

Public Document Pack

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

MID DEVON DISTRICT COUNCIL

PLANNING COMMITTEE

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

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

STEPHEN WALFORD

Chief Executive
24 January 2017

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

A G E N D A

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

1 APOLOGIES AND SUBSTITUTE MEMBERS

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

2 PUBLIC QUESTION TIME

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

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

3 MINUTES OF THE PREVIOUS MEETING *(Pages 5 - 20)*

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

4 CHAIRMAN'S ANNOUNCEMENTS

To receive any announcements the Chairman may wish to make.

5 DEFERRALS FROM THE PLANS LIST

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

6 **THE PLANS LIST** *(Pages 21 - 108)*

To consider the planning applications contained in the list.

7 **THE DELEGATED LIST** *(Pages 109 - 128)*

To be noted.

8 **MAJOR APPLICATIONS WITH NO DECISION** *(Pages 129 - 132)*

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

9 **APPEAL DECISIONS** *(Pages 133 - 134)*

To receive for information a list of recent appeal decisions.

10 **APPLICATION 11/01927/MFUL - ERECTION OF 36 DWELLINGS WITH ASSOCIATED ACCESS ROAD, CAR PARKING, LANDSCAPING AND DEMOLITION OF EXISTING OUTBUILDINGS ADJACENT TO HOWDEN COURT, - LAND AND BUILDINGS AT NGR 294646 111535 HOWDEN COURT, TIVERTON** *(Pages 135 - 146)*

To receive a updated report of the Head of Planning and Regeneration following consideration of the proposed footpath link between the new housing estate and Palmerston Park at the meeting on 30 November 2016.

11 **PLANNING PERFORMANCE** *(Pages 147 - 152)*

To receive a report of the Head of Planning and Regeneration providing the Committee with information on the performance of Planning Services for the quarter 3 of the 2016/17 financial year

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

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

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

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

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

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

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 4 January 2017 at 2.15 pm

Present Councillors

Mrs F J Colthorpe, Mrs H Bainbridge,
Mrs C Collis, P J Heal, D J Knowles,
F W Letch, B A Moore, R F Radford,
J D Squire and R Evans

Apologies Councillor(s)

R L Stanley

Also Present Councillor(s)

D R Coren, C J Eginton, Mrs M E Squires
and N A Way

Present Officers:

Jenny Clifford (Head of Planning and Regeneration), Simon Trafford (Area Planning Officer), Lucy Hodgson (Area Planning Officer), Daniel Rance (Principal Planning Officer) and Sally Gabriel (Member Services Manager)

114 **APOLOGIES AND SUBSTITUTE MEMBERS**

Apologies were received from Cllr R L Stanley who was substituted by Cllr R Evans.

115 **PUBLIC QUESTION TIME**

Mr Morgan, referring to Beare Mill said I am here to register my support and hope everything goes through to completion with the application for the barn which adjoins my property and everything that has happened so far has gone very well so there is no reason as far as I am concerned why it shouldn't go to completion and they are doing everything in their power to keep it looking like the original building.

Mrs Nichols, referring to Beare Mill said I live at Beare farm, adjacent to these premises and I want to say that I whole heartily support the dwelling and consider that it will improve the area a tremendous amount and I am very happy with the way that it is being developed. They have gone to great effort and care to use materials that will enhance the building and keep it in character. It was an eyesore and we think it will be improved when it is developed.

Mrs Vinton, regarding Red Linhay said that an email from the applicant to the Planning Officer dated 4/11/16 pointed out that objectors to the plant were making simplistic comments and failed to take into account how an AD works. This was he stated due to lack of professional experience of AD technology. I personally lack experience but I have taken advice from chartered engineers and manufacturers of

CPH units, none of whom would recommend the installation of two 500kw units to power a 500kw plant. As a regular maintenance takes less than 4 hours a fear of breakdown can be the only reason for a backup unit and I was advised that if this was concern developers should opt for 2 x 250 units. Having mentioned their experience at Menchine Farm being a factor in their decision to install two 500 units I researched dozens of planning applications for 500kw AD's in England and Wales and only Greener For Life have applied for a second unit for maintenance and breakdown and they have only done so on sites where they have built the infrastructure to a much larger size than needed for 500kw production. My question is just how rigorously will the conditions put on this development be monitored and how quickly and effectively will enforcement action be taken to ensure we don't wake up one day and find a megawatt AD in operation?

Clare Higgleston referring to Dulings said could the Planning Officer please qualify why he proposed to recommend this application when the views of the community, public comments on the portal, the concerns of parents regarding negative impacts on the school and the Parish Council all object to this proposed development and given that the developer chose not to conduct a community consultation as recommended in the Localism Bill. Will the Planning Officer please clarify what the area marked blue on the application planning status will change to and be used for?

Helen Olson referring to Dulings said what consideration has been given to the safety of the walk to school when the access to the school on Bewsley Hill has no footpaths at the top and bottom and this application will see an increase in school traffic both pedestrian and road traffic. There was information from 2012 that looked at these issues. Could the officer please confirm why the flood risk assessment and proposed ponds only consider the application site and do not allow for the additional surface water within the topographical catchment?

David Brassington referring to Dulings said in the planning committee agenda page 17 paragraph 5 and 6 the officer refers to the proposal on the old abattoir site which should not be considered in this application. However, could the officer confirm that if both applications are approved, totalling 100 houses, this will not have a cumulative and adverse impact on the village? Could the Planning Officer please confirm what separate consultation and consideration has taken place to allow the developer to move the current public footpath of scenic beauty under this proposal?

Alice Fraser Edwards, referring to Dulings and speaking on behalf of Ken Warren said that for years Mid Devon District Council have left Copplestone without any social amenities. How is Mid Devon going to deal with the problem? We have one of the highest concentrations of social and subsidised housing in a village environment in Mid Devon and we have already grown by 60% in the last 13 years. Another 100 houses are not sustainable and to do this please see the annotated ariel view of Copplestone, areas marked in green and yellow are all recent development. Could the Planning Officer please confirm who will be responsible to rectify the failure of the balance pools in the event of extreme weather conditions now expected when rainfall exceeds normal conditions?

Suzanne Lunn referring to Dulings said that the roads surrounding this development are extremely narrow with no pavement especially around Elston Lane and Bewsley Hill. How do you propose to ensure the safety of pedestrians and cyclists? The Mid Devon Local Plan which has been voted on and accepted by the Full Council does

not include the land in question for this planning application as it does not form part of the permitted development land on the Local Plan. Does this mean your Planning Officer is going against the Full Council?

Michael Scott referring to Red Linhay said Greener for Life had been required to supply figures regarding noise levels emitting from the AD plant at Red Linhay when it is operational. They have not done so and all they have done is to include a couple of photographs showing the inside of a warehouse with white boxes and two people with their heads cropped out which could relate to almost anything. How can a case officer recommend approval of this application without such assurances as approval at this meeting would effectively give GFL a free hand in noise level emissions? GFL were required to move the second CHP which was installed without planning permission and at the last planning meeting concerning this issue an enforcement order was going to be issued to them. Have they been issued with an enforcement notice to do so and have they actually removed the second CHP unit?

Tony White, referring to Red Linhay said at the Planning meeting on July 6th 2016 this Committee resolved that the second 500kw CHP unit would not be approved and should be removed from the site. Furthermore it was resolved that an enforcement notice be served if the unit was not removed. As nothing has changed why has the Planning Officer disregarded this decision and now recommends approval? The Planning Officer has on several occasions assured local residents that all conditions will be actively enforced but to date we have seen little or no evidence of this. How can we have confidence in this process? We do however have every confidence that should a second CHP unit remain on site, it will be run as a 1 MW site not a 500kw as claimed.

Mrs Higgleston asked a further set of questions with regard to Dulings Farm – how do you propose to deal with the rare species on the prime meadow grass land to enable the creation of the balance pools and how will you ensure that the impact of this development is not detrimental to the environment? How can a Planning officer propose a recommendation for approval when an application has now been submitted for the old abattoir site? An application that has been actively encouraged by DCC, MDDC and local residents, an application that will provide facilities to the community?

Helen Olsen referring to Dulings said there has been nothing done to improve safety to pedestrians through Coplestone following the DCC meeting on 12/12/12 or following previous increases in housing in the village. How can we be sure that Coplestone will not be neglected again and what guarantees can you give that the increased number of cars driving up Bewsley Hill on the school run will not further put our children at risk. Also how will you ensure that approval for the development will not open up additional development on land further up detailed in blue on the supporting plan document? What do the Planning authority believe is the expected increase in peak rainfall intensity over the lifetime of the proposed development and can they guarantee in writing that the proposed mitigations are adequate to decrease flooding in the village rather than increase it? The track that the development has proposed to be built on has been used by the public without dispute by generations, one resident for 80 years, as an alternative right of way, what allowance has been made for the heritage of the village within the planning officers consideration of this application? If this committee sets a precedent for allowing development outside of the village boundary how far do you foresee the population growing by the 2021 census? As the developer is already attempting to purchase additional land in the

geographical location of the application from the landowner so is it not the case that we are likely to see 200/400 more houses before the development is complete? Having read the National Planning Policy Framework it is clear that paragraph 14, that developments only be approved where the local benefits outweigh the adverse impacts, does not apply to this application. How could you therefore justify approval?

116 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 30 November 2016 were approved as a correct record and signed by the Chairman.

117 CHAIRMAN'S ANNOUNCEMENTS

The Chairman wished those present a Happy New Year but had no further announcements to make.

118 DEFERRALS FROM THE PLANS LIST

There were no deferrals from the Plans List.

119 THE PLANS LIST (PART 1) (00-22-00)

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 (***16/00924/MOUT – Outline for the erection of up to 60 dwellings and means of access – land and buildings at NGR 277744 102582 (East of Dulings Farm, Coplestone).***)

The Area Planning Officer outlined the contents of the report highlighting by way of presentation the outline application, the road network, the means of access to the site, the proposed pedestrian link leading to the school and stated that although the public footpath route would be affected by the application those issues would be covered by a Reserved Matters application. Members viewed the scope of the application site and the route of the Salix stream which was overgrown and had been the cause of concern with regard to possible flooding issues. The school site and the playing field were identified as was a pending scheme at the Old Abattoir, the proposed footpath at Bewsley Hill, the landscaped areas within the site, an indicative plan of the proposed housing, the design of the proposed junction and photographs from various aspects of the site and the A377.

The Area Planning Officer continued outlining the principles for development and highlighting the need for a 5 year land supply, the fact that the proposal was outside the settlement limit and the wording within the National Planning Policy which identified the reasoning for the officer recommendation of approval. He informed the meeting of the formula used by the County Council to calculate the education requirement within the proposed Section 106 agreement and the contribution towards enhancement of the sports field instead of an air quality contribution. He highlighted the issues raised regarding possible flooding issues raised by residents and the proposed conditions which referred to the salix stream.

