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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, 30 November 2016 at 2.15 pm

The next ordinary meeting of the Committee will take place on Wednesday, 4 January 2017 at 2.15 pm in the Phoenix Chamber, Phoenix House, Tiverton

STEPHEN WALFORD

Chief Executive

22 November 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 - 16)*

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

4 CHAIRMAN'S ANNOUNCEMENTS

To receive any announcements the Chairman may wish to make.

5 ENFORCEMENT LIST *(Pages 17 - 22)*

To consider the items contained in the Enforcement List.

6 **DEFERRALS FROM THE PLANS LIST**

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

7 **THE PLANS LIST** *(Pages 23 - 68)*

To consider the planning applications contained in the list.

8 **THE DELEGATED LIST** *(Pages 69 - 90)*

To be noted.

9 **MAJOR APPLICATIONS WITH NO DECISION** *(Pages 91 - 92)*

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

10 **APPEAL DECISIONS** *(Pages 93 - 94)*

To receive for information a list of recent appeal decisions.

11 **APPLICATION 11/01927/MFUL - ERECTION OF 36 DWELLINGS
WITH ASSOCIATED ACCESS ROAD, CAR PARKING,
LANDSCAPING AND DEMOLITION OF EXISTING OUTBUILDINGS
ADJACENT TO HOWDEN COURT AT LAND AND BUILDINGS AT
NGR 294646 111535, HOWDEN COURT, TIVERTON** *(Pages 95 - 118)*

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

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

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

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

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

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

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

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 2 November 2016 at 2.15 pm

Present Councillors

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

Also Present Councillor(s)

Mrs J Roach and Mrs M E Squires

Present Officers:

Thea Billeter (Area Planning Officer), Tina Maryan (Area Planning Officer), Simon Trafford (Area Planning Officer), Lucy Hodgson (Area Planning Officer), Alison Fish (Area Planning Officer), Catherine Marlow (Conservation Officer), Jo Cavill (Enforcement Officer) and Sally Gabriel (Member Services Manager)

91 **APOLOGIES AND SUBSTITUTE MEMBERS**

There were no apologies.

92 **PUBLIC QUESTION TIME (00-02-31)**

Miss Coffin referring to Item 11 (Menchine Farm) stated that in view of the duplicitous and misleading previous applications from this applicant and other Greener for Life group members; what mitigating and enforceable conditions. are the Councillors going to impose so as to ensure that this pelletising shed (which is larger than required for Menchine fibre digestate alone) is not used to facilitate the fibre digestate from other Green for Life Groups AD's, as experienced to date by Templeton Parish with the other part of the AD energy process, liquid digestate, being imported to Crossparks slurry pit from other Greener for Life AD's across the south west. This is resulting in unplanned increased large and heavy traffic on unsuitable roads causing increased odour/fly and noise nuisance for nearby residents.

I repeat, how will Councillors prevent this happening with fibre digestate at Menchine Farm?

The Chairman indicated that the question would be answered when the item was debated.

93 **MINUTES OF THE PREVIOUS MEETING (00-04-07)**

Subject to an amendment to Minute 89 on the second line of the emboldened paragraph on page 21: replacing “not” with “nor”, the minutes of the meeting held on 5 October 2016 were approved as a correct record and signed by the Chairman.

94 **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman informed the meeting that in the absence of the Head of Planning and Regeneration today, her role would be replaced by senior planning officers.

95 **ENFORCEMENT LIST (00-06-58)**

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

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

Arising thereon:

a) No. 1 in the Enforcement List (***Enforcement Case ENF/16/00147/UDRU – untidy land caused by the unauthorised storage of unroadworthy vehicles container, trailer, tyres and various other discarded items – land at NGR 302809 109606 – Willand Road, Cullompton***).

The Enforcement Officer outlined the contents of the report stating that the car sales unit had recently been leased to a new operator who had confirmed that the car valeting building and the area surrounding it was completely separate from his business. Members were shown photographs of the area around the car valeting yard which highlighted the items of unsightly appearance.

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

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

Note: The Chairman read a statement from Willand Parish Council who were in support of the enforcement action.

b) No. 2 in the Enforcement List (***Enforcement Case ENF/16/00180/NUDRU – without planning permission, within the last four years the carrying out of engineering operations on the land with the use of heavy machinery and plant including the excavation and reprofiling of land, land drainage works including formation of 3 drainage ponds and the erection of a blockwork building – Higher Barn, Bampton***).

The Enforcement Officer outlined the contents of the report by way of presentation highlighting the land in question and the extensive works that had taken place without planning permission. Photographs were provided which identified the works that had taken place to the land and highlighted the ancient monument to the north west

corner of the site. She informed the meeting that she had met with the newly appointed agent acting on behalf of the landowner the previous day who had reported that he was in the process of preparing planning applications in relation to the site.

Consideration was given to the views of both the legal representatives for the neighbouring residents and the landowner:

- Concerns were raised regarding the flagrant breach of planning control
- The earth moving works and total lack of respect for the local environment
- The need for effective enforcement
- The impact of the works on the neighbouring property
- Drainage issues created by the extensive works.
- The planning agent's plans to make good and further enhance the area in discussion
- Work that was taking place to put forward planning applications.

Discussion took place regarding:

- Drainage issues which had arisen since the work had taken place and the impact on the neighbouring property leading into the winter
- The total lack of regard for planning control

It was therefore:

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

- a) Issue an enforcement notice, requiring the re-instatement of the land to its previous condition, including the removal of the partially constructed building and drainage option in accordance with a detailed schedule of works as directed by the Head of Planning and Regeneration in conjunction with the Legal Services Manager;
- b) Take any legal action deemed appropriate including prosecution or Direct Action in the event of non-compliance with the notice.

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

Notes:

- i) Cllrs B A Moore and R L Stanley declared personal interests as they had been in contact with the supporters of the enforcement action in their roles as Ward Members;
- ii) Mr Mason spoke on behalf of the local residents;
- iii) Mr Cookson and Mr Collett spoke on behalf of the landowner;
- iv) The following late information was reported: The Area Planning Officer and Enforcement Officer met with the newly appointed agent acting on behalf of the owner yesterday. He is in the process of preparing planning applications in

relation to this site, and has requested that additional time be allowed for this to be submitted before we serve an Enforcement Notice. Your officers consider that it remains important to protect the Council's position, and if Members are minded to amend the recommendation, the following is suggested:

That Members, having regard to the provisions of the Mid Devon Development Plan and all other material planning considerations in accordance with Section 172, Town and Country Planning Act 1990, (as amended) ("the Act") should grant authority to the Legal Services Manager to issue an enforcement notice, should an application for planning permission in relation to the site not be submitted within two calendar months, requiring the re-instatement of the land to its previous condition, including the removal of the partially constructed building and drainage option in accordance with a detailed schedule of works the compilation of which to be delegated to the Head of Planning and Regeneration in conjunction with the Legal Services Manager. In addition, that authority be given to the Legal Services Manager to take any legal action deemed appropriate including prosecution or Direct Action in the event of non-compliance with the notice.

- c) No. 3 in the Enforcement List (***Enforcement Case ENF/16/00257/UDRU – without planning permission, within the last four years the carrying out of engineering operations on the land with the use of heavy machinery and plant including the excavation and reprofiling of land, land drainage works including formation of 3 drainage ponds and the erection of a blockwork building – Land to the north and east of Higher Barn, Bampton***).

The Enforcement Officer outlined the contents of the report by way of presentation highlighting the land in question and the extensive works that had taken place without planning permission. Photographs were provided which identified the works that had taken place to the land and highlighted the ancient monument to the north west corner of the site. She informed the meeting that she had met with the newly appointed agent acting on behalf of the landowner the previous day who had reported that he was in the process of preparing planning applications in relation to the site.

Consideration was given to the views of both the legal representatives for the neighbouring residents and the landowner:

- Concerns were raised regarding the flagrant breach of planning control
- The earth moving works and total lack of respect for the local environment
- The need for effective enforcement
- The impact of the works on the neighbouring property
- Drainage issues created by the extensive works.
- The planning agent's plans to make good and further enhance the area in discussion
- Work that was taking place to put forward planning applications.

Discussion took place regarding:

- Drainage issues which had arisen since the work had taken place and the impact on the neighbouring property leading into the winter
- The total lack of regard for planning control

- The impact of the works on the ancient monument at “The Mount”

It was therefore:

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

- Issue an enforcement notice, requiring the re-instatement of the land to its previous condition, including the removal of the partially constructed building and drainage option in accordance with a detailed scheduled of works as directed by the Head of Planning and Regeneration in conjunction with the Legal Services Manager;
- Take any legal action deemed appropriate including prosecution or Direct Action in the event of non-compliance with the notice.

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

Notes:

- Cllrs B A Moore and R L Stanley declared personal interests as they had been in contact with the supporters of the enforcement action in their roles as Ward Members;
- Mr Mason spoke on behalf of the local residents;
- Mr Cookson and Mr Collett spoke on behalf of the landowner;
- The following late information was reported: The Area Planning Officer and Enforcement Officer met with the newly appointed agent acting on behalf of the owner yesterday. He is in the process of preparing planning applications in relation to this site, and has requested that additional time be allowed for this to be submitted before we serve an Enforcement Notice. Your officers consider that it remains important to protect the Council's position, and if Members are minded to amend the recommendation, the following is suggested:

That Members, having regard to the provisions of the Mid Devon Development Plan and all other material planning considerations in accordance with Section 172, Town and Country Planning Act 1990, (as amended) ("the Act") should grant authority to the Legal Services Manager to issue an enforcement notice, should an application for planning permission in relation to the site not be submitted within one calendar month, requiring the re-instatement of the land to its previous condition, including the removal of the partially constructed building and drainage option in accordance with a detailed schedule of works the compilation of which to be delegated to the Head of Planning and Regeneration in conjunction with the Legal Services Manager. In addition, that authority be given to the Legal Services Manager to take any legal action deemed appropriate including prosecution or Direct Action in the event on non-compliance with the notice.

- c) No. 4 in the Enforcement List (***Enforcement Case ENF/16/00247/LIS – Listed building in a poor state of repair and illegal/unauthorised internal alterations – 12 St Andrew Street, Tiverton***).

The Conservation Officer outlined the contents of the report highlighting by way of presentation the poor state of the building and the impact this was having on the neighbouring properties. She also explained the negotiations that had taken place with the property owner.

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

- a) Take the appropriate legal action including the service of a notice or notices seeking the repair and redecoration of the exterior of the listed building. In addition in the event of a failure to comply with any notice served or refusal to regularise or correct any unauthorised works to the listed building, authority to seek prosecution, direct action and or a court injunction.
- b) In addition, in the event of the failure to provide access to the interior of the building, to authorise the seeking of a magistrate's warrant to ensure access be provided

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

- d) No. 5 in the Enforcement List (***Enforcement Case ENF/16/00248/LIS – Listed building in a poor state of repair – 3 Bridge Buildings, West Exe North, Tiverton***).

The Conservation Officer outlined the contents of the report by way of presentation highlighting the poor state of the building and she informed the meeting that the building had been gutted internally just before the building had been formally listed in 2000, hence the exterior of the property was the issue of any enforcement action.

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

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

Note: Cllr R J Dolley declared a personal interest as he had had discussions in his role as Ward Member.

96 DEFERRALS FROM THE PLANS LIST (1-00-01)

The Chairman informed the meeting that Item 1 on the Plans List (Ingleton Farm, Ashill) had been deferred to enable further work to take place on the application.

97 THE PLANS LIST (1-03-36)

The Committee considered the applications in the plans list *.

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

(a) No 1 on the Plans *List (16/01117/FULL – Change of use of agricultural land and buildings to form camping site, to include provision for 2 shepherds hut pitches, 2 safari tent pitches and 6 bell tent pitches; conversion of existing stables for shower/toilets, office, meeting room, sensory room for visitors, washing facilities and storage, erection of 2 new blocks to serve campsite and formation of equestrian area for grazing of miniature horses – Ingleton Farm, Ashill.*

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

(b) No 2 on the Plans *List (16/01121/FULL – Erection of extension to provide a 2 bay carport, office, ancillary storage, workman's shower, changing area and utility space – Lucas Farm, Uffculme).*

The Area Planning Officer outlined the contents of the report by way of presentation highlighting the site location plan and the outline application that had been granted. She identified the details of the extension: the glazed link that was proposed to adjoin the extension to the dwelling, the existing and proposed elevations and floor plans, the roof plans and photographs from various aspects of the site. She stated that there was a need for additional facilities on site but that it was the officer's opinion that the extension was too large and that there was no need for the glazed link between the buildings.

Consideration was given to:

- The acreage of the site
- The original plans approved at the outline stage
- Whether the farm office and facilities could be situated somewhere else on the site away from the main house
- The need to expand the business and therefore the facilities
- The need to have the extension attached to the house for business and biodiversity reasons
- The agricultural tie

RESOLVED that planning permission be approved for the following reason that the existing farm business has grown significantly since being established and now employs 20 members of staff; as a result of this level of success, the scale of the extension is acceptable and the needs of the business justify the accommodation proposed. The development will enable the proper running of the business and provide suitable areas for staff to rest. The application is in accordance with policies COR18 of Mid Devon Core Strategy (Local Plan Part 1) and DM2 and DM10 of Local Plan Part 3 (Development Management Policies) and that delegated authority be given to the Head of Planning and Regeneration to produce a set of conditions to include:

1. The development hereby permitted shall begin no later than three years for the date of this decision. REASON: – In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the plans listed in the schedule on the decision notice. REASON: - For the avoidance of doubt and in the interests of proper planning.
3. The materials used for the external surfaces of the development hereby approved shall match those on the existing dwelling (including in colour and texture and the colour of mortar used). REASON: To ensure the use of appropriate materials so that the development does not adversely impact upon the amenity of the existing dwelling, in accordance with policies DM2 and DM13 of Local Plan Part 3 (Development Management Policies).
4. Other than the two storey glazed link shown on the approved plans, the development hereby approved shall only be used in conjunction with the operation of the agricultural activities associated with the holding presently known as Lucas Farm and shall not be used as domestic or residential accommodation. REASON: To ensure the accommodation provided is used to support the agricultural activities of the holding and to ensure that the accommodation does not become part of the main dwelling, the resultant size of which could not be justified by the size of the holding, in accordance with policies COR18 of Mid Devon Core Strategy (Local Plan Part 1) and DM10 of Local Plan Part 3 (Development Management Policies).

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

Notes:

- (i) Cllr R F Radford declared a personal interest as a fellow chicken farmer and chose to leave the meeting during the discussion thereon;
- (ii) Mrs Labdon (Applicant) spoke;
- (iii) The Chairman read a statement from Cllr R J Chesterton (Ward Member) in support of the application;
- (iv) Cllr Mrs F J Colthorpe requested that her abstention from voting be recorded;
- (v) Cllr P J Heal requested that his vote against the decision be recorded;
- (vi) The following late information was reported: The plans on the file have been updated; there has been an internal reconfiguration along with the removal of the car port element.
- (c) No 3 on the Plans *List (16/01210/FULL – Variation of Condition 2 of planning consent 15/00537/MFUL to extend temporary planning permission term granted from 25 years to 30 years from the date of operation – land at NGR 274885 105456 (Sharland Farm), Morchard Bishop).*

The Area Planning Officer outlined the contents of the report stating that the previous application had been granted for 25 years, the latest application only sought to extend the terms of the planning permission by 5 years. He highlighted by way of

presentation the site location plan, the block plan identifying the panel layout, and photographs from various locations around the site.

Consideration was given to:

- The nearby site at Ellicombe which had received an extension of time
- The support of the Parish Council

RESOLVED that the planning application be approved subject to conditions as recommended by the Head of Planning and Regeneration with an amendment to Condition 1 to read: The development hereby permitted shall begin no later than three years from 8th July 2016, which is the date of the original planning permission as granted under LPA ref: 15/00537/MFUL.

(Proposed by Cllr P J Heal and seconded by Cllr J D Squire)

Notes:

- (i) Cllrs Mrs H Bainbridge, Mrs C A 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 all made declarations in accordance with the Protocol of Good Practice for Councillor in dealing with planning matters as they had received correspondence from the applicant;
 - (ii) Cllr J D Squire declared a personal interest as the landowner was known to him;
 - (iii) Mr Ryan (Applicant) spoke
 - (iv) Cllr Mrs M E Squires spoke as Ward member
 - (v) Cllr R J Dolley, B A Moore and R L Stanley requested that their abstention from voting be recorded;
 - (vi) The follow late information was reported an amendment to Condition 1 as outlined above.
- (d) No 4 on the Plans *List (16/01429/FULL – change of use of hairdressing salon (Class A1) to self contained bed sit (Class C3 (Revised Scheme), Lawrences Hair Salon, 3A Exeter Road, Silverton).*

The Area Planning Officer outlined the contents of the report by way of presentation highlighting the location of the proposal, the plan layout of the proposed bedsit, the main living space and the proposed outdoor space.

Consideration was given to:

- The size of the proposal
- The access to the outside space
- The reasoning behind the proposal and the benefits of such a proposal
- The salon had been marketed but remained unsold
- The demand within Silverton for cheap accommodation

- Planning policy

RESOLVED that the planning application be refused as recommended by the Head of Planning and Regeneration.

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

Notes:

- (i) Cllr R L Stanley declared a personal interest as the applicant was known to him;
- (ii) Mr Freeman (Agent) spoke;
- (iii) Cllr Mrs J Roach spoke as Ward Member;
- (iv) Cllr R L Stanley requested that his abstention (because he felt that his relationship with the applicant was too close) from voting be recorded.
- (e) No 5 on the Plans List ***(16/01448/FULL – Variation of condition 2 of planning permission 15/00132/FULL to allow substitute plans in respect of change of design – 25 Exeter Road, Silverton***

The Area Planning Officer outlined the contents of the report stating that the property had not been built in accordance with approved plans and that the application sought to regularise the planning status of the development. She highlighted by way of presentation the approved plans and the elevations as built, photographs from various aspects of the site which depicted the effect on the street scene and the impact on the neighbouring property.

Consideration was given to:

- The fact that the application had been the result of an enforcement officer visit
- A condition was in place to prevent any further development on the site
- Legislation that allowed changes to be made to approved plans
- The increased height of the dwelling
- The impact of the development on the street scene
- Mechanisms in place to revise applications after approval
- Issues with regard to amendments to plans made retrospectively and the impact on the residents of the neighbouring properties
- The need for firm enforcement

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

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

Notes:

- (i) Mrs Woodman (Agent) spoke;
- (ii) Cllr Mrs J Roach spoke as Ward Member;

(iii) Cllr R L Stanley requested that his vote against the decision be recorded.

98 THE DELEGATED LIST (2-29-35)

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

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

99 MAJOR APPLICATIONS WITH NO DECISION (2-31-52)

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

It was **AGREED** that with regard to application 16/01424/MOUT - Uplowman Road, Tiverton, that a site visit take place.

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

100 APPEAL DECISIONS (2-32-58)

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.

101 ERECTION OF NEW BUILDING FOR PROCESSING DIGESTATE FIBRE IN ASSOCIATION WITH EXISTING AD PLANT - LAND AT NGR 283096 113579 (MENCHINE FARM) NOMANSLAND - (2-33-10)

The Committee had before it a report * of the Head of Planning and Regeneration regarding the above application which had been deferred from a previous meeting for more information on the need for the size and capacity of the building proposed in relation to the digestate produced from the Menchine Farm AD Plant with a maximum of 500kw output.

The Area Planning Officer outlined the contents of the report explaining the history of the application and the detail of the application which included the traffic impact issues that had been discussed previously. He highlighted the proposed site plan and gave a photographic tour of the site depicting the various buildings within the business location.

He responded to the question posed in Public Question Time stating that Conditions 4 and 5 would address the issues raised with regard to the number of vehicular trips generated on the local highway network. Issues with regard to Crossparks could not be considered as part of this application.

Consideration was given to:

- The processed material already produced on the site

- The size of the proposed building
- Whether the location would sit well within the site
- The number of road trips
- Monitoring requirements

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

(Proposed by Cllr P J Heal and seconded by Cllr D J Knowles)

Notes:

- i) Cllr R F Radford declared a personal interest as a local chicken farmer and chose to leave the meeting during the discussion thereon;
- ii) Cllr Mrs F J Colthorpe declared a personal interest as the applicant and extended family were known to her, she also knew some of the objectors;
- iii) Cllr R J Dolley, B A Moore and R L Stanley declared personal interest as some of the objectors were known to them;
- iv) Cllr Mrs M E Squires declared a personal interest as the applicant and objectors were known to her;
- v) Mr Cole (Applicant) spoke;
- vi) Cllr Mrs M E Squires spoke as Ward Member;
- vii) Cllr R J Dolley requested that his vote against the decision be recorded;
- viii) *Report previously circulated copy attached to signed minutes.

102 **PERFORMANCE (2-59-22)**

The Committee had before it and **NOTED** a report * of the Head of Planning and Regeneration providing information on the Planning Service quarter two of the 2016.17 financial year.

The Area Planning officer outlined the contents of the report stating that generally targets were being met. There were still some staffing issues however all posts within the enforcement team had now been filled.

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

(The meeting ended at 5.30 pm)

CHAIRMAN

Case No. ENF/16/00269/NUDRU

Grid Ref: 286844 111373

Address:

Pulsards Farm, Pennymoor, Tiverton, Devon

Alleged Breach:

Unauthorised carrying out of engineering operations and excavation works on agricultural land to create a slurry pit.

Recommendations:

That Members, having regard to the provisions of the Mid Devon Development Plan and all other material planning considerations in accordance with Sections 172 and 183 of the Town and Country Planning Act 1990, (as amended) should grant authority to the Legal Services Manager to issue a Stop Notice notice requiring the cessation of all works in connection with the creation of slurry pit or digestate storage facility at the site, and an enforcement notice requiring the cessation of all works in connection with the creation of a slurry pit or digestate storage facility at the site and reinstate the land to the same contours and levels as the surrounding agricultural fields.

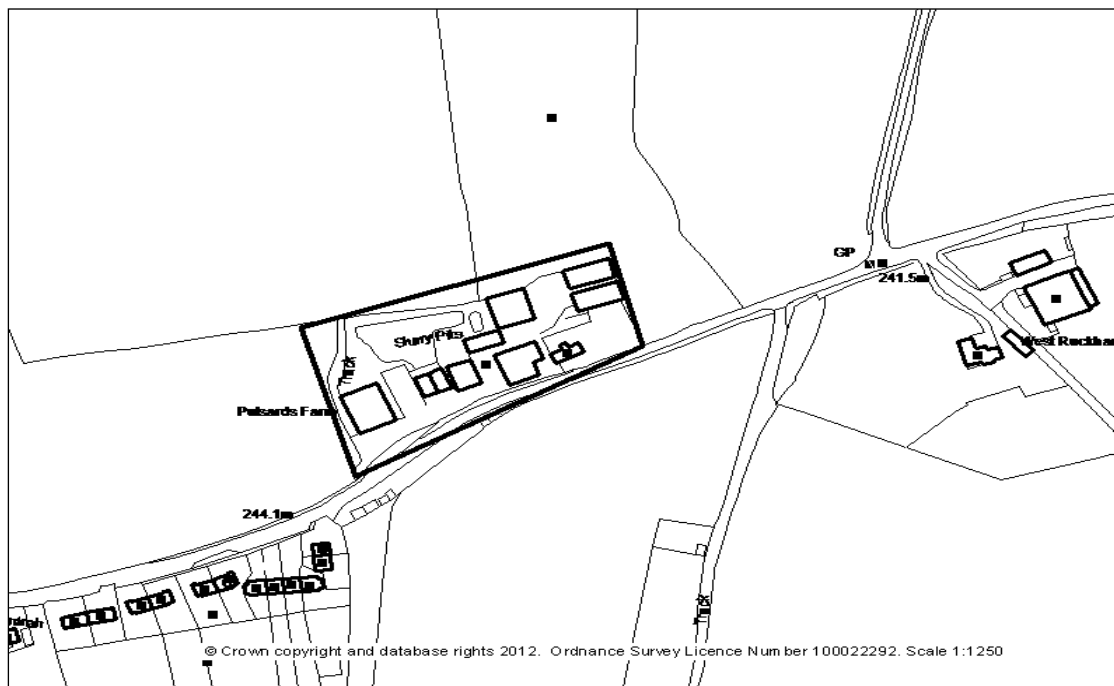
In addition, that authority be given to the Legal Services Manager to take any legal action deemed appropriate including prosecution or Direct Action in the event of non-compliance with the notices.

Site Description:

This matter relates to agricultural land at Pulsards Farm, Pennymoor, within the open countryside, which is located to the east of Pennymoor, to the north of the road between Pennymoor Cross and West Ruckham Cross.

The works are being undertaken on land to the north and west of the complex of farm buildings.

