016 Grant permission	16/01036/FULL	Mr & Mrs T Tree Land and Buildings at NGR 300815 110325 (Higher Beers Farm) Brithem Bottom Change of use of existing riding sand school and agricultural land to domestic garden with associated works	Halberton 25
06.07.2016	26.08.2016 Grant permission	16/01048/HOUSE	Mrs J Rodgers Little Downs Silver Street	Culmstock 22

			Erection of a single storey extension	
06.07.2016	26.08.2016 Grant permission	16/01050/HOUSE	Mr & Mrs Palmer Nutson Farm Chawleigh Erection of extension to farmhouse	Chawleigh 10
08.07.2016	31.08.2016 Grant permission	16/01064/HOUSE	Mr & Mrs E Metherell Mesnil East Village Erection of single storey extension	Sandford 43
08.07.2016	08.09.2016 Grant permission	16/01066/CLU	Miss M L Noble Meadowbank Buller Road Certificate of lawfulness for an existing vehicular access and hardstanding	Crediton Town 18
08.07.2016	26.08.2016 Grant permission	16/01067/FULL	Mr J Coleman, Creedy Carver Ducks Ltd Land and Buildings at NGR 278216 103561 (Pelistry Farm) Erection of an agricultural feed bin	Sandford 43
12.07.2016	08.09.2016 Refuse permission	16/01074/FULL	Mrs K Hawke Thorne Farm Stoodleigh Retention of an agricultural farm office	Stoodleigh 48
13.07.2016	12.09.2016 Grant permission	16/01076/HOUSE	Mr Alan Ladd Mount Jocelyn Crediton Erection of an Orangery to South East elevation of main house and extension to garage	Crediton Town 18
13.07.2016	08.09.2016 Grant permission	16/01093/FULL	Mr N Creasy The Mulberry Cheriton Bishop Variation of condition (2) of planning permission 14/00285/FULL to restrict	Cheriton Bishop 11

			occupancy type to ground floor only	
14.07.2016	07.09.2016 Grant permission	16/01080/HOUSE	Mr R Platts Smithy Cottage East Leigh Erection of detached garage with attached log store lean-to	Coldridge 16
14.07.2016	22.09.2016 Permitted with Conditions to Discharge	16/01086/FULL	Messrs P & R Tidborough Land Adjacent to Koggala Gables Road Erection of a dwelling (Revised Scheme)	Willand 59
14.07.2016	26.08.2016 Grant permission	16/01091/HOUSE	Mr & Mrs D Knowles 32 Higher Town Sampford Peverell Erection of an extension and associated alterations	Sampford Peverell 42
14.07.2016	07.09.2016 Grant permission	16/01103/LBC	Mr R Platts Smithy Cottage East Leigh Listed Building Consent for erection of detached garage with attached log store lean-to	Coldridge 16
15.07.2016	19.09.2016 Permitted with Conditions to Discharge	16/01087/HOUSE	Mr Simon Lachlan 2 Hen Street Bradninch Erection of single storey rear extension	Bradninch 04
18.07.2016	05.09.2016 Grant permission	16/01095/CLP	Mr T Berks Annexe 32 Bouchier Close Certificate of lawfulness for the proposed use of annexe at 32 Bouchier Close for letting purposes	Bampton 01

18.07.2016	02.09.2016 Grant permission	16/01114/FULL	Mr D Disney Swallow Court Sampford Peverell Formation of new access road	Sampford Peverell 42
18.07.2016	13.09.2016 Grant permission	16/01115/FULL	Shell UK Retail Shell UK Ltd Old Station Yard Installation of a 5000 litre above ground Adblue tank and 2 dispensers to HGV forecourt	Cullompton 21
19.07.2016	26.08.2016 Grant permission	16/01116/CLP	Mr D Blackmore 8 Coldharbour Uffculme Certificate of Lawfulness for the proposed filling-in of existing covered porch to form additional living accommodation	Uffculme 53
19.07.2016	21.09.2016 Grant permission	16/01118/FULL	Mr Martin Hayman The Barn Marshalls Farm Removal of condition 9 of planning permission 02/00606/FULL relating to holiday occupancy to allow for full residential use	Culmstock 22
21.07.2016	16.09.2016 Refuse permission	16/01127/HOUSE	Mr A Hill 5 Station Court Coppleshone Erection of timber garage and formation of new driveway	Coppleshone 62
22.07.2016	16.09.2016 Application Part Granted/Part Refused	16/01139/TPO	MR B Francais The Oaks 3 The Gables Application to reduce the crown of 2 Oak trees (T15 & T17) by 1-2m and remove the limb of 1 Common Ash tree (T12) protected by Tree Preservation Order 08/00004/TPO	Willand 59

22.07.2016	16.09.2016 Grant permission	16/01142/CLU	Mr McQueen Land at NGR 304900 109915 (Bradfield Clockhouse) Bradfield Certificate of Lawfulness for an existing building with a mixed use of agriculture and ancillary domestic storage for a period in excess of 4 years	Uffculme 53
22.07.2016	19.09.2016 Grant permission	16/01144/HOUSE	Mr N & Mrs S Patchett 5 Fairway Tiverton Erection of a replacement extension to East elevation and conservatory; erection of extension to West elevation; erection of garage and alteration to access	Tiverton 52
22.07.2016	30.08.2016 Withdrawn	16/01147/CLP	Mr & Mrs S White 15 Rogers Close Tiverton Certificate of lawfulness for the proposed erection of single storey extension to rear	Tiverton 52
25.07.2016	15.09.2016 Grant permission	16/01131/HOUSE	Mr A Wreford West Park Alexandra Road Erection of two-storey extension	Crediton Town 18
25.07.2016	14.09.2016 Not Permitted Development	16/01136/PNCOU	Mr Peter Forrest Building at NGR 280637 101396 (Adjacent Glentor) Barnstaple Cross Prior notification for the change of use of store to a dwelling under Class P	Sandford 43
25.07.2016	16.09.2016 Grant permission	16/01150/HOUSE	Mr J Reed 10 Cherry Tree Gardens Tiverton Erection of single storey extension (Revised Scheme)	Tiverton 52

25.07.2016	16.09.2016 Grant permission	16/01153/HOUSE	Mrs H Gardner 11 Silver Street Kentisbeare Erection of single storey rear extension and relocation of rear window serving landing to first floor level	Kentisbeare 32
26.07.2016	16.09.2016 Refusal of Prior Approval	16/01145/PNCOU	Mr C Noble Land and Buildings at NGR 293812 105636 (Higher Trey Mill) Thorverton Prior Notification for the change of use of an agricultural building to dwelling under Class Q	Thorverton 51
26.07.2016	30.08.2016 No Objection	16/01152/CAT	Mrs L Murray Smith Willow Grove House Bickleigh Notification of intention to fell 1 Ash tree within the Conservation Area	Bickleigh 02
26.07.2016	22.09.2016 Grant permission	16/01154/FULL	Mr A Baker Aishe Barton Old Butterleigh Road Replacement of existing barn with new store and barn and installation of tennis court (Revised scheme)	Silverton 45
26.07.2016	07.09.2016 Grant permission	16/01156/LBC	Mr & Mrs Quartly 10 Higher Town Sampford Peverell Listed Building Consent for the renovation of 4 windows and the replacement of 2 doors and 2 windows	Sampford Peverell 42
26.07.2016	08.09.2016 Grant permission	16/01157/HOUSE	Mr & Mrs C Northwood 13 Bockland Close Cullompton Erection of single storey rear extension	Cullompton 21

26.07.2016	15.09.2016 Grant permission	16/01159/ADVERT	Ms J Thomson National Westminster Bank Plc 11 Fore Street Advertisement Consent to display an internally illuminated ATM surround	Tiverton 52
27.07.2016	08.09.2016 Permitted with Conditions to Discharge	16/01160/FULL	Mr Strong Land at NGR 297590 124071 (Four Winds) Morebath Re-positioning of an agricultural storage building (666 sq m)	Morebath 36
27.07.2016	21.09.2016 Refuse permission	16/01161/FULL	Mr R & Mrs F Arnold Land and Buildings at NGR 298322 108694 (Barnfield) Cullompton Change of use of land to allow the siting of a shepherd's hut for tourism and formation of hardstanding for the parking of vehicles	Cullompton 21
28.07.2016	21.09.2016 Grant permission	16/01166/HOUSE	Mr G Wilson Postwood Gardens Kentisbeare Erection of single storey side extension and carport (Revised Scheme)	Kentisbeare 32
28.07.2016	16.09.2016 Grant permission	16/01169/HOUSE	Mr A C Bubbear Court Lodge Station Road Erection of extension to garage to form carport and additional garage	Cullompton 21
28.07.2016	12.09.2016 No Objection	16/01201/CAT	Mr John Lawson Church Cottage Cheriton Fitzpaine Notification of intention to pollard 1 Sycamore tree by 3-4m within the Conservation Area	Cheriton Fitzpaine 12



29.07.2016	05.09.2016 No Objection	16/01164/CAT	Miss Z Brotherton 34 Bowden Hill Crediton Notification of intention to fell 1 Eucalyptus, 1 Fir and 1 Sycamore tree within the Conservation Area	Crediton Town 18
29.07.2016	05.09.2016 No Objection	16/01165/CAT	Mrs K Tatlock Mill Farm Mill Lane Notification of intention to remove a row of Lleylandii trees within the Conservation Area	Sandford 43
02.08.2016	12.09.2016 Grant permission	16/01182/TPO	Dr Mark Fullarton Tanglewood Dukes Orchard Application to fell one Conifer tree protected by Tree Preservation Order No. 08/00001/TPO	Bradninch 04
03.08.2016	05.09.2016 Development Acceptance	16/01188/PNAG	Mr D Coren Land and Buildings at NGR 277036 96332 Shortacombe Farm Prior notification for the erection of extension to existing grain store	Crediton Hamlets 19
03.08.2016	05.09.2016 No Objection	16/01197/CAT	Mr Sutton 13 Blundells Avenue Tiverton Notification of intention to reduce 2 Lawson Cypress trees by 5m within the Conservation Area	Tiverton 52
03.08.2016	08.09.2016 Not Permitted Development	16/01204/PNCOU	Mr S Kingston 54B Bampton Street Tiverton Prior notification for the change of use of Office (Class B1(a)) to 2 dwellings (Class C3) under Class O	Tiverton 52

09.08.2016	20.09.2016 No Objection	16/01218/CAT	Mr S Findlay 27 Park Road Tiverton Notification of intention to reduce the crown by 3.5m of 1 Silver Birch tree within the Conservation Area	Tiverton 52
17.08.2016	20.09.2016 No Objection	16/01259/CAT	Mr Tedman Mill House Cove Notification of intention to fell 1 Alder tree and remove 4 lower limbs from 1 Sycamore tree within a Conservation Area	Tiverton 52
17.08.2016	15.09.2016 No Objection	16/01260/CAT	Mr Lintenball Old Dames Cottage Cove Notification of intention to fell 4 Spruce trees and a group of Conifer trees within a Conservation Area	Tiverton 52
22.08.2016	19.09.2016 Development Acceptance	16/01285/PNAG	Mr Mark Persey Land at NGR 299905 105028 (Bagmore Farm) Prior notification for the erection of an agricultural storage building	Bradninch 04
23.08.2016	21.09.2016 Development Acceptance	16/01283/PNAG	Mr Paul Pearce, G B Pearce & Sons Ltd Land at NGR 274967 95036 (Woodlands) Prior notification for the erection of an agricultural storage building	Cheriton Bishop 11
25.08.2016	13.09.2016 Development Acceptance	16/01301/PNFG	Mr P Stanley Nethercott Wood Stoodleigh Prior Notification for the proposed formation of hardstandings, turning circle, and associated roadways	Oakford 39

30.08.2016	20.09.2016 No Objection	16/01311/CAT	Ms Anne Chaplin St Andrews House 4 Queen Square Notification of intention to reduce crown to 2/3 and reshape one Magnolia tree within a Conservation Area	Cullompton 21
31.08.2016	16.09.2016 Development Acceptance	16/01328/PNAG	NP Webber & Son Building at NGR 307955 109545 (Higher Pirzwell) Kentisbeare Prior notification for the erection of roof to provide covered yard	Kentisbeare 32
05.09.2016	15.09.2016 No Objection	16/01353/CAT	Mr & Mrs G Garner The Garden House Millway Notification of intention to crown reduce 1 Fig tree within the Conservation Area	Bradninch 04

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Background Papers:            Contained in application files referred to.