He then responded to the questions posed in public question time: a pre app meeting was not specifically required (although helpful) and these issues had been addressed through the presentation and within the report; the red line on the application plan showed the application site and the blue line identified the land in the same ownership. With regard to access to the school, there would be access links from within the site as part of the Section 106 agreement, the details of which would be addressed through a Reserved Matters application. The improvements to the junction on Bewsley Hill and the A377 had been identified in the presentation. With regard to a pending application at the Old Abattoir (Shambles 2), both applications had to be determined separately and it was not an either/or situation, if both schemes did come forward the education requirement would need to be updated. The benefits to the local community would be an improvement in the transport infrastructure and funding which would enable the community hall. The road layouts for Bewsley Hill had been addressed within the presentation; with regard to Full Council and the Local Plan, the officer had set out a recommendation for the committee to consider which was against current planning policy; with regard to grassland areas, the network of green infrastructure had been identified throughout the site and the protected species mentioned within the report. With regard to pedestrian safety, the scheme would deliver offsite movement. There was potential to improve the pedestrian network at the Reserved Matters application stage. With regard to paragraph 14 of the National Planning Policy Framework, there was a need to weigh up the planning balance. He felt that the other issues raised which included: road safety, the blue line within the application plan, the use of the public right of way and the peak rainfall predictors had been covered within the report or by condition.

Consideration was given to:

- The education formula which calculated school places required for development
- The lack of an air quality contribution within the Section 106 agreement as it was felt that the residents of the proposed housing would contribute to air quality issues in Crediton
- Flood risk and management
- The lack of a 5 year land supply, but that the Local Plan Review Document was well on its way towards submission
- Recent appeal decisions with regard to the lack of a 5 year land supply
- The sustainability of the proposal
- Possible increase in traffic
- Lack of consultation with the local people and contrary to the current Local Plan
- Access issues at Elston Lane

RESOLVED that the application be refused planning permission and that delegated authority be given to the Head of Planning and Regeneration to prepare a full set of reasons for refusal and issue the decision based on the following reasons:

1. The application site is outside the current settlement limit boundaries of the village of Coplestone and is in the open countryside. Policy COR18 of the adopted Mid Devon Core Strategy (Local Plan Part 1) seeks to strictly control development outside settlement limits and a development in this location of the scale as proposed would not be permitted under criteria a - f of this adopted policy. Neither is the site

proposed to be allocated for housing within the Councils Local Plan Review 2013 - 2033. The applicant asserts that the Local Planning Authority cannot demonstrate that it has an adequate five year supply of housing land as required by the National Planning Policy Framework, and therefore Policy COR18 should be afforded limited weight and that the application should be determined against the provisions of Paragraph 14 of the National Planning Policy Framework. When tested against Paragraph 14 of the Framework the Local Planning Authority consider that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole as well as being contrary to Policy COR1 of the Mid Devon Core Strategy (Local Plan Part 1) and Policy DM1 of the Mid Devon Local Plan Part 3 (Development Management Policies).

2. The Local Planning Authority consider that the proposed unplanned development individually, and cumulatively together with the proposed development within the Local Plan Review for the village, would be out of scale with the size of the settlement of Coplestone to the detriment of its character and the general amenities of the village. For this reason the development would fail to meet the sustainable development principles required to be met by the National Planning Policy Framework and Policy COR1 of the Mid Devon Core Strategy (Local Plan Part 1) and Policy DM1 of the Mid Devon Local Plan Part 3 (Development Management Policies).

3. The Local Planning Authority consider that the application proposal has not satisfactorily demonstrated that surface water from the development can be satisfactorily controlled and discharged to the Salix Stream channel without resulting in unacceptable flood risk downstream of the application site to the detriment of the amenities of the locality where there are already records of flooding concerns. On this basis the application is considered to be contrary to Policies COR1 and COR11 of the Mid Devon Core Strategy (Local Plan Part 1) and Policies DM1 and DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).

4. The Local Planning Authority considers that the application proposal has not satisfactorily demonstrated that the additional primary school pupil places required to serve the development could be satisfactorily provided at the Coplestone village primary school, and therefore the application scheme is considered to result in detriment to the existing amenities of the village school. On this basis the application scheme is considered to be contrary to Policy COR1 of the Mid Devon Core Strategy (Local Plan Part 1), Policy AL/IN/ 5 of the Allocations and Infrastructure Development Plan Document (Local Plan Part 2) and Policy DM1 of the Mid Devon Local Plan Part 3 (Development Management Policies).

5. The Local Planning Authority consider that the application would result in an unacceptable impact upon the highway safety for users of the highway of Elston Lane and it's junction with the A377. Whilst the application scheme includes amendments to the highway and a new junction arrangement the alterations as proposed are not considered to satisfactorily address the detrimental impacts of the development upon highway safety contrary to Policies COR1, COR9 and COR18 of the Mid Devon Core Strategy (Local Plan Part 1) and Policy DM1 of the Mid Devon Local Plan Part 3 (Development Management Policies).

(Proposed by Cllr P J Heal and seconded by Cllr B A Moore)

Notes:

- (i) Cllrs: Mrs H Bainbridge, Mrs C Collis, Mrs F J Colthorpe, R Evans, P J Heal, D J Knowles, F W Letch, B A Moore, R F Radford and J D Squire made declarations in accordance with the Protocol of Good Practice for Councillors in dealing with Planning Matters as they had all received correspondence regarding the application;
- (ii) Cllrs P J Heal and D R Coren declared personal interests as they were Ward Members and knew objectors and the landowner;
- (iii) Cllr N A Way declared a personal interest as County Councillor and therefore he had had some involvement with the objectors to the application;
- (iv) Cllr D J Knowles declared a personal interest as he knew some of the objectors;
- (v) Cllr J D Squire declared a personal interest as he was an adjoining Ward Member and knew some of the objectors;
- (vi) Mr Bowdler spoke on behalf of the objectors;
- (vii) Cllr Penny spoke on behalf of the Parish Council;
- (viii) Cllr D R Coren and P J Heal spoke as Ward Members ;
- (ix) Cllr N A Way spoke as County Councillor for the area;
- (x) Cllrs Mrs H Bainbridge and Mrs F J Colthorpe requested that their vote against the decision be recorded;
- (xi) The following late information was reported: Page 24: Vehicle Tracking and Junctions plans (rev A) submitted for consideration on 21st December

Site Access Junction Plan rev G received on 13th December and superseding revision F.

Page 27: The Highway Authority have confirmed that the plans demonstrate that the design of the new junction arrangements incorporates a 10m radii to accommodate the HGV swept paths.

Since the report was issued a further 8 letters of objection have been received. The reasons for objecting reflect the matters as set out, and covered in the report. Two issues are highlighted for further detailed consideration by members:

1. The impact of the development on the adopted public footpath no.53 that passes over the site. At this stage members are not being asked to consider and/or approve a detailed layout as the application has been submitted as an outline application with all matters reserved except for access. It is however acknowledged that the indicative layout presents a

scheme that would interrupt the route, although the indicative layout does indicate a number of options as to how the path could be diverted.

If the planning application is approved at this stage then at the reserved matters stage a detailed layout would need to be submitted for consideration. If at this stage the layout results in an interruption to the route of the public footpath then at the same time as submitting application it would be necessary to submit an application to also divert the footpath.

Therefore at this stage the issue of how the application affects the route of footpath no.53 raises no further issues for consideration.

2. One of the letters of objection refers to the application submitted under 16/01888/MOUT, referred to as the Shambles 2 scheme, which is raised in the report on page 37. The report already refers to the fact that the current application is not being proposed as an alternative application to the Shambles 2 scheme, and it sets out the correct policy framework against which the application should be assessed. Notwithstanding, the report on page 38 sets out the maximum number of additional spaces (25) that would be required at the local primary school in the event the schemes at both Dulings Meadow and at the Shambles 2 were brought forward to the implementation stage.

Finally and for the avoidance of doubt, the terms of the representation make it clear that as a local community the Shambles 2 scheme is a much better option for the village.

The government has announced its intended reform of New Homes Bonus. The current 6 year term for the award is to be reduced to 5 years in 17/18 and 4 years from 18/19. The financial contributions given in the report reflect the 6 year position and should be adjusted in accordance with the most recent Government position.

(b) No 2 on the Plans List (***16/01232/FULL – Conversion of a redundant rural building to a residential dwelling – Redgates Farm, Bickleigh***).

The Area Planning Officer outlined the contents of the report highlighting by way of presentation the site location plan, the original agricultural building that had been converted to B1 and B8 use and subsequently to residential accommodation on the first floor (without permission); the current owners had not used the building which was now redundant. She highlighted the proposed design and layout of the proposed conversion and provided photographs from various aspects of the site.

Consideration was given to:

- Whether the application positively contributed to Policy DM11
- Leaving a building that did not positively contribute to the rural character in place rather than improve the situation
- A contribution to public open space through a Section 106 agreement could be set out with any approval

RESOLVED that planning permission be granted for the following reasons: The conversion of the building would provide a future use of the building which is currently redundant. The conversion would cause no harm to the local highway network, external appearance of the building or residential amenities of the nearest dwelling. The building could be converted without significant extension while maintaining nature conservation interest associated with it. The proposal is considered to be compliant with policies DM2 and DM11 Local Plan Part 3 (Development Management Policies), and that delegated authority be given to the Head of Planning and Regeneration to consider appropriate conditions and negotiate a Section 106 Agreement to secure a financial contribution of £1442 toward the off site provision of public open space.

(Proposed by Cllr D J Knowles and seconded by Cllr Mrs H Bainbridge)

Notes:

- (i) Mr Archer (Agent) spoke;
- (ii) The following late information was reported: 30th December 2016
Page 45 – Highway Authority response should say:
'Highway Authority standing advice applies as per www.devon.gov.uk/highway-standingadvice.pdf'

The government has announced its intended reform of New Homes Bonus. The current 6 year term for the award is to be reduced to 5 years in 17/18 and 4 years from 18/19. The financial contributions given in the report reflect the 6 year position and should be adjusted in accordance with the most recent Government position.

120 MEETING MANAGEMENT

The Chairman indicated that she wished to take Item 9 on the agenda (Red Linhay) at this point, she would then return to the Plans List, this was **AGREED**.

121 APPLICATION 16/01180/FULL - VARIATION OF CONDITION 2 OF PLANNING PERMISSION 15/01034/MFUL TO ALLOW SUBSTITUTE PLANS AT LAND AT NGR 299621 112764 (RED LINHAY), CROWN HILL, HALBERTON (2-47-38)

The Committee had before it a * report of the Head of Planning and Regeneration regarding the above application. The Principal Planning Officer outlined the contents of report providing an overview of the work on the site and highlighted that the flare, offices and weighbridge had not been part of the previous application and therefore the application sought to rectify the situation retrospectively, the conditions set out in the previous applications would apply. The officer provided an aerial view of the site which identified the existing structures and photographs from various aspects of the site. Information was provided with regard to the need for the second CHP unit in that it was in place to cover maintenance issues with the original CHP unit; there would be no additional transport movement and an acoustic bund would be built around the CHP units.