Site Plan:



Site History:

78/000670/FULL Siting of two caravans – PERMIT – 12.07.78

80/000790/FULL Renewal of planning permission for siting of two caravans – PERMIT – 23.06.80

Development Plan Policies:

National Planning Policy Framework

Mid Devon Core Strategy (Local Plan 1)

COR18 - Countryside

Mid Devon Local Plan Part 3 (Development Management Policies)

DM1 - Presumption in favour of sustainable development

DM2 - High Quality Design

DM22 - Agricultural Development

DM31 - Enforcement

Reasons/Material Considerations:

The site was initially visited on 31st October 2016 by a Planning Enforcement Officer, following a complaint that there were excavation works taking place on site. From aerial photographs it appears that there has been a small slurry pit at the site for some time, which is believed to have been extended without planning permission in 2012. This has now been completely removed, and further excavation works have taken place to form a much larger and deeper lagoon, with the additional soil that has been excavated placed around the pit. In addition it appears that a hedgerow has been removed without consent.

It appears that the works were being undertaken without planning permission. It involves the excavation and works for provision of the storage of slurry or sewage sludge within 400 metres of a protected building (a dwelling not occupied in connection with the farm), and therefore cannot be permitted development. The sub tenant of the site was advised to cease all work in person, and the tenant was advised by telephone. Further complaints were received that works were continuing, and therefore a Temporary Stop Notice was served on 4th November, following consultation with the Chair and Vice Chair of Planning Committee.

The agent acting on behalf of the tenant responsible for the works has indicated that the primary use of the slurry lagoon is to be for the storage of digestate from various other sites within his control. This would be likely to increase the number of vehicle movements to and from the site, and it appears to your Officers that there has been no considerations given to the impact this would have on the local road network.

It is the view of your Officers that the works which are currently underway and the proposed final uses of the site are unlikely to be acceptable when considered in relation to development plan policies and other material considerations. It is considered that the works are contrary to the provisions of the National Planning Policy Framework para(s) 17, 6 and 109, the Mid Devon Core Strategy (Local Plan part 1) Policy COR18, Mid Devon Local Plan Part 3 Policies (Development Management Policies) DM1, DM2 and DM22.

The service of the Notices as recommended would not prevent the submission of a planning application for an alternative outcome for the site, which would be determined in the normal manner. This would allow for full consideration of the environmental and pollution effects of the development and the degree to which, if at all, they would be able to be mitigated and otherwise controlled by way of condition.

The agent acting for the tenant of the site responsible for these works has indicated that there has been no odour impact assessment carried out prior to their commencement.

A stop notice cannot be served independently of an enforcement notice. Once an enforcement notice is served, it will come into effect after 28 days. The purpose of serving the stop notice would be to prohibit further works in relation to the creation of the slurry pit ahead of the deadline for compliance with the enforcement notice.

The removal of the hedgerow is a separate matter, which will be dealt with in accordance with the Hedgerow Regulations 2007.

Assessment of costs and benefits:

Government guidance advises that a cost-benefits analysis be undertaken by the Council prior to the issuing of a Stop Notice. The purpose of the analysis is to determine the likely outcome of the prohibition specified on the person who carries it out, the local economy and balancing this against the benefit to be gained from the stopping of that activity. However, the Courts have confirmed that the recommendation to carry out such an analysis is advisory, and is therefore not binding if the Council can show adequate reasons for not following the advice.

Your officers have considered the likely effect of prohibiting the further works to construct a slurry pit at the site in detail. While this undoubtedly will have financial implications for the site operator, and to a lesser extent, the local company which the tenant has indicated was to bring digestate to the site; Officers consider this is justified in order to protect the amenity and living condition of nearby residential properties. The tenant has an interest in several other agricultural sites in the nearby area, where such a facility could potentially be located without the need for full planning permission, and without such a potential impact on nearby residents. It is also to be noted that the Stop Notice will only prohibit what is essential to safeguard amenity in this location; the other agricultural activities at the site will be unaffected. There will also be a financial implication for those on which the Notices are to be served in terms of the remedial works required; again your Officers consider that this is justified when balanced against the potential harm caused.

Section 186 of the Town and Country Planning Act 1990 (as amended) makes provision for the payment of compensation in respect of a prohibition contained within a stop notice only under specific circumstances. Specifically, compensation is payable where the related Enforcement Notice is quashed (unless this occurs as consequence of the granting of planning permission for the development), is varied so that any prohibited activity in the Stop Notice ceases to be a relevant activity in the Enforcement Notice or is withdrawn by the Council (other than because of the granted of planning permission for the development). Compensation would also be payable if the Stop Notice was withdrawn.

Therefore, there is a financial risk to the Council associated with the serving of a Stop Notice on land at Pulsards Farm, but having considered this point, your Officers are of the view that the risks of a valid compensation claim are minimal in this case.

Human Rights and Equality Issues:

The expediency of Enforcement action has been assessed with reference to the National Planning Policy Framework (NPPF). Expediency has also been assessed with regard to the statutory Development Plan, comprising the Core Strategy 2026 (July 2007), the Allocations and Infrastructure Development Plan Policies (January 2011) the Local Plan Part 3 Development Management Policies (October 2013) the Proposed Local Plan Review Policies 2013 - 2033.

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

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

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

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

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

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

Options for action or remedy:

The list of options available is as follows:

Take no action:

Officers consider that this would not be an appropriate course of action due to detrimental impact on the nearby residents and the wider area that would be likely to occur should works continue as in the same manner in which they were commenced.

Steps Required:

Officers consider that this would not be an appropriate course of action due to detrimental impact on the nearby residents and the wider area that would be likely to occur should works continue as in the same manner in which they were commenced.

Invite a planning application:

Officers consider that this would not be appropriate, as the works as commenced would be contrary to both local and national policy, and would therefore not be likely to be considered favourably by the Council.

Should an Enforcement Notice be issued, the owner of the property would have the right to appeal to the Planning Inspectorate on the basis that planning permission should be granted, where the planning merits of the works undertaken would be considered by the Inspector.

Issue a Stop Notice and an Enforcement Notice:

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

The requirements of the Stop Notice

Cease all works in connection with the creation of a slurry pit or digestate storage facility at the site.

The requirements of the Enforcement Notice

Cease all works in connection with the creation of a slurry pit or digestate storage facility at the site.

Reinstate the land to the same contours and levels as the agricultural fields to the immediate north.

Reasons for Decision:

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

The continuation of the unauthorised works would have an adverse impact on the living conditions of local residents and the local environment and is contrary to the provisions of the National Planning Policy Framework para(s) 17, 6 and 109, the Mid Devon Core Strategy Policy (Local Plan Part 1) COR18, Mid Devon Local Plan Part 3 Policies (Development Management Policies) DM1, DM2 and DM22.

Period for Compliance:

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

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PLANNING COMMITTEE AGENDA - 30th November 2016

Applications of a non-delegated nature

- | <u>Item No.</u> | <u>Description</u> |
|-----------------|---|
| 1. | <p>16/01117/FULL - Change of use of agricultural land and buildings to form camping site, to include provision for 2 shepherds hut pitches, 2 safari tent pitches, and 6 bell tent pitches; conversion of existing stables to shower/toilets, office, meeting room, sensory room for visitors, washing facilities, and storage; erection of 2 new blocks to serve campsite; and formation of equestrian area for grazing of miniature horses at Ingleton Farm, Ashill, Cullompton.</p> <p>RECOMMENDATION Grant permission subject to conditions.</p> |
| 2. | <p>16/01221/FULL - Change of use of part garden for the retention of shed for property letting office (Use Class A2) at Todd Lettings Office, 11 Meadow Gardens, Crediton.</p> <p>RECOMMENDATION Grant permission subject to conditions.</p> |
| 3. | <p>16/01365/FULL - Erection of 2 dwellings for security staff; part change of use of agricultural building to form sentry office on mezzanine level and formation of an elevated walkway at Land and Buildings at NGR 285635 103526 (Trew Farm), Chilton, Devon.</p> <p>RECOMMENDATION Grant permission subject to conditions.</p> |
| 4. | <p>16/01391/HOUSE - Erection of extension to ground floor utility and erection of first floor extension above at 38 Higher Town, Sampford Peverell, Tiverton.</p> <p>RECOMMENDATION Grant permission subject to conditions.</p> |
| 5. | <p>16/01501/FULL - Erection of 3 dwellings following demolition of existing dwelling at Old Den, Lapford, Crediton.</p> <p>RECOMMENDATION Grant permission subject to conditions.</p> |
| 6. | <p>16/01599/FULL - Erection of extension and alterations to layout of existing carpark at Exe Valley Leisure Centre, Bolham Road, Tiverton.</p> <p>RECOMMENDATION Grant permission subject to conditions.</p> |

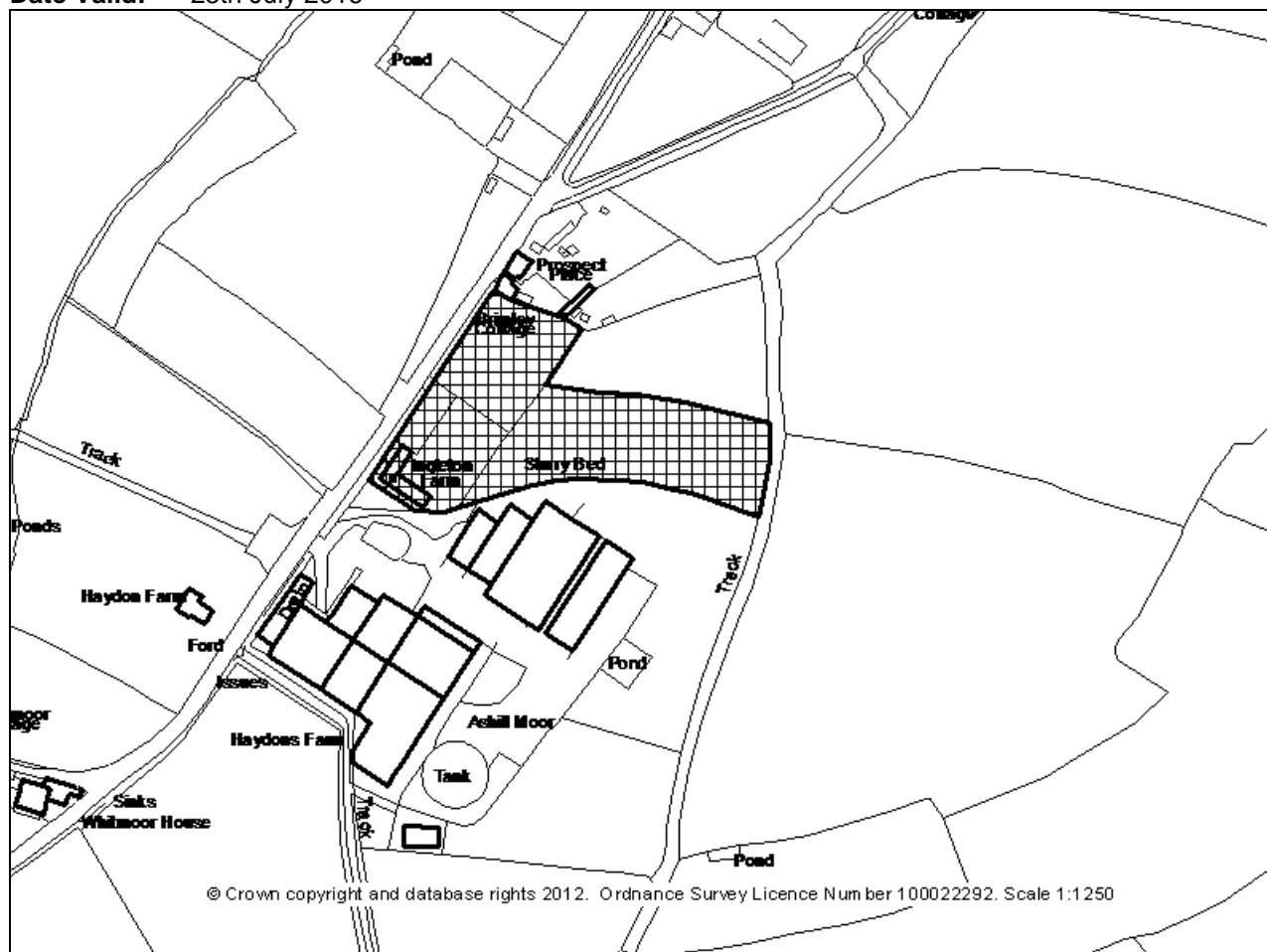
Grid Ref: 308438 : 110891

Applicant: Mr & Mrs A Sheard

Location: Ingleton Farm Ashill
Cullompton Devon

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

Date Valid: 25th July 2016



RECOMMENDATION

Grant permission subject to conditions.

PROPOSED DEVELOPMENT

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

The description of the development as set out above summarises the proposed development. The description is considered by planning officers to be adequate. Members of the planning committee are reminded that if the application is approved, it is plans submitted in support of the application that are approved and not the description of the development itself.

Since being first submitted the application has not changed significantly. Revisions to the application include the following:

- 1) Changing the description of the development which previously noted 8 bell tents in error to 6 bell tents as shown on the plans and as written in the application form;
- 2) Revisions to the layout of the access to reflect the comments of the Highway Authority (including the widening of the access to allow two vehicles to enter and leave the site at the same time, creating a visibility splay and to allow for the hard surfacing of the first 6 metres of the access in a bound material);
- 3) The 2 new blocks have been repositioned and moved South East by approximately 2 metres to allow for the 3 metre clearance of the public water main as requested in the consultation response from South West Water;
- 4) Changes to the orientation of the proposed 2 new blocks due to their repositioning further South East (no changes in the size of the blocks are proposed in the revisions);
- 5) The applicants are now only proposing the design of Shepard Hut plan 001 with the single door so both Shepard's huts are the same;
- 6) Annotation detailing the 1 metre high proposed picket fence between the parking area and the bin storage area has been added to the proposed block plan.

The below description is therefore based on the application as currently is.

The site is located on the edge of Ashill. Ashill is not a village defined in the Mid Devon Core Strategy (Local Plan Part 1) and does not have a defined settlement limit. Ashill is a village with houses and facilities centred around a cross road. The site lies outside of the main residential area of the village but is located directly adjacent two residential properties (Brimley Cottage and Prospect Place) on one side of the site and Haydons Farm (a working dairy farm) on the other side of the site.

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

Dimensions of proposed 2 shepherds huts: 5.9 metres in length x 2.6 metres in width with an overall height of 4.4 metres (including the base). To be located in the top north east corner of the field. Timber construction.

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

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

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

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

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

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

APPLICANT'S SUPPORTING INFORMATION

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

PLANNING HISTORY

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

06/01514/FULL Erection of stables - PERMIT - 07.09.06

15/00728/FULL Siting of a mobile home and erection of a single toilet/shower for an agricultural worker, shed, dog kennel, and polytunnel - REFUSE - 09.09.15

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR2 - Local Distinctiveness
COR9 - Access
COR18 - Countryside

Mid Devon Local Plan Part 3 (Development Management Policies)

DM2 - High quality design
DM8 - Parking
DM20 - Rural employment development
DM24 - Tourism and leisure development

CONSULTATIONS

ENVIRONMENTAL HEALTH - 11th August 2016

Contaminated Land - No objections to these proposals

Air Quality - No objections to these proposals

Environmental Permitting - N/A

Drainage - No objections to these proposals

Noise & other nuisances - No objections to these proposals

Housing Standards -Not applicable

Licensing - Please contact the Licensing Team to discuss. A licence would be required for a tent site. Tel 01884 255255 or email licensing@middevon.gov.uk

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

Private Water Supplies INFORMATIVE NOTE:

No record is held as being a private supply. However, if a private water supply is to be used, the supply would become a commercial supply, and would be subject to the Private Water Supply Regulations 2016. As such a private water risk assessment and sampling regime will need to be undertaken by this Authority prior to any commercial use. Please contact Public Health at Mid Devon District Council to discuss on completion of the proposal.

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

Health and Safety - No objection to this proposal.

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

4th November 2016

I don't really have any comments in terms of noise as this is not the sort of thing that would generate a lot of noise other than people playing outside. If the playing of music (on radios etc.) becomes a problem it can be dealt with under the statutory nuisance legislation. Glamping sites tend to introduce their own site rules which include a quiet time after 10 or 11 pm as this is more suitable with family camping.

Air quality - if complaints were received in relation to smoke from wood burners or fires then this could also be dealt with under the statutory nuisance legislation but again not foreseen to be a problem.

Light nuisance - if there are any light nuisance issues this can be dealt with under the nuisance legislation. If there were any problems with lighting, shielding can be used to reduce the amount of light escaping onto neighbouring properties.

Drainage - foul drainage is going to be connected into SWW mains so no concerns and due to the small amount of roof areas storm water is not thought to be a problem.

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

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

Protected landscapes

The proposed development is for a site within or close to a nationally designated landscape namely Blackdown Hills AONB. Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. The policy and statutory framework to guide your decision and the role of local advice are explained below.

Your decision should be guided by paragraph 115 of the National Planning Policy Framework which gives the highest status of protection for the 'landscape and scenic beauty' of AONBs and National Parks. For major development proposals paragraph 116 sets out criteria to determine whether the development should exceptionally be permitted within the designated landscape.

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

We also advise that you consult the relevant AONB Partnership or Conservation Board. Their knowledge of the site and its wider landscape setting, together with the aims and objectives of the AONB's statutory management plan, will be a valuable contribution to the planning decision.

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

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

Local sites

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

Sites of Special Scientific Interest Impact Risk Zones

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

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

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

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

SOUTH WEST WATER - 16th August 2016 - Asset Protection

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

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

Clean Potable Water

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

Foul Sewerage Services

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

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

Surface Water Services

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

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

REPRESENTATIONS

76 letters of support received, summarised as follows:

Support for Autistic Spectrum Disorder friendly camping provision;

Glamping option better than general camping;

Additional economic benefits to the village of Ashill from passing trade associated with the proposed use of the site.

33 letters of objection received, summarised as follows:

Noise impact of the proposed use of the site on the neighbouring property;

Impact of noise coming from the neighbouring farm on users of the proposed campsite;

Light impacts from the proposed utility block on the neighbouring property and potential new lighting being introduced;

Impact of the proposed campsite on the local road network;

Fire risk to adjacent farm buildings;

The site is too small for the proposed development;

Drainage capacity issues;

No overnight presence;

Parking availability on the site;

Visual impacts on the rural character of the area;

Loss of light, privacy and outlook for the neighbouring property;

Safety and security of residential, agricultural, commercial properties and users of the site;

Concerns that MDDC have not engaged with residents;

Loss of property value;

The Parish Council support the application but the residents of the village do not.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

1. The principle of development on the site
2. Whether there is a business case to support the application scheme

3. **Access and parking**
4. **Drainage and flood risk**
5. **Impact on residential amenity and the character and appearance of the area**
6. **Other matters**

1. **The principle of development on the site**

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

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

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

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

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

Assessment of the proposal against this policy is given in the following discussion.

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

- A) The proposed development including the provision of 10 pitches which is to incorporate shepherds huts, safari tents and bell tents; the conversion of the existing stable block; erection of 2 smaller buildings and planting/ fencing is considered to respect the rural character and appearance of the location. The materials of the proposed new two small buildings are to be timber constructed to blend in with the existing timber stable on the site.
- B) The conversion of the existing stable block to allow for its use for toilet/shower facilities, an office, meeting room, sensory room for visitors, washing facilities, and storage is considered to be acceptable. The erection of the two small new blocks is considered to be more appropriate than housing miniature ponies in the stable next door to a shower room for example.

Further comments have been received by the Local Planning Authority questioning the size of the proposed new block to be used as a stable building to house the miniature ponies (suggestion it is too small to house that number of ponies). It is considered that the size of the proposed stable building (3m x 3.7m) is sufficient for its intended use.

- C) The applicants have demonstrated through reasonable means that the need for a camping/glamping facility specifically but not exclusively aimed towards families with autism within them is needed. This is evidenced by the 140+ letters/emails of support from potential users of the site (when additional letters of support sent directly to the applicant are added) which evidences the demand for facilities such as that being proposed by this application scheme. Although other camping and glamping facilities are provided within Mid Devon, it is considered that the significant financial investment which the applicants are to make in the business shows their commitment to developing the business and in providing a high quality tourism product that meets demand.

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

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

A redacted copy of the business plan has been received and made publically available for consultation. An update of any additional representations received as a result of this will be provided to members at Planning Committee.

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

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

Following the publication of the previous report to the planning committee (the application was deferred before the meeting), a further letter of representation was received by the Local Planning Authority questioning whether the autism friendly aspiration of the application scheme is considered material in this recommendation. It is considered that the autism friendly aspiration of the proposal is material because it is this aspect of the proposal coupled with the glamping offer which contributes to the need argument under criterion c) of policy DM24 (demonstrating that the need is not met by existing provision within nearby settlements and hence also supports the proposed camping site element of the proposal). However, it is accepted that the proposed camping site is not seeking to be run as an exclusively autism friendly camping site and would therefore be considered for the purposes of the change of use as a general campsite. It is therefore not considered that a condition should be imposed on the decision which restricts the use of the site to users with autism, nor it is considered possible or reasonable to do so. A matter may be taken into account as a material planning consideration when determining an application. However it may still not be appropriate to impose a condition to restrict it to the matter which helps justify it. This would be similar, for example, to a situation whereby a rural business justifies a new building, but the use of the building is not restricted by condition to that individual business.

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

The business plan details how the proposal could have a positive impact upon local businesses which may be attractive for campers to visit, including the Public House in Ashill, nearby golf courses and driving ranges, Coldharbour Mill and Diggerland as well as the natural attractions of the Blackdown Hills and the South Devon coast. Holidays in rural and semi-rural areas are popular and have resulted in a rise in camping proposals such as that under consideration. Officers are of the view that the proposed development would likely result in further trade for the already popular Ashill Inn (Public House in the village) and would also bring some additional trade to other local businesses and attractions as well as being used as a base for trips to the north or south Devon coasts.

Following the publication of the previous recommendation report to the planning committee, further comments have been received by the Local Planning Authority relating to the need of the campsite. The author of one specific letter outlines that they have looked into autism friendly campsites in the area in summer months and there appear to be existing unused provision available nearby; however the representation gives no specific details of the facilities they have found.

Officers have looked into autism friendly holiday sites and glamping sites in the local area and no provision or marketing of autism friendly glamping was found; a single tourism accommodation business offering self-catering holidays was found at a site on Exmoor. Planning policy does not seek to stifle legitimate competition amongst businesses and the applicants are confident that there is a market demand for the type of business they seek to establish.

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

3. Access and parking

The existing vehicular site access to the site is to be utilised to facilitate the development. The applicant has ownership of the hedges on either side of the access, and provided the access arrangement and visibility splay meets the requirements as set out by the Highway Authority, the access is considered to be sufficient so as to accommodate the additional traffic arising from the proposed development. Revised plans have been submitted to show all of the access changes as required by the Highway Authority, which involves the widening of the access, provision of adequate visibility splays and hardsurfacing the access.

Concern has been raised by local residents as to the impact of the development on the local highway network. The development would lead to additional traffic movements to and from the site, over and above the existing situation. In their consultation response the Highway Authority acknowledge that the roads leading to Ashill are narrow and lack passing places, however they consider that the traffic arising from the development would not be so significant as to make the development unacceptable and on this basis they do not recommend refusal of the application. On this basis it is considered that the local road network is suitable to support any additional movements occurring as a result of the proposed use.

The submitted plans showing the widened access and visibility splay does not show significant changes to the existing hedge along the front elevation of the site. For this reason it is not considered that a front elevation plan showing the site from the road is necessary. However, given local objection and request for such information, the applicant has been asked to provide an elevation plan to show the proposed site frontage. If provided, the plan will be consulted on appropriately and an update given to the planning committee.

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

Having regard to all of these matters, the application is considered to be in accordance with COR9 of the Local Plan Part 1 and DM2, DM8 and DM24 of the Local Plan Part 3 in respect of highways and parking.

4. Drainage and flood risk

It is proposed that foul sewage will be disposed of via connection to the combined mains sewer which has been indicated on the submitted proposed block plan to the front of Brimley Cottage (the neighbouring residential property adjacent the site). Officers have confirmed the presence of this sewer by consulting with South West Water asset maps. The route of pipes to be laid to this sewer has been indicated on the same plan. A Foul Drainage Assessment form was submitted with the application but was not actually necessary due to the proposed mains connection and the form is only required to support applications with non-mains foul drainage connections. This has provided some confusion for interested parties as the flow rates put on the form were much lower than would be expected from a development of this size, however as mains connection is proposed, the content of the form is not considered to be of relevance.