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## Major Applications with no Decision

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

Item No.	Weeks	TARGET DATE	REFVAL	PROPOSAL	LOCATION	NAME	Expected Decision Level	
							Delegated	Committee
1	0	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	
2	2	07/12/2016	16/01337/MARM	Reserved Matters for the erection of a primary school with ancillary facilities including sports pitch and parking and turning area following Outline approval 14/01332/MOUT	Land at NGR 288080 098230 East of Station Road Newton St Cyres Devon	Mr Simon Trafford	DEL	
	4	23/11/2016	16/01289/MARM	Reserved Matters (Phase 1) in respect of the appearance, landscaping, layout and scale of two industrial buildings (B1, B2, and B8 use), following Outline approval 09/01573/MOUT	Land and Buildings at NGR 303161 108402 (Venn Farm) Cullompton Devon	Ms Tina Maryan	DEL	
	5	14/11/2016	16/01140/MFUL	Erection of 3 industrial units	Land at NGR 303818 111567 (Plot 5, Mid Devon Business Park) Muxbeare Lane Willand Devon	Mr Daniel Rance	DEL	
5	8	25/10/2016	16/01053/MFUL	Retention of change of use of dwelling to a mixed use of dwelling and bed and breakfast accommodation; cider barn from additional living accommodation to function room; Shippen from redundant building to function room including bar, toilet, shower area; alterations to existing store; formation of car parking area	Muddifords Court Sampford Peverell Tiverton Devon EX15 2QG	Mrs Alison Fish	DEL	
6	13	19/09/2016	16/00918/MOUT	Outline for the erection of 22 dwellings	Land at NGR 313224 113301 (West of Conigar Close) Culmstock Road Hemyock Devon	Ms Tina Maryan	COMM	COMM
7	13	19/09/2016	16/00924/MOUT	Outline for the erection of approximately 60 dwellings, a Doctors' Surgery, and means of access	Land and Buildings at NGR 277744 102582 (East of Dulings Farm) Copplestone Devon	Mr Simon Trafford	COMM	COMM

<i>Item</i> <i>No.</i>	<i>Weeks</i>	<i>TARGET DATE</i>	<i>REFVAL</i>	<i>PROPOSAL</i>	<i>LOCATION</i>	<i>NAME</i>	<i>Expected Decision Level</i>	
							<i>Delegated</i>	<i>Committee</i>
8	15	01/09/2016	16/00825/MFUL	Construction of an anaerobic digestion plant including vehicular access from Down End, provision of infrastructure works to support the plant including creating compensatory flood storage and regrading of land and landscaping and all associated works and development	Land at NGR 284938 100390 (Goosealler Marshes) Commonmarsh Lane Lords Meadow Industrial Estate Crediton Devon	Mr Simon Trafford	COMM	COMM
9	19	09/08/2016	16/00693/MOUT	Outline for the erection of 13 dwellings	Land at NGR 310280 114261 Hunters Hill Culmstock Devon	Ms Tina Maryan	COMM	COMM
10	24	30/06/2016	16/00473/MARM	Reserved Matters for the erection of 26 dwellings with associated vehicular and pedestrian accesses	Land at NGR 295240 122009 (adj. to Former School) Bampton Devon	Miss Lucy Hodgson	DEL	
11	120	24/09/2014	14/00881/MOUT	Outline for a mixed use development comprising up to 700 dwellings, 22,000 square metres of B1/B8 employment land, care home, primary school and neighbourhood centre with associated access including a left in left out junction on the westbound A361 and access and egress onto Blundells Road	Land East of Tiverton, South of A361, and Both North and South of Blundells Road Uplowman Road Tiverton Devon	Mr Simon Trafford	COMM	COMM
12	125	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
13	179	16/07/2013	13/00525/MFUL	Application to replace extant planning permission 09/01870/MFUL (to extend time limit). A mixed development of 13 open market eco-houses and 6 affordable eco-houses; new access and estate road; additional car parking facilities for the Village Hall; closure of the existing Parish Hall Car Park entrance; provision of a children's play area for the Parish Hall; highway improvements to Fanny's Lane; footpath link to Snows and Meadowside Road (Revised Scheme)	Land at NGR 282973 102485 (East of Oxford Terrace) Fanny's Lane Sandford Devon	Mr Simon Trafford	COMM	COMM

# LIST OF APPEAL DECISIONS FROM 25 AUGUST to 22 SEPTEMBER 2016

Application No	Description	Location	Officer Recommendation	Committee or Delegated	Decision	Appeal Type	Inspector Decision
12/00122/NUDRU	Appeal against Enforcement Notice	Autumn Cottage 46A Brook Street Bampton Tiverton Devon EX16 9LY				Enf Written Reps	Appeal Dismissed

## Summary of Inspectors Comments

The Inspector's decision has been received with regard to the appeal against an enforcement notice at Autumn Cottage in Bampton; ref 12/00122/NUDRU. The notice was served in relation to an unauthorised building which was partly erected within the River Bathern floodplain and Bampton Conservation area. The notice was for the removal of the building from the land.

The appeal was made under grounds (A) and (F) and failed on both grounds. The Inspector's comments were that under ground (A); that planning permission should be granted, the building should not be granted planning permission due to its size and location, specifically because of the impact on the Conservation Area more so than any flood risk. Under ground (F); that the requirements of the notice are excessive, no specific lesser steps were suggested and where a building is unauthorised, as in this instance, removal of the building from the land is not an excessive requirement.

The Inspector's decision is to dismiss the appeal and uphold the enforcement notice. This decision was issued on 14th September 2016 meaning the appellant now has six months from this date to remove the building from the land.

Application No	Description	Location	Officer Recommendation	Committee or Delegated	Decision	Appeal Type	Inspector Decision
15/01104/OUT	Outline for the erection of a dwelling	Land at NGR 310114 115966 (Whitton Cottage) Nicholashayne Devon	Refuse permission	Delegated Decision	Refuse permission	Written Representations	Appeal Dismissed

### Summary of Inspectors Comments

The main issue is whether the proposal would provide a suitable site for housing, having regard to the proximity of services. The appeal site comprises part of the garden of Whitton Cottage and currently contains a stable block and a static caravan. The site lies adjacent to a rural road and is largely enclosed by established trees and hedges. Whitton Cottage is one of a cluster of dwellings in Nicholashayne, which is predominantly rural in character. The site is outside of any settlement as defined in the adopted Mid Devon Local Development Framework: Core Strategy 2026 (2007) and is in the countryside for development plan purposes. Paragraph 55 of the Framework states that new isolated homes in the countryside should be avoided unless there are special circumstances. The development would be used in part as an office. However, it is not essential for the business to be located in the countryside as it could be operated from other premises in a defined settlement. Consequently, the proposal cannot be considered as essential accommodation for rural workers. There are limited facilities in the nearby village of Culmstock. However, there is little evidence to demonstrate that the addition of a single new home would boost materially the vitality of Culmstock. To conclude on this matter, the proposed dwelling would be outside of any identified settlement and no special circumstances have been demonstrated to justify the countryside location. Furthermore, due to the site's location, future occupants would need to travel to access basic goods and services and it is highly likely that there would be a dependence on the private car. Therefore, the development would not accord with Policies COR1, COR12 and COR18 of the Core Strategy which seek to locate development in the most accessible locations and control development in rural areas.

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16/00586/HOUSE	Erection of first floor extension	16 Duke Street Cullompton Devon EX15 1DW	Refuse permission	Delegated Decision	Refuse permission	Householder Appeal	Appeal Dismissed
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### Summary of Inspectors Comments

The Inspector found that the extension would be visible from rear gardens along the terrace of houses that the appeal property forms part of and also from public vantage points on Duke Street, where the side profile of the terrace forms part of the street scene. The proposed extension would have a flat roof sitting just below eaves height and would have a stark, box like appearance at odds with the traditional appearance of the appeal property and would detract significantly from the character of the terrace, causing unacceptable harm. The Inspector found that the proposal would not cause unacceptable harm to the living conditions of neighbouring properties and gardens and that there would remain a good standard of amenity for all users. Nevertheless, the harm caused to the character of the terrace outweighed this and the appeal was dismissed.



**Application No. 16/00458/FULL**

**Grid Ref:** 100550 : 283552

**Applicant:** Jenner Homes

**Location:** Action For Children  
Crediton Area  
Childrens Centre  
Newcombes Crediton

**Proposal:** Erection of 3  
dwellings and  
associated  
infrastructure  
following removal of  
existing nursery  
building

**Date Valid:** 30th March 2016



REPORT OF THE HEAD OF PLANNING AND REGENERATION

**16/00458/FULL - ERECTION OF 3 DWELLINGS AND ASSOCIATED  
INFRASTRUCTURE FOLLOWING REMOVAL OF EXISTING  
NURSERY BUILDING - ACTION FOR CHILDREN CREDITON AREA  
CHILDRENS CENTRE NEWCOMBES CREDITON**

Reason for Report:

Update Report for 5<sup>th</sup> October Meeting

1. A report (plans list 1) was published for the Planning Committee meeting on the 3rd August regards this planning application. This Update report should be read in conjunction with the report published for the 3<sup>rd</sup> August meeting, a copy of which follows on (referred to as the report, hereafter).

2. The minutes of the meeting confirm that whilst the Area Planning Officer introduced the application scheme the recommendation as set which was to approve the application subject to conditions was not considered. Instead the Committee resolved that the application be deferred to allow further discussion to take place between the applicant, the Town Council and Ward Members with regard to design and access issues onto Jockey Hill and traffic generation.

This decision reflects the decision of Crediton Town Council who recommended objection when they first submitted their comments on the planning application. Please refer to consultation section of the report.

3. Following on from the Committee meeting on the 3<sup>rd</sup> August a site meeting was arranged for the 30<sup>th</sup> August to which all the ward members and members of the Parish Council were invited to attend. What was evident from the discussions at the meeting was how the site relates to it's context, both in relation Jockey Hill and the Newcombes estate, (including the new houses approved under LPA ref: LPA ref: 14/00979/MFUL and 14/02141/MFUL) given the site had been cleared. Following the discussions at this site meeting the Mayor and Deputy Mayor agreed that the plans showing the three houses should be re-presented to the Town Council's Planning Committee on the 14<sup>th</sup> September in order to reconsider their recommendation on the application.

Following further consideration at the meeting on 14<sup>th</sup> September Crediton Town Council are now supportive of the application scheme for 3 temporarily designed dwellings on the site with access from Jockey Hill. The resolution taken by the Town Council's is to recommend approval for the application.

4. The scope of your officers assessment regards the design of the houses and the means of access into the site are set out in the report under key issue 1) and 2) respectively. With regards to the matters in relation to the acceptability of providing access from Jockey Hill, as set out in the report the Highway Engineer from Devon County Council is supportive of the proposed changes to the adopted highway in order to provide access, not unlike other arrangements along Jockey Hill.