The officer provided answers to the questions posed in public question time: the enforcement notice had not been issued as it was on hold until the determination of the current application. The conditions of the previous application state that only 500kw average could be produced, the second CHP unit was an operational issue.

Consideration was given to:

- The previous report which had considered enforcement action against the second CHP unit
- Dealing with a retrospective application and the changes requested
- The reasoning for the second CHP unit
- The strict conditions that were in place and the Environment Agency Permit
- The need to regularise what was in place

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

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

Notes-:

- (i) Cllr Mrs F J Colthorpe declared a personal interest as she had met members of the landowner's family;
- (ii) Cllrs D J Knowles, B A Moore and R F Radford declared personal interests as the landowner and some of the objectors were known to them;
- (iii) Mr Manley (Applicant) spoke;
- (iv) Cllr R F Radford spoke as Ward Member;
- (v) Cllrs R Evans and R F Radford requested that their vote against the decision be recorded;
- (vi) The following late information was reported:

21st December 2016 - Halberton Parish Council strongly opposes any variation to the existing plans.

No further information has been received to be able to make any comment.

15th December 2016 - DCC Archaeology has confirmed that the condition 6 of 15/01034/MFUL has been completed and no further mitigation is required.

With this in mind there is to be no further archaeology requirements on site with the resultant removal of any condition required with this variation.

15th December 2016 - Willand Parish Council considers that the noise concerns relating to operation and transport have not been fully considered with possible increase traffic with damage to roads cannot justify this location. With the most stringent conditions attached as to operating times and tonnage for the retention of the extra plant.

23rd December 2016 – Environmental Health -The Environmental Health Officer has been consulted throughout the proposal of this AD plant and including the latest variation of condition, the subject of this application. Their conclusion is set out in the E-mail received on the 23rd December 2016 and included within this documentation. The view is that there are sufficient safeguards with the proposed conditions set out in the committee report.

With regard to Transport there is to be no increase in traffic to that already approved under 15/01034/MFUL, all relevant conditions will be pulled through onto this application.

14th December 2016 - Burlescombe Parish council - No Comments

22nd December 2016 -Devon County Council Flood and Coastal Risk Management - No in-principle objection, at this stage.

The relevant condition relating to drainage will be placed on this proposal as set out in 15/01034/MFUL

22nd December 2016 -CPRE Devon - Concern over the lack of information submitted with regard to noise.

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

122 PLANS LIST (PART 2) (3-30-13)

The Committee considered further applications within the plans list *.

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

(c) No 3 on the Plans List ***(16/01450/FULL – Outline for the erection of 2 dwellings with attached garages and formation of shared access (revised scheme) – Land at NGR 286952 106262 (Rear of Holes Cottage) Cheriton Fitzpaine).***

The Area Planning Officer outlined the contents of the report highlighting by way of presentation the site location, development area and the other land under the same ownership. The access to the site was identified as was the proposed block plan, parking areas, new access, part of the building that would be demolished to enable the proposed access to be put in place and photographs from various aspects of the site. She informed the meeting that the Highways advice had been given in accordance with the Manual for Streets which had superseded the standing advice.

Consideration was given to:

- The shared access arrangements
- The detail of Policy COR 17 and the fact that there was a poor bus service and that the shop had shut
- Parking issues in the village
- The concerns of the Parish Council
- Possible increase in traffic in the area
- Refuse collection

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 R Evans)

Notes:

- (i) Cllr Mrs F J Colthorpe declared a personal interest as she was Ward Member and knew a lot of people in the village;
- (ii) Mr Norton spoke as an objector as he lived near the site and as a Parish Councillor
- (iii) Cllr Mrs F J Colthorpe spoke as Ward Member;
- (iv) Cllr Mrs M E Squires spoke as County Councillor for the area;
- (v) The following late information was reported: Since the report was issued a further letter of objection has been received confirming that the village shop in Cheriton Fitzpaine has closed and on this basis it is considered that policy COR18 would be the appropriate policy to consider the planning application against and not policy COR17 as referenced in the officer report on page 53.

The government has announced its intended reform of New Homes Bonus. The current 6 year term for the award is to be reduced to 5 years in 17/18 and 4 years from 18/19. The financial contributions given in the report reflect the 6 year position and should be adjusted in accordance with the most recent Government position.

(d) No 4 on the Plans List (***16/01566/FULL – Erection of a dwelling – land and buildings at NGR 282555 99153 (Beare Mill) Crediton.***)

The Area Planning Officer outlined the contents of the report highlighting by way of presentation the location plan, a photograph of the original barn, the previously approved plans for a barn conversion and the proposed plans for the extension of floor space with the additional square meterage and part new build. Members viewed photographs from various aspects of the site and were informed that building had stopped in December when the applicants had been informed that they were in breach of the previous planning permission.

Consideration was given to:

- The original building had become unstable during building works but that the Local Planning Authority had not be advised
- The lack of protection for the original structure
- The support of the neighbouring residents for the proposal

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

(Proposed by Cllr P J Heal and seconded by Cllr Mrs F J Colthorpe)

Notes:

- (i) Cllr P J Heal made a declaration in accordance with the Protocol of Good Practice for Councillors in dealing with Planning Matters, as Ward Member he had been to the Parish Council meetings where the issue had been discussed;
 - (ii) Cllr D R Coren declared a personal interest as he knew the applicant and had been present at the Parish Council meeting;
 - (iii) Mr Taylor (Agent) spoke;
 - (iv) Cllrs D R Coren and P J Heal spoke as Ward Members
 - (v) Cllr F W Letch and J D Squire requested that their vote against the decision be recorded;
 - (vi) The following late information was reported: The government has announced its intended reform of New Homes Bonus. The current 6 year term for the award is to be reduced to 5 years in 17/18 and 4 years from 18/19. The financial contributions given in the report reflect the 6 year position and should be adjusted in accordance with the most recent Government position.
- (f) No 5 on the Plans List ***(16/01594/FULL – change of use of ground floor from Class A1 (Shop) to mixed use (Class A1 (Shop) and Class A3 (Café) and associated internal and external alterations – 28 High Street, Crediton).***

The Area Planning Officer outlined the contents of the report highlighting by way of presentation the location of the building, the existing and proposed layout, the floor plans and scope of external works that would be required for the signage. He outlined the additional signage that would form part of a separate application for advertisement consent.

Consideration was given to:

- The use of the building
- The possible increase in dwelling times in the town and the fact that it would be open on Sundays and bank holidays

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

(Proposed by Cllr F W Letch and seconded by Cllr J D Squire)

Notes:

- (i) Cllr F W Letch declared a personal interest as he had been present at the Town Council meeting when the application was discussed but he did not vote, he also knew objectors to the application;
- (ii) Miss Matthews (Agent) spoke;

(iii) Cllr F W Letch spoke as Ward Member.

(g) No 6 on the Plans List (**16/01595/ADVERT – Advertisement Consent to display 1 externally illuminated fascia sign and 1 externally illuminated hanging sign – 28 High Street, Crediton**).

The Area Planning Officer outlined the contents of the report highlighting by way of presentation the proposed signage.

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

(Proposed by Cllr F W Letch and seconded by the Chairman)

Notes: Cllr F W Letch declared a personal interest as he had been present on the Town Council when the application was discussed but he did not vote, he also knew objectors to the application.

123 **THE DELEGATED LIST (4-43-13)**

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

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

124 **MAJOR APPLICATIONS WITH NO DECISION (4-43-44)**

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

It was **AGREED** that

Application 16/01899/MARM – Farleigh Meadows – remain delegated to officers.

Application 16/01898/MARM – Wellparks, Crediton be determined by the Committee but that no site visit take place.

Application 16/01888/MOUT – Old Abattoir site, Coplestone be determined by the Committee and that a site visit take place.

Application 16/01836/MARM – Station Road, Newton St Cyres be determined by the Committee but that no site visit take place.

Application 16/01788/MFUL - Industrial Unit, South View, Willand remained delegated to officers.

Application 16/01773/MARM – Mixed use facilities, Junction 27, be determined by the Committee but that no site visit take place.

Application 16/01811/MOUT – Silver Street Willand be determined by the Committee if the minded to approve.

125 **APPLICATION 16/00006/TPO - TREE PRESERVATION ORDER FOR TWO ASH TREES IN THE REAR GARDEN OF 126 SHUTE COTTAGE, SANDFORD (4-50-00)**

The Committee had before it a * report of the Head of Planning and Regeneration regarding the above application. She outlined the contents of report highlighting the location of the 2 Ash trees, they were both quiet visible and in good health. Members viewed photographs and:

RESOLVED that the Tree Preservation Order be confirmed.

(Proposed by Cllr D J Knowles and seconded by Cllr Mrs H Bainbridge)

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

126 **APPLICATION 16/00007/TPO - TREE PRESERVATION ORDER FOR FOUR OAK TREES IN A FIELD KNOWN AT LANGLANDS FARM, UFFCULME (4-56-42)**

The Committee had before it a * report of the Head of Planning and Regeneration regarding the above application which had received an objection. She outlined the contents of report highlighting the 4 trees to be protected and the views of the Tree Officer in that one of the trees was classed as being a veteran oak which could have a continued lifespan of another 40 years. Members viewed the location of the trees and it was:

RESOLVED that the Tree Preservation Order be confirmed.

(Proposed by Cllr B A Moore and seconded by Cllr Mrs C Collis)

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

(The meeting ended at 7.34 pm)

CHAIRMAN

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PLANNING COMMITTEE AGENDA - 1st February 2017

Applications of a non-delegated nature

- | <u>Item No.</u> | Description |
|-----------------|---|
| 1. | <p>16/01699/FULL - Erection of 8 affordable dwellings with associated access, parking, drainage and landscaping at Land at NGR 271041 93178, Yeoford Road, Cheriton Bishop.</p> <p>RECOMMENDATION
Subject to the provision of a Section 106 Agreement/Unilateral Undertaking and conditions grant permission.</p> |
| 2. | <p>16/01707/MOUT - Outline for the erection of 41 dwellings and formation of vehicular access at Land at NGR 295527 113644, (South Of Lea Road), Tiverton.</p> <p>RECOMMENDATION
Subject to the provision of a Section 106 Agreement/Unilateral Undertaking and conditions grant permission.</p> |
| 3. | <p>16/01773/MARM - Reserved Matters for the erection of mixed use facilities building with associated parking and highway works following Outline approval 13/00947/MOUT at Land at NGR 305036 113872 (Junction 27), Sampford Peverell, Devon.</p> <p>RECOMMENDATION
Approve Reserved Matters subject to conditions.</p> |
| 4. | <p>16/01757/FULL - Variation of condition 15 of planning permission 14/01168/MFUL for the relocation of acoustic fence at Land at NGR 298079 113306 (Off The A361), Blundells Road, Tiverton.</p> <p>RECOMMENDATION
Grant permission subject to conditions.</p> |
| 5. | <p>16/01759/FULL - Variation of condition 15 of planning permission 14/00667/MFUL for the relocation of acoustic fence at Land at NGR 298039 113326 (Off The A361), Blundells Road, Tiverton.</p> <p>RECOMMENDATION
Grant permission subject to conditions.</p> |