Surface water drainage will be disposed of via an existing drainage ditch which runs along the front of the site. There will be minimal additional site coverage as a result of the proposed development and the provision of surface water run-off to this ditch is considered appropriate. The site does not lie within a Flood Zone and is not liable to surface water flooding therefore it is not considered necessary to consider any flood risk to the site.

On the basis of the above considerations, no objection to the application arises and a condition is recommended for imposition to require a mains foul connection and for surface water run-off not to be connected to the mains sewer.

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

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

The site is outside of the conservation area of Ashill and is also not within the Blackdown Hills Area of Outstanding Natural Beauty. Given the topography of the site and the surrounding landscape and the seasonal nature of parts of the proposal (bell tents), it is not considered that the visual impact of the proposed development will be significant and in this respect the application meets with the requirements of policies DM2 and DM24 of Local Plan Part 3. In order to further mitigate the impact of the development during winter months when leaves on trees have been dropped, a condition is recommended to remove the bell tents from the site.

Between each proposed camping pitch is a 'buffer pitch' which could be used for parking in association with each pitch but will also lesson any potential noise impacts between pitches. It is not proposed that these areas be used for the erection of further tents and a condition restricting the siting of the tents and shepherds huts to the areas shown on the approved plans is recommended.

To the north of the site, adjacent to the highway are the closest two neighbouring properties to the development. One of these properties, Brimley Cottage has its principal windows facing toward the application site.

An assessment of the impact of the proposal upon the outlook and enjoyment of the occupiers of this cottage as a result of the development has been submitted as an objection to the scheme, stating that the increase in noise and disturbance, potentially 24 hours per day will be harmful to the enjoyment of the property.

The camping pitches are proposed to be located away from the neighbouring dwellings with a paddock area immediately adjacent to them being used for the grazing of ponies and the camping pitches themselves, located further to the east of the dwellings. It is accepted that the provision of a campsite in this location will create noise which is currently not experienced by the residents and that the provision of a campsite aimed at those with autistic spectrum disorders in their family/group may further increase the likelihood of noise and disturbance being experienced by the neighbouring residents. However Environmental Health has raised no objections to the proposal on the basis of noise impacts. Whilst there is likely to be an increase in noise as a result of the proposal, it is not considered that this would be at an unacceptable level and should any nuisance arise (noise, smoke from fires etc.), this could be addressed through statutory powers available to Environmental Health. On this basis, Officers do not feel that a reason for refusal on noise and other nuisance impacts upon neighbouring residents could be justified.

Along the northern boundary adjacent to the neighbouring property a scheme of native hedging has been planted. This hedging is considered necessary to buffer some of the potential resultant noise and visual impacts.

It is considered that the hedging directly adjacent the residential property should be restricted in height through the implementation of a planning condition so as to limit the blocking of light to any principle rooms in the neighbouring property.

Noise impacts of the working farm (dairy herd) to the south on proposed users of the campsite have been noted in multiple letters of objection. Whilst it is recognised that there will be inevitable resulting noise impacts due to the nature of the use of the adjacent farm site on the users of the camping site, it is considered that the users of the camping site will only be staying for short periods of time. Consultation comments from Environmental Health regarding noise impacts also came back with no comments to report which is further evidence that the noise impacts from the farm on the campers is not considered to be unacceptable.

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

Since the publication of the previous planning committee recommendation report (deferred from the planning committee on 2nd November) which was published online and made publically available, further comments have been received by the Local Planning Authority in further letters of representation outlining residents' concerns over noise, light, air quality and drainage. Further confirmation has been subsequently sought from Environmental Health who have reiterated their lack of objection to the proposal. Environmental Health have furthered their advice by stating that if complaints were received in relation to smoke from wood burners or fires then this could be dealt with under the statutory nuisance legislation. However it is not foreseen to be a problem. If music or radios become a noise problem, they have again advised that this could be dealt with under the statutory nuisance legislation. If there are any light nuisance issues this can be dealt with under the nuisance legislation. If there were any problems with lighting, shielding could be used to reduce the amount of light escaping onto neighbouring properties.

6. Other matters

Objection has been received by the Local Planning Authority from a resident of Ashill writing that the proposed development will result in a loss of worth and value to their property; the courts have found that this is not considered to be a material planning consideration.

Some residents have expressed concerns that the Parish Council are not representing the views of parishioners in their consultation response.

This apparent disparity is not a matter for consideration and the views expressed both by consultees and contributors (objectors and supporters) of the application have been taken into account in reaching a recommendation on the application.

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. Before the first use of the site for its permitted use, visibility splays shall be provided, laid out and maintained for that purpose at the site access where the visibility splays provide intervisibility between any points on the X and Y axes at a height of 0.60 metres above the adjacent carriageway level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be 2.40 metres and the visibility distances along the nearer edge of the carriageway of the public highway (identified as Y) shall be 43.00 metres in both directions.

4. Before the first use of the site for its permitted use, the site access road shall be hardened, surfaced and drained (so that no surface water drains onto the Highway) for a distance of not less than 6.00 metres back from its junction with the public highway, in accordance with details that have first been submitted to, and approved in writing by the Local Planning Authority. Once provided, the access shall be maintained in accordance with the approved details.
5. Before the first use of the site for its permitted use, the parking facilities as shown on the approved drawings shall be provided and thereafter kept available for the parking of users of the camping site. The grasscrete or similar should also be included in the parking facilities and therefore implemented before the first use of the site for its intended use.
6. Foul drainage from the development (and no other drainage) shall be connected to the public foul or combined sewer. Connection to the foul drainage shall be implemented before the first use of the site for its intended use.
7.
 - (i) the tents and shepherds huts shall be occupied for holiday purposes only.
 - (ii) the tents and shepherds huts shall not be occupied as a person's sole or main place of residence
 - (iii) the owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of individual tents and shepherds huts on the site, their arrival and departure dates and their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority.
8. The 6 pitches shown on the approved plans as being for the erection of bell tents shall only have tents erected on them from 1st March - 31st October in any year. Outside of these months the pitches shall be kept free of any tents, caravans or other accommodation.
9. The height of the hedgerow to be planted on the northern boundary of the site and the adjacent property (Brimley Cottage) shall be allowed to grow to a height of 2 metres above adjacent ground level (measured from the application site) and thereafter maintained at a height of between 1.8 metres and 2 metres above ground level (measured from the application site).
10. No external lighting shall be installed on the site unless details of the lighting (to include details of the brightness of any light measured in Lumens) have been previously submitted to and approved in writing by the Local Planning Authority.
11. Within 9 calendar months of the commencement of development on the site the planting as indicated on the proposed block plan shall be provided. Any trees or hedges which within a period of 5 years from the substantial completion of the development, die are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species.
12. A maximum of eight tents (to include the two safari tents shown on the approved plans) shall be sited on the site at any time. The location of the tents within the site shall be limited to the pitches annotated for bell tent and safari tent use on the approved plans.
13. The area shown on the approved plans as being a 'paddock for use by horses' shall be used for equestrian or agricultural activities only and shall not be used to provide recreational or accommodation areas in association with the wider use of the site for camping purposes.

REASONS FOR CONDITIONS

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

5. To ensure that adequate facilities are available for the traffic attracted to the site.
6. In the interests of the visual amenity of the area so as to reduce the visual impact of the development during winter months when there is less tree cover, in accordance with policy DM2 of Local Plan Part 3 (Development Management Policies).
7. To ensure the discharge of drainage from the Development shall not be prejudicial to the public sewerage system and ensure there are adequate public foul sewerage facilities to receive foul water flows, in order to safeguard the public and environment.
8. The site is outside defined settlement limits in the open countryside, where unrestricted occupation would be contrary to adopted planning policy, however the application is considered to be in accordance with policy DM24 of the Mid Devon Local Plan Part 3 (Development Management Policies) relating to tourism and leisure development proposals.
9. To limit the loss of light which may be caused by the height and density of a hedgerow on this boundary.
10. In order to protect the landscape and dark sky qualities of the rural area in accordance with policy DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).
11. To ensure that the development does not result in an unacceptably adverse impact on the privacy and amenity of the occupiers of the neighbouring property and to ensure that the development makes a positive contribution to the rural character of the area in accordance with policy DM2 and DM24 of the Mid Devon Local Plan Part 3 (Development Management Policies).
12. To concur with the nature of the application, to preserve the character and appearance of the rural area and to protect the privacy and amenity of neighbouring properties, in accordance with COR18 of the LP1 Core Strategy and DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).
13. To protect the privacy and amenity of neighbouring properties, in accordance with policy DM2 of Local Plan Part 3 (Development Management Policies).

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

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

Grid Ref: 283840 : 100293

Applicant: Ms K Todd

Location: Todd Lettings Office
11 Meadow Gardens
Crediton Devon

Proposal: Change of use of part
garden for the
retention of shed for
property letting office
(Use Class A2)

Date Valid: 11th August 2016



Application No. 16/01221/FULL

RECOMMENDATION

Grant planning permission for a 2 year temporary period and for the personal benefit of the applicant whilst she is resident at no. 11 Meadow Gardens

PROPOSED DEVELOPMENT

The applicant has set out the description of development for the application as for a change of use of part garden for the retention of shed for property letting office (Use Class A2).

The application relates to a single storey log cabin/garden room which is located in the rear garden of no.11 Meadow Gardens, a residential cul-de-sac. The floor area of the building is 16 square metres, and the plans show that it is furnished with 3 work stations. The building has a shallow pitched roof standing approximately 2.8 metres to ridge and is faced with timber cladding on a brick base with double doors set within the front elevation.

The application is submitted retrospectively, and the matter was first brought to the local planning authority's attention in Autumn 2015 under case ref: 15/00115/UCU. This application was submitted for consideration on the 11th August 2106.

The application site sits in the corner of the residential garden of no.11 Meadow Close which has a generous curtilage with a garden gate to enable independent access. The property also benefits from a driveway which although narrow is approximately 20.0 metres deep to the apron of the dwelling. The site is directly adjacent to the commercial land uses along Mill Street. It is located in the corner of the landscaped garden and set approximately 20.0 metres from the host property and is approximately 26.0 metres to the side elevation of the adjacent property at no.9 Meadow Gardens.

APPLICANT'S SUPPORTING INFORMATION

The applicant has submitted the following information in support of their application.

This is an on-line sole trader business operation with a low profile. We operate only from 09.00 - 17.00 Monday to Friday.

Before moving from our High Street premises, we contacted Mid Devon District Council planning office. They assured us that there would be no objection to our proposed move.

There are very occasional short visits from tradesfolk eg., a plumber/electrician may need to collect a key from us in order to enter a property and carry out repairs. There is sufficient off-road parking on the driveway to cover this

Other tradesfolk call at the premises to carry out work for my house itself. This is nothing to do with my business. My gardener who calls once a week/fortnight, cleaners who call once a week, my builder has recently landscaped my garden and carries out works, an electrician repaired/installed lighting. Only the other day specialist gardeners came to plant some trees in the garden - they had a large van which pulled onto my drive with ease

The business employs only three people and two of those part-time This is most unlikely to change. We are housed in a small wooden structure which in no way changes the character of the main property or the area We have been operating here for more than 12 months, so that is evidence that we are quite unobtrusive as absolutely no concern has been expressed hitherto

Permission has already been granted to small businesses close by - a dog-groomer operated from her converted garage also in Meadow Gardens.

Officer Comment - This comment relates to no.2 Meadow Gardens and the scope of the planning permission which was granted at appeal and allowed for the change of use of garage to dog grooming business and widening of driveway to provide 1 additional parking space.

All their customers (and their dogs) would have had to visit those premises in order to avail themselves of this service. Their clients may even have been noisy - unlike ours

We do not operate any noisy machinery, take delivery of raw materials, send/receive parcels by way of Royal Mail

We have sufficient parking on the drive to accommodate the few visitors we receive. My employees do not park here at all or, when they do use their own vehicles, in Meadow Gardens. We have taken photos on many days of vehicles parked in Meadow Gardens partially on the pavement. All these belonged to residents/visitors further up the road. Images on Google Earth taken before we even started to use The Log Cabin, clearly show cars parked on the pavements further into the cul-de-sac and belonging to residents and/or their visitors.

From Google Maps, it is clear that this is an area of mixed industrial, retail and residential property. 11 Meadow Gardens itself backs extensively onto Morrisons and numbers 17 and 19 are adjacent to the Crediton Dairy.

Mole Avon is also close by. My discrete business in no way compares to the size, noise and occasional offensive smells of those operating around us.

Our low-key business in its discrete structure can in no way change the character of this area.

PLANNING HISTORY

86/01907/FULL Erection of a first floor extension - PERMIT - 20.01.86
04/00773/FULL Erection of single storey extensions to side and rear - PERMIT - 24.05.04
12/00747/FULL Erection of two-storey extension - PERMIT - 26.07.12

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR1 - Sustainable Communities
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
DM13 - Residential extensions and ancillary development

CONSULTATIONS

HIGHWAY AUTHORITY - 22nd August 2016 - Have not made any specific comments about the application.

CREDITON TOWN COUNCIL - 22nd August 2016 - No objection

ENVIRONMENTAL HEALTH - 26th August 2016 -
Contaminated land - N/A
Air quality - N/A
Environmental permitting - N/A
Drainage - N/A
Noise and other nuisances - No comments
Housing standards - N/A
Licensing - No comments
Food hygiene - N/A
Private water supplies - N/A
Health and safety - No objection. Applicant to ensure compliance with Health and Safety at work requirements

REPRESENTATIONS

7 no. representations have been received from local stakeholders who are supportive of the planning application proposals, commenting that whenever they have visited the premises they have not witnessed any parking or congestion issues as a result of the use of the cabin as an office.

1 no. objection has been received raising the following concerns regards the application scheme as set out below.

1. Concerns regarding parking. Not enough space for staff/ customers/ home owner and tenant to park sufficiently. Our shared drive entrance can often be partially blocked due to the volume of vehicles in the drive.
2. Concerns regarding the number of vehicles entering the estate for business and the continual need for vehicles on the drive to reverse out in order to 're order' parking as there are no 'spaces'.
3. Concerns that if the business grows so will the traffic volume into the estate and add to the parking issue.

In addition a petition signed by the occupiers of 19 of the other houses on Meadow Gardens has been submitted (dated 09.09.2016) raising concerns about the parking needs associated with the use, the potential increase in business uses that may arise if the use is permitted and the impact that the proposals will have on the residential character of the cul-de-sac.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

- 1. Impacts of the building**
- 2. Impacts of the use of the building**
- 3. Planning Balance**

1. Impacts of the building

Policy DM13 is the relevant policy to determine applications for householder extensions and ancillary development. The criteria set out in the policy statement and copied below establishes a framework to assess the physical impacts of the garden cabin building on the environment in which it is located.

- a) Respects the character, scale, setting and design of existing dwelling
- b) Will not result in over-development of the dwelling curtilage; and
- c) Will not have a significantly adverse impact on the living conditions of occupants of neighbouring properties.

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

- A) The proposed cabin building sits comfortably in the corner of the garden and does not compete with the host dwelling and or the neighbouring dwelling. The cabin presents as a typical garden building with a timber clad external appearance. The scale and design of the cabin is not considered to harm the character and appearance of the existing dwelling or its setting.
- B) The property has a large curtilage and it is not considered that the proposed extension would result in overdevelopment of the dwelling curtilage.
- C) Meadow Garden is an estate type environment, and no 11 enjoys a larger garden than average across the estate, and given the location of it in the corner of the plot the physical presence of the cabin would not result in any significant adverse impacts on the amenity of occupiers of neighbouring dwellings.

2. Impacts of the use of the building

As stated the use of the garden cabin as a letting agent office was first brought to your officers attention in the Autumn of 2015. The applicant has confirmed that two other persons arrive at the premises to complete administrative work tasks and as stated the cabin is furnished with 3 computer work stations. In addition the applicant has confirmed that some of the facilities in the house are used, including toilet and kitchen facilities, by those persons who come to work from it. Access can be achieved to it either via the main house or via the garden gate. Your officers have visited the premises on a number of occasions and it is not considered that the use of the cabin itself as an office room for the occupier of No.11 and two others (on a part time basis) results in a pattern of use which create a detrimental impact on the amenities of the area at present. However there are other matters and impacts that also require consideration as set out below.

The applicant has confirmed the extent to which persons arrive at the address in connection with the business activities and suggest that it is low key in terms of numbers and the scope of activity, ie tradesmen arriving to collect keys. It is not suggested that customers arrive at the address before they are taken to view premises. Notwithstanding the availability of off- street parking within the curtilage any use at the site which generates large and frequent numbers of visitors either by car and/or as a pedestrian would be considered to be at odds with the residential environment of cul-de-sac. Local residents in the street have expressed concerns about demand for parking associated with the use which causes inconvenience, and are concerned about how increase in commercial activity may affect their residential amenities.

The case to support an argument that the proposed use of cabin building results in a pattern of use of visitors arriving and departing from the site to extent that the safety and/or the residential amenity of the cul-de-sac is harmed is not strong. Whilst the matter was brought to your officers attention approximately 12 months ago as breach of planning control there is no strong evidence base which could support a case that the pattern of use of the building as an administrative office as currently used results in unacceptable levels of activity. Notwithstanding given the site location of the building, within a residential garden and within a residential street, it is not a use which should be encouraged. In addition your officer's recognise the concern of local residents in terms of how circumstances may change in the future if a commercial use is approved as proposed on a permanent basis.

3. Planning Balance

Policy COR15 refers to the aim of increasing the self-sufficiency of the town (Crediton) and expanding employment opportunities. Text at paragraph 3.14 of the Local Plan Part 3 (Development Management Policies) also refers to employment development within settlement limits as being acceptable in principle, but that it should not cause adverse impacts. Your officers recognise that the current pattern of use to support the applicant's business is low key and does not result in patterns of activity which are wholly incompatible in a residential street. In addition the economic benefits of the business activity are recognised. Following the completion of the assessment of the application your officers recommend that a temporary planning permission should be granted for the personal benefit of applicant in operating her current business (Todds Lettings) for 2 calendar years. This will enable the applicant to consider the long term future needs, whilst her business within a managed time frame, and allow its impact to be reassessed at the end of that period and enable that the business to continue to operate. The applicant should be advised that there is no guarantee that the terms of the planning permission will be renewed after the allowable time period and is advised to investigate other more suitable commercial premises.

CONDITIONS

1. The use of the garden cabin as a property letting office hereby permitted shall ensure for the benefit only of Mrs Karen Todd for the purposes as set out and for no other use in Class A2 of the Town and Country Planning Use Classes Order 2015 and shall be for the period of two calendar years from the date of this Notice of Decision or when the approved use by Mrs Karen Todd ceases whichever is the sooner.
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. It is recognised by the Local Planning Authority that the current pattern of use to support the applicant's business is low key and does not currently result in patterns of activity which are wholly incompatible in a residential environment. However, there is potential for it do so. Therefore it is recommended that a temporary planning permission should be granted for the personal benefit of applicant in operating her current business (Todds Lettings) for 2 calendar years so that the impacts of the business can be considered over this period whilst also allowing it to remain operational whilst alternative premises are considered.
2. For the avoidance of doubt and in the interests of proper planning.

INFORMATIVE NOTE

1. The applicant should be advised that there is no guarantee that the terms of the planning permission will be renewed after the allowable time period and is advised to investigate other more suitable commercial premises for the operation of her business.

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The proposal is in accordance with Policy COR15 in that it contributes to employment opportunities in Crediton and subject to its impact is in accordance with the positive approach to employment development in settlement limits within the Local Plan Part 3 (Development Management Policies). It is recognised by the Local Planning Authority that the current pattern of use to support the applicant's business is low key and does not currently result in patterns of activity which are wholly incompatible in a residential environment. Therefore it is recommended that a temporary planning permission should be granted for the personal benefit of the applicant in operating her current business (Todds Lettings) for 2 calendar years so that the business can remain operational whilst its impacts are being accessed over this period and in order for alternative premises to be considered.

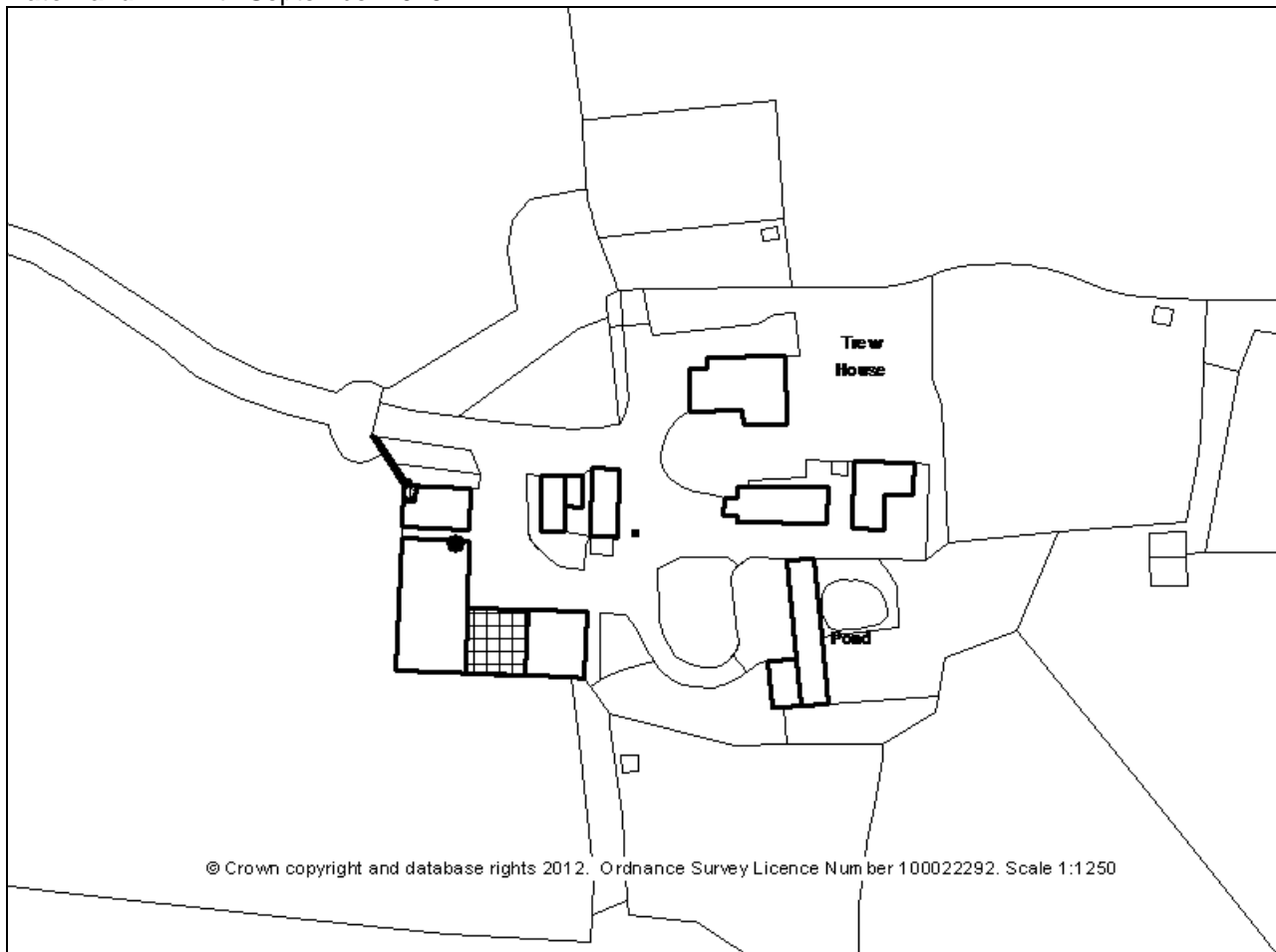
Grid Ref: 285664 : 103549

Applicant: Shaikha Noora Al
Khalifa

Location: Land and Buildings at
NGR 285635 103526
(Trew Farm) Chilton
Devon

Proposal: Erection of 2 dwellings
for security staff; part
change of use of
agricultural building to
form sentry office on
mezzanine level and
formation of an
elevated walkway

Date Valid: 14th September 2016



Application No. 16/01365/FULL

RECOMMENDATION

Grant permission subject to conditions.

PROPOSED DEVELOPMENT

The application seeks consent for the formation of 2 dwellings for security staff; part change of use of agricultural building to form sentry office on mezzanine level and formation of an elevated walkway at Trew Farm, Chilton, Crediton.