Given the support from the Town Council for the application scheme, it is recommended that the Committee consider and approve the recommendation as set out in the report. The report

is as originally drafted but with the description of development section corrected. If members do resolve to approve the recommendation as set out in the report, the following revisions/edits to conditions 4,7,8 and 9 are considered necessary to add clarity to the drafting for these conditions (and as reported to the meeting on 3<sup>rd</sup> August as a written update).

**4. add the following sentence to the condition as drafted in the report:**

**Thereafter the development shall only be completed in accordance with the approved details, and thereafter retained.**

**7. add the following sentence to the condition as drafted in the report:**

**The approved details shall be retained as such thereafter.**

**8. replace the condition as drafted in the report with the following drafting:**

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

**9. add the following sentence to the condition as drafted in the report:**

**The approved details shall be retained as such thereafter.**

## **RECOMMENDATION(S)**

Subject to the provision of a Section 106 Agreement grant permission.

## **PROPOSED DEVELOPMENT**

The description of development set out by the applicant's agent is as follows:

The application site comprises the land that was formerly occupied by The Devon County Council Sure Start day centre which is at the rear of a new development comprising 10 dwellings on the site of the former Newcombe Resource Centre (LPA ref: 14/00979/MFUL and 14/02141/MFUL). The site is an irregular shape with a maximum width and depth of approximately 40 metres by 40 metres.

The proposed scheme is for 3 houses with a new access from Jockey Hill to be laid out in a cul-de-sac arrangement.

Each of the houses are designed as 4 bedroom detached dwellings with an attached garage, forecourt and back garden. The design is of a contemporary nature incorporating a feature chimney stack, with predominantly panels of thro render (reddish brown - light and dark panels) to form the walling and a standing seam zinc material and single ply membrane for the roof covering (s). The fenestration is large scale and random, with individual windows frames fabricated from UPVC with a grey finish. The houses range in size between 145 square metres and 173 square metres, excluding the garage. The maximum height of the units is 7.0 metres above the new ground levels which is to be remodelled to establish the proposed development area.

The design approach in terms of the palette of materials which is proposed has been amended since the application was first submitted to seek to respond to concerns that have been expressed.

Foul waters will be managed in the existing mains drainage system with a surface water drainage managed into existing systems and infrastructure already in situ (refer to drawing 1510-101).

The Sure Start facility has been closed for well over 18 months and it is intended that the building will be relocated to the Copplestone Primary School campus for continued use as an education resource in the locality.

## **APPLICANT'S SUPPORTING INFORMATION**

Site Location Plan

Block plan

Proposed layout plans and elevations (revised plans received 16th May 2016)

Completed Unilateral Planning Obligation confirming financial contribution towards the provision of outdoor gym equipment at Newcombes Meadow Park - dated 18th May.

## **PLANNING HISTORY**

08/01843/DCC Regulation 3 application for erection of single storey building for use as a children's centre issued by DCC on 10.12.2008

14/02141/MFUL Erection of 10 dwellings with associated infrastructure and parking (revised scheme following approval of Planning Application; 14/00979/MFUL). This development was approved by the Planning Committee on 10th September 2014.

## **DEVELOPMENT PLAN POLICIES**

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

COR2 - Local Distinctiveness

COR15 - Crediton

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

DM1 - Presumption in favour of sustainable development

DM2 - High quality design

DM8 - Parking

DM14 - Design of housing

DM25 - Community facilities

## **CONSULTATIONS**

### **HIGHWAY AUTHORITY - 17th May 2016**

The Highway Authority has reviewed the revised plans and have no objections and the plans should be conditional of any consent.

### **HIGHWAY AUTHORITY - 9th May 2016**

The Highway Authority recommended that this site be considered under Standing advice and the Local Planning Authority has requested formal comments following consultation. The Highway Authority has no objection to the proposal subject to conditions and some amendments.

Access to the proposal is from Jockey Hill where the vehicles will cross the virtual cycle way and footway. The Highway Authority through its pre application advice seeks a widening of the footway over the frontage to 2.0 m. This in itself would provide suitable inter visibility for vehicles entering and leaving the site. The access width of 3.5m is adequate for the three dwellings which would generate 3 movements in the peak hour and is of a suitable width that would accommodate emergency vehicles if necessary.

The Footway width and visibility should be conditional of any consent. However the access should be set back a minimum of 3.5m and splayed at 45 degrees in order to provide sufficient pedestrian visibility, and swept path although 4.5m would be preferable. This would mean a relocation of the pillars either side, closer to the fence line. The gradient of the drive is at the maximum gradient accepted by the Highway Authority, and the applicant will need to ensure that there is positive drainage to prevent surface water entering the public highway. which can be conditional. Each plot

appears to provide 2 external spaces and one garage per plot and is in keeping with MDDC parking standards set out in the Local plan.

This is based upon the assumption that for plot 2 there is a space to the north of the unit and one to the west of the unit. b The external spaces meet the correct dimensions but the garages have short falls. The minimum internal dimensions for garaging adopted by DCC and MDDC is 3.0m in width and 6.0m in length Plot 2 and 3 comply with the width but the length is only 5.4 and falls short albeit this can be overcome by the installation of a roller door rather than up and over or conventional door opening. plot one is 5.8m in length and similar door details apply but is 2.8m in width and shy of the 3.0m. Notwithstanding the dimensional shortfalls the car parking is compliant.

Therefore the Highway Authority would seek amended plans and would seek the imposition of the following conditions.

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. No development shall take place until details of the layout and construction of the access have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before [the development is brought into use].

REASON: To ensure the layout and construction of the access is safe in accordance with paragraph 32 of NPPF

2. The site access road shall be hardened, surfaced, drained and maintained thereafter to the satisfaction of the Local Planning Authority for a distance of not less than 6.0 metres back from its junction with the public highway.

REASON: To prevent mud and other debris being carried onto the public highway.

3. In accordance with details that shall previously have been submitted to, and approved by, the Local Planning Authority, provision shall be made within the site for the disposal of surface water so that none drains on to any County Highway.

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

4. Off-Site Highway Works No development shall take place on site until the off-site highway works for the provision of footway widening to 2.0 m over the entire site frontage has been submitted to and approved by the Local Planning Authority and have been constructed and made available for use.

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

5. Visibility splays shall be provided, laid out and maintained for that purpose at the site access to provide inter visibility for vehicles taken from a point 2.4m back along the centre line of the access and extending to a point on the nearside carriageway edge 43 m either side of the access and with no obstruction greater than 600mm, and that pedestrian visibility shall be provided on either side of the access within a splayed area 1.5 m by 1.5 m with no obstruction greater than 600mm.

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

**CREDITON TOWN COUNCIL** - 23rd June 2016 - Recommend Objection as the design still remains inappropriate for the area.

**CREDITON TOWN COUNCIL** - 21st April 2016 - OBJECT for the following reasons:

The design is inappropriate for the area. The unsympathetic design will adversely impact on the current street scene.

The exit onto Jockey Hill is narrow and lacks adequate visibility.

Please note: Crediton Town Council requests a meeting with Ward members and the Planning Officer to discuss the application further.

**ENVIRONMENTAL HEALTH - 18th April 2016**

Contaminated Land - See attached

Air Quality - no objections to this proposal

Environmental Permitting - N/A

Drainage - no objections to this proposal

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

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

Housing Standards - I have no objections to this proposal

Licensing - No comments

Food Hygiene - N/A

Private Water Supplies **INFORMATIVE NOTE:**

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

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

Health and Safety - No objections to this proposal.

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

Contaminated Land

1. Site Characterisation

As recommended in the Red Rock Geoscience Ltd phase 1 report, a basic Phase 2 intrusive investigation must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,

- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,

- adjoining land,

- groundwaters and surface waters,

- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

## 2. Submission of Remediation Scheme

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

## 3. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

## **NATURAL ENGLAND - 11th April 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.

## **REPRESENTATIONS**

Four representations have been received generally raising concerns about the scheme for the following reasons:

1. Design is unsympathetic with the 10 houses at the rear and to the general character of Jockey Hill.
2. The design is too industrial in character.
3. The access arrangements are considered to unacceptable in highway safety terms, in particular for pedestrian movements - access should through the existing housing estate.
4. An alternative use for the Sure Start building should have been sought.

## **MATERIAL CONSIDERATIONS AND OBSERVATIONS**

COR15 of the Mid Devon Core Strategy identifies Crediton as a small market town in the district where development is promoted to an appropriate scale, including new housing.

Therefore the application scheme is supportable in policy terms subject to consideration of the relevant matters as discussed below. The development is below the threshold in terms of affordable housing provision.

- 1. Layout, design, amenity and visual impact**
- 2. Highway and Parking Issues**
- 3. Other matters- Loss of a community facility air quality, open space, bin storage**

### **1. Layout, design, amenity and visual impact**

The houses have been designed as a cluster of contemporary units set around in a courtyard style environment within a distinct character different from the more traditional brick and tile approach that was employed for the 10 new houses to the rear.

As stated above the Conservation Officer has provided advice to the applicant regards amending the palette of materials so that whilst the units remain contemporary in design, as described above but with a toning down of the palette so that the new houses will appear more managed and less eclectic in their design.

As set out above the design of the units have been amended accordingly, and drawing no 1510-103 revB, indicates how the units and the alterations at the site will sit within the street scene. Whilst their impact from Jockey Hill will be more noticeable than the existing low level building, the new units will sit below the ridge height of the more traditionally designed houses to the rear and adjacent to the north. This is achieved in part as a result of the design of house (minimal roofscape detail) and the proposed remodelling works to the site to form the development area. The palette of materials has been amended so that they will not be seen in such stark contrast with the thro render panelling sitting comfortably with the brick background to the rear.

The site is clearly important, sitting as part of the Jockey Hill street scene which includes a number of housing styles, To the south of the site the dwellings which have been constructed with rendered and tile hung walling front directly on to the highway, with the dwellings to the north backing onto the highway behind a strong boundary feature to the extent that you are not aware of the housing behind. The streetscape is further broken up with Longmeadows and Prince of Wales Road forming junctions with it to serve new housing estates.

Notwithstanding the scope of the changes to how the new houses will sit within the street scene, the Town Council remain concerned about the design echoing the comments of the four local stakeholders who have submitted representations about the design of the application scheme.

In terms of completing this part of the assessment of the application, local distinctiveness is sought in Policy COR2 through high quality sustainable design reinforcing the character and legibility of the built environment and creating attractive places.

Policy DM2 of the Local Plan Part 3 Development Management Policies sets out criteria in relation to the design of the proposed building which must be of high quality, based upon and demonstrating the following principles.

- a) Clear understanding of the characteristics of the site, its wider context and the surrounding area;
- b) Efficient and effective use of the site, having regard to criterion (a);
- c) Positive contribution to local character including any heritage or biodiversity assets and the setting of heritage assets;
- d) Creation of safe and accessible places that also encourage sustainable modes of travel such as walking and cycling;
- e) Visually attractive places that are well integrated with surrounding buildings, streets and landscapes, and do not have an unacceptably adverse effect on the privacy and amenity of the



proposed or neighbouring properties and uses, taking account of:

- i) Architecture
- ii) Siting, layout, scale and massing
- iii) Orientation and fenestration
- iv) Materials, landscaping and green infrastructure

In terms of how the proposed scheme will sit within its context an overview is set out below:

Whilst the form of the dwellings remains contemporary the palette of materials in particular for the walling has been revised so that it is more in keeping in visual terms with the typical crediton palette consisting of red brick with a tiled roof. Given the design approach for the houses a standing seam roof is considered acceptable given the form of the building blocks and now that the walling detail is less eclectic than originally proposed.