Application No. 16/01699/FULL

Plans List No. 1

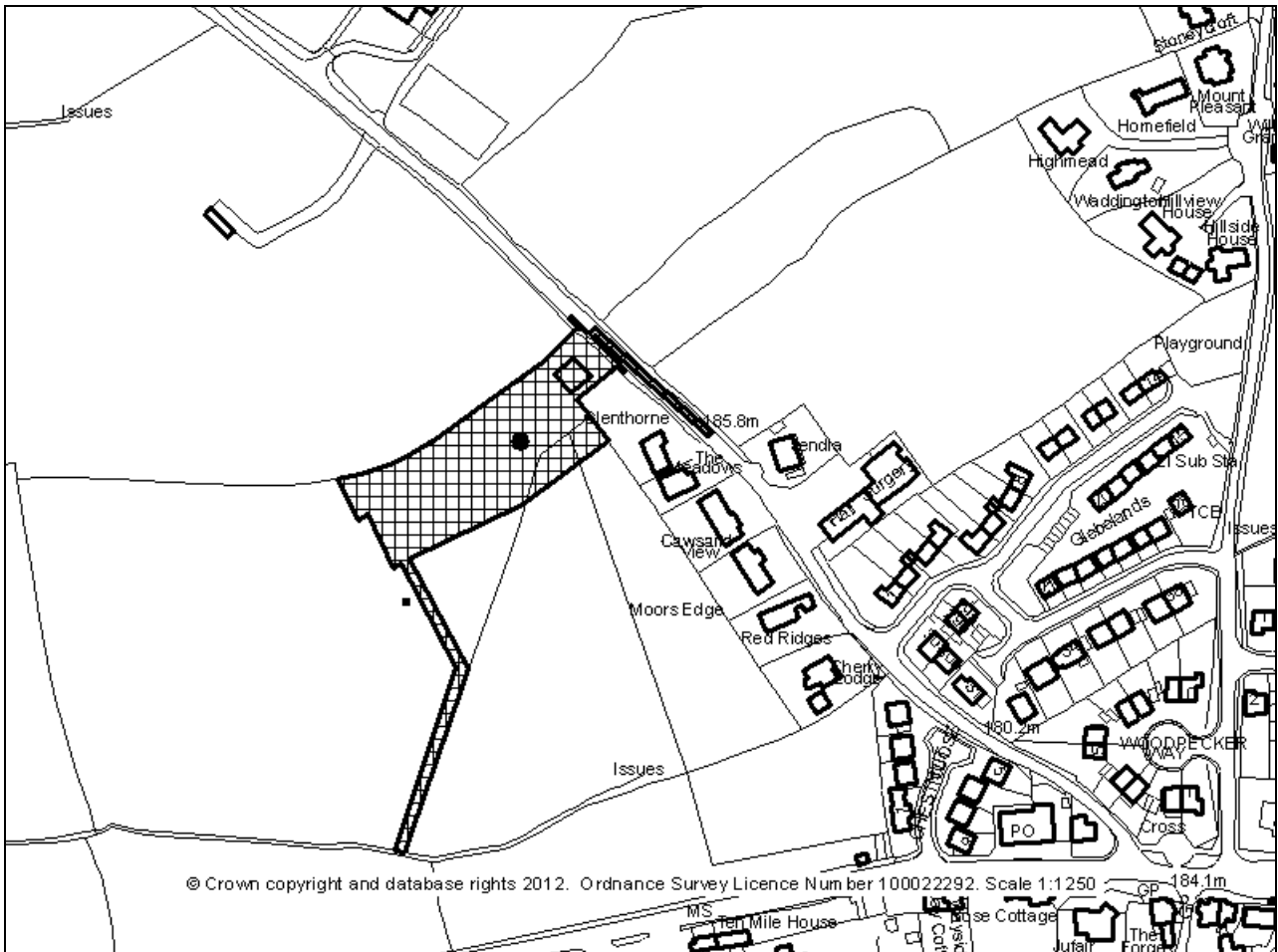
Grid Ref: 276993 : 93112

Applicant: Ms G Westcott,
Cheriton Bishop
Community & Land
Trust

Location: Land at NGR 271041
93178 Yeoford Road
Cheriton Bishop
Devon

Proposal: Erection of 8
affordable dwellings
with associated
access, parking,
drainage and
landscaping

Date Valid: 2nd November 2016



Application No. 16/01699/FULL

RECOMMENDATION

Subject to the prior signing of a S106 agreement to secure an education contribution (£13,652.00 and £2,603.00) and to ensure the retention of all the housing as affordable housing in perpetuity, the inclusion of a local allocations policy and that the Community Land Trust retains a legal interest, grant planning permission subject to conditions.

PROPOSED DEVELOPMENT

On the 26th March the Planning Committee considered an application under LPA ref: 15/00330/FULL (hereafter referred to as the earlier scheme) for the erection of 8 affordable dwellings with associated access, parking areas, drainage and landscaping as submitted by the Cheriton Bishop Community & Land Trust in conjunction with a registered Housing Association. The Committee unanimously voted to approve this application subject to the completion of a Section 106 agreement. Although drafted the agreement was never sealed as the applicant choose to withdraw the application as the funding arrangements for the project had fallen into jeopardy.

This current application has again been submitted by the Cheriton Bishop Community & Land Trust in conjunction with a different housing association.

The current planning proposal is for the erection of 8 affordable dwellings with associated access, parking, drainage and landscaping. The development area for this current application covers the same field area as the earlier scheme, but now also includes the strip of land which is proposed to accommodate a drainage channel linking the development area down to the water course into which it will discharge. This feature was shown on the previously submitted plans but was not shown on land owned/controlled by the applicant.

The arrangements for vehicular access are via an existing field gate off of Yeoford Rd as per the earlier scheme.

The number of units proposed is the same as the earlier scheme comprising 8 units: The unit mix is also the same as the earlier scheme comprising; two 1 bedroom flats (ground and first floor), two 1 bedroom houses, three 2 bedroom houses, and one three bedroom house.

The houses are proposed as semi detached properties (3 groups of 2) with the two flats in single building. Parking is provided on plot adjacent to the units with two spaces proposed for each unit. The scheme is arranged to form a street scene (north facing) with generous south facing gardens, with a new service road formed through the existing field gate opening from Yeoford Road with improved visibility at the junction with the highway. New hedge banks are proposed to form the western and southern boundaries which comprises native hedgerows on top a Devon bank detail. The hedgerow is proposed to be planted as a mix of native species providing a further 600 - 800 MM to the screen provided by the bank. A new pumping station and formation of an open surface attenuation pond. The layout and arrangements as set out above are similar but not identical to the earlier scheme.

Plot 1 comprising a ground floor flat of 51 sqm, Plot 2 comprising a ground floor flat of 58 sqm, plots 3 and 4 comprising one bedroom 2 storey houses of 61 sqm, plots 5 & 6 comprising two bedroom 2 storey houses of 76 sqm, Plot 7 comprising a three bedroom 2 storey house of 86 sqm and Plot 8 comprising a two bedroom 2 storey house of 76 sqm. These size of each of the units proposed is very similar but slightly smaller compared to the earlier scheme details.

The dwellings are proposed with rendered walling up to first floor level above a brick plinth with the upper levels clad with timber boarding. A slate roof covering with clay ridge tile is proposed for all the units with painted timber windows. Solar panels are indicated on the south facing roof slopes. Air source heat pumps are proposed to be installed to each property. These details are proposed as per the earlier scheme.

The site sits directly adjacent to a group 5 houses that are within the settlement boundary, and comprise a linear development of detached houses. The Village Doctors surgery lies on the opposite side of Yeoford Road. The application site lies outside, but within approximately 200 metres of the boundary of Dartmoor National Park.

APPLICANT'S SUPPORTING INFORMATION

Planning Application form, site plan, survey as existing, layout plan, elevations and floor plans, drainage plan

Design and Access Statement, including appendices: housing needs and update reports, community comments sheets and street scene photographs of Cheriton Bishop.

Supplementary Information from applicant: email dated 7 December 2016

Landscape and Visual appraisal prepared by C. Foxford - November 2014 and updated Nov 2016

Preliminary Ecology Appraisal prepared by Green Ecology - August 2014 and Update 3rd Oct. 2016

Ground Investigation Report prepared by Terra Firma - September 2014

Drainage Strategy prepared by Craddys: October 2016

PLANNING HISTORY

00/02010/FULL Erection of an agricultural livestock building - PERMIT - 22.01.01

02/01353/FULL Erection of extension to agricultural livestock building - PERMIT - 27.08.02

15/00330/FULL Erection of 8 affordable dwellings with associated access, parking areas, drainage and landscaping - WITHDRAWN - 25.07.16

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR1 - Sustainable Communities

COR2 - Local Distinctiveness

COR3 - Meeting Housing Needs

COR8 - Infrastructure Provision

COR9 - Access

COR11 - Flooding

COR17 - Villages

COR18 - Countryside

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

AL/IN/3 - Public Open Space

AL/DE/2 - Overall Affordable Housing Provision

AL/DE/4 - Occupation of Affordable Housing

AL/DE/5 - Inclusive Design and Layout

The provision of these two policies below do not apply to the application scheme given the nature of the type of housing i.e. all affordable housing.

AL/DE/6 - Exceptions Policy

AL/CRE/8 - Crediton Air Quality

Mid Devon Local Plan Part 3 (Development Management Policies)

DM1 - Presumption in favour of sustainable development

DM2 - High quality design

DM8 - Parking

DM14 - Design of housing

DM16 - Town centre development

DM29 - Protected landscapes

CONSULTATIONS

HIGHWAY AUTHORITY - 15 November 2016 -

Observations:

The above site has been subject to pre application advice and planning and the Highway Authority has no objection in principle to the development.

The Highway Authority are happy with the Highway layout design, visibilities and signage.

The drainage strategy is also acceptable, but the gullies and their discharge on the existing public highway will need to be verified with the Neighbourhood officer as part of the section 38 legal agreement for adoption.

It should be noted that the site lies outside of the system of street lighting for the village and the Highway Authority will not require the road to be lit unless expressly requested to do from the applicant. Lighting the existing public highway would require third party lands to install lighting columns.

Therefore the following conditions need to be imposed.

Recommendation:

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

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

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

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

A) The access road has been laid out, kerbed, drained and constructed up to base course level for the first 20 metres back from its junction with the public highway

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

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

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

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

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

A) The cul-de-sac carriageway including the vehicle turning head within that phase shall have been laid out, kerbed, drained and constructed up to and including base course level, the ironwork set to base course level and the sewers, manholes and service crossings completed;

B) The cul-de-sac which provides that dwelling with direct pedestrian routes to an existing highway maintainable at public expense have been constructed up to and including base course level;

C) The cul-de-sac visibility splays have been laid out to their final level;

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

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

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

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

CHERITON BISHOP PARISH COUNCIL - 15 November 2016 -
Council supports the application.