Trew Farm is located in the countryside approximately 4.5km to the north east of Crediton. The site is accessed via a private access road from the Class C highway to the west of the site which leads to a gated entrance into the yard area. The house is situated at the north of the yard, with the collection of traditional outbuildings and more modern agricultural style buildings to the south and which are set lower than the level of the house. Two of the more traditional barns, situated directly in front of the farm house, have already been converted to dwellings which the applicant's agent advises now provide accommodation for staff including the Lady in Waiting and housekeeper, as well as providing the kitchen and laundry services. A further barn at the bottom of the yard provides stabling and housing for alpacas. The modern buildings that form the south west corner of the yard are the building which are the subject of the application scheme which is summarised further below:

The proposal seeks consent for the erection of two dwellings for security staff by converting and remodelling 2 modern agricultural style sheds. The layout as shown on the plans, proposes one three-bedroomed unit for the security supervisor and his family. The second unit provides five bedrooms for the security staff in a more communal type arrangement. At the time of site visit the construction of the dwellings had commenced to the extent that windows have been installed, however the works on site have currently ceased.

In addition permission is sought for the part change of use of another agricultural building to form sentry office. This building (north west corner) is adjacent to the gated entrance to the farmyard and it is proposed to form an office at mezzanine level with a link from the driveway into the office by way of an elevated walkway adjoining the walls that flank the entrance.

APPLICANT'S SUPPORTING INFORMATION

Planning Statement prepared by the Agent.

PLANNING HISTORY

00/00973/FULL Erection of a free standing building to house staff w.c. and shower facilities - PERMIT - 29.08.00

98/01736/FULL Erection of an agricultural building - PERMIT - 11.12.98

15/00351/PNCOU Prior notification for the change of use of an agricultural building to a dwellinghouse under Class Q - This notification was not supported by the Local Authority.

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR2 - Local Distinctiveness

COR18 - Countryside

Mid Devon Local Plan Part 3 (Development Management Policies)

DM1 - Presumption in favour of sustainable development

DM2 - High quality design

DM8 - Parking

DM11 - Conversion of rural buildings

DM14 - Design of housing

DM20 - Rural employment development

CONSULTATIONS

ENVIRONMENTAL HEALTH - 27th September 2016

Contaminated Land - No objection.

Air Quality - No objection.

Environmental - No objection.

Drainage - No objection.

Noise and Other Nuisances -

The proposed site is located amongst a number of agricultural buildings. Directly to the East and West it adjoins animal holding sheds/agricultural sheds. Due to the close proximity of this sheds, I consider that the insertion of a residential dwelling into this situation would create unsatisfactory living conditions for the prospective residents in terms of noise, smell and fly nuisance from farming activities and general disturbances from farm vehicle movements.

However, if it can be conditioned that the dwelling is purely for on-site accommodate for staff, I would have no objection to the proposals.

Housing Standards -

The shared house for guards may be a House in Multiple Occupation under Housing Act 2004. It appears to provide adequate accommodation and facilities, but would need a fire alarm system as recommended by LACORS fire safety guide.

Licensing - No comments.

Food Hygiene - N/A

Private Water Supplier - Recommend approval with conditions:

The addition of this development changes the classification of the water supply to a Regulation 10 (small supply). Under The Private Water Supply (England) Regulations 2016 a risk assessment and sampling regime will be necessary (this classification may change subject to the supply of new information).

Prior to any occupancy of the proposed development a PWS risk assessment and sampling must be undertaken by this authority.

To safeguard the public health of the occupiers of the proposed dwelling.

Health and Safety

No objection to this proposal enforced by HSE. 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](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.

HIGHWAY AUTHORITY - 16th September 2016 -

No specific comment.

SHOBROOKE PARISH COUNCIL - 12th October 2016 -

No comment.

REPRESENTATIONS

No letters of representation have been received at the time of writing the report.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in determination of this application are:

1. **Policy and principle of development**
2. **Design**
3. **Other issues- public open space, access**
4. **Planning balance: Other material considerations to be weighed against policy**

1. Policy and principle of development

The site is located in the countryside where policy COR18 restricts development to enhance the character, appearance and biodiversity of the countryside. The policy does not generally support the provision of new dwellings in the countryside but allows affordable housing to meet local needs, gypsy accommodation, replacement dwellings, housing to accommodate an agricultural or forestry worker and accommodation ancillary to a dwelling. Paragraph 55 of the National Planning Policy Framework is reflective of the restrictions of policy COR18 and states that Local Planning Authorities should avoid isolated new homes in the countryside unless there are special circumstances such as:

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

The site is located some 4.5km from the nearest settlement of Crediton and similar distance from Shobrooke and Stockleigh Pomeroy. There are no public transport opportunities available within close proximity of the site. Given the distance and nature of the highway network, the location of the proposed dwellings are likely to necessitate reliance upon private car to meet the everyday needs of occupiers. On this basis, the site is considered to be isolated in the context of the National Planning Policy Framework. Therefore, unless it can be demonstrated that the proposal meets one of these special circumstances, there is no policy support in principle for the provision of two new dwellings in this countryside location.

The applicant's agent draws upon policy DM10 Rural workers dwellings to support the proposal on the basis that the requirement for the security presence creates an essential need for a rural worker to live at the site. It is not considered that the proposal demonstrates the need for a full time worker to permanently reside at their place of work to ensure the proper functioning of an enterprise. The security requirements set out are personal rather than related to a business and, in any case the supporting text of DM10 clearly states that security concerns on their own will not be sufficient to justify a new dwelling.

It is not considered that the proposal meets any of the special circumstances set out by paragraph 55 of the National Planning Policy Framework or COR18 and therefore as isolated dwellings in the countryside, the proposal is contrary to development plan policy.

2. Design

The design proposes the two dwellings set side by side within a largely square foot print under a pitched roof. The dwellings are separated by a central full height atrium. The material palette comprises rendered concrete blockwork to the walling with metal profiled steel sheet to the gable ends and roof and white uPVC windows. The dwellings will appear as part of the wider collection of reasonably large, functional agricultural style buildings that are situated in front of the farm house. The roof arrangement as proposed is altered from the current construction where the roof has been attached to the adjoining agricultural buildings. The eaves will sit 0.5m higher and 1m higher than eaves of the agricultural buildings to the west and east respectively. Notwithstanding this, the overall scale of the building is considered to be in keeping with the general scope of buildings that surround it.

Policy DM2 requires new development to be of high quality design demonstrating a clear understanding of the characteristics of the site and its wider context. The design of the new dwellings reflect the functional appearance of the surrounding agricultural buildings and are comparable to other dwellings that have been permitted in the countryside through the Class Q permitted development rights. Whilst it is not considered that the design aspects of this proposal are of an exceptional quality and/or innovative, given the context in which they are found, a farm yard setting, it is not considered that the proposals would cause unacceptable harm to the character and appearance of the area.

New dwellings are required to be compliant with DCLG's Technical Housing Standards- nationally described space standards. The floor space of each unit is compliant with floor spaces that are required with these standards. However the layout of the second unit does not comply with the technical requirements of these standards which require that a dwelling with two or more bed spaces has at least one double or twin bedroom.

The layout has been designed to provide 5 single rooms to accommodate staff working on a shift basis, and therefore the provision of a double room requiring two members of staff to share would not be a suitable arrangement. The accommodation as proposed has been designed to be bespoke to the required use and therefore it is not considered that this should form a reason for refusal in this instance.

In terms of the sentry office, this will be provided internally within an existing agricultural building. The scope of the works include provision of a door and window within the north elevation to allow access from the elevated walkway. The walkway will be 2m high at its highest point and will adjoin the rear of the boundary walling which is approximately 2.5m high at its highest point with 1m iron railings above. The works to provide the sentry office and raised walkway will not be largely visible outside of the site and are not considered to have a significant impact on the character and appearance of the site or the wider area. For confirmation there are no objections to this aspect of the application scheme.

3. Other issues - Public open space and air quality, access and parking drainage and amenity

Policy AL/IN/3 of the AIDPD and the SPD on the provision and funding of open space through development require a financial contribution towards the off-site provision of public open space and play areas as demand for these facilities is likely to increase with the provision of new dwellings. The proposal would normally generate a financial contribution in accordance with these policies, however there are no identified projects with which to allocate the funding to and therefore the Local Planning Authority has not requested a contribution in this instance.

Policy AL/CRE/8 of the AIDPD provides for new residential development in Crediton and surrounding villages to contribute towards the cost of implementing the Crediton Air Quality Action Plan. The policy is supplemented by the SPD on air quality and development. The scheme has been considered against this policy, however considering the level of contribution sought, no appropriate projects have been identified and therefore no contribution has been requested.

The Environmental Health consultation raises objection to the siting of the dwellings, being sited immediately adjacent to existing large buildings for which the lawful use is agricultural. They are satisfied that if the accommodation was conditioned to be for staff accommodation only, their objection to the siting of the dwellings would be withdrawn.

The access, as set out above, is considered to be suitable to support the additional traffic associated with the provision of two dwellings as proposed. There is sufficient room within the yard to provide parking in accordance with policy DM8.

It is proposed to manage surface water drainage through an existing soakaway and foul drainage via a package treatment plant.

4. Planning balance: Other material considerations to be weighed against policy - security

The applicants agent has put forward a case that the application proposals accords with Policy DM10 which would provide policy support for a rural workers dwelling in a countryside location. However your officers do not consider that the application scheme is required to provide accommodation for a rural worker as defined at paragraph 2.2 of the Local Plan Part 3. Therefore in terms of completing the policy assessment of this application it is considered that there is no support for the application proposals given the site location in the countryside.

The other aspect of the applicants case as put forward by the agent, is that the accommodation is needed to house security staff in order to provide a 24 hour security presence which is required when the applicant permanently resides at the property. The applicant, is sister to the King of Bahrain, and therefore a member of the Royal House of Bahrain. For a number of years, she has resided at Trew House for between six and eight months of the year. However, as the planning statement states 'owing to the volatile nature of the Middle East in particular, and the current unsettled wider world picture in general, Her Royal Highness intends to take up permanent residence at Trew House in the near future'. During the periods when she has previously resided at the property, security staff have also stayed however those security arrangements are not satisfactory to accommodate her full time occupation at Trew House. 24 hour presence by the security staff (on a rota basis) is required in order to provide an effective security arrangement that can provide an immediate response in an emergency which would not be achieved if staff were living in nearby settlements.

This is considered to be a material consideration which significant weight can be attributed to it as part of the decision making process.

In addition to the above considerations whilst the works proposed will not contribute towards delivering a building of a high quality design it is not considered that the proposals will create a building that results in detriment to the visual amenities and/or rural character of the area. Furthermore as stated above the proposed conversion of the agricultural style buildings will provide residential accommodation which in terms of it's appearance and character will be very similar to a conversion under the Class Q process.

Therefore in conclusion whilst there is no policy support for the application taking into account the considerations as set out above, primarily the change in the living circumstances of Her Royal Highness and the security risk arising, represent sufficient reason to set aside the policy objection to the application and approval subject to conditions is recommended.

Finally 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 of 6 years. The amount of New Homes Bonus to be generated by this development would be £12,336.00.

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. The use of the two dwellings hereby permitted shall ensure for the benefit only of staff who are employed in service at Trew House and for the benefit of the applicant only, as referred to on this notice of decision.

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 dwellings remain acceptable with regard to the visual amenities of the area in accordance with Policy DM2 of the Local Plan Part 3 (Development Management Policies).
4. The conversion of two existing buildings into two residential dwellings is only acceptable because of the special circumstances of the applicant as referred to on this decision notice (and as noted in the Planning Statement and Design and Access Statement to support this application), and the Local Planning Authority wishes to have the opportunity of exercising control over any subsequent use in the event of the applicant ceasing the use hereby permitted.

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The site is located in the countryside where policies, in particular COR18 of the Mid Devon Core Strategy (Local Plan part 1) and paragraph 55 of the National Planning Policy Framework seeks to avoid new dwellings in the countryside unless there are special circumstances. In the case the personal security concerns of the applicant are noted, and are considered in this case to override the policy objections. Therefore whilst the application scheme is considered to be contrary to policy COR18 of the Mid Devon Core Strategy (Local Plan 1), it is considered to be in accordance with Policy DM1 and DM8 of the Mid Devon Local Plan Part 3 (Development Management Policies) and general guidance in the National Planning Policy Framework.

Grid Ref: 302619 : 114191

Applicant: Mr N Sanderson

Location: 38 Higher Town
Sampford Peverell
Tiverton Devon

Proposal: Erection of extension
to ground floor utility
and erection of first
floor extension above

Date Valid: 13th September 2016



Application No. 16/01391/HOUSE

RECOMMENDATION

Grant permission subject to conditions.

PROPOSED DEVELOPMENT

38 Higher Town is located to the western extremity of Sampford Peverell within its Conservation Area. The property is a detached two storey house set back from the road and within a good sized plot.

The proposal is to provide an extension to the ground floor utility area 2.3m x 2m located to the western gable immediately adjacent to the boundary of 40 Higher Towns' garden. In association with this ground floor development there is to be a first floor extension located above both the existing ground floor element and the new measuring 5.8m x 2.3m with a ridge height to that of the existing house 6.7m. The proposal will present a full height gable to the neighbouring property directly on the boundary with the neighbours' garden; it is unlikely however to have any major negative impacts to the amenity of the neighbouring property in terms of over shadowing, or be significantly overbearing.

APPLICANT'S SUPPORTING INFORMATION

Plans
Design and Access Statement

PLANNING HISTORY

03/00453/DET Erection of porch - REC -
10/01317/CAT Notification of intention to fell 2 Poplar trees and carry out works to 1 Poplar tree within a Conservation Area - NOBJ - 12.10.2010

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR2 - Local Distinctiveness

Mid Devon Local Plan Part 3 (Development Management Policies)

DM2 - High quality design
DM13 - Residential extensions and ancillary development
DM27 - Development affecting heritage assets

CONSULTATIONS

SAMPFORD PEVERELL PARISH COUNCIL - 3rd October 2016 - Sampford Peverell Parish Council convened a planning sub-committee to consider this application. We visited the site and discussed it with the applicant. We have no objections to the application.

HIGHWAY AUTHORITY - 16th September 2016 -

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

EAST AREA CONSERVATION OFFICER –

Assessment

Based on information on file and site visit.

Context

38 Higher Town is 20th century two storey detached house located towards the west end of the Sampford Peverell conservation area.

The property is in an elevated position set back from the main road. Due to the site layout, separate garage and vegetation there are limited views into the site in general and the affected part of the site in particular. The building has later extension that abuts the south west boundary. Its appearance and character is neutral in terms of its contribution to the significance of the conservation area.

Proposal

Removal of a redundant chimney stack. To remove a short length of privet hedge to enable a ground floor extension to extend the footprint of the existing extension in a south east direction and to construct a first floor gabled extension over the existing monopitch extension and the proposed extended ground floor.

The proposed extension is to have a render finish and tiled with concrete tiles to match the existing. The windows and door in the extension are proposed to be uPVC to match the existing house.

Impact upon the conservation area.

The proposed works will effectively be screened from any public vantage point inside or outside the conservation area, by existing buildings and vegetation. The materials and finishes match those of the existing building. The impact will therefore be negligible on the overall character, appearance and significance of the conservation area.

Summary

No objection

REPRESENTATIONS

One letter of representation submitted.

Error in the Design and Access Statement re the property number next door.
New window will add to the existing overlooking.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The primary material considerations in assessing this application are:-

- 1 Planning Policy**
- 2 Design and the Conservation Area and impact on the building and neighbouring properties.**

1 Planning Policy

In assessing any planning application guidance is taken from both the Local Planning Policies and National Policies. In this instance the main policies are Mid Devon Core Strategy (Local Plan 1) COR2 - Local Distinctiveness that the proposal will sustain the distinctive quality, character and diversity of the environmental assets, to reinforce the character of the built environment and create attractive places. This proposal takes these aspects into consideration and will add to the design of the dwelling and its area.

Mid Devon Local Plan Part 3 (Development Management Policies) DM2 relates to high quality design and is an overarching policy to ensure proposals and development has a clear understanding of the characteristics of the site, and the wider surrounding area. It requires proposed to represent an effective use of the site, with integrated design with surrounding buildings, without unacceptably adverse effect on the privacy and amenity of the proposed or neighbouring properties and uses.

DM27 - Protected landscapes including conservation areas need to consider the impacts proposal will have on the area and the building within the landscape.

The National Planning Policy framework (NPPF) is a national policy which the local plan must be guided by and where a local plan is silent on an issue then the NPPF must have due regard to the development in question.

2 Design and the Conservation Area and impact on the building and neighbouring properties

The property is located approximately in the middle of the large rectangular plot, with a single storey addition located to the south western gable of the property, abutting the garden of Number 40. The main dwelling is itself L shaped.

The proposal is to extend the ground floor extension to the south with the removal of a small area of hedging to run parallel with the rear (southern elevation) of the building. Above this single storey area the first floor will be erected to encompass the gable wall, thereby extending the two storey gable to the boundary of the garden curtilage with that of No 40 Higher Town. 40 Higher Town is located approximately 30m from the proposed works to north within their garden, the garden continues for a further 25m to the south running parallel with no 38's garden.

Although the proposed will be on the boundary between the two properties, the increase in height of this part of the proposal will have only minor intensification in overshadowing and this being only in the very early hours of the morning. The increase in the size of the property and the inclusion of a 6.6m high gable on the boundary of the two properties is not likely to cause undue overbearing to the garden area or the use of the garden as a whole. There will be no impact on the dwelling at number 40 due to the changes proposed and the distance the property is away from the proposed development.

The design of the proposal will blend with the existing and provide necessary additional space without compromising the design of the existing building. The inclusion of a new window to the southern elevation although affording some additional overlooking of the neighbour's garden this is at an oblique angle and the property already has windows on this elevation. It is considered that there will be no demonstrable harm to the amenity of the neighbouring property due to the proposed new window. The new window to the northern elevation will be obscure glazed and have only a small opening fanlight, thus reducing any possibility of overlooking.

The loss of the redundant chimney will unbalance the property to some degree but it is considered that this is only a minor issue and as the property is not seen in the context of a street the change is of little significance, and not considered to be sufficient to consider a refusal.

The impact to the conservation area is negligible as already commented on by the proposed works will effectively be screened from public vantage point inside or outside the conservation area, by existing buildings and vegetation. The materials and finishes match those of the existing building. The impact will therefore be negligible on the overall character, appearance and significance of the conservation area.

Having regard to these considerations the application accords with the provisions of policies COR2 of Mid Devon Core Strategy (Local Plan Part 1), DM2, DM13 and DM27 of the Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. The external finishes of the development hereby permitted shall match in material, colour, style, and texture those of the existing building 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 ensure the use of materials appropriate to the development in order to safeguard the character and appearance of the building and the character and appearance of the conservation area in accordance with Mid Devon Core Strategy (Local Plan Part 1) COR2 Adopted Mid Devon Local Plan Part 3 (Development Management Policies) DM2, DM13, DM27.

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The proposed single storey extension and first floor extension to the side elevation of the house is considered acceptable by virtue of its scale, massing, design and location. The proposed is not considered to harm the privacy or amenity of the occupiers of another dwelling, the future amenities and services of the dwelling to be extended or its surroundings. The proposed will not adversely impact on the setting of the building within the conservation area. As such the proposal is considered to comply with the requirements of policies COR2 of Mid Devon Core Strategy (Local Plan Part 1), DM2, DM13 and DM27 of the Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.

Grid Ref: 272992 : 108225

Applicant: Mr J Daw

Location: Old Den Lapford
Crediton Devon

Proposal: Erection of 3 dwellings
following demolition of
existing dwelling

Date Valid: 29th September 2016



Application No. 16/01501/FULL

RECOMMENDATION

Grant permission subject to conditions.

PROPOSED DEVELOPMENT

Erection of 3 dwellings following demolition of existing dwelling.

The application site comprises the land that forms the curtilage of the dwelling currently known as the Old Den off the main street running through Lapford village. The current house comprises a single storey bungalow with a steep pitched roof, standing approximately just below 6.0 metres to ridge level. The dwelling sits on a very generous plot, measuring 0.15 hectares and sloping north to south.

The proposed scheme is for 3 houses with a new means of access and with the layout arranged with a single detached unit (plot 1) towards the front of the site, with plots 2 and 3 at the rear of the site arranged as a pair of semi-detached units. Plot 1 comprises a 4 bedroom unit with accommodation over two floors comprising 161 square metres of floor space set within a plot area of 490 square metres, and standing approximately 8.5 metres above ground level. Plots 2 and 3 are both 3 bedroom units with accommodation over two floors comprising 95.5 square metres of floor space set within plot areas of 375.0 and 423.0 square metres respectively, and standing approximately 8.0 metres above ground level. Each unit has the benefit of a hardstanding area for parking (2 spaces), refuse and recycling storage facilities. Foul surface water are to be managed into the main sewers with a designated soakaway area to manage surface water run-off. All three units are designed with a natural slate roof covering, white rendered walling above a brick plinth and with timber effect upvc double glazing units.

The new access is set away from the western party boundary with the neighbouring house (Glen Tor) and is designed to be 3.6 metres in width (including kerbstone detail) and with a gradient of 1:10 to manage to change in levels across the site, with a turning area and improved visibility splay at the junction with the highway.

APPLICANT'S SUPPORTING INFORMATION

Site Location Plan

Block plan

Proposed layout plans and elevations

Planning, Design and Access statement prepared by EJT Architectural Services

Preliminary Ecological Appraisal Report prepared by DF Wills (dated 23rd September 2016)

Completed Unilateral Planning Obligations confirming financial contribution towards the provision of teen facilities with Lapford Parish, and towards community car share schemes and clubs in Crediton - dated 2 November 2016.

PLANNING HISTORY

None.

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR2 - Local Distinctiveness

COR9 - Access

COR11 - Flooding

COR17 - Villages

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

AL/CRE/8 - Crediton Air Quality

AL/IN/3 - Public Open Space

Mid Devon Local Plan Part 3 (Development Management Policies)

DM1 - Presumption in favour of sustainable development
DM2 - High quality design
DM8 - Parking
DM14 - Design of housing

CONSULTATIONS

SOUTH WEST WATER - 24th October 2016 -

With reference to the planning application at the above address, the applicant/agent is advised to contact South West Water if they are unable to comply with our requirements as detailed below.

Asset Protection

Please find enclosed a plan showing the approximate location of a public sewer in the vicinity. Please note that no development will be permitted within 3 metres of the sewer, and ground cover should not be substantially altered.

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

Clean Potable Water

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

Foul Sewerage Services

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

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

Surface Water Services

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

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

Having reviewed the applicant's current information as to proposed surface water disposal for its development, please note that method proposed to discharge into the ground (infiltration) is acceptable and meets with the Run-off Destination Hierarchy. However, should this method be amended, SWWL will require clear evidence to demonstrate why the preferred methods listed within the Run-off Destination Hierarchy have been discounted by the applicant.

Your LPA will be mindful of Local Plan policy to limit the adverse (including cumulative) effect of proposed development such that sustainability is paramount and flooding risk is not increased elsewhere, together with Paragraphs 162 of the NPPF, and Paragraphs 109 and 120 of PPG (Conserving and enhancing the natural environment).

Please quote reference number MPP241016 EX17 6PZ in all communications and correspondence.

HIGHWAY AUTHORITY - 11th October 2016 -
<http://www.devon.gov.uk/highways-standingadvice.pdf>

ENVIRONMENTAL HEALTH - 10th October 2016
Contaminated Land - No objection.
Air Quality - No objection.
Environmental Permitting- No objection.
Drainage - No objection.

Noise and Other Nuisances:

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

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

Housing Standards - No comments.
Licensing - No comments.
Food Hygiene - N/A

Private Water Supplies:
Informative Note

No record is held for the proposal address. However, if a private supply is to be used by more than one property it would be classed as a Regulation 10 small supply, unless a commercial element is involved when it would be classed as a Regulation 9 supply under The Private Water Supply (England) Regulations 2016. In either circumstance a risk assessment and sampling regime will be necessary. The supply must not be used until the Local Authority (Mid Devon District Council) is satisfied that the supply does not constitute a potential danger to human health.

Please contact Public Health at Mid Devon District Council on completion of proposal.

If single domestic use of a private supply is proposed or if mains water is to be used I would have no comment.

Health and Safety - No objection.

NATURAL ENGLAND - 10th October 2016
No comments.

REPRESENTATIONS

Two objections have been received generally raising concerns about the scheme for the following reasons:

1. Concern about building over current garden areas, and impact neighbouring properties in terms of loss of light and overlooking.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

COR17 of the Mid Devon Core Strategy identifies Lapford as a village within the settlement hierarchy where minor developments are supported, 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- flooding, air quality, open space, bin storage

1. Layout, design, amenity and visual impact

The houses have been designed as a group of 3 of units in a courtyard style environment with the design style reflecting the local palette.

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

Policy DM14 of Mid Devon Local Plan Part 3 (Development Management Policies) reflects these criteria in terms of proposals for new housing development with additional considerations in terms of the quality of the housing for the future occupiers

In terms of how the proposed scheme will sit within its context an overview of the considerations as required by policy framework as set out above, is set out below:

The site has a strong visual screen at the boundary with the public realm beyond in the form of a privet hedge, and which is replicated across the northern, eastern and western boundaries. The footprint of the house block on plot is set back approximately 8 metres from the public highway.