The landscaping to the boundary between the site and the highway has been strengthened since the application was originally submitted with new tree planting on the bank to continue the verdant character, and also soften the overall impact of the new built form.

From a massing point of view the houses remain below the ridge height of the new houses at the rear, and manage the step change between the houses above and below the site.

In addition to considering context and, street scene issues Policy DM14 also requires a review of the quality of the new housing for future occupiers and the relationship that it will have with any neighbours to the site. The space standards set out at policy DM15 have now been superseded by the Technical housing standards - nationally described space standard issued in March 2015 and which set a minimum size of 124sqm for a 2 storey, 4 bed.

The proposed dwellings all provide floor space that exceeds these minimum requirements, with flexible living spaces. The proposed plot boundary treatments are confirmed as follows:

Boundary to Jockey hill - 1.1m high timber post /rail and mesh fence to support new hedging/bushes on bank establish.

Boundary to new houses - 1.8m high double faced feather edged timber fencing with some climbers on trellis.

Boundary to higher side [north] - as rear cut in to ground, timber cribblock walling proposed which can be planted up.

Boundary to lower side [south] - existing brick wall to be retained approx. 1.2 m high together with existing vegetation.

Plot1: The side elevation of the house on plot 1 is located approximately 6.0 metres from the closest adjacent property in the new estate to the west, and although it has a large bathroom window at upper level which could have an outlook towards to the side elevation and part garden area of this property a condition is imposed to ensure that the glazing is obscured to manage privacy issues. The house has been designed so that there are a number of upper level windows at the rear but given the separation distance and change in levels to the house building directly to the north this relation is considered acceptable.

The scheme is designed so that the houses on plots 2 and 3 are a detached pair facing plot 1, with a separation distance of over 20 metres. The side elevation of the house on plot 2 is just over 20 metres from the closest property in the new estate to the west but with no upper level windows. The rear elevations of the houses on plots 2 and 3 are designed to include windows which have an outlook to the south, however given the change in levels to the doctors surgery immediately to the south (with residential properties beyond) the outlook from ground floor, upper floor and the respective garden areas is considered to be acceptable.

Whilst the development will be clearly be evident for the occupiers of the house plots on the other side of Jockey Hill adjacent to the site, given the separation distance and orientation of the respective dwellings, it is not considered that the proposals would adversely affect the amenities and/or living conditions for the occupiers of these properties to justify refusing planning permission.

In summary taking into account the proposed boundary treatments the insertion of three dwellings in

this location is considered to present an acceptable relationship with the surrounding houses and land-uses adjacent. Although the design is more contemporary than the estates that have traditionally been built out in Crediton, the scheme overall and the individual houses result in a scheme that is sympathetic to the street scene, and considered to be supportable by the relevant policies (COR2, DM2 and DM14).

## **2. Highway and parking issues**

The existing access to the site is from Newcombe Hill. The houses will be accessed from a new access off Jockey Hill. Since the original submission the details have been amended so that the new means of access is acceptable in terms of the width of the new road (3.8 metres between entrance piers), gradient and visibility splays, which are now designed to satisfy the design standards set by the Highway Authority. The layout achieves a satisfactory level of on plot parking that meets the adopted standard at DM8, excluding the garages.

On the basis of the revised plans the Highway Authority raise no objection to the scheme. Whilst local residents have expressed concern about highway safety, existing users on the network and the proposed occupiers of the new houses, on the basis the concerns initially expressed by the Highway Authority have been satisfied, the proposal is considered to be in accordance with policy DM8 and COR9.

## **3. Other matters- Loss of a community facility air quality, open space, bin storage**

The Sure Start facility has been closed for well over 18 months and it is intended that the building will be relocated to the Copplestone Primary School campus for continued use as an education resource in the locality. Given the range of community facilities that are provided in Crediton, a residential use on the site is considered acceptable in policy terms (policy DM25).

S106 issues: The applicant has completed a deed under section 106 of the Planning Acts and provided a contribution of £4,236.00 which will be spent on equipment at the Newcombes Meadow Park Play in accordance with policy AL/IN/3. Although, the site qualifies to make a contribution towards improving air quality within the Crediton AQMA under the terms of AL/CRE/8 given the trips on the highway generated by the Sure Start facility with 8 staff and 35 children, a contribution in this case is not considered necessary and/or justified.

Each of the properties has a large curtilage area and sufficient hardstanding area for bin storage. See also condition as recommended.

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, paid for a period 6 years. The amount of New Homes Bonus to be generated by this development would be £18,504.00.

## **CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. Notwithstanding the provisions of Article 3 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification) no development of the types referred to in Classes A, B, C or D of Part 1 of Schedule 2, relating to extensions, additions and alterations to the roof and porches shall be undertaken without the Local Planning Authority first granting planning permission.

4. Before the commencement of the development hereby permitted samples of the materials to be used for all the external surfaces of the building shall be submitted to and approved in writing by the Local Planning Authority.
5. Before the commencement of the development hereby permitted working details of the new external doors/door frames/windows, including sections, mouldings and profiles, finishes and glazing shall be submitted to, and be approved in writing by, the Local Planning Authority. Installation of the doors/door frames/windows shall be in accordance with these approved details, and be so retained.
6. None of the dwellings hereby approved shall be occupied until plans have been submitted to and approved in writing by the Local Planning Authority confirming the refuse storage, and area/facilities allocated for storing of recyclable materials on plot and in terms of a collection point off plot. The details as shown on the approved plans shall be completed prior to the houses being occupied. Thereafter, all refuse and recyclable materials associated with the development shall either be stored within this dedicated store/area, as shown on the approved plans, or internally within the building(s) that form part of the application site. No refuse or recycling material shall be stored or placed for collection on the public highway or pavement, except on the day of collection.
7. The commencement of the development of the approved dwellings shall not take place until the construction of the access incorporating the provision of the visibility splay detail as shown on approved drawing 1510 -101B has been completed.
8. Prior to the commencement of any work relating to the construction of the dwellings hereby approved, the site access shall be hardened and surfaced for a distance of not less than 6.0 metres back from it's junction with the public highway and drained, in accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority beforehand.
9. No development of the dwellings shall commence until details of the off-site highway works for the provision of footway widening to 2.0 m over the entire site frontage have been submitted to and approved in writing by the Local Planning Authority and the approved details shall have been constructed and made available for use prior to the occupation of the dwellings.
10. No work shall be carried out on the site on any Sunday, Christmas Day or Bank Holiday or other than between the hours of 0730 and 1900 hours on Monday to Fridays and 0730 and 1300 on Saturdays.
11. Prior to the commencement of any development a Phase 2 intrusive investigation must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:
  - (i) a survey of the extent, scale and nature of contamination;
  - (ii) an assessment of the potential risks to:
    - human health,
    - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
    - adjoining land,
    - groundwaters and surface waters,
    - ecological systems,
    - archaeological sites and ancient monuments;
  - (iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

12. Following the completion of requirements of condition 11 if necessary a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
13. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.
14. The first floor window within the western elevation of the proposed house on plot 1 hereby approved, shall be obscure glazed and non-opening and retained as such unless otherwise agreed in writing with the Local Planning Authority.

## **REASONS FOR CONDITIONS**

1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of proper planning.
3. To ensure the size of the replacement dwelling reflects the requirements of Policy DM12 of the Local Plan Part 3 (Development Management Policies) and to ensure development makes a positive contribution to the visual amenities of the area in accordance with Policy DM2 of the Local Plan Part 3 (Development Management Policies).
4. To ensure the new building is of an acceptable standard and makes a positive contribution to the visual qualities of the area in accordance with Policy DM2 of the Local Plan Part 3 (Development Management Policies).
5. To ensure the new building is of an acceptable standard and makes a positive contribution to the visual qualities of the area in accordance with Policy DM2 of the Local Plan Part 3 (Development Management Policies).
6. To safeguard the amenity of the occupiers of adjoining premises, protect the general environment, and prevent obstruction to pedestrian movement, and to ensure that there are adequate facilities for the storage and recycling of recoverable materials, and in accordance with Policy DM2 of the Local Plan Part 3 (Development Management Policies).
7. To ensure the layout and construction of the access is safe in accordance with paragraph 32 of National Planning Policy Framework.
8. To prevent mud and other debris being carried onto the public highway.
9. To minimise the impact of the development on the highway network in accordance with Paragraph 32 of National Planning Policy Framework.

10. To ensure that the proposed development does not prejudice the amenities of neighbouring properties.
11. To protect the occupiers of the houses from risk from contamination in accordance with Policy DM7 of Mid Devon Local Plan Part 3 (Development Management Policies).
12. To protect the occupiers of the houses from risk from contamination in accordance with Policy DM7 of Mid Devon Local Plan Part 3 (Development Management Policies).
13. To protect the occupiers of the houses from risk from contamination in accordance with Policy DM7 of Mid Devon Local Plan Part 3 (Development Management Policies).
14. To protect the amenity of occupiers of the neighbouring property in accordance with Policies DM2 and DM13 of Mid Devon Local Plan Part 3 (Development Management Policies).

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

The application for the erection of three dwellings within the settlement boundary of Crediton, is considered to be supportable in policy terms. The dwellings are considered to be appropriately scaled and designed in a contemporary style which is considered acceptable in this case given the street scene and local context. The layout is considered acceptable in terms of the relationship with the surrounding properties with no significant harm to amenity arising. The new access will not result in highway safety concerns and it is not considered that the alterations would cause unacceptable harm to the character and amenity of the area given the various access points off of Jockey Hill. The proposal includes sufficient parking in accordance with policy DM8. The applicant has made satisfactory provisions to secure appropriate mitigation against the need to provide new open space off site (and/or maintenance of existing). The proposal is considered to be compliant with the requirement of relevant Policies: CO1, COR2, COR9 and COR15 of the Mid Devon Core Strategy (Local Plan Part 1), DM1, DM2, DM8, DM14 and DM25 of the Local Plan Part 3 (Development Management Policies), AL/IN/3 of the Allocations and Infrastructure Plan Document (Local Plan Part 2) and government guidance in the National Planning Policy Framework.

**Contact for any more information**

Simon Trafford, Ext 4369

**File Reference**

16/00458/FULL

**Circulation of the Report**

Cllrs Richard Chesterton  
Members of the Planning Committee

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**Application No. 16/00180/FULL**

**Agenda Item**

**Grid Ref:** 102696 : 295541

**Applicant:** Mr D Wright

**Location:** 19 Exeter Road  
Silverton Exeter EX5  
4HX

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

**Date Valid:** 1st February 2016



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

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

**Reason for Report:**

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

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

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

**RECOMMENDATION(S)**

Planning consent is sought for the erection of 2 dwellings following the demolition of an existing bungalow. This application represents a revised scheme following the withdrawal of an application in December 2015, following Officer concern relating to over development of the site. Pre-application advice (dated February 2015 on a form of development not dissimilar to that proposed in this application) had been received prior to the submission of the application and indicated that the construction of two new dwellings on the site could be supported.