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

Air Quality - No objections

Environmental Permitting - No objections

Drainage - No objections

Noise & other nuisances - No objections

Housing Standards - no comments

Licensing - No comments

Food Hygiene - N/A

Private Water Supplies - N/A

Health and Safety - No objection enforced by HSE

HOUSING ENABLING & BUSINESS SUPPORT MANAGER - 17th January 2017

Based on evidence from the housing needs survey and the number of applicants on Devon Home Choice for the locality, I am satisfied that the proposed housing scheme will satisfy the local need for affordable housing in Cheriton Bishop.

NATURAL ENGLAND - 9 November 2016 -

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

Statutory nature conservation sites - no objection

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

Protected landscapes

The proposed development is for a site within or close to a nationally designated landscape namely Dartmoor National Park. 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.

The landscape advisor/planner for the National Park will be best placed to provide you with detailed advice about this development proposal. Their knowledge of the site and its wider landscape setting, together with the aims and objectives of the park's 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 purposes of the National Park are to conserve and enhance the natural beauty, wildlife and cultural heritage of the park; and to promote opportunities for the understanding and enjoyment of the special qualities of the park by the public. You should assess the application carefully as to whether the proposed development would have a significant impact on or harm those statutory purposes. Relevant to this is the duty on public bodies to 'have regard' for those statutory purposes in carrying out their functions (section 11 A(2) of the National Parks and Access to the Countryside Act 1949 (as amended)). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.

Protected species

We have not assessed this application and associated documents for impacts on protected species. Natural England has published Standing Advice on protected species.

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

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

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

Local sites

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

Biodiversity enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) of the same Act also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'.

Landscape enhancements

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

Sites of Special Scientific Interest Impact Risk Zones

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

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

DARTMOOR NATIONAL PARK - 9th November 2016

Having reviewed the application documents, the Authority acknowledges the housing need in Cheriton Bishop. The development will potentially be seen from vantage points to the south west from within Dartmoor National Park. It is, however, noted that this would be seen against the backdrop of existing development within Cheriton Bishop. The Authority requests that the Council considers the imposition of conditions to ensure that suitable landscaping is provided to soften the south west aspect of the development. We request that the Landscape Plan (ref: 1615-01 P2) is implemented prior to occupation of the properties and maintained in accordance with this plan for the last five years.

DEVON COUNTY EDUCATION - 30th November 2016

Devon County Council would like to provide an education response for the application above.

The proposed 4 dwellings, will generate 1 additional primary pupil and 0.6 secondary pupils.

Devon County Council will seek a contribution towards additional education infrastructure at the local primary school that serve the address of the proposed development. The primary contribution sought is £13,652.00 (based on the current DfE extension rate per pupil of £13, 652) which will be used to provide education facilities in the Cheriton Bishop area.

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

1 secondary pupil

£2.74 per day x 1 pupils x 190 academic days x 5 years = £2603

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

HISTORIC ENVIRONMENT SERVICE - 24th November 2016

I refer to the above application. The proposed development lies in an area of archaeological potential. Within 500 metres to the west, are crop marks indicative of enclosures dating to either the Prehistoric or Romano-British Period and topographically, the site may have attracted activity dating to these periods. As such, groundworks for the construction of the proposed development have the potential to expose and destroy archaeological and artefactual deposits associated with these periods.

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

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

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

Reason

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

I would envisage a suitable programme of work as taking the form of a staged programme of archaeological works, commencing with the excavation of a series of evaluative trenches to determine the presence and significance of any heritage assets with archaeological interest that will be affected by the development. Based on the results of this initial stage of works the requirement and scope of any further archaeological mitigation can be determined and implemented either in advance of or during construction works. This archaeological mitigation work may take the form of full area excavation in advance of groundworks or the monitoring and recording of groundworks associated with the construction of the proposed development to allow for the identification, investigation and recording of any exposed archaeological or artefactual deposits. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report.

We can provide the applicant with advice of the scope of the works required, as well as contact details for archaeological contractors who would be able to undertake this work.

REPRESENTATIONS

11 letters of representation from local stakeholder have been received. 7 of those representations express support for the application recognising the importance of providing affordable housing within the village as clarified in the Parish Plan and to respond to local need.

In terms of the 4 letters of objection, 3 are submitted as individual representations raising concerns on highway safety grounds given that the access is considered to be obscured and on the brow of a hill. The other representation is submitted on behalf of 15 residents who form part of the Cheriton Bishop & Dartmoor Community Conservation Groups and raise objection to the proposals on the following grounds.

Objection 1 - Any proposed development of this significance, controversy and impact, should go to a full planning committee, with a comprehensive consultation process. This is a new planning application and it should be judged on its own merits. Time has passed, certain information is out of date and there are changes within the latest set of documents. The original planning submission went to a committee and therefore the precedent has been set and this must also go to a planning committee.

Objection 2 - As a new planning permission, there should be a new and full consultation with organisations such as Dartmoor National Park and local residents of Cheriton Bishop.

Objection 3 - The Moor Park development in the centre of the village is now nearing completion and will provide 8 affordable rent homes and 2 shared ownership homes. This along with other minor developments in the area, will more than satisfy the needs of the community. This means that the proposed development is beyond the proven demonstrable need. The information updated on the website in relation to this area, does not identify:-

- 1) Who carried out the review
- 2) When the review was carried out
- 3) If it took into account the current new houses being built and other development in the area
- 4) Evidence to show the data is legitimate

We are not satisfied that this data is correct and ask that you investigate this data in detail and provide a robust commentary on this data to ourselves and publicly on your planning website.

Objection 4 - Based on the above item, this development is not in accordance with Policy AL/DE/6 - Bullet Point C - The development is beyond the proven local need.

Objection 5 - A development of this size, impact and controversy should go through the proper local plan process for Cheriton Bishop. This site is not on any of the current or previous local plans.

Objection 6 - There are many more suitable locations for development in the village, some of which are shown on the 2 most recent Cheriton Bishop Local Plans, These sites are far more suitable in critical areas such as pedestrian safety, visual impact and affect on landscapes. They are lower in elevation above sea level and are infill development between the village and the dual carriageway, as opposed to impacting on the Dartmoor fringe.

Objection 7 - This development presents an unacceptable level of risk to pedestrians. Given that a significant proportion of the road users are lorries and tractors and that the residents are expected to include elderly and disabled, this development is a recipe for disaster. Pedestrians will be in immediate danger when they step off the footpath which terminates only a few metres from the site entrance. There is not a suitable way to provide a footpath to the village shop and post office etc and therefore, development in this location should not be considered. COR9 - states that development should not adversely affect road network in terms of safety. There is a serious road safety issue here.

Objection 8 - The development will have an unacceptable adverse effect on the neighbouring properties - Policy COR2 - DM2

Objection 9 - The development will harm character and visual amenity - Policy COR2-DM14. Supporters and objectors both agree the existing properties at this location have had a significant impact. This is evidenced by a quote on the MDDC planning portal from the previous planning application. Quote from a supporter: "With regard to the view, all residents of Cheriton Bishop are only too aware of the large houses contiguous to the proposed development, which scar the skyline when coming from Crockernwell" another supporter states in relation to existing properties at that location. Quote: "They present a massive visual impact - a blot on the horizon." The difference between the supporters and objectors is that these supporters are saying that somehow as if by magic the proposed development will not have a similar impact.

Objection 10 - This site should be the last place in Cheriton Bishop to build houses and not the first place. It is an elevated site and one of the highest points in Cheriton Bishop. It is on agricultural land on the fringe of Dartmoor National Park, and previously designated as an Area of Great Landscape Value, which Teignbridge Council still recognise and reject developments on this basis.

Objection 11 - The planning permission does not include the significant stables which will need to be demolished and rebuilt at an alternative location in the field as part of the development. There are bats living in these stables. The stables are sizeable and will create their own visual impact, which will need to be mitigated. Planning should not be considered when the full impact of the development is hidden and therefore cannot be assessed.

Objection 12 - We believe that there is significant conflict of interest between the Parish Council who are promoting this development, who have members who are also actively involved in/directors of Cheriton Bishop Community Land Trust, who will benefit from this development.

Objection 13 - This development should be rejected because it has not gone through a local plan process and has not been shown on any local plans.

Objection 14 - Because this proposed development has gone straight to full planning application, we have not had an opportunity to input into the scheme, in terms of layouts, timing and restrictions. We are completely against the scheme but would also make the following comments about the proposals:-

Objection 15 - Planting hedge banks and trees should be carried out before the construction of any houses commences. - Hedge banks and trees take a while to grow and establish and should therefore be installed before any other site works. The hedge banks and trees would also provide some screening during building works.

Objection 16 - We seek to move plots 5, 6, 7 and 8 to the North of the site, to reduce the impact of the development.

Objection 17 - We seek to have the south west corner of the hedge bank cut back by 7.5m to minimise the impact of the development.

Objection 18 - We note that no chimneys are shown on the development and ask that a restriction is placed preventing chimneys being added at a later date.

Objection 19 - We request that the stables are located in a position which is agreed and acceptable to the residents of Yeoford Road. Ideally we would like the stables placed to the immediately to the West of the development and set back so they are not visible to many of the properties on Yeoford Road.

Objection 20 - There is no stated building height above sea level, which will allow the developer to build to whatever height they want to. This height needs to be clearly marked on the drawing.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

This current application is very similar to the proposals as supported by the Local Planning Authority under LPA ref: 15/00330/FULL. The means of access to the site remains the same with the access road designed to follow a straighter path. The development area and the development mix remains the same. The scale and massing of the building units has been slightly (very slightly) reduced but with the same architectural approach and palette of materials. Revisions to the drainage arrangements are proposed.

In addition the policy framework against which to assess the application scheme remains the same.

The main considerations in the determination of this application are set out below:

- 1. Policy**
- 2. Need for affordable housing in Cheriton Bishop**
- 3. Design and layout of housing, impact upon neighbouring properties and landscape and visual impact**
- 4. Surface water and drainage strategy**
- 5 Highway and parking provision**
- 6. Other matters**

1. Policy

The National Planning Policy Framework (the Framework) states that full weight may be given to relevant policies adopted since 2004 (and in accordance with the Planning and Compulsory Purchase Act 2004) even if there is a limited degree of conflict with the Framework. All the policies listed above and described in the following paragraphs have all been adopted since 2004, and therefore carry significant weight in the determination of this application

Policy DM1 of the Local Plan Part 3 Development Management Policies Proposed Submission requires that development is approved wherever possible, in accordance with the Local Plan, unless material considerations indicate otherwise.

Policy COR3 of the Mid Devon Core Strategy (Local Plan Part 1) sets the district target for the delivery of housing over the plan period. It seeks to deliver 100 affordable dwellings annually up until 2026.