As set out above the site slopes down to the boundary with the highway and the development areas are created by carrying out excavation across the middle part to lower the ground levels and create flat plot areas. As a result of the excavation works and even with the frontage plot closer to the highway the height of the block on plot 1 is considered to present comfortably in visual terms from the public realm. The layout is designed so that the separation distance between the back of the building on plot 1 and the frontage of the block across plot 2 and 3 is 20.0 metres window to window over private garden areas and the shared access arrangements. The layout achieves density per hectare (dph) of just over 21 houses per hectare which is below the densities for village locations as promoted by policy COR2.

The materials palette is considered to be respectful to the local palette used in Lapford, with slate roofs and white walls.

In terms of the relationship with the neighbouring plots, there is a minimum of a 6.0 metre buffer between the new buildings and the party boundaries with no side windows at the upper floor level on any of the proposed units. Plots 2 and 3 are located so that the main elevation is 14.0 metres away from the party boundary with the property on Orchard Way directly to the rear of it, and with a 20 metre separation distance between the back of the new houses and the back of the Orchard Way properties. Furthermore the screening afforded by the hedge row on the boundary means that there would only be pinched window to window glimpses at the upper floor area. There is a first floor window within the gable end of the neighbouring property to the west which currently overlooks the front garden and access to the existing property. The layout has been designed so this window will directly overlook the garden areas of the new houses, and therefore not significantly different to the existing situation. Finally given the orientation of the new buildings in relation to the neighbouring properties and the separation distances to the house immediately due north and east, it is not considered that the development would result in an oppressive environment for the occupiers of the neighbouring properties.

In terms of the formation of the new access route adjacent on the western boundary, there will be a landscaped buffer with additional planting to enhance the screening provided by the existing hedgerow.

It is recognised that the units will stand taller than the neighbouring units to the east and west which are designed as traditional chalet bungalows with the upper floors set within the roof space. However overall it is considered the application scheme proposes an efficient and effective use of the site, with a positive architectural approach to maximise the development opportunity the site provides and reflective of the wider street scene. The layout will provide a comfortable living arrangement for the residents of the new houses without adversely affecting the amenities enjoyed by the occupiers of the neighbouring plots. On this basis the proposals are considered to accord with policies DM2 and DM14 in terms of how the scheme will sit within its context.

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. 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 units, and 84sqm for a 2 storey 3bed unit. The proposed dwellings all provide floor space that exceeds these minimum requirements, with flexible living spaces, and adequate private amenity space for the future occupiers, whilst recognising that there will be a certain amount of inter-visibility between the units. On this basis it is considered that the proposals will deliver an acceptable environment for future occupiers in accordance with the requirements of policy DM14.

2. Highway and parking issues

As stated the site is accessed from the main route through Lapford village, and given its position on the network traffic speeds tend to be relatively slow, so although the scheme will result in an increase in the number of traffic movements onto and off of the highway there are no concerns in terms of managing the limited increase from a capacity point of view.

The internal layout in terms of the width of the new access (approximately 3.6 metres wide with kerb stones), turning area and gradient (1 in 10) is acceptable, with dedicated parking for each unit to accommodate 2 vehicles. The drainage arrangements as shown on drawing 1405-03 revA will ensure that no surface water drains onto the highway. A condition is to be recommended that the area coloured yellow drawing 1405-03 revA is to be maintained free of obstruction and be available for use by all residential units at all times.

In summary the Highway Authority have confirmed that they raise no objection to the scheme, and following a review of the scheme details it is considered that the application scheme is considered to be in accordance with policy DM8 and COR9.

3. Other matters- drainage/ flooding, air quality, open space, bin storage

A cellular system SUDs system is proposed to capture the surface water runoff for each property in accordance with standard established by Devon County Council. These are to be located within the defined plots areas with the ongoing maintenance falling with the each future occupier. On this basis the proposed are considered to be in accordance with policy COR11.

Section 106 issues: The applicant has completed two separate deeds under section 106 of the Planning Acts in order to make 2 off site contributions as follows. A contribution of £2500.00 which will be spent on equipment for teen facilities within Lapford in order to respond to the requirements of policy AL/IN/3, and the supporting SPD on open space (adopted in May 2008, providing guidance on the provision of open space in association with developments). A contribution of £8868.00 which will be spent on a project to provide a community car share scheme and clubs for the Crediton Area to respond to the requirements of policy AL/CRE/8 and the supporting SPD on Air Quality (adopted in May 2008 providing additional guidance on planning issues concerning air quality in Mid Devon)

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. Prior to their first use 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. No other external materials shall be used.
5. None of the dwellings hereby approved shall be occupied until the refuse storage, and area/facilities allocated for storing of recyclable materials on have been provided in accordance with the detail as shown on the approved plans. 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.
6. None of the dwellings hereby approved shall be occupied until the access, turning area and parking spaces as shown on approved drawing 11405-03 (revA) has been completed in accordance with the approved details. The section of the new access coloured yellow on drawing 1405-03 (revA) is to be maintained free of obstruction and be available for use at all times.
7. 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 and so retained, in accordance with details as shown on the approved plans.
8. 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.

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 dwellings in the future are controlled to ensure that they continue to make 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.
5. 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.
6. To ensure the layout and construction of the access is safe in accordance with paragraph 32 of National Planning Policy Framework.
7. To prevent mud and other debris being carried onto the public highway.
8. To protect the amenity of occupiers of the neighbouring property in accordance with policy 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 Lapford on an existing residential curtilage which accommodates a single unit set in generous grounds, and is considered to be supportable in policy terms. The dwellings are proposed as two storey units and are designed to reflect the local style. Notwithstanding the increase in height and number of units, the scheme 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 is acceptable in design terms, and will not result in highway safety and or capacity issues. The proposal includes sufficient parking and infrastructure to manage surface water run-off. The applicant has made satisfactory provisions in terms of off- site contributions to provide new open and air quality improvements. The proposal is considered to be compliant with the requirement of relevant policies: CO1, COR2, COR9, COR11 and COR17 of the Mid Devon Core Strategy (Local Plan Part 1), DM1, DM2, DM8, DM14 of the Local Plan Part 3 (Development Management Policies), AL/IN/3 and AL/CRE/8 of the Allocations and Infrastructure Plan Document (Local Plan Part 2) and government guidance in the National Planning Policy Framework.

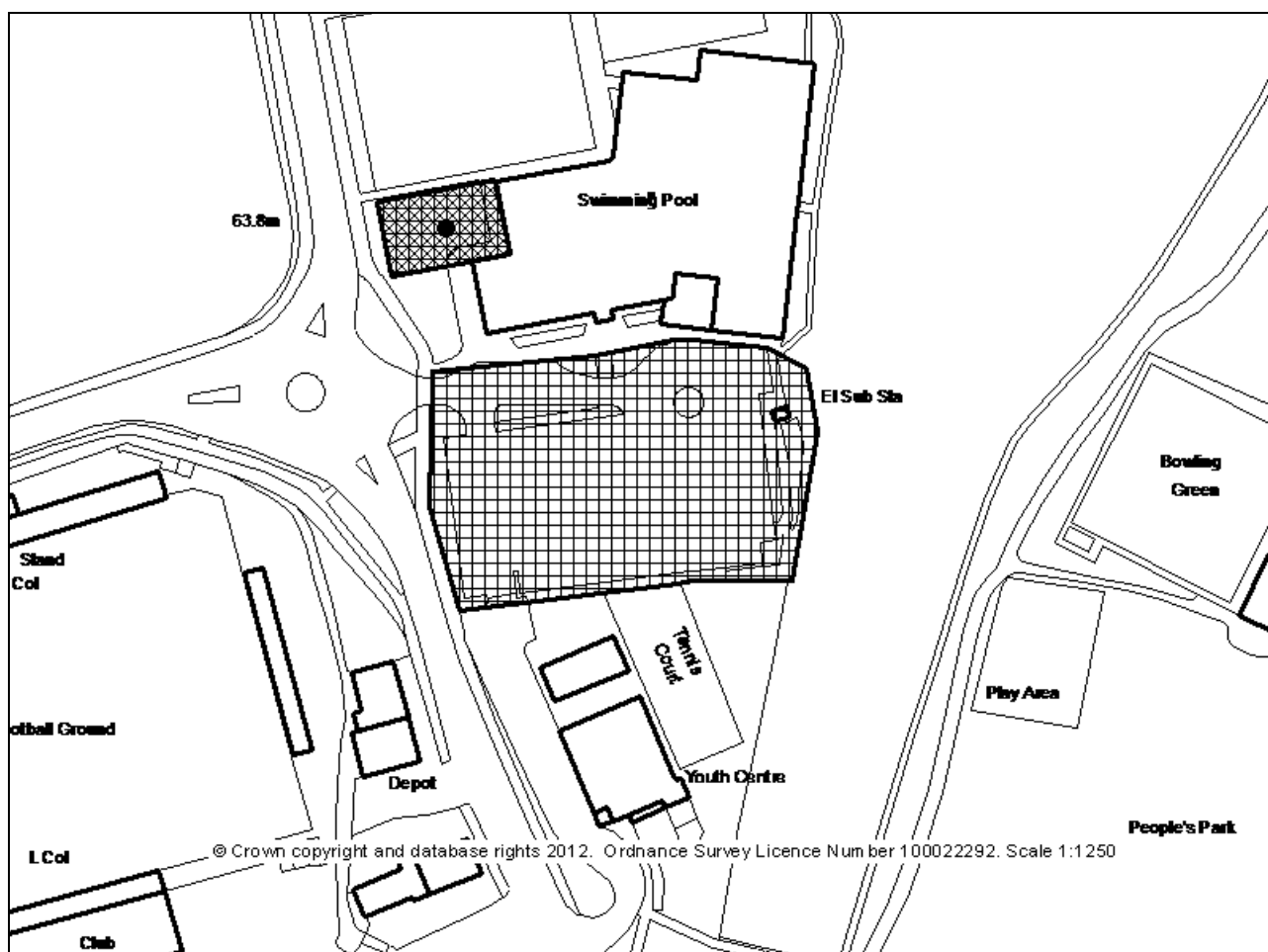
Grid Ref: 295459 : 113368

Applicant: Mid Devon District
Council

Location: Exe Valley Leisure
Centre Bolham Road
Tiverton Devon

Proposal: Erection of extension
and alterations to
layout of existing
carpark

Date Valid: 14th October 2016



Application No. 16/01599/FULL

RECOMMENDATION

Grant permission subject to conditions.

PROPOSED DEVELOPMENT

The application seeks planning permission for the erection of an extension to the fitness suite and a revised car parking layout at Exe Valley Leisure Centre, Tiverton.

The extension would be physically attached to the west elevation of the leisure centre (toward Bolham Road). It measures: 21m long, 15.5m wide and has a height of 7.2m (leisure centre is 9.2m high). The extension is therefore lower than the ridge height of the existing leisure centre building and the external appearance would reflect that of the leisure centre. It has a monopitched roof and the external material include a standing seam roof to match the existing, rendered walls, white powder coated aluminium windows and a blue engineering brick plinth to match the leisure centre.

The revised car park layout would result in the provision of 4 disabled car parking spaces close to the front door of the leisure centre as well as a coach parking space. The existing small roundabout at the eastern end of the carpark would be removed and replaced with 20 additional parking spaces. Coaches/larger vehicles would have to follow the internal traffic signs in order to exit the carpark without being required to turn around.

APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement
Flood Risk Assessment

PLANNING HISTORY

00/01147/FULL Erection of new swimming pool (existing to be demolished), fitness suite and outdoor changing facilities and formation of new access off existing roundabout - PERMIT - 03.04.01
00/01165/FULL Formation of temporary car park on tennis courts and contractors site access for use during construction of proposed new leisure facilities - DWD - 23.04.02
01/01036/FULL Erection of flood lighting - PERMIT - 19.12.01
85/01271/FULL DEEMED CONSENT for the construction of car park and access road - DEMCON - 16.10.85
88/02680/FULL DEEMED CONSENT for the renewal of temporary permission for car park and access road - DEMCON - 23.12.88
90/01622/OUT DEEMED CONSENT for outline for leisure complex - DEMCON - 06.02.91
92/00115/FULL DEEMED CONSENT for use of land for temporary car park and access road - DEMCON - 31.03.92
94/02089/OUT Outline for the erection of Exe Valley Centre which will include demolishing the existing swimming pool, construction of new round-a-bout and the access road from the new round-a-bout - PERMIT - 27.02.95
95/00413/FULL Renewal of planning permission 4/52/92/115 for the use of land for temporary car park and access road - PERMIT - 17.05.95
97/00553/FULL Renewal of planning permission 4/52/95/413/R for the use of land as temporary car park and access road - PERMIT - 11.07.97
99/02796/FULL Renewal of temporary planning permission no. 4/52/97/0553/R for the use of land as temporary car park and access road - PERMIT - 01.09.99
06/02280/FULL Formation of additional car parking spaces - PERMIT - 06/02280/FULL
11/01718/FULL Installation of 768 solar photovoltaic panels on part roof - PERMIT - 24.01.12
13/01469/FULL Formation of additional car parking, including the change of use of 1 tennis court, and improvements to access - PERMIT - 05.12.13

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR1 - Sustainable Communities
COR2 - Local Distinctiveness
COR9 - Access
COR11 - Flooding

Mid Devon Local Plan Part 3 (Development Management Policies)

DM1 - Presumption in favour of sustainable development
DM2 - High quality design
DM24 - Tourism and leisure development
DM25 - Community facilities

CONSULTATIONS

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

HIGHWAY AUTHORITY - 24th October 2016 -
No comments.

ENVIRONMENT AGENCY - 15th November 2016
No comments received by 15 November 2016.

TIVERTON TOWN COUNCIL - 9 November 2016 -
Support.

ENVIRONMENTAL HEALTH - 2nd November 2016-

Contaminated Land - No Objection.
Air Quality - No Objection.
Environmental Permitting- No Objection.
Drainage - No Objection.
Noise and Other Nuisances - No Objection.
Housing Standards - No Comments.
Licensing -No Comments.
Food Hygiene - N/A
Private Water Supplies - N/A
Health and Safety - No Objections.

SPORT ENGLAND - 18th October 2016 -

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

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

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

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

<http://sportengland.org/facilities-planning/tools-guidance/design-and-cost-guidance/>

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

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

REPRESENTATIONS

None received by the 11th November 2016.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main considerations in the assessment of this application are:

- 1 Policy support for community facilities**
- 2 Design of the extension;**
- 2 Revised car park arrangements;**
- 3 Visual impact**
- 4 Flooding**

1. Policy

Policy COR1 encourages development that brings positive benefits and supports the diverse needs of communities while providing vibrant, safe, healthy and inclusive places and indicates that development should enhance the vitality of communities. The provision of the extension to the leisure centre would expand an existing and popular community facility. This is supported by policies DM24 and DM25 Local Plan Part 3 (Development Management Policies) that actively encourage proposals for new leisure facilities and community facilities that are of benefit to the local community. The extension to the leisure centre and the re-arrangements to the car park are therefore in accordance with the requirements of the above policies.

2. Design and visual impact of the extension

The extension would provide an additional fitness suite which would be attached to the west elevation of the leisure centre and internally connected to the existing fitness suite. The extension would result in the leisure centre being physically closer to Bolham Road to the west. The development would not interfere with the pedestrian footpath adjacent to Bolham Road.

The extension has a modern appearance that is in accordance with the style and design of the existing leisure centre. The extension has a monopitched roof with the south elevation containing a 6.8m high rendered wall façade with two sets of glazing approximately 4.6m high and 2.5m wide. The west elevation has a very similar design although the rendered wall decreases in height from 6.8m to 3.4m. The north elevation has a more traditional single storey appearance as the standing seam roof is visible and the wall is only 3.4m high. The pattern of fenestration reflects that shown on both the west and south elevations.

The siting, size and external appearance of the extension are considered to minimise the impact on the leisure centre both in terms of visual change and internal layout. The proposed extension would sit comfortably alongside the existing building. The application form states that the external materials proposed to be used would match those used in the construction of the existing leisure centre building.

Policy DM2 requires new development to demonstrate a clear understanding of the characteristics of the site, its wider context and surrounding area as well as creating a development that is well integrated with the existing buildings and surrounding street scene. The proposed extension meets these criteria and therefore in accordance with the requirements of policy DM2.

3. Revised car park arrangements

The proposals include the partial remodelling of the car park that serves the leisure centre. Four parking spaces are proposed adjacent to the main entrance to the leisure centre as well as the provision of a coach parking space. The existing mini roundabout at the eastern end of the car park is proposed to be removed and replaced with an additional 20 parking spaces. Coaches/larger vehicles will be required to follow the internal one way system to exit the car park. The car park rearrangements will provide more spaces, better placed disabled parking spaces and a relocated coach parking/drop off space. The parking provision is considered to be in accordance with policy DM8 Local Plan Part 3 (Development Management Policies).

4. Visual Impact

The extension to the leisure centre will be visible from Bolham Road, Park Hill and Kennedy Way to the west, however it would be read in conjunction with the existing building due to the similarity in appearance between the extension and the original building. As stated below it would be lower than the leisure centre and would not therefore compete with the scale of the current building. The line of trees along the western boundary of the site, close to Bolham Road will be retained. This will assist in softening views of the extension from the surrounding public highways.

The visual impact of the extension is considered to be limited and will not have a detrimental impact on the character or appearance of the surrounding area. In this regard the application is in accordance with policy COR2 Mid Devon Core Strategy and policy DM2 Local Plan Part 3 (Development Management) Policies.

5. Flooding

The application site is within flood zone 3, as is the existing leisure centre. Surface water will be discharged to the existing drainage system, and a SUD system using over sized pipes will be incorporated into the overall design to attenuate the surface water from the additional roof area. To prevent the extension having an impact on the displacement of flood waters, a deep trench is proposed to be constructed to the rear of the existing carpark, to offset any flood waters and to ensure the displacement of any flood waters to the existing attenuation trench. It is proposed to provide either a crated underground system that will accommodate this volume of flood water or a grill over an open trench. The flood risk assessment concludes that the extension would have a neutral impact on the flood zone. The proposal is therefore in accordance with policy COR11 Mid Devon Local Plan (Local Plan Part 1).

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 extension to the leisure centre first being brought into use the re-arrangements to the car park as shown on plan 7159-11, received 14/10/2016 shall be implemented in full and the additional parking spaces made available for use.
4. Prior to the extension to the leisure centre first being brought into use the flood prevention measures detailed in the flood risk assessment received 14/10/2016 shall be implemented in full.

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 provision of the additional and re-arranged parking facilities in accordance with Policy DM8 of Local Plan Part 3 (Development Management Policies) and Policy COR9 of the Mid Devon Core Strategy (Local Plan Part 1).
4. To ensure the provision of the flood prevention measures in accordance with Policy COR11 of the Mid Devon Local Plan (Local Plan Part 1) and Policy DM2 of Local Plan Part 3 (Development Management Policies).

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The application seeks planning permission for the erection of a single storey extension to the west elevation of the existing leisure centre. This would expand an existing leisure and community facility in accordance with policy COR1 Mid Devon Core Strategy (Local Plan Part 1) and policies DM24 and DM25 Local Plan Part 3 (Development Management Policies). The extension would provide an additional fitness suite. In addition to the extension it is proposed to rearrange the publicly accessible car park by placing 4 disabled spaces adjacent to the main entrance, relocating a coach parking/drop off space and the provision of an additional 20 spaces as a result of the removal of the mini roundabout within the car park. The design of the extension will sit comfortably alongside the existing building and will not detract from the character or appearance of this building. Neither will the extension or the car park changes have a detrimental impact on the visual amenity of the area or the street scene. The proposals are therefore in accordance with policies COR2, COR9 Mid Devon Core Strategy (Local Plan Part 1) and policies DM2, DM8 Local Plan Part 3 (Development Management Policies). Due to the provision of a SUD system and appropriate strategies to accommodate flood waters in the event of a flood the application is considered to be in accordance with policy COR11 Mid Devon Local Plan (Local Plan Part 1). The application has therefore been recommended for approval.

Mrs Jenny Clifford
Head of Planning and Regeneration

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DELEGATED APPLICATIONS AS AT - 21 November 2016

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

PURPOSE OF REPORT

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

RECOMMENDATION

That the report be noted.

DETAILS OF DECISIONS

| DATE RECEIVED | DATE DETERMINED/ DECISION | REF NUMBER | APPLICANT PROPOSED DEVELOPMENT | PARISH/AREA |
|---------------|--|---------------|---|------------------|
| 05.11.2015 | 10.11.2016 Permitted with Conditions to Discharge | 15/01766/FULL | Trustees of The John Symes Trust John Symes Trust North Street Erection of 3 dwellings following demolition of redundant structure and modern buildings | Crediton Town 18 |
| 12.02.2016 | 09.11.2016 Permitted with Conditions to Discharge | 16/00238/FULL | Mr G Hughes Devon & Cornwall Constabulary Police Station Erection of 4 dwellings and 1 police unit following demolition of existing | Crediton Town 18 |

| | | | | |
|------------|--|----------------|---|---------------------|
| | | | police station | |
| 28.04.2016 | 16.11.2016 Permitted with Conditions to Discharge | 16/00661/FULL | Mr K Foxford Land at NGR 292502 102246 Dinneford Street Erection of a replacement storage unit with associated office | Thorverton 51 |
| 05.05.2016 | 26.10.2016 Permitted with Conditions to Discharge | 16/00709/FULL | Mr M Compton 4 Exeter Road Silverton Erection of a bungalow following removal of garage and shed | Silverton 45 |
| 30.06.2016 | 10.11.2016 Grant permission | 16/01020/FULL | Mrs L Mcrae Land and Buildings at NGR 302925 120050 (Oakbrook Farm) Retention of extension to existing barn for hay, straw and feed storage and retention of feed silo | Hockworthy 28 |
| 01.07.2016 | 02.11.2016 Development Acceptance | 16/01006/PNCOU | Mr R Bickley Three Corner Moor Neopardy Prior notification for the change of use of agricultural building to dwelling under Class Q | Crediton Hamlets 19 |
| 06.07.2016 | 27.10.2016 Grant permission | 16/01037/TPO | Mr J Greig Land at NGR 294716 111340 (Between Howden Hayes & Little Howden) Aubyns Wood Avenue Application to reduce the height of 1 Oak tree by up to 10m, and 1m reduction to lower limbs overhanging adjacent property protected by Tree Preservation Order 06/00016/TPO | Tiverton 52 |

| | | | | |
|------------|--|---------------|--|---------------|
| 06.07.2016 | 21.10.2016 Grant permission | 16/01047/FULL | Mr G Martin Land and Building at NGR 310992 111058 (Leigh Court Farm) Blackborough Erection of double garage/workshop with store above | Uffculme 53 |
| 06.07.2016 | 25.10.2016 Grant permission | 16/01053/MFUL | Mrs N Lesser Muddifords Court Sampford Peverell 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 | Halberton 25 |
| 12.07.2016 | 21.11.2016 Refuse permission | 16/01075/FULL | Prof. D Stokes Land and Buildings at NGR 292707 102129 (Rear of The Old Bakery) Jericho Street Erection of a dwelling | Thorverton 51 |
| 18.07.2016 | 21.10.2016 Application Part Granted/Part Refused | 16/01104/TPO | Exeter Diocese St Andrews Vicarage Lower Town Application to reduce the height of 1 Holm Oak tree (T3) by 10m and reduce lateral limbs of 1 Cherry tree (T8) by 2.5m protected by Tree Preservation Order 81/00001/TPO | Halberton 25 |
| 18.07.2016 | 07.11.2016 Permitted with Conditions to Discharge | 16/01107/FULL | Mr R Chapple Thorverton Mill Thorverton Retention of self-service car wash/vacuum/tyre pressure facility | Thorverton 51 |

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|------------|--|----------------|---|----------------|
| 22.07.2016 | 18.11.2016 Permitted with Conditions to Discharge | 16/01133/FULL | Mrs T Orchard Land at NGR 308578 116868 (5 The Corbett) Burlescombe Retention of change of use of land for the siting of 5 additional traveller pitches, and associated works | Burlescombe 06 |
| 22.07.2016 | 10.11.2016 Permitted with Conditions to Discharge | 16/01140/MFUL | Mr M Witcombe Land at NGR 303818 111567 (Plot 5, Mid Devon Business Park) Erection of 3 industrial units | Halberton 25 |
| 25.07.2016 | 18.11.2016 Permitted with Conditions to Discharge | 16/01132/FULL | Mrs D Small Land at NGR 308637 116847 (6 & 7 The Corbett) Burlescombe Retention of the change of use of agricultural land to provide 4 traveller pitches including 4 garden sheds, and associated works | Burlescombe 06 |
| 27.07.2016 | 11.11.2016 Permitted with Conditions to Discharge | 16/01162/FULL | Mr S Cornish Land at NGR 303763 111633 (Muxbeare Barn) Muxbeare Lane Change of use of existing agricultural building to form 1 dwelling (Revised scheme) | Halberton 25 |
| 29.07.2016 | 11.11.2016 Grant permission | 16/01174/FULL | Miss Amy Tapp Oakmoore Farm Morebath Retention of a temporary agricultural worker's caravan | Morebath 36 |
| 01.08.2016 | 04.11.2016 Grant permission | 16/01181/HOUSE | Mr & Mrs P Rhodes 3 The Avenue Tiverton First floor extension over existing bungalow to include a two storey | Tiverton 52 |