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



### **Relationship to Corporate Plan:**

None

### **Financial Implications:**

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

### **Legal Implications:**

None

### **Risk Assessment:**

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

### **Consultation carried out with:**

1. Highway Authority
2. MDDC Conservation
3. Silverton Parish Council

## **1.0 REASONS FOR REFUSAL AND IMPLICATIONS**

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

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

### **Suggested wording for reasons for refusal**

Your Officers suggest the following wording:

REFUSE for the following reasons:

- 1) *The proposal is contrary to Section 7 of the NPPF, Policy COR2 of the Adopted Core Strategy and Policies DM2 (a, c, ei, eii and eiv) and DM14(a) of the Local Plan Part 3 because by virtue of its siting, scale, massing and detailed design the proposal represents over development of the site having a detrimental impact on the character of the street scene.*

- 2) *The proposal is contrary to Policy DM27(b) of the Local Plan Part 3 because by virtue of its siting, scale, massing and detailed design the proposal would neither preserve or enhance the character of the adjacent conservation area.*

**Implications: reason for refusal 1**

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

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

It is acknowledged that the introduction of two, two storey dwellings will introduce a change to the established form of development within the street. The site abuts the conservation area. The near neighbours within the conservation area have strong boundary treatments on to Exeter Road. These boundary treatments take the form of walls and/or mature planting of considerable height. As such, these properties, that tend to be two storey in height, are largely concealed from view. The remainder of Exeter Road has an open aspect – principally associated with low rise single storey properties that allow sight of the distant hills over and between the properties and relatively low boundaries along their frontage (compared with those within the conservation area). It is this part of Exeter Road that the site tends to take its reference from for its setting, form and detailed design. Clearly, the introduction of two, two storey, properties will introduce a change to this part of Exeter Road that the proposal takes its reference from. Whilst, there are a number of neighbouring two storey properties (albeit concealed from public view) it is acknowledged that they and the neighbouring single story properties sit within relatively large plots. The introduction of two properties within the development site introduces some change to the established urban grain. However, as detailed in the report presented to Members at Planning Committee on 6<sup>th</sup> July, the proposal provides adequate internal accommodation and external amenity space, the dwellings are comparable in height to those neighbouring and reflect the established building line. An acceptable distance between the properties proposed and those neighbouring is provided and will not result in unacceptable overlooking, loss of privacy or light. Members had concern relating to the proposal not being in keeping with the street scene. As detailed above, the proposal, by nature of the existing forms of development and boundary treatments takes its reference from the single storey properties. The loss of boundary treatment to facilitate access results in a frontage that is more 'open' in character. In so doing, views of the proposed dwellings will be more visible with the perception that they maybe 'dominating'. Whilst there is sympathy for those concerned about its impact on the 'country lane ambience' and the neighbouring conservation area it is noted that there is some opportunity to introduce landscaping (including trees / shrubs on the frontage) and retention of natural stone materials within the new boundary treatments. The proposed parking arrangements are to the satisfaction of the Highway Authority and meet the requirements of planning policy guidance (DM8, LP Part 3). A refusal based on the parking arrangements being insufficient would be difficult to defend at appeal. Insufficient parking arrangements are therefore not included in reason for refusal 1.

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

### **Implications: reason for refusal 2**

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

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

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

### **Judgement**

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

## **2.0 Revised Drawings**

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

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

An analysis of these revised drawings indicates improved enclosure to the street with the introduction of the stone and earth bank between 900mm and 1.5m in height. The reorientation of the parking spaces with shared turning area facilitates landscaping that further enhances the sense of enclosure to the benefit of the overall scheme. Setting the

properties back within the plot goes some way to minimise Member concerns related to the properties dominating the street scene. The retention of the staggered building line reflects that established in the street scene. The 'South House' continues to sit within the forward and rear building lines of No.21. This minimises any adverse impact of the proposal on the quality of amenity currently enjoyed by No.21. Setting the North House back within the plot by an additional 1.2m maintains sufficient separation distance from the dwellings to the rear. The introduction of brick onto the front elevation softens the overall design. Brick is not a prevalent material in this part of Silverton – although is present elsewhere within the village.

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

### **Consultations on the Revised Drawings**

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

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

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

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

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

Silverton PC - 6th September 2016. Further to your email dated 22nd August I can confirm the Parish Council considered the revised scheme at its meeting this evening and unanimously resolved not to support the application. The Parish Council remain of the view that the proposed development is too large, is overdevelopment of the site, is overbearing and will dominate and change the appearance of Exeter Road. The Parish Council are also concerned at the loss of a Devon Bank and the volume of traffic which will be using the proposed access.

### **Representations on the Revised Drawings**

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

- to overdevelopment of the site;
- a design that is not in keeping with this part of the village;
- the proposed dwellings are too high and will dominate;

- loss of hedgebank / means of enclosure to the street;
- negative impact on the setting of the conservation area and street scene;
- loss of privacy to properties on Newcourt Road;
- poor internal accommodation;
- moving the North House 1.2m and the South House 0.9m has an insignificant impact on overcoming the impact on the street scene;
- the slight adjustment detailed in the revised drawings does not overcome the reasons for objection previously expressed.
- Acceptance of the revised drawings is contrary to the Planning Committee Resolution.

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

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

### **Judgement on the Revised Drawings**

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

### **RECOMMENDATION**

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

#### **Contact for any more information**

Christie McCombe, Area Planning Officer  
Ext 4277

#### **File Reference**

16/00180/FULL

#### **Circulation of the Report**

Cllrs Richard Chesterton  
Members of the Planning Committee



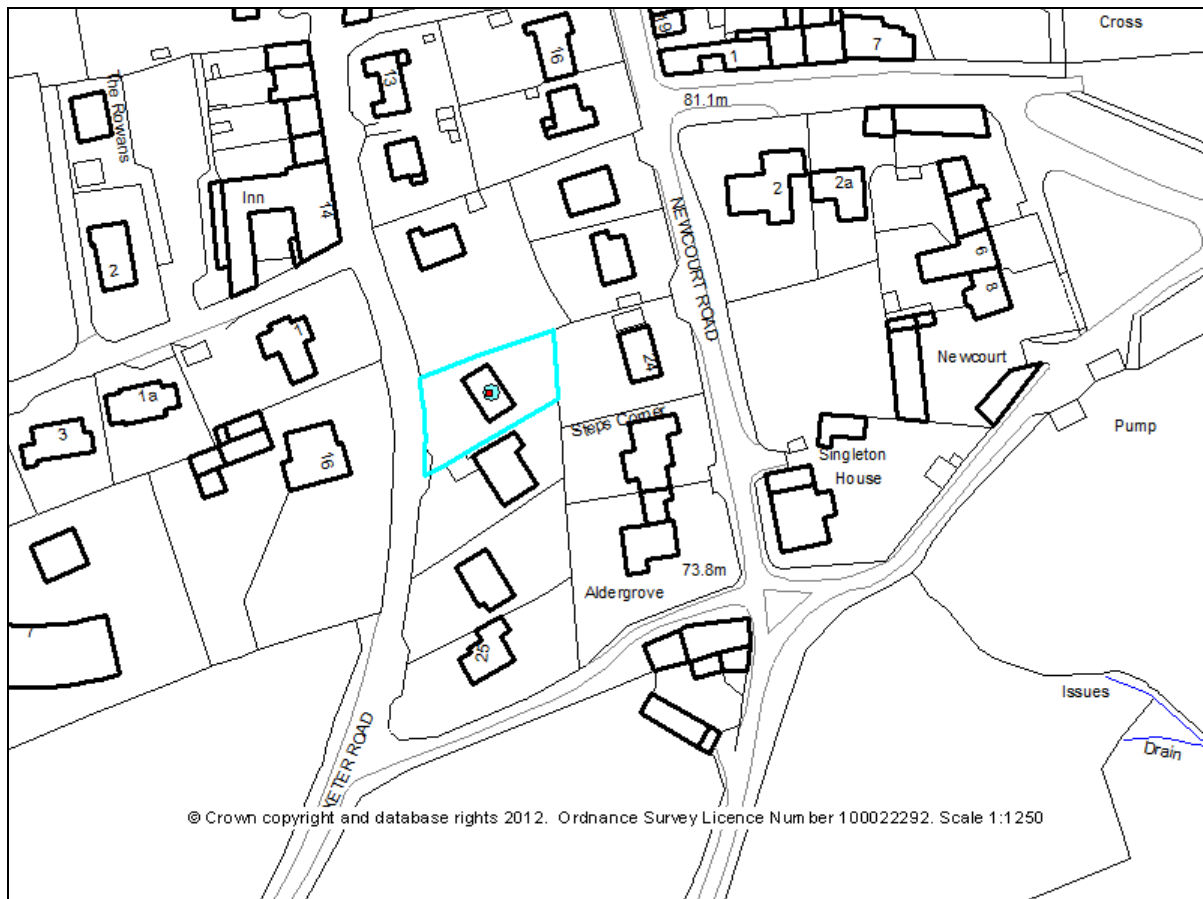
**Grid Ref:** 102696 : 295541

**Applicant:** Mr D Wright

**Location:** 19 Exeter Road  
Silverton Exeter EX5  
4HX

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

**Date Valid:** 1st February 2016



**REPORT OF THE HEAD OF PLANNING AND REGENERATION****16/00180/FULL - ERECTION OF 2 DWELLINGS FOLLOWING  
DEMOLITION OF EXISTING DWELLING (REVISED SCHEME)  
- 19 EXETER ROAD SILVERTON EXETER EX5 4HX****Reason for Report:**

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

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

**RECOMMENDATION**

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

**Relationship to Corporate Plan:**

None.

**Financial Implications:**

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

**Legal Implications:**

None.

**Risk Assessment:**

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

**Consultation carried out with:**

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



4. MDDC Environmental Health
5. MDDC Conservation Officer

## **REASONS FOR REFUSAL AND IMPLICATIONS**

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

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

### **Suggested wording for reasons for refusal**

Your Officers suggest the following wording:

REFUSE for the following reasons:

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

### **Implications: reason for refusal 1**

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

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

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

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

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

### **Implications: reason for refusal 2**

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

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

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

### **Judgment**

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

## **Revised Drawings**

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

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

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

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

### **Consultations of the Revised Drawings**

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

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

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

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

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

## Representations on the Revised Drawings

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

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

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

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

## Judgement on the Revised Drawings

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

### Contact for any more information

Christie McCombe 01884 234277

### File Reference

16/00180/FULL

### Circulation of the Report

Cllrs Richard Chesterton  
Members of Planning Committee

**Application No. 16/00180/FULL**

**Grid Ref:** 295541 : 102696

**Applicant:** Mr D Wright

**Location:** 19 Exeter Road  
Silverton Exeter EX5  
4HX

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

**Date Valid:** 1st February 2016



## **PLANNING WORKING GROUP – 17 June 2016**

There were 7 members of Planning Working Group present.

Also present – the applicant's architect, one objector, a Member of the Parish Council and the Ward Member

The Chairman indicated that the Planning Working Group had been requested to visit the site to consider the effect of the development on the street scene, possible overdevelopment of the site, the access and parking arrangements and the impact on existing properties.

The Area Planning Officer outlined the plans of the proposed development, highlighting the existing neighbouring property, the existing building line, the extension to No 21 Exeter Road, the position of the two proposed dwellings set back off the road and behind the front and rear elevations of the neighbouring property. Also the location of the adjacent Conservation Area. She explained the changes proposed to the access, the boundary wall and the position of the properties to the rear of the site.

The Architect addressed the Group highlighting the schemes he had designed in the area and the fact that street scenes evolved through time. The bungalows along Exeter Road had been modified and therefore the street scene had been modified.

The objector stated that two dwellings on the site had raised the objections amongst local residents as there were over development, access and parking issues. He indicated where the north house would sit on the site, its impact on the neighbouring property and its closeness to the road. He felt that the orientation of the proposed dwellings would affect the street scene. He provided the group with a visual aid of the height of the proposed south house; its impact on the adjacent conservation area and on the street scene as the development was felt to be unsympathetic. The existing hedgerow would be removed as would the historic wall and replaced with two tarmac drives. He added that the proposal was not in keeping with Policy DM2, Mid Devon Local Plan Part 3 Management Policies. A representative from the Parish Council stated that overdevelopment of the site and parking issues were the Parish Council's main objections to the application, she felt there was little need to squash two houses onto the site with very small gardens and no garages.