Policy AL/DE/6 of the Allocations and Infrastructure Development Plan Document (DPD) sets out the authority's exceptions policy for the development of 100% affordable housing on sites to meet the needs of the local community. It requires for proposals to meet the following criteria:

- a) There is a proven need for affordable housing from households who have a strong local connection with the parish or adjoining parish;
- b) The site adjoins a settlement in a location which takes account of visual and other impacts or is specifically allocated for affordable housing to meet local needs;
- c) The type of affordable housing and the scale of provision is limited to meeting the proven local need;
- d) A planning obligation is enforced which retains all the dwellings as affordable housing in perpetuity and gives priority to occupation by those with a strong local connection with the parish or adjoining parishes.

Policy AL/DE/4 of the same document relates to the occupation of affordable housing. The Meeting Housing Needs Supplementary Planning Document sets out further advice and policy in addition to those already mentioned. The document sets out a dwelling mix at policy MHN/2 but as this application is for exceptions site housing to meet a local need it is accepted that the application need not meet with this policy. Policy MHN/12 states that in assessing the level and type of need for affordable housing in a rural area, the authority will consider using a housing needs survey, the Devon Home Choice or Council Housing register and/or the housing register of any registered provider.

Policy COR9 requires that development proposals should not adversely affect the road network in terms of traffic and road safety.

Policy COR2 of the Core Strategy and policies DM2 and DM14 require that new development does not harm the character and/or visual amenities of the area and that it is designed so that it is well integrated within its surroundings and reflective of local context. Policy DM2 requires development not to have an unacceptable adverse affect and amenity of neighbouring occupiers. Policy DM/5 relates to the design of new housing and states that new development should be designed to deliver high quality local places and that properties are of a suitable size including the provision of suitably sized private amenity space.

Policy DM29 relates to development that is within and/or affects Dartmoor National Park, requiring that it must not adversely affect the special qualities of the landscape.

Policy DM8 sets out criteria for the provision of car parking on site. Policy DM 14 sets out the development objectives that new housing should comply with, and the National Space Standards establish the criteria for internal space standards.

COR11 and DM2 concerns the drainage of surface water and foul drainage.

2. Need for affordable housing in Cheriton Bishop

Although the site is beyond the settlement limit, there would be policy support for the scheme as a matter of principal; if it can be proven that there is a proven need for affordable housing from households who have a strong local connection with the parish or adjoining parish.

The scheme is proposed to be developed for the Cheriton Bishop Community Land Trust (CBLT) who will retain the freehold of the site and with Hastow Housing Association managing the properties. CLT's are not for profit organisations set up by local residents to meet the needs of the community in respect of housing, workspaces and community facilities. Assets are held by the CLT in perpetuity for the benefit of the community as a whole.

The project has been progressed by CBLT in association with The Community Council of Devon as a continuation of the scheme that was previously taken through the planning process. The delivery and occupation model for the project is proposed to be the same as the previously considered scheme but as stated with a different housing association as the managing and delivery partner.

The Affordable Housing Allocations Team Leader of this Authority has continued to support this application confirming that the evidence base to support the application (Housing Needs Survey and Update Survey) remains valid when cross checked again the Devon Home Choice data base.

Finally on this matter, the majority of local stakeholders who have made representation on the application, recognise that there is a clear need for affordable housing in Cheriton Bishop, and within the surrounding Parishes.

In summary on this matter it is considered that the application proposals accord with AL/DE/6.

3. Design and layout of housing and impact upon neighbouring properties, and surrounding landscape

Design & Layout Issues: As stated above the application is in terms of the development area broadly the same as the site area proposed for the earlier scheme, on the top part of the field network which slopes down to the main road between Cheriton Bishop and Crockernwell and just outside the Dartmoor National Park. The site sits within a landscape character area of inland elevated and underlating land (LCT 5A).

The scheme layout as shown on the submitted plans is clearly described above. The materials proposed are reflective of the local vernacular and the layout reflects very closely the details of the earlier scheme, but with a straighter access road which delivers a different layout in terms of the siting of plot 5 and 6 and the communal open space area.

The Landscape and Visual impact assessment which was submitted to support the earlier scheme has been updated to support this current application, with the visualisations of the development area revised to reflect the current proposal.

Samples of all materials and fenestration details will be required by condition. From longer distance views the overall design of the dwellings is representative of the locality and the adjacent houses.

The size of the dwellings proposed in terms of internal layouts meet with the space standards as required by the National Guidance.

Impact on neighbouring properties: There is shallow slope across the width of the site from the Yeoford Road, which assists in terms of maintaining the overall height of the dwellings below the ridge height of the nearest house - Glenthorne, as was the case with the earlier scheme. This is evidenced on the street scene elevation. Furthermore given the juxtaposition between the proposed units and the existing houses, and the proposed heights relative to the adjacent properties, it is not considered the development is out of keeping with its context in terms of height scale and massing. The formation of new hedgerows, comprising planting on Devon banks to form a natural boundary (minimum 2.0 metres in height in total) and soft planting within the estate area will further assist in managing the transition of the new development area with the existing development from a ribbon form development to a linear extension arrangement proposed at 45 degrees to the existing settlement boundary. The visualisations show the scheme presents a comfortable bookend to the village without presenting as a dominant form on the skyline with the new planting clearly evident.

The immediately neighbouring properties to the east and south of the site of the site are orientated so that the outlook from these houses is westwards. As was the case with the earlier scheme the outlook from the new properties will be due south and therefore it is considered that there will be no uncomfortable window to window relationships, even between Glenthorne and the proposed units. There is a separation of distance of approximately 20.0 metres between Glenthorne and the apartment block, and therefore it is not considered that the application scheme will create an oppressive environment for the occupiers of the existing houses that are adjacent.

The level of separation gap is evident on the visualisations submitted. Finally, given the orientation of the development in relation to the existing houses (due north) and the overall massing proposed (at a lower level), the application scheme should not obscure sun light and and/or cast significant shadow to the existing buildings and their garden areas.

Whilst it is acknowledged that the wider setting for the current occupiers will change, it is not considered that the application proposals will adversely affect the amenities of the existing occupiers, and the proposed planting to form the southern boundary will help minimise the impact, as was the case with the earlier scheme.

Impact on landscape and visual amenity issues: In terms of both wider landscape impact from within the Dartmoor National Park, and the impact from Crockernwell Road the existing trees together with additional planting will soften the visual impact when viewed from middle distance locations from the south and west. The National Park Authority has been consulted on the application and has not raised any objections subject to the delivery of the new planting on the site boundary being made subject to a specific condition.

As with the earlier scheme the planning application proposals is supported by a landscape and visual appraisal, which has been updated, to demonstrate the impact on an objective assessment basis. The key conclusions drawn from that assessment are set out below:

Subject to the quality of the development the impact of the proposed built form on the overall landscape character is considered to be small. Given the elevated location of the site on the edge of the village, the proposals will have a visual impact on receptors in the surrounding area. The perpendicular nature of the layout in relation to the ribbon form of the existing development will have its greatest visual impact at closer distances. Summary points

- From Yeoford Rd, the roofscape and entrance will be visible the impact - the impact is considered to be low.
- The development area will be visible from the curtilage areas of the adjacent properties on Yeoford Rd and on the south of the main road to Crockernwell - the impact is considered to be low.
- The development will visually prominent when travelling east from Crockernwell - considered to be the highest impact.
- From areas within the National Park, and from the network of paths and bridleways in the village and wider area the development will be visible- the impact is considered to be low.

Natural England in their consultation comment clarify that the site is close to the Dartmoor National Park, and indicate that the advice provided by the National Park Authority (NPA) will be important in the decision on the planning application scheme. The comments submitted from NPA are considered to validate the conclusions reached in the Landscape and Visual appraisal as summarised above where they relate to the impact of the development on the setting of the National Park.

A condition is recommended regards additional planting to the details shown on the submitted plans to assist with softening the development in distant views

Overall the development of the site will have only a localised impact upon landscape character and visual amenities of the area and not one which is considered to be detrimental.

Overall it is considered that the development proposed will deliver affordable housing of a scale and design which adequately reflects the local vernacular and context of the locality and which will not adversely affect the special qualities of the landscape Dartmoor National Park. Accordingly the proposal is deemed to accord with the requirements of Policies COR2 of the Mid Devon Core Strategy (Local Plan Part 1) and DM2, DM14 and DM29 of Local Plan Part 3 (Development Management Policies).

4. Surface water and drainage

The site lies within flood zone 1 as defined by the Environment Agency, the area at lowest of flooding, and is not within 20 metres of a watercourse.

Foul waters are to be pumped to the existing mains via a pumping station positioned at the end of the service road. In addition provision is made for an attenuation tank to hold surface water flows before it is release and piped to the nearest water course.

The earlier scheme showed a SUDS arrangement with an underwater storage tank. This current scheme shows attenuation pond to be located adjacent to plot 8 and beyond the proposed new hedge line which will manage the surface water from the development area. A drainage strategy report has been prepared to support the proposals. It is concluded that the development will not result in flooding patterns beyond the site, as the SUDS scheme has been designed on the basis of greenfield runoff rates and to take account of the 1 in 100 year flood event. It is confirmed that the SUDS infrastructure will by the management company.

Accordingly, subject to the submission of specific conditions regarding the implementation and maintenance details of this aspect of the proposals the application is considered to comply with the requirements of Policies COR11 and DM2 of the Mid Devon Core Strategy (Local Plan Part 1) and the National Planning Policy Framework.

5. Highways and parking provision

As with the earlier proposals a new access is proposed from Yeoford Rd into the site utilising an existing field gate access with improvements to the visibility splays, which will require the removal of a section of the existing roadside hedgerow. The Highway Authority has been consulted on the application and is supportive of the proposals subject to conditions.

The road immediately outside the site represents one of the main routes into and out of the village and to ensure that the development of the site is carried out in a fashion which minimises disruption to traffic it is recommended that a condition be imposed requiring the submission of a Method of Construction Statement prior to works commencing.

Each dwelling is proposed to have two allocated parking spaces with four visitor parking spaces at the entrance to the site. Whilst there is no direct pedestrian route into the village, the distance to the village is less than 300metres, and therefore manageable on foot or cycle.

Accordingly the proposals are considered to be in accordance with Policies COR9 and DM8.

A number of local stakeholders including the applicant have suggested that the Highway Authority review the speed controls on the section of highway adjacent to the application site. The Highway Authority will be advanced of these views.

6. Other matters

Ecological issues:

The site is of overall low value to wildlife as it is species poor and intensively grazed improved grassland. It is noted the hedges provide potential habitats as does the existing stable which is to be removed. A series of planned mitigation is proposed with compensation in the form of bat tubes to be fitted to the buildings, native planting above the new Devon banks as is proposed and bird nesting boxes.

When the earlier application was submitted an Ecological report (dated August 2014) was submitted to support that application. The ecologist who completed that report in August 2014 has provided an overview of the findings of that report following a recent survey carried out in October this year. The update report validates the earlier findings of the 2014 report and advises that the project is carried out in accordance with the requirements of 6.4 of that earlier report. The terms of the proposed mitigation will be required through a specific condition.