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| | | | porch, two storey rear extension and attached garage | |
| 08.08.2016 | 04.11.2016 Grant permission | 16/01212/FULL | Mr Downes Springfield House Cove Change of use of land from orchard to garden and erection of garden studio | Tiverton 52 |
| 12.08.2016 | 25.10.2016 Withdrawn | 16/01250/ADVERT | McDonalds Restuarant Ltd McDonalds Restaurant Lowman Way Advertisement consent for the display of 3 new internally illuminated 2.4m high totem signs and 1 'Any lane' direction sign and relocation of 3 totem signs and 1 2.6m poster board both internally illuminated | Tiverton 52 |
| 12.08.2016 | 25.10.2016 Withdrawn | 16/01251/FULL | McDonalds Restaurant Ltd McDonalds Restaurant Lowman Way Erection of 36sqm of extensions and redesigning of roof including aluminium cladding and louvre overclad and reconfiguration of drive-thru and parking spaces | Tiverton 52 |
| 12.08.2016 | 25.10.2016 Withdrawn | 16/01252/ADVERT | McDonalds Restaurant Ltd McDonalds Restaurant Lowman Way Advertisement consent to display 1 new and 2 re-located internally illuminated 'Mcdonalds' text signs on louvre overclad and 5 new internally illuminated 'Golden Arch' signs | Tiverton 52 |
| 15.08.2016 | 14.11.2016 Permitted with | 16/01258/FULL | Mr TJS Hurst Land at NGR 289616 123281 (East | Oakford 39 |

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| | Conditions to Discharge | | Tapps Farm) Oakford Variation of condition (2) of planning permission 15/01340/FULL to allow the substitution of previously approved plans | |
| 17.08.2016 | 28.10.2016 Permitted with Conditions to Discharge | 16/01278/FULL | Mr & Mrs Burrows Land and Buildings at NGR 269661 105378 (Leigh Barton) East Leigh Conversion of agricultural storage building to office/wetroom | Coldridge 16 |
| 17.08.2016 | 28.10.2016 Permitted with Conditions to Discharge | 16/01279/LBC | Mr & Mrs Burrows Land and Buildings at NGR 269661 105378 (Leigh Barton) East Leigh Listed Building Consent for conversion of agricultural storage building to office | Coldridge 16 |
| 18.08.2016 | 02.11.2016 Permitted with Conditions to Discharge | 16/01280/FULL | Mrs J Smallcombe Land and Buildings at NGR 273193 93751 (West Ford Farm) Cheriton Bishop Conversion of redundant barn to holiday let | Cheriton Bishop 11 |
| 18.08.2016 | 02.11.2016 Grant permission | 16/01281/LBC | Mrs J Smallcombe Land and Buildings at NGR 273193 93751 (West Ford Farm) Cheriton Bishop Listed Building Consent for conversion or redundant barn to holiday let | Cheriton Bishop 11 |
| 19.08.2016 | 25.10.2016 Refuse permission | 16/01284/FULL | Mr A Hargreaves 3 Prispen House Prispen Drive Replacement of existing timber patio | Silverton 45 |

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|------------|---------------------------------|----------------|---|----------------------|
| | | | door with UPVC door | |
| 22.08.2016 | 17.11.2016 Grant permission | 16/01290/HOUSE | Mr Jamie Drummond 1 Goodiford Cottages Kentisbeare Erection of a two storey extension and porch following demolition of existing rear extension (Revised scheme) | Kentisbeare 32 |
| 23.08.2016 | 09.11.2016 Grant permission | 16/01282/FULL | Mr Andrew Stennett College Surgery Partnership 29 Lower Town Erection of a replacement Prefabricated building | Sampford Peverell 42 |
| 23.08.2016 | 28.10.2016 Refuse permission | 16/01286/TPO | Mrs Millington 1 Blundells Square Horsdon Road Application to crown thin by 20-30% and cut back side overhanging garden by 1.2-2m of one Oak tree protected by Tree Preservation Order No. 04/00013/TPO | Tiverton 52 |
| 23.08.2016 | 17.11.2016 Refuse permission | 16/01292/FULL | Mr Nicholas Isaac Brick House Silver Park Erection of 2 dwellings | Kentisbeare 32 |
| 25.08.2016 | 14.11.2016 Grant permission | 16/01302/FULL | Mr Ross Daniels 5 High Street Crediton Change of use from Class A1 (Retail) to mixed use: Class A1 (Retail) on ground floor and Sui Generis in basement/backroom | Crediton Town 18 |
| 26.08.2016 | 26.10.2016 Grant permission | 16/01308/FULL | Mr R Vinnicombe Land and Buildings at NGR 288490 110302 (South Eastway Farm) | Cruwys Morchard 20 |

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| | | | Erection of a replacement building for engineering business | |
| 26.08.2016 | 31.10.2016 Permitted with Conditions to Discharge | 16/01310/FULL | Mr Philip Sara Land and Buildings at NGR 287346 99975 (Wyke Farm) Shobrooke Conversion of redundant agricultural building to dwelling | Shobrooke 44 |
| 30.08.2016 | 27.10.2016 Grant permission | 16/01312/FULL | Mr M Winterbourne 12 Church Street Tiverton Change of use of ground floor from residential to A3 use | Tiverton 52 |
| 30.08.2016 | 17.11.2016 Grant permission | 16/01318/HOUSE | Mrs M Potter Glengarron Willand Road Erection of two-storey extension and installation of dormer window | Cullompton 21 |
| 31.08.2016 | 10.11.2016 Grant permission | 16/01325/FULL | Mr S Dibble Land at NGR 300577 112384 Bycott Farm Erection of a multi purpose agricultural storage building | Halberton 25 |
| 31.08.2016 | 17.11.2016 Permitted with Conditions to Discharge | 16/01327/HOUSE | Mr & Mrs Horsley Downhayne East Village Erection of ground and first floor extension to Downhayne and for erection of first floor extension and alterations to adjoining barn | Sandford 43 |
| 31.08.2016 | 17.11.2016 Grant permission | 16/01330/LBC | Mr & Mrs Horsley Downhayne East Village Erection of ground and first floor extensions to Downhayne and first | Sandford 43 |

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| | | | floor extension and alterations to adjoining barn | |
| 02.09.2016 | 01.11.2016 Grant permission | 16/01342/HOUSE | Mr A Bryant 40 Bluebell Avenue Tiverton Erection of first floor extension | Tiverton 52 |
| 02.09.2016 | 28.10.2016 Not Permitted Development | 16/01352/PNCOU | Mr D Crompton Land at NGR 303559 119026 (Burnt House) Hockworthy Prior notification for the change of use of agricultural building to dwelling under Class Q | Hockworthy 28 |
| 02.09.2016 | 27.10.2016 Permitted with Conditions to Discharge | 16/01356/FULL | Mr David Milford Land at NGR 295987 113465 Isabella Road Variation of conditions 2 and 6 imposed under appeal reference APP/Y1138/A/11/2156162 relating to planning application 10/01547/FULL to allow substitute plans and an additional window on the North elevation | Tiverton 52 |
| 05.09.2016 | 25.10.2016 Approval of Prior Approval | 16/01341/PNCOU | Mr I Elliott Yerrishayes Kentisbeare Prior notification for the change of use of agricultural building to dwelling under Class Q | Kentisbeare 32 |
| 05.09.2016 | 18.11.2016 Refusal of Prior Approval | 16/01343/PNCOU | Mr R Sanders Land and Buildings at NGR 307104 113338 (Lane Northeast of Ashley Road) Prior notification for the change of use | Uffculme 53 |

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| | | | of agricultural building to dwelling under Class Q | |
| 05.09.2016 | 02.11.2016 Permitted with Conditions to Discharge | 16/01344/HOUSE | Mr & Mrs R Sydney-Sheppard West Studham Farm Yeoford Erection of an extension | Colebrooke 17 |
| 05.09.2016 | 02.11.2016 Grant permission | 16/01345/LBC | Mr & Mrs R Sydney-Sheppard West Studham Farm Yeoford Listed Building Consent for the erection of an extension and alterations to include conversion of roofspace to 2 bedrooms with ensuite bathrooms, replacement of existing rooflight together with the addition of 2 velux windows | Colebrooke 17 |
| 05.09.2016 | 28.10.2016 Grant permission | 16/01357/HOUSE | Mrs S Coles 22A Tiverton Road Cullompton Replacement of door and 4 windows to front elevation | Cullompton 21 |
| 05.09.2016 | 28.10.2016 Permitted with Conditions to Discharge | 16/01360/HOUSE | Mr A Harris The Coach House 1 Home Orchard Erection of first floor balcony | Sampford Peverell 42 |
| 05.09.2016 | 03.11.2016 Grant permission | 16/01361/FULL | Mrs Gosling Forest Glade Holiday Park Broad Road Erection of replacement changing facilities to existing outdoor pool | Kentisbeare 32 |
| 06.09.2016 | 25.10.2016 Grant permission | 16/01374/HOUSE | Mr Tim Roberts Kilnview Farm Westleigh | Burlescombe 06 |

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| | | | Erection of two storey extensions to side and rear, sun room and porch (Revised scheme) | |
| 06.09.2016 | 01.11.2016 Permitted with Conditions to Discharge | 16/01375/FULL | Mr S Bradford Hill Bungalow Pennymoor Erection of a replacement dwelling and alteration to vehicular access | Cruwys Morchard 20 |
| 06.09.2016 | 28.10.2016 Grant permission | 16/01378/FULL | Mr & Mrs J Dinnage South Hayne Farm Cottage Shillingford Variation of condition (c) of planning permission 84/00694/FULL to allow the use of holiday cottage by immediate family and carers in addition to the holiday occupation | Bampton 01 |
| 06.09.2016 | 01.11.2016 Refusal of Prior Approval | 16/01384/PNCOU | Mr & Mrs R Mabon Land at NGR 266918 112551 (Barn At Rashleigh Barton) Prior notification for the change of use of agricultural building to up to 3 dwellings under Class Q | Wembworthy 58 |
| 07.09.2016 | 25.10.2016 No Objection | 16/01367/CAT | Mr John Bartlett Land at NGR 306865 112596 (Markers) Markers Road Notification of intention to carry out lateral reduction of 3m and height reduction of 6m to 2 Sycamores and 1 Horse Chestnut, and crown clearance of 3m and height reduction of 6m to 1 Sycamore and 1 Horse Chestnut, all within a Conservation Area | Uffculme 53 |

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| 07.09.2016 | 31.10.2016 Grant permission | 16/01408/FULL | Mr Y Qayum St Andrew Lodge Masonic Hall Revised scheme for the variation of Condition (2) of planning permission 15/01048/FULL to lower window cills | Cullompton 21 |
| 08.09.2016 | 28.10.2016 Grant permission | 16/01388/HOUSE | Mr A Collacott Wyndhams School Road Erection of a two-storey extension and garage and alteration to existing access | Silverton 45 |
| 09.09.2016 | 04.11.2016 Not Permitted Development | 16/01387/PNCOU | Mr & Mrs D Partridge Land and Buildings at NGR 292593 116970 (Pilemoor Lane) Washfield Prior notification for the change of use of agricultural building to dwelling under Class Q | Washfield 56 |
| 09.09.2016 | 31.10.2016 No Objection | 16/01399/CAT | Mr Terry Edwards Drews Farm Ashill Notification of intention to fell 1 Eucalyptus, 1 Sycamore and 1 Conifer tree; raise the crown of 1 Yew, 1 Sweet Chestnut and 1 Walnut tree and carry out works to group of Ash trees within the Conservation Area | Uffculme 53 |
| 12.09.2016 | 09.11.2016 Application Part Granted/Part Refused | 16/01397/CLP | Mr A V Ebdon Sharon Hele Road Certificate of Lawfulness for the proposed erection of a classic car storage/mainenance building, an orangery, painting/sculpture studio and 3 porches to house and replace flat roof of garage with pitched roof | Bradninch 04 |

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| | | | SPLIT DECISION - PART PERMIT - OUTBUILDING 3 REFUSE | |
| 12.09.2016 | 16.11.2016 Grant permission | 16/01403/LBC | Mrs MacKenzie Wild Briar Colebrooke Listed Building Consent for insertion of 4 roof windows to single storey extension | Colebrooke 17 |
| 13.09.2016 | 02.11.2016 Grant permission | 16/01393/HOUSE | Mr & Mrs M Gicquel 14 Appletree Close Uffculme Erection of single storey side extension | Uffculme 53 |
| 13.09.2016 | 04.11.2016 Grant permission | 16/01395/FULL | Mr C Carr Land at NGR 287898 106054 (Orchard Hayes Farm) Cheriton Fitzpaine Erection of roof to provide covered yard | Cheriton Fitzpaine 12 |
| 13.09.2016 | 09.11.2016 Refusal of Prior Approval | 16/01400/PNCOU | Mr S Neate Land at NGR 291002 107345 (East Dunster Farm) Cadeleigh Prior Notification for the change of use of an agricultural building to dwelling under Class Q | Cadeleigh 09 |
| 13.09.2016 | 09.11.2016 Grant permission | 16/01401/CLU | Mr M Chattey Barn at NGR 303175 102540 (Langford Court South) Langford Certificate of Lawfulness for the existing use of barn as dwellinghouse for a period in excess of 10 years | Cullompton 21 |

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| 13.09.2016 | Grant permission | 16/01404/FULL | Mr Weedon Land at NGR 284107 105319 Bramley Erection of a field shed for storing a tractor and associated ground management equipment | Sandford 43 |
| 13.09.2016 | 08.11.2016 Permitted with Conditions to Discharge | 16/01405/HOUSE | Ms J Webb Gunstone Park Gunstone Erection of extension | Crediton Hamlets 19 |
| 13.09.2016 | 08.11.2016 Permitted with Conditions to Discharge | 16/01406/LBC | Ms J Webb Gunstone Park Gunstone Listed Building Consent for the erection of extension | Crediton Hamlets 19 |
| 14.09.2016 | 07.11.2016 Approval of Prior Approval | 16/01407/PNCOU | Mr & Mrs T Dennis Land and Buildings at NGR 266909 105859 Millsome Barns Prior Notification for the change of use of agricultural buildings to 3 dwellings under Class Q | Coldridge 16 |
| 14.09.2016 | 08.11.2016 Grant permission | 16/01414/LBC | Mr R Grantham Penton Penton Lane Listed Building Consent for conversion of one dwelling into two dwellings and alterations to include erection of porch, scullery and staircases, replacement of single storey rear extension and alterations to access (Revised scheme) | Crediton Town 18 |
| 15.09.2016 | 15.11.2016 Grant permission | 16/01415/HOUSE | Mrs J Mackay 4 West End Poughill Alterations to roof, installation of full-width dormer window, erection of a | Poughill 40 |

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| | | | balcony and timber staircase, and installation of a door and window | |
| 16.09.2016 | 16.11.2016 Grant permission | 16/01420/HOUSE | Mr S Peters 16 Broadlands Thorverton Retention of conservatory | Thorverton 51 |
| 16.09.2016 | 09.11.2016 Grant permission | 16/01423/TPO | Mr Nicholas Bridge Woodland at NGR 294834 111384 (Rear of 4 St Aubyns Wood Close) Tiverton Application to fell 1 Ash tree and removal of branch of 1 Ash tree protected by Tree Preservation Order 06/00016/TPO | Tiverton 52 |
| 19.09.2016 | 25.10.2016 Refuse permission | 16/01426/TPO | Mr Cutts 5 Eastwick Barton Nomansland Application to reduce the crown of 1 Ash tree by 6m protected by Tree Preservation Order 02/00008/TPO | Thelbridge 50 |
| 19.09.2016 | 08.11.2016 Grant permission | 16/01430/HOUSE | Mr S Stevens & Ms J Pike 6 Fernworthy Gardens Copplestone Erection of single storey rear extension | Copplestone 62 |
| 19.09.2016 | 16.11.2016 Grant permission | 16/01431/HOUSE | Mr & Mrs John 8 George Hill Crediton Erection of single storey front and side extension | Crediton Town 18 |
| 19.09.2016 | 14.11.2016 Grant permission | 16/01437/HOUSE | Mr Adrian Devereaux 25 Cromwells Meadow Crediton Erection of first floor side extension above garage | Crediton Town 18 |

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| 20.09.2016 | 26.10.2016 Development Acceptance | 16/01439/PNAG | Mr Stuart Brooking Great Wood Throwcombe Lane Prior notification for the erection of a forestry storage building | Stoodleigh 48 |
| 20.09.2016 | 17.11.2016 Grant permission | 16/01440/HOUSE | Mr & Mrs Carne 9 Suter Drive Tiverton Erection of single storey side and rear extension | Tiverton 52 |
| 21.09.2016 | 16.11.2016 Grant permission | 16/01456/FULL | Mr N Chanin Land and Buildings at NGR 293290 105601 (Lee Cross Farm) Thorverton Erection of an agricultural storage building | Thorverton 51 |
| 22.09.2016 | 01.11.2016 No Objection | 16/01457/CAT | Mr J Muirden Underwood Church Lane Notification of intention to remove 2 ornamental Cherry trees and crown lift 1 Mulberry tree within the Conservation Area | Newton St Cyres 37 |
| 22.09.2016 | 01.11.2016 No Objection | 16/01459/CAT | Mr A Miller Timewells Orchard Holcombe Rogus Notification of intention to crown raise to approximately 4.5m and reduce boundary width by up to 3m of 2 groups of Beech, Maple and Lime trees within the Conservation Area | Holcombe Rogus 29 |
| 22.09.2016 | 31.10.2016 No Objection | 16/01462/CAT | Mr A Miller Lawn End South Street e4Notification of intention to crown raise to approximately 4.5m 1 Beech tree and to reduce lower crown of 1 Sycamore to boundary edge, both | Holcombe Rogus 29 |

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| | | | within the Conservation Area | |
| 22.09.2016 | 17.11.2016 Withdrawn | 16/01466/FULL | Mr M Snow Whiteball Self Storage Unit 11 Change of use of land from Sui Generis (bus depot) to Class B8 (self storage depot) | Holcombe Rogus 29 |
| 23.09.2016 | 07.11.2016 Refuse permission | 16/01470/HOUSE | Mr K O'Connell Lamorna Peoples Park Road Formation of parking bay following demolition of wall and outbuilding with retention of arched gateway | Crediton Town 18 |
| 23.09.2016 | 18.11.2016 Permitted with Conditions to Discharge | 16/01473/LBC | Mr Rex Rozario Shute Manor Shute Listed Building Consent for the erection of an Orangery extension to side elevation | Shobrooke 44 |
| 23.09.2016 | 16.11.2016 Permitted with Conditions to Discharge | 16/01477/LBC | Mr Danny Boyde Lurley House Lurley Listed Building Consent for bricking up of passageway to boot room to create wc, replacement floorboards in bathroom and removal of partitions in utility room and first floor bedroom | Tiverton 52 |
| 26.09.2016 | 31.10.2016 Withdrawn | 16/01467/PNCOU | Mr M Morgan Land and Buildings at NGR 276109 103625 (Adj. to Eppfield House) Coppelstone Prior notification for the change of use of agricultural building to dwellinghouse under Class Q | Down St Mary 23 |

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| 26.09.2016 | 15.11.2016 Grant permission | 16/01479/TPO | Mr Alan Miller Land at St Aubyns Park Devonshire Rise Application to carry out works to 1 Horse Chestnut tree and 2 Lime trees protected by Tree Preservation Order No. 4/52/95/TP13 | Tiverton 52 |
| 26.09.2016 | 15.11.2016 Grant permission | 16/01482/HOUSE | Mr S Watson Butcombe Morchard Bishop Erection of single storey extension to ground floor | Morchard Bishop 35 |
| 27.09.2016 | 17.11.2016 Grant permission | 16/01474/FULL | Mrs Q A Broom (Secretary) Kentisbeare Village Hall Kentisbeare Replacement of timber doors and windows with double-glazed PVCu doors and windows | Kentisbeare 32 |
| 27.09.2016 | 03.11.2016 No Objection | 16/01480/CAT | Mrs Usher 13 Gravel Walk Cullompton Notification of intention to crown lift 1 Ash tree by 5.4m and reduce by 3-4m overall within the Conservation Area | Cullompton 21 |
| 27.09.2016 | 08.11.2016 No Objection | 16/01481/CAT | Mr R Hansen 36 Higher Town Sampford Peverell Notification of intention to fell 1 False Acacia and to crown reduce 1 Elm, 1 Flowering Cherry, and 1 Hazel tree within the Conservation Area | Sampford Peverell 42 |
| 27.09.2016 | 17.11.2016 Grant permission | 16/01487/FULL | Mr M Frost Land and Buildings at NGR 304760 108683 Kingsford Manor Erection of roof over existing manure store | Cullompton 21 |

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| 27.09.2016 | 18.11.2016 Grant permission | 16/01488/FULL | Mr Mark Weekes Land at NGR 295460 101445 (Dunsmore) Silverton Retention of vehicular access | Silverton 45 |
| 27.09.2016 | 15.11.2016 Grant permission | 16/01490/HOUSE | Mrs J Carter Glebe View Church Lane Erection of a single storey extension | Cheriton Bishop 11 |
| 27.09.2016 | 16.11.2016 Grant permission | 16/01493/FULL | Mr R Reed Land and Buildings at NGR 286781 103078 (Westwood Farm) Stockleigh Pomeroy Erection of roof over existing silage clamp | Stockleigh Pomeroy 47 |
| 28.09.2016 | 16.11.2016 Grant permission | 16/01498/HOUSE | Mrs D Luffman Nibbs Washfield Erection of a two storey extension (Revised Scheme) | Washfield 56 |
| 28.09.2016 | 01.11.2016 No Objection | 16/01505/CAT | Mr W J F Graham Pear Tree House Lapford Application to fell 1 Goat Willow in a Conservation Area | Lapford 33 |
| 29.09.2016 | 28.10.2016 Development Acceptance | 16/01503/PNAG | Mr Jeremy Turner Land and Buildings at NGR 303220 115038 (Hill Kiln Farm) Whitnage Road Prior Notification for the erection of a replacement agricultural storage shed | Uplowman 54 |
| 03.10.2016 | 08.11.2016 Development Acceptance | 16/01521/PNAG | Mr Colin Drake Land at NGR 276057 93628 (Southcombe) Cheriton Bishop | Cheriton Bishop 11 |

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| | | | Prior Notification for the erection of a general purpose agricultural building | |
| 04.10.2016 | 28.10.2016 Development Acceptance | 16/01529/PNAG | Mr & Mrs M Warner Land at NGR 308725 107833 (Lower Hanland Farm) Blackborough Prior Notification for the erection of an agricultural storage building | Kentisbeare 32 |
| 05.10.2016 | 14.11.2016 No Objection | 16/01541/CAT | Mrs Parkes Hillside Halberton Notification of intention to fell 1 Walnut tree within a Conservation Area | Halberton 25 |
| 07.10.2016 | 15.11.2016 No Objection | 16/01561/CAT | Ms D Bradbury Claremont Searle Street Notification of intention to remove 1 Cherry tree within the Conservation Area | Crediton Town 18 |
| 07.10.2016 | 17.11.2016 Grant permission | 16/01577/FULL | Mr William Elworthy Land at NGR 300188 106478 (Lower Colebrook) Colebrook Court Farm Erection of an agricultural storage building | Cullompton 21 |
| 10.10.2016 | 16.11.2016 No Objection | 16/01565/CAT | Mrs Shepherd Brackenwood Church Lane Notification of intention to fell 5 Ash trees within the Conservation Area | Cheriton Bishop 11 |
| 17.10.2016 | 27.10.2016 Development Acceptance | 16/01607/PNAG | Mr & Mrs D R Lee Land and Buildings at NGR 310650 114858 Dalwood Farm Prior notification for the erection of a silage clamp | Culmstock 22 |

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| 18.10.2016 | 28.10.2016 Development Acceptance | 16/01629/PNAG | Mr R Adams Fulford Water Farm Cullompton Prior Notification for the erection of a replacement agricultural storage building | Cullompton 21 |
| 18.10.2016 | 16.11.2016 No Objection | 16/01642/CAT | Mr J Maxwell The Old Vicarage Chevithorne Notification of intention to prune 2 lower secondary branches and crown reduce extended lower branch of 1 Ash tree within the Conservation Area | Tiverton 52 |

Background Papers: Contained in application files referred to.