The Ward Member outlined her concerns regarding the proposed development; she felt that there was over development issues and that the proposal would spoil the road frontage, the hedge would be removed and replaced with tarmac drives and that the modern design was not in keeping with other dwellings along Exeter Road. She also felt that there would be highway issues with cars reversing out onto the highway.

Consideration was given to:

- The parking arrangements on the site
- The impact of the north house on the street scene
- The proximity of the south house to No 21 Exeter Road
- The new dwellings backing on to the rear of the site
- The height of the proposed dwellings and the fact that they would be dug into the site
- Possible boundary treatment conditions that could be put in place to the rear of the site
- The possible removal of PD rights on the site if approved
- The ridge height in comparison to Orchard Jeffries and the distance between the two properties.

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

## **Application No. 16/00180/FULL**

### **RECOMMENDATION**

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

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

To consider:

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

### **PROPOSED DEVELOPMENT**

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

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

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

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

### **PLANNING HISTORY**

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

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

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

### **DEVELOPMENT PLAN POLICIES**

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

COR1 - Sustainable Communities

COR2 - Local Distinctiveness

COR9 - Access

COR17 - Villages

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

AL/IN/3 - Public Open Space

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

DM1 - Presumption in favour of sustainable development

DM2 - High quality design

DM3 - Sustainable design

DM8 - Parking

DM14 - Design of housing

DM15 - Dwelling sizes

## **CONSULTATIONS**

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

**SILVERTON PARISH COUNCIL** - 4th April 2016

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

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

**ENVIRONMENTAL HEALTH** - 16th February 2016

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

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

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

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

Air Quality - no objections to this proposal

Environmental Permitting - N/A

Drainage - no objections to this proposal

Noise & other nuisances - recommend approval with conditions:

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

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

Housing Standards - no objections to this proposal

Licensing - No comments

Food Hygiene - N/A

Private Water Supplies - Not applicable

Health and Safety I have no objections to this proposal.



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

## REPRESENTATIONS

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

The main points raised are summarised below:

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

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

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

## MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main determining factors in this application are:

### 1) Policy

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

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

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

## 2) Detailed Design and Layout

### Parking

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

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

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

## 3) Layout

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

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

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

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

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

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

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

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

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

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

#### **4) Drainage**

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

#### **5) Public Open Space**

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

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

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

## **CONDITIONS**

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

## **REASONS FOR CONDITIONS**

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

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

#### **INFORMATIVE NOTE**

1. Survey Information on the existing dwelling's structure  
There is a lack of information e.g. structural survey. You are advised that there is a foreseeable risk of asbestos being present in these types of structure. A Refurbishment and Demolition Survey following HSG264 available at [www.hse.gov.uk/pUbns/priced/hsg264.pdf](http://www.hse.gov.uk/pUbns/priced/hsg264.pdf) should be carried out before work commences to identify precautions and legal requirements enforced by Health and Safety Executive.

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

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



**Application No.** 14/01332/MOUT

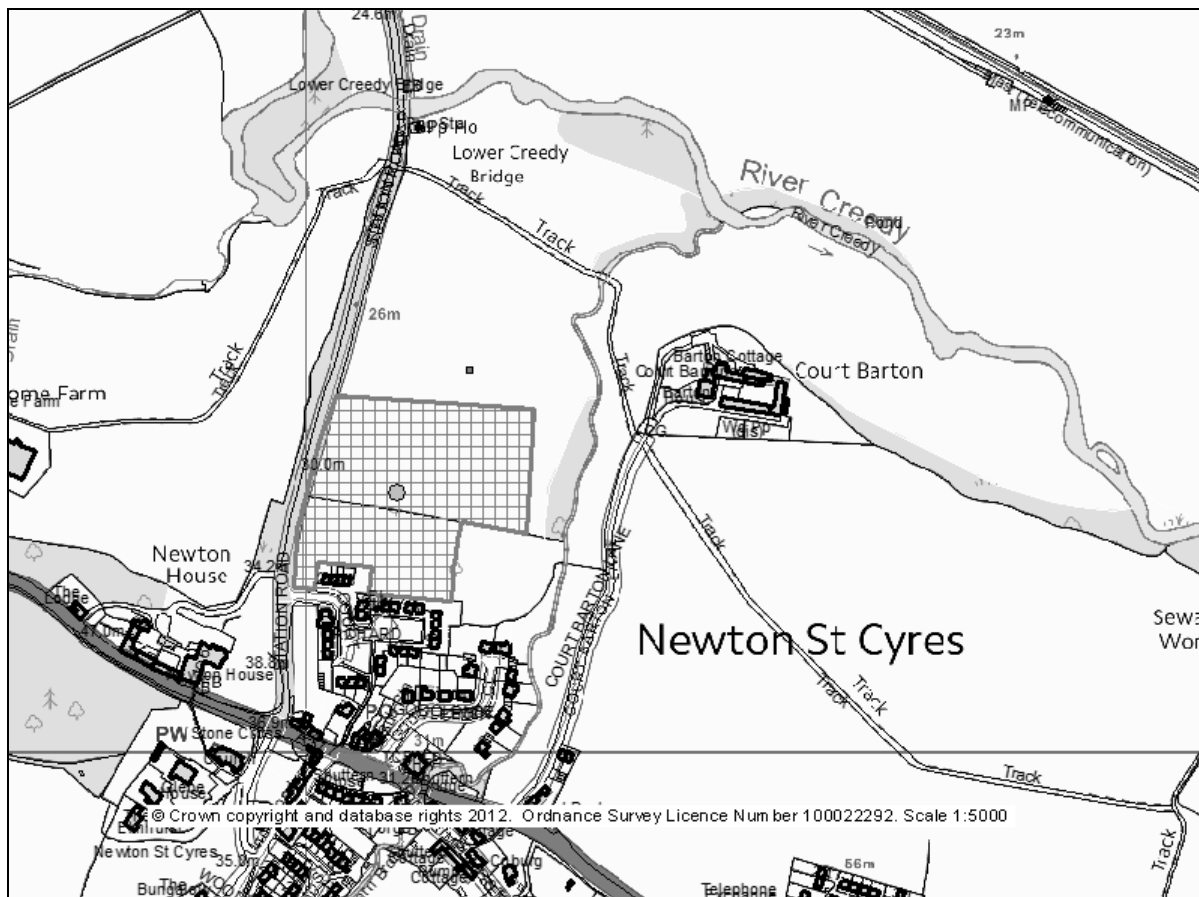
**Grid Ref:** 98337 : 288144

**Applicant:** Mr J Quicke

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

**Proposal:** Outline for a mixed use development comprising of a primary school and pre-school with ancillary facilities including sports pitch and parking and turning area; erection of up to 25 dwellings with parking and open space

**Date Valid:** 5th August 2014



## **Update Report for the 5 October Planning Committee meeting.**

1. The Planning Committee considered matters in relation to the off- site highway works required as part of the proposed school and housing development at Newton St Cyres at the meeting on the 7th September. The update report prepared for that meeting and the original report dated 3<sup>rd</sup> August follow on from this further update note (hereafter referred to as the Reports).

2. As set out in the Reports members considered two recommendations. Whilst they resolved to approved Recommendation 1, the 2<sup>nd</sup> recommendation which was in regards to the scope of works to be delivered at the junction of Station Road and the A377, as required by condition 10 of the outline planning permission and as shown on the drawing at appendix B, was not approved. The recommendation which members considered and the resolution which was passed are set out below:

Recommendation: Neither the new school and associated facilities nor the housing shall be occupied until the off-site highway works for the provision of a junction improvement scheme, at the junction of Station Road and the A377 as shown on drawing number 4058 rev D hereby approved have been constructed and made available for use.

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

3. In advance of considering this report, members will have had an informal briefing on 26<sup>th</sup> September, with updates from the land promoters team as to how they have sought to progress matters since the meeting on the 7<sup>th</sup> September. This will have included:

- i) The scope of the ongoing discussions to acquire the 3rd party land in order to deliver a two way arrangement in full.
- ii) The programme to deliver the new school in Newton-St-Cyres and how it is currently affected by the ongoing discussions regards the junction works.
- iii) The scope of the improvements to the junction that have been built in to the revision D design, and the implications that are considered likely focusing on the members reasoning given at the last meeting as set out above.

4. A further written update regards the first two matters will be circulated for members information following the briefing on the 26<sup>th</sup> September. The scope of this reports seeks to set out the key points (5-9) in relation to the consideration of the junction design, in order for members to objectively review the scheme as shown on the drawing at appendix B. A further plan is attached at appendix C which shows the junction design as proposed but in more detail.

5. Station Road is currently less than 4.8m wide over a length of circa 30m and is constrained by stone walls and banks on either side. This results in restricted two-way movement with no control of priority over the narrow section. The forward visibility into the narrow section is also compromised by a “hump” in the road which means that when you enter the narrow section you cannot clearly see what traffic is turning off the A377. Please refer to inset plan at appendix C, and yellow shaded area.



6. The proposed arrangements are shown in more detail on the proposed plan shown at appendix C confirming that the scheme provides an additional 28m of two-way traffic (at 5.5m width) as shown by the pink shading. Therefore the junction improvements as proposed do include significant widening to Station Road irrespective of whether the third party land is available to be incorporated into the scope of the improvement works.

7. This leaves just a circa 7.6m length (about a car and a half length) of carriageway which would remain at less than 4.8m wide as shown by the yellow shading. One of the concerns expressed by members was that the scope of improvements would result in danger on the highway as vehicles would be likely to queue back onto the A377 especially at peak times. The give way stopping line is shown on the proposed plan and the photograph attached at appendix D demonstrates the forward visibility that would prevail for drivers heading towards the junction and in order to decide if it would be safe to continue with their journey. This is a considerable improvement to the existing situation where forward visibility is obscured from much further back – refer to inset plan at appendix C. The scheme has been designed so that there would be no queuing back onto the A377.

8. As referred to in the Reports the scope of the works to the junction have been independently assessed (Road Safety Audits 1 and 2). At both stages of the assessment process it has been concluded that the junction improvements as proposed (refer to appendices B and C) are acceptable and offer a significant betterment to the forward visibility at the junction, which was the main area of concern as expressed by DCC as the Highway Authority when the outline planning application was assessed. As stated in the Reports and at the meeting on 7th September the Highway Authority are supportive of the scope of works proposed.

9. Notwithstanding the advice from the Highway Authority, the Committee were particularly concerned about the highway safety for Pupils travelling to the school and at the am and pm peak when the junction would be most used by parents travelling by car and walking to the school. The Head teacher at the School has been aware of these concerns and has asked that Members be advised of the following information.

- Walking to school with the school at its current location is not satisfactory, there are two paths, one is very uneven, narrow and slippery, the other is next to the A377 and makes the children and parents feel very vulnerable and they get very wet with the spray from vehicles when the roads are wet. Both routes are quite some distance from the Parish Hall car park and up a steep hill, whereas the new school is along a shorter route and is significantly flatter route.
- As part of their move the school have developed a travel plan which they will encourage pupils, staff and parents to observe. As part of this process an exercise has been completed to identify where children currently live and who will need to use the A377/Station Road junction when the school moves. They have asked staff, parents and children how they were likely to travel to the new school, on the basis that the school day is staggered from 7.30am – 9am and 3.30pm - 6.30pm.
- The number of parents who have indicated that they would be willing to walk has increased and also taking into account the number of children who would now not need to use the junction due to where they live means a realistic reduction in traffic along Station Road is likely. The Crown and Sceptre Public House has kindly agreed to let parents park in the car park (which is on the same side of the A377 as the new school). The school will also introduce a walking bus which will start in the Parish Hall car park, cross the A377, pick up the children from the Crown and Sceptre and walk

them on to school. It is believed that both of these initiatives will further incentivise parents to not drive to school along Station Road. For members information the walking route would be via the public footpath leading to Court Orchard and onto the School, bypassing the junction

10. In summary this update report clarifies a number of key issues that are critical for an objective assessment of the proposed scheme of work for the junction as shown on the plan at appendix B and in more detail at appendix C. As stated above Members will be provided with a further written update to clarify matters in relation 3 (i) and (ii) as referred above and before the meeting on 5<sup>th</sup> October which they may consider material to their consideration of this matter, Notwithstanding, it is considered that the information as set out above should satisfy members that the scheme of improvements at the junction that they are being asked to consider acceptable to discharge condition 10 of 14/01322/MOUT would not result in highway safety concerns and/or danger or inconvenience for users as a result. Therefore members are respectfully requested to endorse recommendation 2 as set out below, and as originally presented in the Reports.