Section 106 Matters:

The education contributions as requested by Devon County Council as set out in the consultation section of this report to mitigate the impact of the development and the controls regards the terms of occupation of the dwellings are to be controlled through a section 106 agreement.

Various comments raised by local stakeholders:

1. The site is not needed, as affordable housing is to be provided on the Moor Park site and Church Lane could also provide an element of affordable housing. Whilst it is acknowledged that the scheme approved for the Moor Park site (outside of MDDC) includes 8 affordable units, the application scheme in conjunction with these units fall just below the level of local need as indicated in the update housing needs survey. As stated above when checked against the records on the Devon Home Choice Data base the Housing Needs survey is considered to remain an accurate reflection of local need
2. The Local Planning Authority has reviewed the Landscape and visual appraisal and considers that it presents an objective assessment of the impacts having followed an accepted methodology. The conclusions reached are set out above and are reflective of the comments submitted by the Dartmoor National Park Authority who has not raised an objection to the application scheme.

3. Any future applications for a replacement stabling building will be assessed on its own merits.
4. Concern about the height of the proposed dwellings. This will be dealt with by condition.

New Homes Bonus:

The proposed dwellings would be eligible for counting towards the New Homes Bonus. If the New Homes Bonus is distributed across Council Tax Bands in the same way as in 2015, the award for each house would be £1,028 per year (attracting a further £350 bonus payment as all the houses are to affordable homes), paid for a period 5 years. The amount of New Homes Bonus to be generated by this development would be £6,890.00. The potential receipt of these monies is a positive aspect of the proposal but the weight attributed to this consideration is no greater than the weight to be applied the matters as considered and discussed above.

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 commencement of the construction of the houses shall not begin until samples of the materials to be used for all the external surfaces of the buildings have been submitted to and approved in writing by the Local Planning Authority. Such approved materials shall be so used and retained.
4. The external doors, door frames and windows hereby permitted shall be recessed into the walls in accordance with details to be submitted to and approved in writing by the Local Planning Authority. These works shall be carried out in accordance with the approved details and be so retained.
5. All planting, seeding, turfing or earthworks comprised in the approved details of landscaping as shown on the submitted and approved landscape plan as shown on drawing numbered 1615-01 revP2, shall be completed prior to the occupation of any of the houses hereby approved and shall be so retained thereafter. Any trees or plants which within a period of five years from the implementation of the scheme, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
6. No development shall take place until a construction management plan or construction method statement, also incorporating a phasing plan, for the development has been submitted to and been approved in writing by the Local Planning Authority.
The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:
 - (i) Parking of vehicle of site operatives and visitors.
 - (ii) Routes for construction traffic.
 - (iii) Hours of operation.
 - (iv) Method of prevention of mud being carried onto highway.
 - (v) Pedestrian and cyclist protection.
 - (vi) Arrangements for turning vehicles.
7. The conclusions and mitigation measures as set out at paragraph 6.4 of the Greenecology Preliminary Ecological Appraisal (Final Report - dated October 2014) received on shall be complied with in full during construction of the development hereby approved and also thereafter in terms of the on-going management regime of the communal areas.

8. The proposed estate road, footways, verges, junctions, street lighting, sewers, drains, 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.
9. The development of the dwellings hereby approved shall not be commenced until:
 - a) The access road has been laid out, kerbed, drained and constructed up to base course level for the first 20 metres back from its junction with the public highway.
 - b) The ironwork has been set to base course level and the visibility splays required by this permission laid out.
 - c) A site compound and car park have been in a location previously submitted to agreed in writing by the Local Planning Authority.
10. The occupation of any dwelling shall not take place until the following works have been carried out:
 - a) The cul-de-sac carriageway including the vehicle turning head within that phase shall have been laid out, kerbed, drained and constructed up to and including base course level, the ironwork set to base course level and the sewers, manholes and service crossings completed;
 - b) The cul-de-sac footways and footpaths which provide that dwelling with direct pedestrian routes to an existing highway maintainable at public expense have been constructed up to and including base course level;
 - c) The cul-de-sac visibility splays have been laid out to their final level;
 - d) The street lighting for the cul-de-sac and footpaths has been erected and is operational;
 - e) The car parking and any other vehicular access facility required for the dwelling by this permission has/have been completed;
 - f) The verge and service margin and vehicle crossing on the road frontage of the dwelling have been completed with the highway boundary properly defined;
 - g) The street nameplates for the spine road and cul-de-sac have been provided and erected.
11. Prior to the commencement of the development, the following details shall be submitted to and approved in writing by the Local Planning Authority:
 - i) Design of the surface water drainage system. Such design to include details of attenuation tank, flow control devices and connection pipes. The system shall be designed to ensure that there is no increase in the rate of surface water runoff from the site resulting from the development as compared with existing.
 - ii) An inspection regime during the construction of the surface water drainage system together with submission of a written report to the Local Planning Authority confirming the inspection regime has been adhered to.
 - iii) Details of proposed maintenance of the system for the lifetime of the development.

The development shall be carried out in accordance with the approved details and so retained.

12. Prior to the commencement of the development of the dwellings hereby approved, the proposed finished floor and roof ridge levels indicating the relative height between the application scheme and the existing adjacent development shall be submitted to and approved in writing by the local planning authority in accordance with the details as set out on approved drawing no. 30481-P-6. The details as approved shall be implemented accordingly.
13. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.

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

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 visual amenities of the area in accordance with Policy COR2 of the Mid Devon Core Strategy (Local Plan Part 1) and Policies DM2 and DM14 of the Mid Devon Local Plan Part 3 (Development Management Policies).
4. To ensure the use of materials and detailing appropriate to the development in order to safeguard the visual amenities of the area in accordance with Policy COR2 of the Mid Devon Core Strategy (Local Plan Part 1) and Policies DM2 and DM14 of the Mid Devon Local Plan Part 3 (Development Management Policies).
5. To soften the visual impact of development on the visual amenities and landscape character of the areas and to help minimise the impact on the general amenities of the area in accordance with Policies DM2 and DM14 of the Mid Devon Local Plan Part 3 (Development Management Policies).
6. This information is required prior to the commencement of development. In the interests of safe operation of the highway and to protect the amenities of the occupiers of nearby dwellings in accordance with Policy DM14 of the Mid Devon Local Plan Part 3 (Development Management Policies).
7. To ensure the protection of any ecological interests at the site.
8. To ensure that adequate information is available for the proper consideration of the detailed proposals.
9. To ensure that adequate on site facilities are available for all traffic attracted to the site during the construction period, in the interest of the safety of all users of the adjoining public highway and to protect the amenities of the adjoining residents in accordance with Policy DM2 of the Local Plan Part 3 (Development Management Policies).
10. To ensure that adequate access and associated facilities are available for the traffic attracted to the site, in accordance with Policy COR9 of the Mid Devon Core Strategy (Local Plan Part 1) and Policy DM2 of the Local Plan Part 3 (Development Management Policies).
11. This information is required prior to the commencement of development to prevent an increase in flood risk, and to ensure the efficiency of the drainage system is sustained for the lifetime of the development in accordance with Policy COR9 of the Mid Devon Core Strategy (Local Plan Part 1).
12. This information is required to ensure the application scheme complies withdrawing no 30481-P-6 which is an approved drawing, and in accordance with Policies DM2 and DM14 of the Mid Devon Local Plan Part 3 (Development Management Policies).
13. To ensure, in accordance with paragraph 141 of the National Planning Policy Framework (2012) and the supporting text in paragraph 5.3 of the Mid Devon Local Plan Part 3: Development Management Policy DM27 (2013), that an appropriate record is made of archaeological evidence that may be affected by the development.

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

This planning application proposal is very similar to the scheme as considered and recommended for approval by the Planning Committee of Mid Devon District Council under LPA ref: 14/00330/FULL and the proposed housing development is considered to be justified on this parcel of land, outside the defined settlement limit of Cheriton Bishop, as it will meet an identified affordable housing need in Cheriton Bishop and the surrounding parishes. The delivery of affordable housing outweighs any localised impacts that may arise. Subject to the imposed conditions the proposal will deliver a development which utilises building materials and an overall design that reflects the local vernacular and context within which the site is located and will have an acceptable impact upon the visual amenities and landscape quality of the immediate locality and its setting adjacent to the Dartmoor National Park. Furthermore the development is not considered to have a detrimental impact upon National Park Statutory purposes.

The scheme proposes adequate access onto the public highway and in conjunction with the internal site layout and parking provision, will deliver a scheme which does not cause harm to highway safety and which delivers parking provision to meet the needs of the dwellings proposed in accordance with policy. Subject to specific detailing prior to construction provision is proposed to be made to ensure that drainage from the site will be adequate and that surface water run-off rates will be no greater than at present. The proposed dwellings will not cause demonstrable harm to the privacy or amenity of neighbouring residents and subject to conditions will not cause harm to the health and safety of surrounding trees or hedgerows or to the habitat of protected species and will make appropriate provision for new planting. The applicant has agreed to enter into a Section 106 agreement to cover the required off site education contribution and the allocations policy for the new houses. Having regard to all material considerations the application is considered to accord with the requirements of Mid Devon Core Strategy (Local Plan Part 1) Policies COR1, COR2, COR3, COR9, COR11 and COR18, Mid Devon Allocations and Infrastructure Development Plan Document (Local Plan Part 2) Policies AL/DE/4, AL/DE/5 and AL/DE/6, Local Plan Part 3 (Development management policies) Policies DM1, DM2, DM8, DM14, DM15 and DM29 and the National Planning Policy Framework.