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Major Applications with no Decision

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

| Item No. | Weeks | TARGET DATE | REFVAL | PROPOSAL | LOCATION | NAME | Expected Decision Level | |
|----------|-------|-------------|---------------|--|---|----------------------|-------------------------|-----------|
| | | | | | | | Delegated | Committee |
| 1 | 0 | 15/02/2017 | 16/01772/MOUT | Outline for the erection of upto 40 dwellings (including affordable housing), public open space and associated infrastructure | Land at NGR 313382 113489 Culmstock Road Hemyock Devon | Ms Tina Maryan | COMM | COMM |
| 2 | 1 | 08/02/2017 | 16/01734/MARM | Reserved Matters for the erection of 13 dwellings following Outline approval 16/00693/MOUT | Land at NGR 310280 114261 Hunters Hill Culmstock Devon | Ms Tina Maryan | DEL | |
| 3 | 2 | 01/02/2017 | 16/01707/MOUT | Outline for the erection of 41 dwellings and formation of vehicular access | Land at NGR 295527 113644 (South Of Lea Road) Tiverton Devon | Ms Tina Maryan | DEL | |
| | 3 | 23/01/2017 | 16/01592/MFUL | Erection of an agricultural building for livestock housing/handling (1121sqm) | Beacon View Stoodleigh Tiverton Devon EX16 9QG | Mrs Alison Fish | DEL | |
| | 8 | 20/12/2016 | 16/01424/MOUT | Outline for the development of up to 330 dwellings together with public open space, associated infrastructure and other works including vehicular access, internal roads, pedestrian/cycle links and highway improvements (Revised scheme) | Land at NGR 298671 113603 Uplowman Road Tiverton Devon | Mrs Christie McCombe | COMM | COMM |
| 6 | 10 | 07/12/2016 | 16/01337/MARM | Reserved Matters for the erection of a primary school with ancillary facilities including sports pitch and parking and turning area following Outline approval 14/01332/MOUT | Land at NGR 288080 098230 East of Station Road Newton St Cyres Devon | Mr Simon Trafford | DEL | |
| 7 | 12 | 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 | |
| 8 | 21 | 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 |

| <i>Item</i> | | | | | | | <i>Expected Decision Level</i> | |
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| <i>No.</i> | <i>Weeks</i> | <i>TARGET DATE</i> | <i>REFVAL</i> | <i>PROPOSAL</i> | <i>LOCATION</i> | <i>NAME</i> | <i>Delegated</i> | <i>Committee</i> |
| 9 | 21 | 19/09/2016 | 16/00924/MOUT | Outline for the erection of upto 60 dwellings and means of access | Land and Buildings at NGR 277744 102582 (East of Dulings Farm) Copplestone Devon | Mr Simon Trafford | COMM | COMM |
| 10 | 24 | 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 |
| 11 | 128 | 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 Upplowman Road Tiverton Devon | Mr Simon Trafford | COMM | COMM |
| 12 | 133 | 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 | 187 | 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 Meadows 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 19 October 2016 to November 2016

| Application No | Description | Location | Officer Recommendation | Committee or Delegated | Decision | Appeal Type | Inspector Decision |
|----------------|---|--|------------------------|------------------------|-------------------|------------------|--------------------|
| 16/00406/OUT | Outline for the erection of up to 5 dwellings and associated access | Land at NGR 303818 111567 Muxbeare Lane Willand Devon | Refuse permission | Delegated Decision | Refuse permission | Informal Hearing | Appeal Dismissed |

Summary of Inspectors Comments

The main issues were whether or not the loss of employment land was justified and the effect of the proposal on the character and appearance of the area. The Inspector noted that policy DM21 broadly accords with the NPPF's objective of securing economic growth. The Inspector stated that the first criteria of DM21 was met, in that, taking into account the Employment Land Review, there was a sufficient range of suitable and alternative sites in the area. However, the Inspector stated that the second and third criteria of DM21 had not been met, in that the required marketing exercise had not been undertaken and the appellant had not carried out a sequential viability test as required by the policy. The Inspector concluded that she was not satisfied that it had been demonstrated that there was no reasonable prospect of the site coming forward for employment uses, conflicting with the development plan in this regard and weighing against the proposal.

The Inspector noted the Council's lack of a 5 year housing land supply and the site's location in relation to jobs, services and facilities, and the financial contributions towards public open space, education and air quality improvements, and weighed these in favour of the proposal. She also weighed in favour of the proposal the social advantages of the provision of self-build plots.

The Inspector stated that the removal of a length of mature landscaping across the front of the site and the introduction of a suburban form of development into the rural area, at odds with sporadic development along Muxbeare Lane, would not reinforce local distinctiveness or provide a positive impact on the local environment. The proposal would be harmful to the character and appearance of the area and conflict with policies COR2, DM2 and DM14 and the environmental role of sustainability. This would weigh against the proposal.

The Inspector concluded that although there would be economic, social and environmental benefits associated with the proposal, significant harm would be caused to the character and appearance of the area which would significantly and demonstrably outweigh the benefits of the scheme.

| | | | | | | | |
|----------------|--|---|---------------------------|--------------------|---------------------------|-------------------------|------------------|
| 16/00061/PNCOU | Prior notification for the change of use of an agricultural building to a dwelling under Class Q | Land at NGR 306742 119851 (Wardmoor) Holcombe Rogus Devon | Refusal of Prior Approval | Delegated Decision | Refusal of Prior Approval | Written Representations | Appeal Dismissed |
|----------------|--|---|---------------------------|--------------------|---------------------------|-------------------------|------------------|

| Application No | Description | Location | Officer Recommendation | Committee or Delegated | Decision | Appeal Type | Inspector Decision |
|---|----------------|---|------------------------|------------------------|----------|----------------------------|---------------------|
| Summary of Inspectors Comments | | | | | | | |
| The wording of the original condition placed a restriction on alternative uses of the building, despite not expressly restricting the use of permitted development rights. The Inspector stated that the original permission was justified on the basis of the agricultural need and the compliance with the policies of the development plan, it was clearly the Council's intention to retain the building for agricultural uses as an appropriate form of development in the countryside, and not for other uses. The Inspector held that the proposal conflicts with Article 3(4) of the GPDO due to the condition imposed on the original permission, therefore the proposal would not accord with the requirements under Class Q. | | | | | | | |
| 16/00064/NUCU | Appeal against | Green Acres Coldridge Crediton Devon EX17 6BW | | | | Written Representations | Appeal Dismissed |

Summary of Inspectors Comments

The Enforcement Notice issued on 21 April 2016 against the material change of use of the land from use for agriculture to a mixed use for agriculture and use for the siting of a caravan for human habitation.

The Enforcement Notice required the appellant to cease use of the land for human habitation, remove any caravans from the land and remove the lorry container from the land. The period for compliance was 6 months.

Ground c appeal - that no breach of planning control has occurred as the use of the caravan falls within the scope of permitted development in connection with the construction of a barn.

The Inspector acknowledges that the appellant is undertaking the works to the barn himself, but found that progress has been very slow in the almost 2.5 years since the prior approval for the barn was granted. The Inspector states that "the rate of progress is far too slow to justify the use of a caravan for residential purposes on site". The Inspector considers the primary reason for the appellant stationing the caravan on the land is to provide his main residence. In addition, the appellant admits that his daughter also resides at the caravan on occasions. The Inspector considers the primary use of the caravan as a main residence does not fall within the scope of permitted development and would require planning consent.

For this reason, the appeal fails on Ground C,

Ground G - time for compliance.

The Inspector does not accept the appellants argument that he cannot acquire alternative accommodation. The Inspector considers that the appellant has a preference for living on site rather than an inability to live elsewhere. The Inspector considers a 6 month period an acceptable time frame for a single person to find alternative accommodation and remove the caravan and lorry container from site.

For the reasons above, the appeal is dismissed and the Enforcement Notice upheld.

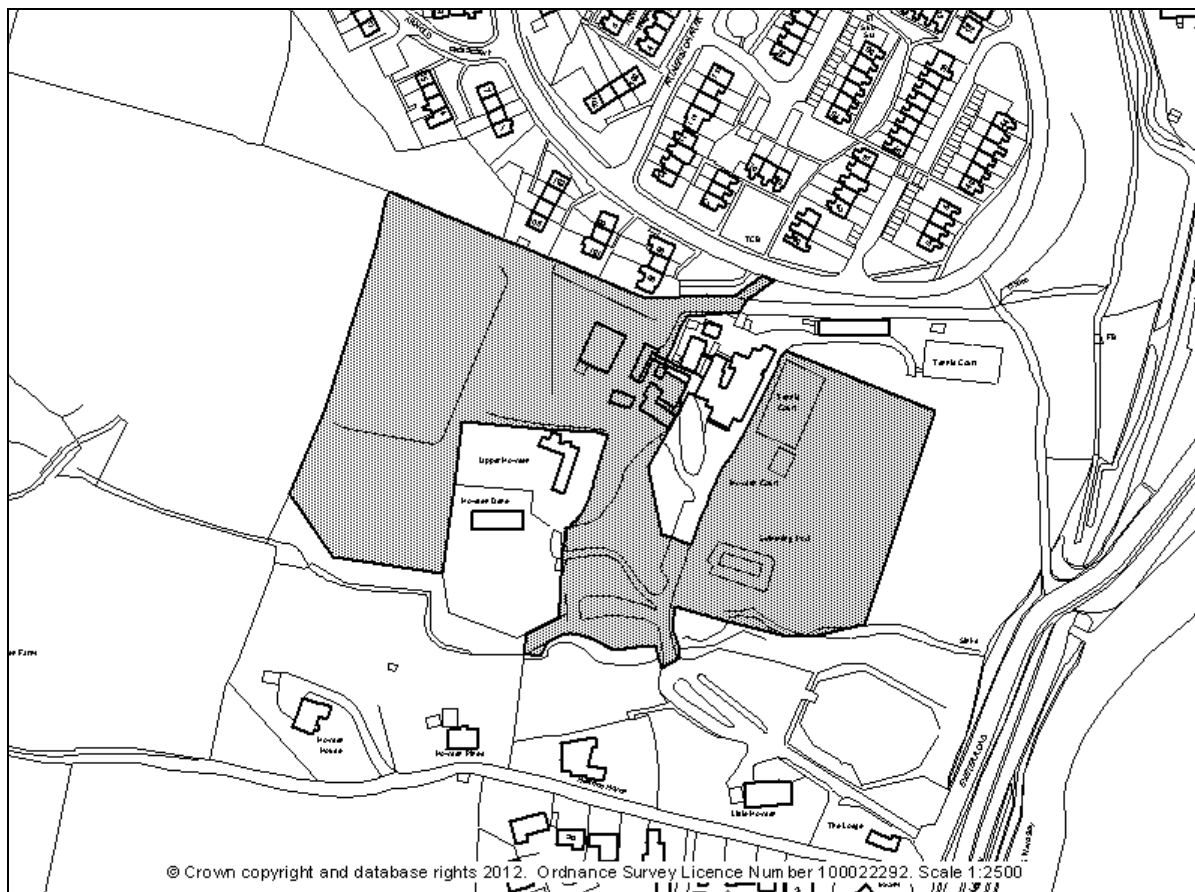
Application No. 11/01927/MFUL

Grid Ref: 111535 : 294646

Applicant: Mr D Lovell, Heritage
Developments South West Ltd

Location: Land and Buildings at NGR
294646 111535 Howden Court
Tiverton Devon

Proposal: Erection of 36 dwellings with associated access road, car parking, landscaping and demolition of existing outbuildings adjacent to Howden Court



Update report for Planning Committee Meeting on 30th November regards LPA ref 11/01927/MFUL

Introduction and background

1. This report relates to the scheme of development approved under reference: 11/01927/MFUL for erection of 36 dwellings with associated access road, car parking, landscaping and demolition of existing outbuildings adjacent to Howden Court.
2. Planning permission was granted for the scheme of development in June 2012, with the committee having first considered the application scheme at an earlier meeting in March 2012. The committee resolved to grant planning permission subject to completion of a Section 106 agreement to cover various matters and to a number of conditions to control/regulate the delivery of the approved scheme. Following the completion of the legal matters to agree the terms of the Section 106 agreement on the 24th October 2012 the planning permission decision notice certificate was issued on the 9th November 2012. A copy of the report pack for the June committee meeting follows on from this update report as **Appendix B**. In addition the minutes of the meeting are copied below for information.

RESOLVED that planning permission be granted subject to the provision of a S106 Agreement requiring:

- a) 3 no affordable rented units to be provided as part of the scheme layout;
- b) 3 no first buy residential units (sold at 80% of market price qualifying buyers, and with provision to ensure that in the event that a buyer subsequently goes onto acquire the 20% balance of equity that the funds are to be recycled into delivering affordable housing within the Mid Devon District;
- c) A commuted sum of £158,892 towards the delivery of affordable housing offsite;
- d) A contribution of £50 per dwelling for the provision of recycling containers;
- e) Delivery of a section of a footpath to link to Palmerston Park as indicated on drawing no Aubyn Rise Site 01 rev 1.08;
- f) A commuted sum of £20,000 to be specifically ring fenced for the upgrade of the original play area (Palmerston Park) adjacent to the site.

And conditions and informative notes as recommended by the Head of Planning and Regeneration with an amendment to Condition 6 to require secure fencing for the agricultural boundary surrounding the site.

3. The approved scheme of development has been built out on an ongoing basis since the approval was issued late in 2012, and is now entering the final phase of development. Twenty five of the thirty six of the houses are now occupied.

The Footpath Link

4. This report is being presented to members to draw their attention to the proposed link between the new estate and Palmerston Park. The detail is shown on block plan 01 rev1.08, a copy of which is attached as **Appendix A** to this report.

The approved plan clearly shows the proposed footpath link as it was approved to be laid out as part of the new development within the application site, and is therefore a requirement under condition 2. The continuation of it over a grass verge (owned by the Council) beyond the application site to link up with the adopted highway of Palmerston Park is a required under the terms of the Section 106 agreement, as set out above.

5. Although the section of the link outside the application site (section 106 requirement) has been completed, the formation of pathway from the site boundary adjacent to Palmerston Park back upto the estate road serving the new development has not been completed.

The Current Situation

6. Your officers have been monitoring this issue. Heritage Homes have sought to delay the timing of the delivery of the footpath link from the new estate out to Palmerston Park and their reasoning for a period of time seemed reasonable and justified given the health and safety concerns of introducing pedestrian movements into a building site environment. However the estate road is now completed ready for adoption and all the houses except those in the north- west corner are now built out. As stated above many are now occupied and therefore the justification for the delay of this aspect of the approved development is no longer supportable.
7. Since November 2015 your officers, following ongoing concerns expressed by some local stakeholders and more recently elected members of this authority, have made further approaches to Heritage Homes about the timing of the delivery of this element of the approved scheme.
8. In response Heritage Homes have advised that many of the occupiers of the new houses on the estate have confirmed that they do not support the proposed footpath link as they do not consider due to its steepness (and that of Palmerston Park) that it would provide a valuable alternative pedestrian link from the site into Tiverton and that the route along Exeter Road is considered adequate. A number of local residents have contacted your officers to qualify this view.
9. On the 4th November a petition was received submitted by occupiers of 23 of the 25 houses formally confirming that they do not support the delivery of the footpath for the following reasons.
 - We do not see the need for a link between St Aubyn's Rise and Palmerston Park. There is already a footpath to the A396 and those of us living here have cars. Should residents want to catch a bus to Tiverton or Exeter this can be done at the bottom of the existing roadway on the A396.
 - It poses a health and safety risk in that there are to be 40 steps and an unlit pathway.
 - It will cause unnecessary future expense to residents in maintaining and insuring the footpath against accidents.
 - It poses a potential security risk to our properties.
 - It completely contravenes the guidelines for footpaths in Secured by Design 2014.

It is understood that local residents intend to raise their concerns to members directly at the meeting on the 30th November.

10. As shown on the approved plans the footpath link would cascade down from the new estate road adjacent to plot 4 of the new development, (postal address No.4 Aubyns Wood Rise), and running along the rear of the Georgian House - Howden Court, down to the site boundary adjacent to Palmerston Park. Occupiers of both these properties have written to your officers. The occupier of no.4 has confirmed (email received 31st October) that he would not be in favour of it running so close to his boundary, or at worst over it. He has made this comment as part of the land over which it passes on the approved plans has been conveyed to him when it was sold by Heritage Homes. In addition the occupiers of Howden Court have contacted your officers to express their concerns about how the delivery of the footpath will affect their residential amenities, and they have made the following statement via email on the 25th October (set out below as written by them);

We would like to submit the following please:

LPA ref: 11/01927/MFUL: Planning approval for pedestrian link, Howden Court, Tiverton

We are concerned about the proposed footpath / pedestrian link that will run through the rear yard of Howden Court, our home since 1978.

The footpath, if built, would significantly compromise the security of Howden Court, which is our seven bedroom Georgian home. It would introduce the public directly into the rear courtyard, through the garden and up a significant number of steps (40) into the new development. Lighting is non-existent and will not be installed by the developer, trees are abundant and no properties overlook the footpath except one rear, pantry window of Howden Court itself and that is only a partial and limited view. It will also completely block access to the gate of our rear drive, which we use.

There is no reason for the path – it will not be adopted by the Highway Authority and is for the sole use of residents of Phase 2 of the new development. There is to be a lockable gate between Palmerston Park and the proposed footpath. Residents on the new site have already expressed security concerns, can see no purpose for it and do not want the path built.

This proposed footpath could potentially allow criminals easy access to new areas through a well-screened, shady, unmanaged narrow corridor. The Crime Security officers (Devon and Cornwall Police), Rick Napier and John Knowles, who have visited the site, were both concerned about the potential dangers of this proposed link.

Heritage Homes has approached the planning authority of Mid Devon District Council to request a rethink of the link. The planners are unwilling to do that. We are extremely worried and would be very grateful if this proposed link could be removed from the planning consent and the land on which it is to be built re-designated.

Secured by Design 2014 is clear in its guidelines and this proposed footpath is completely contrary to the advice contained within that document.

For members information the owner of Howden Court (the house) owned the site before it was sold to Heritage Homes with the benefit of planning permission and was party to the terms of the Section 106 agreement.

Relevant Planning Policy

11. The requirement for the link between the development area and Palmerston Park is established by the provisions of AIDPD policy AL/TIV/10, the logic being that it would increase permeability and connectivity between the site and Tiverton Town Centre.

Supporting paragraph 5.72 makes specific reference to the link through to Palmerston Park confirming that it will allow access to the town centre via lightly trafficked routes, and to the circular bus service which serves Palmerston Park. In addition the link was a requirement of Highway Authority in order to consider the development to be acceptable.

12. Therefore it is clear that there the route is supported in planning policy terms and which would have informed the discussions at the planning application stage to incorporate it as part of the approved scheme of development.

Considerations Required by Members of the Planning Committee

13. Given the strength of feeling that has been expressed by some local stakeholders regards the benefits of completing the formation of the footpath link, Heritage Homes and the occupiers of Howden Court (– the property) have requested that members reconsider the benefits that would arise, and reflect on the concerns that have been expressed.
14. Policy DM2 requires that new development demonstrates a clear understanding of the characteristics of the site, its wider context and the surrounding area, and are well integrated with surrounding buildings and streets. Therefore the principle of the link between the new estate and Palmerston Park reflects best practise in terms of designing new housing developments, notwithstanding the specific requirement of policy AL/TIV/10.
15. Concerns about the usability and deliverability of the link given the change in levels across the route that it will follow and the relationship with the houses that it would sit adjacent to are capable of being resolved. Furthermore Heritage Homes Heritage have recently confirmed via email correspondence received on 31st October that there is still plenty of space to get the footpath in where it will work with the levels and steps. There has been no discussion regards the extent of how it would be enclosed. The occupiers of those properties that are concerned about safety and security issues would retain control of their boundaries.
16. Concerns about liability, maintenance and management would fall with the land owner and/or the management company acting on behalf of the owner(s) if all the common land within the new estate area is transferred to a management company represented by all the occupiers of the new houses, as is understood to be the case.
17. The use of the footpath link in hours of darkness presents a concern which would further consideration, particularly given that it is not proposed to be adopted by the Highway Authority.

Planning Balance & Recommendation

18. In terms of balancing the range of issues that have been raised the delivery of the link between the new estate and Palmerston Park is supported in policy terms, and reflects best practise. Local stakeholders on the estate have questioned the benefits that it would provide to assist them in completing their journeys between their residences and Tiverton Town centre, which in main reason for the delivery of it policy terms. Notwithstanding the views of the current residents your officers recommendation is that the provisions of policy and the requirements of the approved plans should prevail.

If this is the view that is reached by members officers will continue to work with Heritage Homes and other parties to ensure the delivery of the link through the site up to the section of the footpath that has already been delivered over the grass verge through to Palmerston Park.

19. However if members consider that the views of the existing residents on the estate as now presented and the other matters that have been raised as set out in the report are sufficient to set aside the requirements of policy then members should invite a planning application to be submitted and formally considered to change the use of the part of the site from a footpath/open space to an area of open space.

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Application No. 11/01927/MFUL

Agenda Item 9

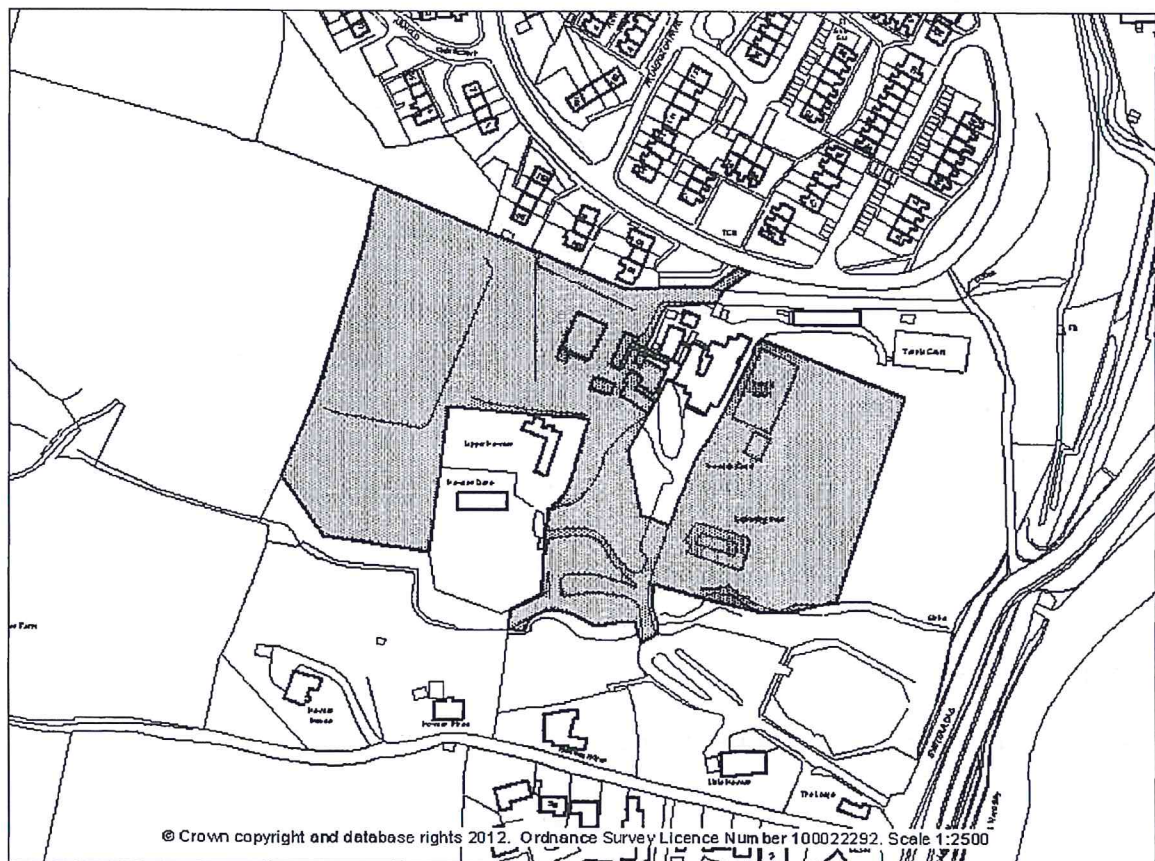
Grid Ref: 111535 : 294646

Applicant: Mr D Lovell, Heritage
Developments South
West Ltd

Location: Land and Buildings at
NGR 294646 111535
Howden Court
Tiverton Devon

Proposal: Erection of 36
dwellings with
associated access
road, car parking,
landscaping and
demolition of existing
outbuildings adjacent
to Howden Court

Date Valid: 12th December 2011



REPORT OF THE HEAD OF PLANNING AND REGENERATION

**11/01927/MFUL - ERECTION OF 36 DWELLINGS WITH
ASSOCIATED ACCESS ROAD, CAR PARKING, LANDSCAPING AND
DEMOLITION OF EXISTING OUTBUILDINGS ADJACENT TO
HOWDEN COURT - LAND AND BUILDINGS AT NGR 294646 111535
HOWDEN COURT TIVERTON DEVON****Reason for Report:**

At the Committee meeting on 14th March the committee considered a report regarding this application with an officer recommendation for approval. At that meeting members discussed the application scheme and deferred from making a decision so that further discussions could take place on the following issues. This report clarifies the extent to which the scheme has been amended to seek to redress these concerns and/or provide additional information, incorporating comments from the Councils Conservation Officer. Further consultation has been undertaken with the Police Architectural Liaison Officer.