Recommendation: Neither the new school and associated facilities nor the housing shall be occupied until the off-site highway works for the provision of a junction improvement scheme, at the junction of Station Road and the A377 as shown on drawing number 4058 rev D hereby approved have been constructed and made available for use.

## Update Report for the 7 September Planning Committee meeting.

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

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

### *2.1 Problem*

*Location – Junction Bellmouth.*

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

*The proposed priority working gives precedence to inbound vehicles (from the A377) with the Give Way line approx. 30m back from the A377 Stop Line. The Auditors are concerned that vehicles on Station Road, approaching the A377 may have a reduced forward visibility distance possibly in the order of 18m / 20m to oncoming traffic as they make a decision to commit to passing the 'priority' Give Way line. This could lead to possible vehicle / vehicle conflict.*

*Recommendation*

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

*2.2 Residential Development and School*

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

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

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

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

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

REPORT OF THE HEAD OF PLANNING AND REGENERATION

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

**Reason for Report:**

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

6. The commencement of development of the new school building and associated facilities or the new housing hereby approved shall not be commenced until:
  - a) The access road has been laid out, kerbed, drained and constructed up to base course level for the first 20.00 metres back from its junction with the public highway
  - b) The ironwork has been set to base course level and the visibility splays required by this permission laid out
  - c) The footway on the public highway frontage required by this permission has been constructed up to base course level
  - d) A site compound and car park have been constructed to the written satisfaction of the Local Planning Authority
  
10. No development shall take place on site until the off-site highway works for the provision of a junction improvement scheme, at the junction of Station Road and the A377, inclusive of but not limited to road widening, signing and lining, and the enhancement of pedestrian crossing facilities has been approved in writing by the Local Planning Authority and has been constructed and made available for use.

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

**RECOMMENDATION(S)**

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

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

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

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

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

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

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

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

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

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

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

**Consultation carried out with:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

**Contact for any more information**

Simon Trafford  
01884 234369

**Background Papers**

1401332/MOUT

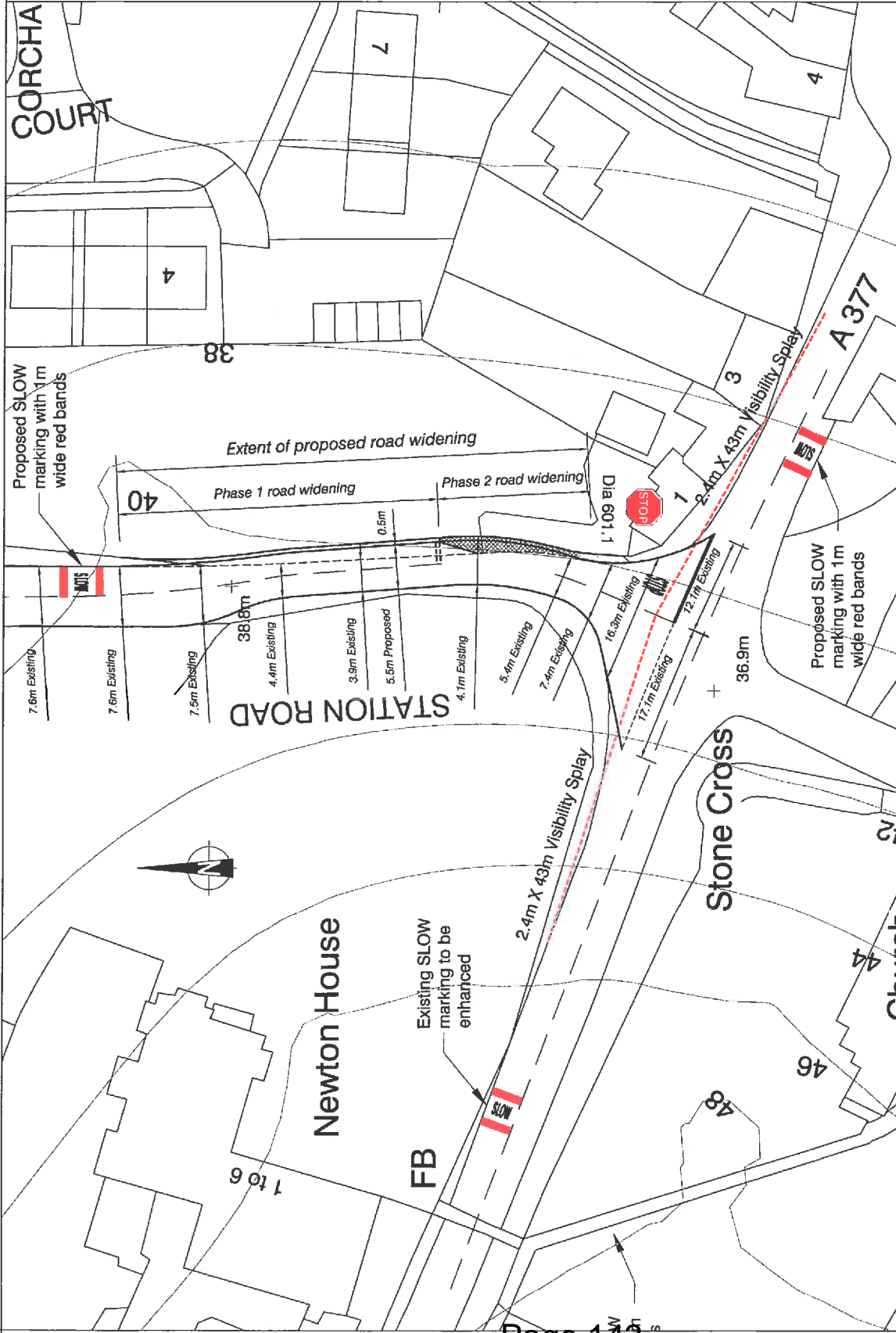
**File Reference**

**Circulation of the Report**

Cllrs Richard Chesterton  
Cllr Peter Hare Scott.

APPENDIX A

- Proposed Road Widening**  
Road to be widened to 5.5m with additional 0.5m hardstrip in two phases.
- Phase 1**  
Existing embankment to be cut back and retaining wall realigned accordingly.
- Phase 2**  
Works subject to agreement with third party. Existing retaining wall realigned to suite proposed road widening.



**NEWTON ST CYRES  
STATION ROAD  
A377 JUNCTION**

**FIGURE 01**

REVISION	
B	26.09.14 Road widening scheme
A	24.07.14 First Issue
REV	DATE
	DETAILS
DRAWING NUMBER <b>4058</b>	
REVISION <b>B</b>	