- *Seeking improvement to the contribution/number of affordable homes on the site;*
- *To ensure that any shared equity units remain in perpetuity;*
- *Further consideration of the listed outbuildings surrounding Howden Court;*
- *Possible redesign taking into consideration issues raised by the Conservation Officer*
- *The need to examine the relationship of the of the development with the existing neighbouring properties;*
- *The consideration of access for emergency services;*
- *The consideration of a waste and recycling contribution in line with policy;*
- *The consideration of advice from the Police Architectural Liaison Officer particularly with regard to Plot 3;*
- *The re-examination of the proposed 3 storey dwelling at the junction to the access to the site;*
- *Further information regarding the cycle link.*

RECOMMENDATION(S)

Grant planning permission subject to a Section 106 requiring:

- 3 no. affordable rented units to be provided as part of the scheme layout

- 3 no. first buy residential units (sold at 80% of market price to qualifying buyers, and with provision to ensure that in the event that a buyer subsequently goes onto acquire the 20% balance of equity that the funds are to be re-cycled into delivering affordable housing within MDDC district.
- A commuted sum of £158,892.00 towards the delivery of affordable housing off site.
- A contribution of £50.00 per dwelling for the provision of recycling containers.
- Delivery of a section of a footpath to link to Palmerston Park as indicated on drawing no. Aubyn Rise Site01 rev 1.08.

Relationship to Corporate Plan:

None

Financial Implications:

If New Homes Bonus is distributed across the Council Tax bands in the same way as last year, the award for each market house is estimated to be £1,028. The figure for affordable houses is set at £350 each. The amount of New Homes Bonus that would be generated from this proposal is therefore estimated to be £34,974.

Legal Implications:

None

Risk Assessment:

None

Consultation carried out with:

1. Devon County Council (Highways)
2. Devon County Council (Historic Environment)
3. Environment Agency
4. Natural England – No further comments made
5. Environmental Health – No further comments made
6. Police Architectural Liaison Officer – no further comments/objection

1.0 PROPOSED WORKS

- 1.1 The layout of the scheme remains as per the layout as it was designed previously, i.e. in two phases with a new estate road leading up from the existing estate road. The two key changes to the layout are:

- That the number of dwellings has been reduced to 36 in order to seek to redress the relationship with Upper Howden.
- Revise the design of the 5 courtyard dwellings in order to seek to respond to the setting of the listed building at Howden Court.

1.2 Affordable housing is proposed as set out above and thus delivering the equivalent of 26.5% affordable housing. The applicant has also agreed to provide a financial contribution towards the cost of providing refuse and recycling containers. A contribution towards providing open space off site is not agreed. The formation of a section of footpath to link through to Palmerston Park is to be agreed as part of the Section 106 agreement, including all design details.

2.0 Applicants Supporting Information

- 2.1 The applicant has submitted amended plans to reflect the changes, an explanation of the changes in a letter dated 10th April, a summary paper setting out the affordable housing offer and a series of photographic images seeking to demonstrate the relationship between the stable courtyard buildings and Howden Court.
- 2.2 The supporting documents as summarised in the 14th March Committee report remain largely relevant.

3.0 PLANNING HISTORY

- 3.1 10/01343/MFUL: Planning permission was granted by the authority on the 6th December 2010 for the redevelopment of phase 1 of the Howden Court site for the erection of 14 dwellings; relocation of the listed entrance piers and wall (front of the site); associated access road, car parking and landscaping. This scheme is currently being built by Heritage developments who are the applicants for the application under consideration.
- 3.2 08/00101/MFUL: A planning application was submitted to redevelop the site for the erection of 45 dwellings and change of use of 'Little Howden' to a dwelling (C3 use), and alterations to Howden Court following part demolition of existing extensions. This application was withdrawn prior to a decision being taken on it.
- 3.3 An separate application seeking listed building consent to demolish the outbuildings as set out in the planning application has also been submitted for consideration, and will be determined by your officers following a decision on this planning application.

4.0 DEVELOPMENT PLAN POLICIES

DEVON STRUCTURE PLAN 2001 – 2016

- ST1 Sustainable development
 CO6 Quality of new development
 CO7 Historic settlements and new buildings
 CO13 Protecting water resources and flood defence
 TR2 Co-ordinating land Use/Travel Planning
 TR5 Hierarchy of modes
 TR10 Strategic road network and roadside service areas

Mid Devon Local Plan (LDF)

- S5 General Development requirements
- S6 Design of new development
- S7 Vehicle parking
- H6 Affordable housing - definition
- ENV8 Buildings of special architectural or historic interest
- ENV16 Protected species

MID DEVON CORE STRATEGY 2007 COR1

- COR1 Sustainable communities
- COR2 Local distinctiveness
- COR3 Meeting Housing Needs
- COR7 Previously developed land
- COR11 Flooding
- COR13 Tiverton

Allocations and Infrastructure Development Plan Document

- AL/DE/3 Affordable Housing Site Target
- AL/IN/3 Public Open Space
- AL/IN/6 Carbon Footprint Reduction
- AL/TIV/10 Howden Court
- AL/DE12 Overall Affordable Housing Provision

Supplementary Planning Documents – Meeting Housing Needs, Public Open Space

- 4.1 Since the assessment of the application as reported in the 14th March report, policy guidance in the National Planning Policy Guidance has been issued. The assessment section of the report will include reference to the extent to which the NPPF changes the policy framework against which to assess the application.

5.0 CONSULTATIONS - IN RESPECT OF REVISED PLANS ONLY

5.1 DEVON COUNTY HIGHWAYS

I have taken a look at the revised drawings and have the following observations.

The applicant has unfortunately not detailed the revisions but from what I can see they refer to Plots 15, 16 and 46. Please let me know if there are any other material revisions.

Plot 15

The opportunity could now be taken to move the garages back a metre or so from the highway thus providing more entry/exit manoeuvring space.

Plot 16

The parking spaces have been turned through a right angle. This results in a more difficult manoeuvre for entry/exit. The parking spaces should be returned to their original orientation.

Plot 46

I have no comments

I refer to the note at the culvert crossing which states "tegular paving set flush with carriageway with 40mm upstand". This is contradictory and should read "tegular paving with 40mm upstand to carriageway".

5.2 Devon County Council (Historic Environment)

24th April 2012 - Assessment of the Historic Environment Record (HER) and the details submitted by the applicant suggest that the scale and situation of this development will have no archaeological impact.

5.3 Environment Agency

The Environment Agency have no further comments to add and their comments remain unaltered from their comments on the 2nd March. In summary no objections are raised subject to the following condition.

Condition – No development approved by this permission shall be commenced until such time that details of the surface water drainage layout have been submitted to, and approved in writing, by the Local Planning Authority.

Reason – To prevent an increase in flooding.

5.4 Natural England

Natural England made no further comments on the revised drawings over and above the comments previously submitted.

5.5 Environmental Health

No objections/Further comments

6.0 REPRESENTATIONS

6.1 A further single representation has been received from a local stakeholder raising the following issues:

- A two storey building plot 15 will dominate the relationship with Upper Howden
- The position of the garage on plot 21 is also considered to over dominate plot 21 and could threaten the survival of the hedge
- The relationship between the proposed courtyard buildings and Howden Court is considered unacceptable (materials palette and height of buildings) is considered unacceptable based on the evidence provided.
- The impact of the scheme on the root protection area of tree 21

7.0 MATERIAL CONSIDERATIONS

7.1 This section of the report sets out how the scheme has been amended to respond to the members concerns when the application was considered at the meeting on the 14th March, as set out above in this report, and your officer's view's with regards to each of the issues.

- 7.2 Affordable Housing - Seeking improvement to the contribution/number of affordable homes on the site: As stated above the applicant has increased the affordable housing offer to equivalent of 26.5% with 6 units to be provided on site, and a financial contribution of £158,892 to deliver 3 units off site. Members will note that the applicant is not proposing to make a separate open space contribution and is technically asking that members prioritise the delivery of affordable housing over and above contributions towards improving and delivering off-site open space. It is also noted that this improved offer has been made notwithstanding the fact that the number of dwellings on the site has decreased since the original application submission from 37 units to 36 units.
- 7.3 Three of the on site units are proposed as affordable rent and as such will remain affordable in perpetuity. The other three units are first buy units which are sold at 80% of the market value with the 20% subsidy to be provided by the applicant. Provisions will be made in the section 106 agreement to ensure that the 20% subsidy will be recycled within the district for further affordable housing should the occupiers seek to acquire the subsidised element.
- 7.4 The guidance outlined in Policy AL/DE/2 and in The Meeting Housing Needs Supplementary Planning Document sets out that 60% of affordable housing providing should be for social rent and 40% for intermediate housing. Notwithstanding the fact the tenure of affordable housing is not strictly in accordance with the policy framework outlined in the Allocations and Infrastructure Development Plan Document given the advice in the draft revised Supplementary Plan Document on meeting housing need (April 2012) which expands the tenure types, officers in Housing Services remain supportive of his improved offer. In summary taking into account the policy provisions outlined in policy AL/DE/3 and the submissions made by the applicant regarding the viability of bringing forward the development of the site in the current economic climate as outlined in submitted viability appraisal, the application scheme as it has been revised is considered to be an robust solution which will guarantee that the site will be brought forward for development including an acceptable level of affordable housing and with sufficient controls to ensure that the affordable housing will remain affordable in perpetuity.
- 7.5 Impact on Setting of Listed Building -The design of the plots 45, 38, 15, 16, 17: (The Courtyard): The applicant has amended the design of these five houses using a much simpler style with mainly flush facades and repetitive patterns of fenestration to keep the elevations clean and simple, using timber as a second material to compliment the brickwork. The applicant has submitted revised photomontages to demonstrate the relationship between these buildings and Howden Court.

- 7.6 The Council's Conservation officer had raised concerns regarding the scheme as it presented to members at the March meeting. Her comments on the amended scheme and the evidence base submitted by the applicant is set out below:

I have looked at the distant CGI views and considered their impact on the setting of the listed building. Given the fact that this is an allocated site and therefore there will be an inevitable and unavoidable impact on some views from this angle (because of the land levels), I think that the change is acceptable. The setting is partially protected through the trees and shrubs on this bank and obviously it will be of paramount importance to consider the planting scheme for this area and the boundary treatments for the new houses – hedging being my suggestion with only minimal (if any) temporary wire fencing and PD rights being removed.

The views submitted are only from one angle rather than from, say, the current pool area as well, but I have considered the fact that the existing vehicular route will no longer be present and this part of the site will also form a green backdrop to the new housing above it. I therefore feel that it does not require further illustration.

- 7.7 In addition the County Archaeologist has confirmed that in his view, given the scale and situation of this development it is not considered that the proposals will adversely affect any archaeological material associated with the heritage assets on the site.
- 7.8 In conclusion, taking into account the views of the Conservation Officer, the proposals and the evidence base submitted, the application is considered acceptable in terms of demonstrating that the buildings proposed on plots 15, 16, 17, 48 and 49 will have an acceptable relationship with the listed building at Howden Court and will not adversely affect the setting of it.
- 7.9 Relationship with Neighbouring Properties -The need to examine the relationship of the of the development with the existing neighbouring properties: The applicant has changed the scheme layout so that plot 47 has been omitted which has meant that the building on plot 46 is designed so that the side elevation is facing Upper Howden with over a 45.m separation distance (side elevation to rear elevation). In addition plots 50, 51 and 52 have been designed that that have deeper gardens by 2.5 metres, and resulting in over a 20.0 metre separation distance between the rear elevation of the building on plot 52 and the side elevation of Howden Deane.
- 7.10 In terms of the relationship between plot 21 and Upper Howden, the dwelling house on the plot has already been re-sited so that there are no uncomfortable window to window relationships. Whilst the single storey garage for this plot is less than 5.0 metres from the boundary with Upper Howden, there is a boundary hedge between which will shield out views towards the garage building from Upper Howden, with

only the top of the roofscape of the garage likely to be visible given that the height of the garage is only 2.5 to eaves and 3.5 to ridge.

- 7.11 In terms of the relationship between plot 15 and Upper Howden, the dwelling house is positioned so that it does not sit directly in front of the upper floor window to the living space at Upper Howden, and therefore the new building on plot 15 will be seen at an angle, with a 10.0 metre separation distance.
- 7.12 On this basis, and taking into account the scope of the changes that have been made to the plots that are adjacent to Upper Howden and Howden Deane since the scheme was considered by committee on the 14th March, it is considered that the scheme will create a satisfactory relationship for existing and future occupiers, whilst acknowledging that there will be some change.
- 7.13 Other Issues -The consideration of access for emergency services: Although this was raised by members of the committee, the Devon & Somerset Fire Service have raised no objection to the proposed layout with the main point of access off the Exeter Road and via the existing Estate Road.
- 7.14 The consideration of a waste and recycling contribution in line with policy: The applicant has agreed to include the necessary provisions with a section 106 agreement provide the necessary refuse and recycling containers.
- 7.15 The consideration of advice from the Police Architectural Liaison Officer particularly with regard to Plot 3: Consultations with the Police have been undertaken on the revised plans, and they have confirmed that the revised plans raise no further concerns for them.
- 7.16 The re-examination of the proposed 3 storey dwelling at the junction to the access to the site: The building on plot 36 has been revised (refer to drawing no: Hwdn – PL36(revA) so that it will have accommodation over 2 floors with a pitched slate roof, with no dormers. In summary it is consistent with the design of the other dwellings as proposed and responds directly to members concerns.
- 7.17 Further information regarding the cycle link. It will be necessary to remove a number of the conifer trees to form a gap on the boundary. In terms of managing the change in levels the design of the pathway will include a number of steps at the top of the link, and bunding either side so that it integrates into the landscape as it drops away to Howden Court and the curve of the new estate road. A pathway will be laid on the existing grass verge beyond the site boundary linking the path to the existing footway

on Palmerston Park. It is recommended that provision to ensure the delivery of this section of footpath, including the design of it will be included in the section 106 agreement.

- 7.18 There are no other reasons which suggest that planning permission should not be granted for this application as it has been revised and whilst officers in the highway authority have revised concerns about the amendments to the layout, the applicant has responded positively to the concerns as expressed.

8.0 Conclusion & Recommendation

- 8.1 The scheme will deliver a wide choice of quality homes and help to responding to the housing needs of residents in Mid-Devon, on a site which is allocated for housing in the Council's Adopted Development Plan.
- 8.2 Your officers consider that the revisions that have been made provide a satisfactory response to the concerns that were expressed by the Committee when the application was considered on the 14th March, and reflecting on the provisional of the relevant policy framework outlined in the adopted development plan and the National Planning policy Framework.
- 8.3 Therefore your officers recommend approval subject to the satisfactory completion of a section 106 agreement to cover the heads of terms as set out above, and the conditions as set out.

Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. No development shall begin until samples of the materials to be used for all the external surfaces of the buildings and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. No other materials or colour shall be used.
3. No development shall begin until details of proposed street lighting shall be submitted to and approved in writing by the Local Planning Authority. Installation shall be in accordance with the submitted details and retained.
4. No development shall begin until a construction management plan and a phasing plan for the development, shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details and shall be so retained.
5. Notwithstanding the submitted landscaping plan, No development shall begin until there has been submitted to and approved in writing by the Local Planning Authority a revised landscaping scheme, to include further low level planting details for the frontage for plots 22 and 23 and details of any changes proposed in existing ground

levels. All planting, seeding, turfing or earth reprofiling comprised in the approved details of landscaping shall be carried out within 9 months of the substantial completion of the development and any trees or plants which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size or species.

6. No development shall begin until there has been submitted to, and been approved in writing by, the Local Planning Authority a plan indicating the height, positions, design, materials and type of boundary treatment to be erected on the site boundary and on the boundaries with Howden Dene, Howden Court and Upper Howden, and a timescale for its implementation. The boundary treatments so approved shall be completed in accordance with the approved details and shall be so retained.
7. No works or development shall take place except in accordance with a scheme for the protection of the retained trees as set out in a tree protection and retention plan, which shall first have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
 - a. an Arboricultural Method Statement and Tree Protection Plan.
 - b. a Construction Exclusion Zone Plan.
 - c. details of the trees to be retained.
 - d. details of those trees to be removed and the method of their removal.
 - e. the details and positions of Ground Protection Zones.
 - f. the details and positions of Tree Protection Barriers. The Tree Protection Barriers must be erected prior to each construction phase commencing and remain in place, and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned for that phase.
 - g. the details and positions of underground service runs.
 - h. the method and details for the erection of fencing and planting within the construction exclusion zone.
 - i. the additional precautions should changes in levels or the position of any proposed excavations within 5 metres of the Root Protection Area (para. 5.2.2 of BS5837) of any retained tree.
 - j. the approved development shall be carried out in accordance with the approved Tree Protection Scheme.
8. Prohibited Activities - The following activities must not be carried out under any circumstances:
 - a. No fires shall be lit within 10 metres of the nearest point of the canopy of any retained tree.
 - b. No works shall proceed until the appropriate Tree Protection Barriers are in place, with the exception of initial tree works.
 - c. No equipment, signage, fencing, tree protection barriers, materials, components, vehicles or structures shall be attached to or supported by the retained tree.
 - d. No mixing of cement or use of other materials or substances shall take place within a Root Protection Area, or close enough to a Root Protection Area that seepage or displacement of those materials or substances could cause them to enter a Root Protection Area.

No alterations or variations to the approved works or tree protection schemes shall be carried out without the prior written approval of the Local Planning Authority.
9. Protected species mitigation proposals shall be carried out in accordance with those set out in the 'Proposal for bat and reptile Mitigation Works, dated 30 September 2011) and received 1 December 2011.

10. The proposed estate road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, structures, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.
11. The highway works hereby approved shall not be carried out otherwise than in accordance with a phasing programme which shall previously have been submitted to and approved by the Local Planning Authority in writing.
12. The occupation of any dwelling in an agreed phase of the development shall not take place until the following works have been carried out:
 - A) The carriageways including the vehicle turning head within that phase shall have been laid out, kerbed, drained and constructed up to and including base course level, the ironwork set to base course level and the sewers, manholes and service crossings completed;
 - B) The footways and footpaths which provide that dwelling with direct pedestrian routes to an existing highway maintainable at public expense have been constructed up to and including base course level;
 - C) The visibility splays have been laid out to their final level;
 - D) The street lighting for the carriageways, footways and footpaths has been erected and is operational;
 - E) The car parking and any other vehicular access facility required for the dwelling by this permission has/have been completed;
 - F) The verge and service margin and vehicle crossing on the road frontage of the dwelling have been completed with the highway boundary properly defined;
 - G) The street nameplates have been provided and erected.
13. When once constructed and provided in accordance with condition 10 above, the carriageways, vehicle turning heads, footways and footpaths shall be maintained free of obstruction to the free movement of vehicular traffic and pedestrians and the street lighting and nameplates maintained so that the highway can operate safely.
14. Notwithstanding the provisions of Article 3 of The Town and Country Planning (General Permitted Development) Order 1995, the Town and Country Planning (General Permitted Development) Amendment (No.2) (England) Order 2008 (or any Order revoking and re-enacting those Orders with or without modification) no development of the types referred to in Classes A, B, D, E and F of Part 1, Schedule 2, relating to the enlargement, improvement or other alteration of a dwellinghouse, addition or alteration to the roof, construction of a porch, buildings or enclosures within the curtilage of a dwellinghouse and provision of a hard surface, shall be undertaken within the application site without the Local Planning Authority first granting planning permission.
15. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Air Quality - No objection
Drainage - No objection
Noise & other nuisances - No objections
Housing Standards - No objections
Licensing - No comments
Food Hygiene - N/A
Water Supplies - N/A
Health and Safety - No objections

16. Amendments to the garage designs for plots 18 and 28 to avoid a hipped roof shall be submitted to and approved in writing prior to the development of each of the plots. The garages shall be implemented in accordance with the approved details.

REASONS FOR CONDITIONS:

1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure the use of materials appropriate to the development in order to safeguard the visual amenities of the area and the setting of the nearby listed building.
3. To ensure the use of details appropriate to the development in order to safeguard the visual amenities of the area and the residential amenities of neighbouring residents.
4. To ensure the orderly development of the scheme and to safeguard the residential amenities of the area.
5. To ensure that the development makes a positive contribution to the character and amenity of the area.
6. To safeguard the character and amenities of the area and the privacy of occupiers of neighbouring properties.
7. To ensure the development makes a positive contribution to the character and appearance of the area by protecting the existing trees during development.
8. To ensure the protection of trees to be retained on the site.
9. In the interests of reducing the impact of the development upon protected species.
10. To ensure that adequate information is available for the proper consideration of the detailed proposals.
11. To ensure the proper development of the site.
12. To ensure that adequate access and associated facilities are available for the traffic attracted to the site.
13. To ensure that these highway provisions remain available.
14. For the avoidance of doubt and to ensure the Local Planning Authority can give proper consideration to the effect of alterations in the site levels in the interests of the visual

amenities of the area and the protection of trees and protect privacy of occupants of neighbouring properties.

15. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy S5 of the Adopted Mid Devon Local Plan (Local Development Framework
16. To ensure that the development makes a positive contribution to the character and amenity of the area.

Informative Note:

1. This permission shall not constitute an approval of drawing number 10087.552 (highway construction details) submitted with the application, because it has been treated as being for illustrative purposes only.

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The application seeks planning permission for the erection of 36 dwellings on an allocated site toward the south of Tiverton and is therefore considered to comply with policies ST1, TR2 and TR5 of the Devon Structure Plan and policy S5 of the Adopted Mid Devon Local Plan (LDF) and policy COR1 of the Mid Devon Core Strategy in terms of locating development in sustainable locations with access to services other than by the private car and policy AL/TIV/10 Allocations and Infrastructure DPD. The design and layout of the scheme is considered to be an acceptable response to a complex site that has a number of key constraints. It is not considered that the application proposals will have a detrimental impact on the setting of the listed building, result in the loss of any trees that are considered worthy of protection, and will provide an attractive residential development without harming the privacy and/or amenities of others. In this respect the scheme is in accordance with policies CO6 and CO7 of the Devon Structure Plan 2001-2016, policies S5, S6, S7 and ENV8 of the Adopted Mid Devon Local Plan (LDF) and policy COR2 of the Mid Devon Core Strategy. Highway capacity, safety and parking issues have been assessed by the Highway Authority who have considered it to be acceptable. The Emergency Services, and therefore in accordance with policy TR10 of the Devon Structure Plan 2001-2016 and policy S7 of the Adopted Mid Devon Local Plan (LDF). Issues regarding drainage and prevention of flooding have been explored and addressed, and on the basis of advice from the Environment Agency the development is considered acceptable and therefore in accordance with the requirements of policy CO13 of the Devon Structure Plan 2001-2016 and policy COR11 of the Mid Devon Core Strategy. Issues relating to affordable housing provision are capable of resolution subject to the completion of an agreement under section 106 of the Town & Country Planning Acts, and following such an agreement the proposals would meet the policy requirements of policies AL/DE/3. The scheme has been designed to include aspects to ensure that the provisions of policy AL/IN/6 will be achieved. Satisfactory provision will be made to relocate protected species that will be affected by the application in accordance with the policy requirements of and the proposed site layout has been designed to take into account the occupiers of the existing residents close to the site. A number of objections have been received and the contents of which have been considered by your officers. However, it is not considered that there are any matters which would outweigh the policies of the Devon Structure Plan, Adopted Mid Devon Local Plan and Mid Devon Core Strategy and

the Mid Devon Allocations and Infrastructure Development Plan Document as set out above. The application has therefore been recommended for approval.

Contact for any more information

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Background Papers

14th March 2012 Planning Committee

File Reference

11/01927/MFUL

Circulation of the Report

Cllrs Richard Chesterton
Members of the Planning Committee