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

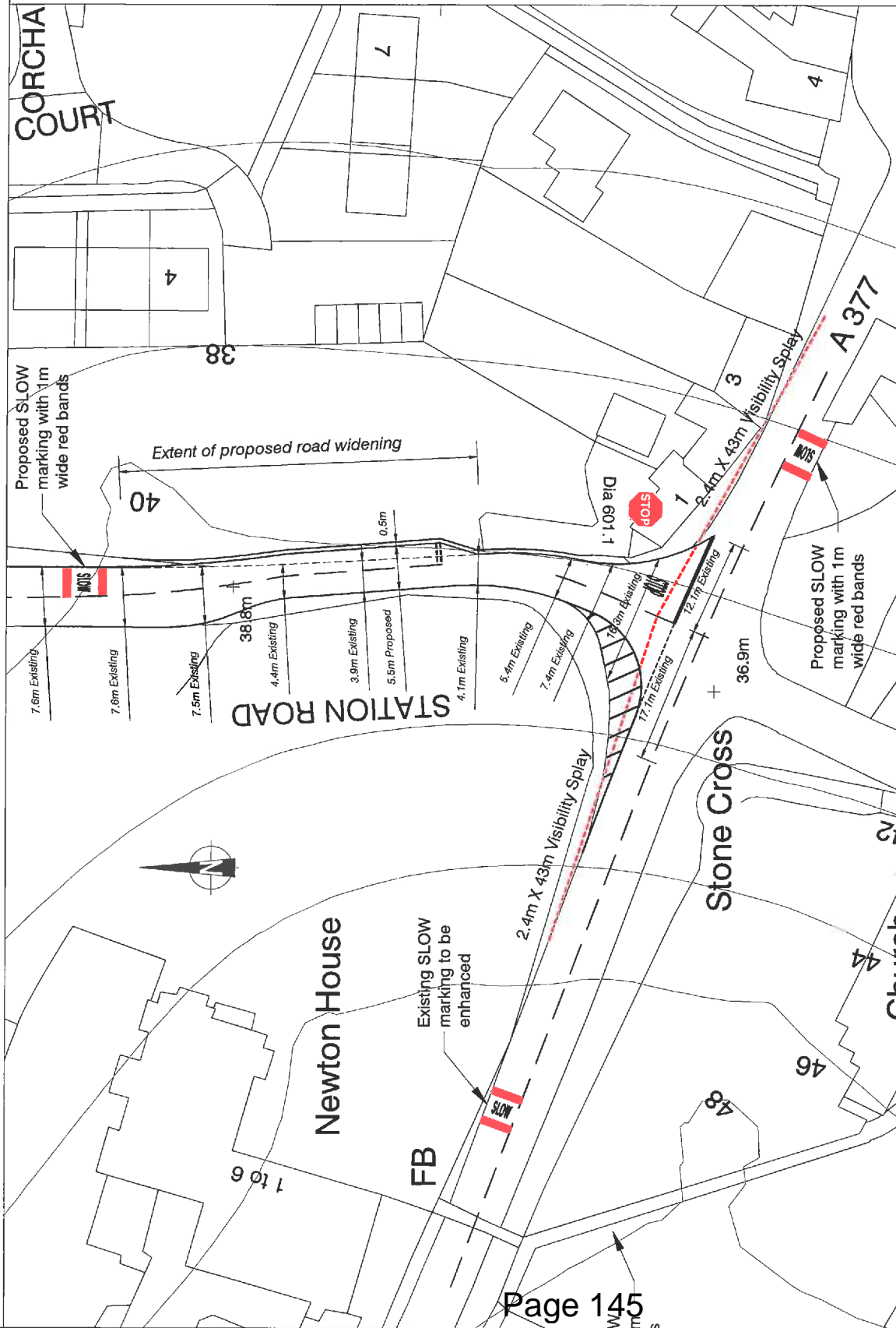


Scale 1/500 @ A3

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Appendix B

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



REVISION

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

**NEWTON ST CYRES  
 STATION ROAD  
 A377 JUNCTION**

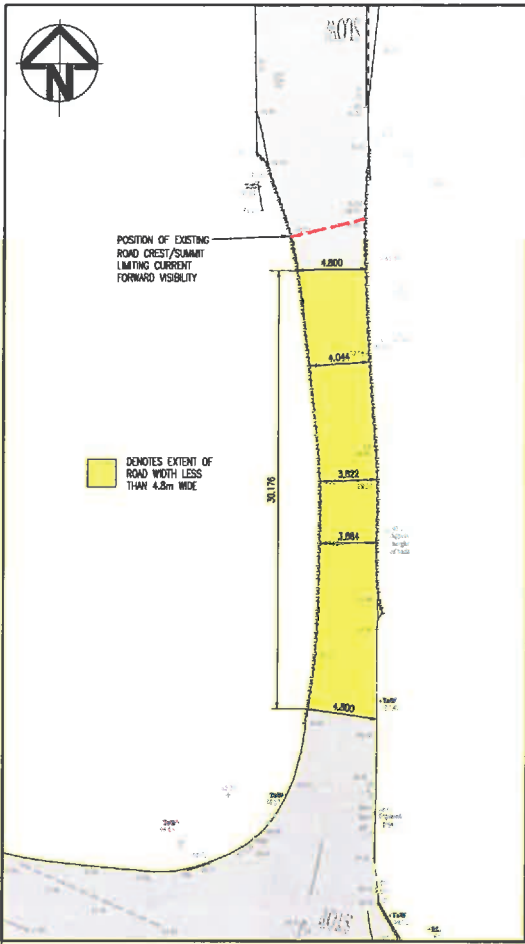
FIGURE 01

Scale 1/500 @ A3

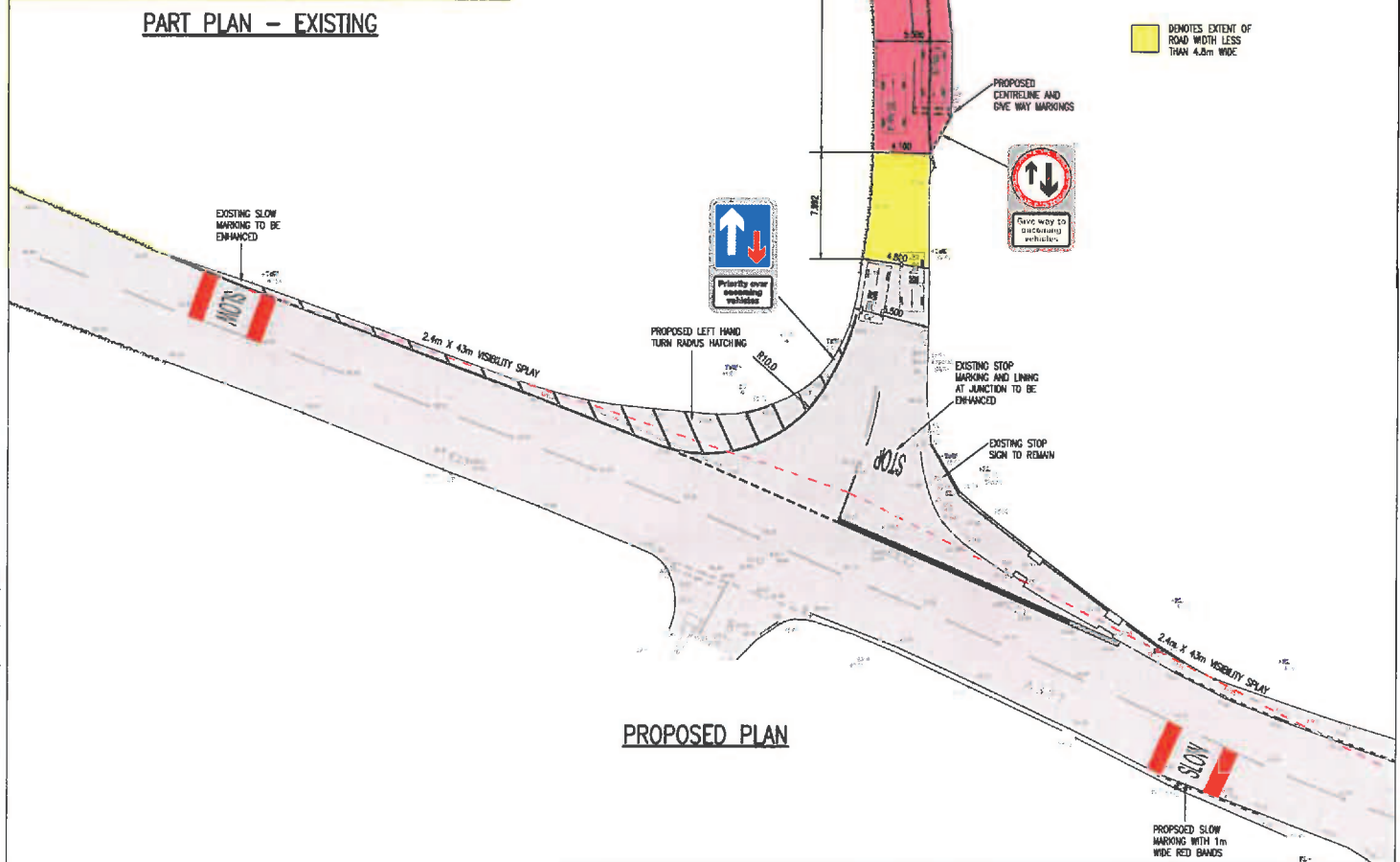
1st FLOOR UNIT 3 SIL VERDOWN OFFICE PARK  
 FAIR OAK CLOSE, CLYST HONITON, EXETER, EX5 2UX  
 TEL: 01392 363 812 FAX: 01392 363 805  
 Web: www.pcltransportplanning.co.uk



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PART PLAN - EXISTING



PROPOSED PLAN

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  - CONTRACTOR TO CHECK ALL DIMENSIONS AND REPORT ALL ERRORS AND OMISSIONS TO THE ENGINEER.
  - THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL RELEVANT DRAWINGS, SPECIFICATIONS AND REPORTS.
  - SURVEY INFORMATION SHOWN IS TAKEN FROM CENTRE LINE SURVEYS DRAWING NO P17618LS PROVIDED D DATED 23-03-2018. CLARKEBOND TAKE NO RESPONSIBILITY FOR ITS CONTENT OR ACCURACY.
  - ALL LEVELS SHOWN ARE TO ORDINANCE DATUM.

Rev	Detail	By	CHK	Date

Client  
**KINGSWOOD HOMES**

Project  
**PROPOSED RESIDENTIAL DEVELOPMENT STATION ROAD NEWTON ST CYRES**

Drawing Status  
**FOR COMMENT**

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Drawing Title  
**STATION ROAD / A377 JUNCTION WORKS**

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## ENDA ITEM

### PLANNING COMMITTEE

DATE: 5<sup>TH</sup> OCTOBER 2016

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

#### PLANNING PERFORMANCE 2016/17 QUARTER 1.

#### RECOMMENDATION:

For information and discussion.

#### REASON FOR REPORT:

To provide the Committee with information on the performance of Planning Services for the quarter 1 of the 2016/17 financial year

#### MATTERS FOR CONSIDERATION:

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

#### RELATIONSHIP TO CORPORATE PLAN:

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

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

**LEGAL IMPLICATIONS:** The Government monitors planning performance in terms of speed and quality of decision making. In the event minimum standards are not met, an authority may be designated as underperforming with special measures applied that allow applicants for major development to apply for permission direct from the Planning Inspectorate and bypassing local decision making. The speed measure is the number of major applications determined within 13 weeks as measured over a 2 year period. The new target of more than 50% has been met. The quality measure is the percentage of major applications determined over a two year period that have been overturned at appeal. The less than 20% target has been met (10%). However the Government proposes to tighten performance requirements.

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

#### 1.0 PLANNING PERFORMANCE

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

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

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

## 2.0 APPLICATION PROCESSING- DEVELOPMENT MANAGEMENT.

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

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

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

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

2.2 Application determination performance results for Qu 1 16/17 indicate that the majority of the national planning performance indicators continue to be met and exceeded by the Service. Performance over 'other' applications at 76% determined within 8 weeks shows a slight deficit against the Government target of 80% (Listed Building Consent applications fall within this application type and were at 78% during this period). The 'planning guarantee' of 100% of applications determined within 26 weeks was not met, but extensions of time are able to be secured which reduces the financial risk to the Council of fee return. Such extensions of time are normally sought to secure completion of S106 agreements. This indicator is the subject of regular monitoring. The Planning Service is currently carrying several vacant posts pending a review of its staffing structure.

2.3 The Autumn Statement 2015 and 'Technical consultation on implementation of planning changes' issued by the Department for Communities and Local Government in February 2016 indicate that it is the intention of the Government to tighten these performance measures and add to them. Through the Housing and Planning Act 2016 this performance approach is to be extended for applications for non-major development. The Government is consulting on tightening the quality of decision making target to no more than 10% of major applications determined over a 2 year period to be overturned at appeal.

2.4 New non-major application performance targets that have been consulted upon are more than 60-70% of such applications to be determined within the required time including any agreed extension of time. Furthermore that as a quality of decision indicator there be no more than 10 – 20% of decisions on non-major applications overturned at appeal. There is therefore a clear Government intention to raise performance within this aspect of the planning system and we must therefore seek to anticipate these shifting requirements.

## 3.0 PLANNING ENFORCEMENT.

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

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

Breach of condition notices served	0	1	0	0	<b>0</b>
Enforcement notices served	2	1	0	3	<b>3</b>

2.2 Staffing in enforcement during quarter 1 has fluctuated following the resignation of a full time officer. A temporary resource was brought in to assist over a three month basis. A new full time Enforcement Officer is due to start at the beginning of October 2016, but from then there will be a part time vacancy following the departure of another Enforcement Officer at the end of September.

#### 4.0 **BUILDING CONTROL.**

4.1 Building Control performance in plan checking and for full applications has met local performance targets in quarter 1 of 2016/17. The service is now operating with a full complement of staff and continues to be managed on a joint basis with that at North Devon Council. Authority has been given by Cabinet to develop a framework for future delivery of the service in partnership with North Devon Council and work on this project is progressing with an intended go live date of the beginning of April 2017.

#### 4.0 **PLANNING POLICY – FORWARD PLANNING.**

4.1 At the meeting of Council on 27<sup>th</sup> April 2016 it was agreed that the outcomes of the Local Plan pre-submission consultation and subsequent technical work be considered by Council and Cabinet. At the time of writing this report the Council meeting of 22<sup>nd</sup> September 2016 has not yet taken place and it is not known whether a land allocation for a mixed use development including tourism, leisure and designers outlet village is to be made at junction 27 of the M5. The plan as a whole will be reported back to Cabinet in Council in October /November 2016 dependent upon that decision. Cabinet has also indicated a wish for a further 6 week public consultation in advance of plan submission irrespective of whether an allocation is made at Junction 27.

4.2 The Government has set out the expectation that Councils should have a local plan in place and that they should be kept up to date. It has set a target for all Councils to have submitted a post National Planning Policy Framework (2012) local plan by the end of March 2017. It proposes to publish league tables setting out local plan progress and intervening where no local plan has been produced by early 2017. A new delivery test is also to be introduced to ensure delivery against the number of homes set out in local plans. The Government has indicated that priority for intervention will be Councils without a local plan in place and those that have not kept policies in local plans up to date.

4.4 The priority for the Forward Planning Team is currently the Local Plan Review and associated tasks.

#### 5.0 **CONCLUSIONS.**

4.1 Planning performance continues to be closely monitored. The performance of the planning service against targets is increasingly important, requires resourcing and presents an ongoing risk to the authority both financially and reputationally. Every effort continues to be made to maintain our charter standards of customer service and our performance levels within the eight and thirteen week government target periods.

**Contact for Information:** Jenny Clifford, Head of Planning and Regeneration  
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**List of Background Papers:**

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

**Circulation of the Report:**

Cllr Richard Chesterton  
Members of Planning Committee

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