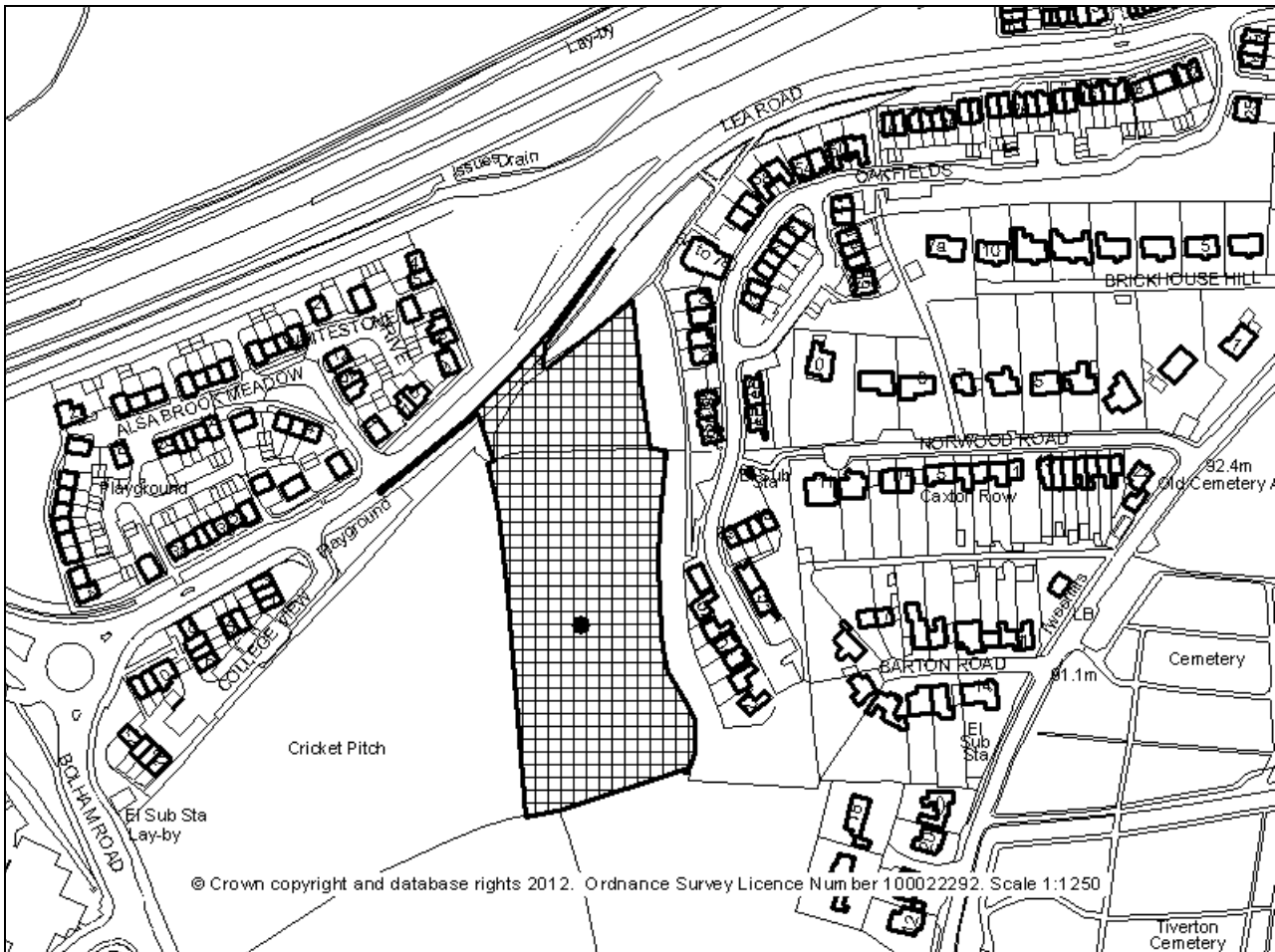
Grid Ref: 295527 : 113644

Applicant: The Frankpitt Family Trust

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

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

Date Valid: 2nd November 2016



Application No. 16/01707/MOUT

RECOMMENDATION

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

1. The provision of 12 affordable dwellings on site
2. A financial contribution of £49,405 towards the provision of a new play area garden at the entrance to Amory Park, including new fencing, entrance gates, furniture and signs
3. A financial contribution of £139,933 towards the provision of additional primary education facilities
4. Provision of the estate road up to the southern boundary of the site.

PROPOSED DEVELOPMENT

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

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

A suitable surface water drainage scheme with attenuation is proposed.

APPLICANT'S SUPPORTING INFORMATION

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

PLANNING HISTORY

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

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

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

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

AL/DE/3 - Affordable Housing Site Target
AL/DE/4 - Occupation of Affordable Housing
AL/DE/5 - Inclusive Design and Layout
AL/IN/3 - Public Open Space

Mid Devon Local Plan Part 3 (Development Management Policies)

DM1 - Presumption in favour of sustainable development
DM2 - High quality design
DM8 - Parking
DM28 - Green infrastructure in major development

CONSULTATIONS

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

17th January 2017

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

HIGHWAY AUTHORITY - 15 November 2016 -

Observations:

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

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

Recommendation:

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

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

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

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

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

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

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

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

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

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

A) The spine road and cul-de-sac carriageway including the vehicle turning head within that phase shall have been laid out, kerbed, drained and constructed up to and including base course level, the ironwork set to base course level and the sewers, manholes and service crossings completed;

B) The spine road and cul-de-sac footways and footpaths which provide that dwelling with direct pedestrian routes to an existing highway maintainable at public expense have been constructed up to and including base course level;

C) The cul-de-sac visibility splays have been laid out to their final level;

D) The street lighting for the spine road and cul-de-sac and footpaths has been erected and is operational;

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

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

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

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

4. No development shall take place until a surface water drainage scheme has been submitted to and approved in writing by the County Planning Authority. Unless it is demonstrated that it is unfeasible to do so, the scheme shall use appropriate Sustainable Urban Drainage Systems. The drainage scheme shall be designed so that there is no increase in the rate of surface water runoff from the site resulting from the development and so that storm water flows are attenuated. The development shall be carried out in accordance with the approved scheme.

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

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

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

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

(a) the timetable of the works;

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

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

REASON: To ensure the proper development of the site.

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

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

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

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

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

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

Observations:

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

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

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

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

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

23rd November 2016

Recommendation:

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

Observations:

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

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

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

The aforementioned drawing also proposes the use of permeable paving, which I would support in-principle as it will serve to manage some of the surface water runoff generated from this proposed development at source, in accordance with the SuDS Management Train. However, in the absence of infiltration testing results at the locations and depths of the proposed permeable paving at this outline stage, the applicant will be required to treat these areas as being lined and therefore positively draining to the attenuation systems. This is also particularly important because the site is located on a steep slope, and as such the use of infiltration devices needs to be carefully considered to ensure that infiltrating water will not raise groundwater levels, emerge further downslope, or destabilise the slope itself.

In the meantime, the applicant must also note that where infiltration is not used, long term storage must be provided in order to store the additional volume of runoff caused by the increase in impermeable area, which is in addition to the attenuation storage required to address the greenfield runoff rates.

Long term storage should therefore be included within the surface water drainage management plan to ensure that each element is appropriately sized, and this should discharge at a rate not exceeding 2 litres/second/hectare.

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

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

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

HISTORIC ENVIRONMENT SERVICE - 7th November 2016

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

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

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

Air Quality - No objections

Drainage - No objections

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

Three-storey residential flats with communal refuse facilities

Internal Storage

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

External Storage

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

Housing Standards - No comments

Licensing - No comments

Food Hygiene - N/A

Private Water Supplies - N/A

Health and Safety - No objection enforced by HSE

NATURAL ENGLAND - 10th November 2016

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

The Wildlife and Countryside Act 1981 (as amended)

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

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

Statutory nature conservation sites - no objection

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

Protected species

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

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

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

Local sites

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

Biodiversity enhancements

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

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

Landscape enhancements

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

Sites of Special Scientific Interest Impact Risk Zones

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

DEVON, CORNWALL & DORSET POLICE - 9 November 2016 -

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

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

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

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

- A physiological barrier at the entrance to this development such as a change in road colour to define the private road and brick pillars would emphasise privacy and give a gated impression.
- Car parking provision will require careful consideration if tension between neighbours from unsocial parking is to be avoided. On street parking, whilst being overlooked can leave vehicles vulnerable to opportunist car crime and vandalism.
- Courtyard parking should be small in size and close to the owners homes or it will not be used resulting in vehicles being parked on streets and pavements.
- Whilst 'communal open space' is indicated, there appears to be no provision of LAP or LEAP, likely resulting in young people playing in the street and parking courts leading to conflict with car owners.
- I would like to see a very strong definition between what is private and what is public land, with strong defensible space. It is unclear what boundary treatments are to be used.

HOUSING ENABLING & BUSINESS SUPPORT MANAGER - 13th January 2017

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

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

1 Bed 2 units

2 Bed 6 units

3 Bed 4 units

DEVON COUNTY EDUCATION - 12th January 2017

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

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

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

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

LEAD LOCAL FLOOD AUTHORITY - 2nd January 2017

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

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

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

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

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

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

Observations:

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

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

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

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

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

REPRESENTATIONS

1 representation summarised as follows:

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

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in determining this application are:

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

1. Principle of development

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

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

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

2. Access

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

Whilst the indicative plan does not show the access road up to the boundary of the site, to ensure good planning, the S106 will include a requirement for the road to be constructed to the boundary in order to access the remaining parcel of land and allow the estate road to loop back round into Oakfields should the remaining parcel of land come forward for development.

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

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

3. Drainage and ground stability

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

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

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

Foul drainage will discharge into the public sewer.

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

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

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

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

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

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

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

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

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

5. Landscaping and ecology

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

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

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

6. Section 106 and other financial considerations

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

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

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

The proposed dwellings would be eligible for counting towards the New Homes Bonus. If the New Homes Bonus is distributed across Council Tax Bands in the same way as in 2015, the award for each house would be £1,028 per year (each affordable house attracting a further £350 bonus). Assuming completion in 2017/18 the award would be paid over a period 5 years, amounting to £231,740. If completion takes place in 2018/19, the period would be reduced to 4 years, amounting to £185,392.

CONDITIONS

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

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

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

10. The proposed estate road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.
11. No other part of the development hereby approved shall be commenced until:
 - a) The access road has been laid out, kerbed, drained and constructed up to base course level for the first 20.00 metres back from its junction with the public highway
 - b) The ironwork has been set to base course level and the visibility splays shown on drawing number 151789-T01 have been laid out
 - c) The footway on the public highway frontage shown on drawing number 151789-T01 has been constructed up to base course level
 - d) A site compound and car park have been provided in accordance with details approved under condition 9.
12. Within twelve months of the first occupation of the first dwelling in an agreed phase of the development, all roads, footways, footpaths, drainage, statutory undertakers' mains and apparatus, junction, access, retaining wall and visibility splay works shall be completed in accordance with the details approved under condition 10.
13. Within twelve months of substantial completion of the development, all landscaping, including planting, seeding, turfing and earth reprofiling, shall be completed in accordance with a landscaping scheme that shall have been previously submitted to and approved in writing by the Local Planning Authority. Within a period of five years from the completion of the development any plants which die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.
14. The development hereby approved shall not be carried out otherwise than in accordance with a phasing programme which shall previously have been submitted to and approved in writing by the Local Planning Authority.

REASONS FOR CONDITIONS

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

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

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The proposed development is acceptable in that the site is within the defined settlement boundary of Tiverton where the principle of new residential development in a sustainable location, close to services, facilities and public transport, is acceptable. The access onto Lea Road is considered to be acceptable in terms of accessibility and highway safety and the development would provide suitable surface water and foul drainage systems to ensure flood risk is not increased elsewhere. Details of the site layout, landscaping and the appearance of the dwellings are reserved for later consideration under a reserved matters application. However, it is considered that a suitable development is capable of being provided on the site, taking into account parking standards, visual amenity, biodiversity and green infrastructure, and the living conditions of existing residents. The development will provide 12 affordable dwellings on site and financial contributions towards public open space and improvements to primary and secondary education facilities will be secured by a Section 106 legal agreement.

The development will also generate the payment of a New Homes Bonus.

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

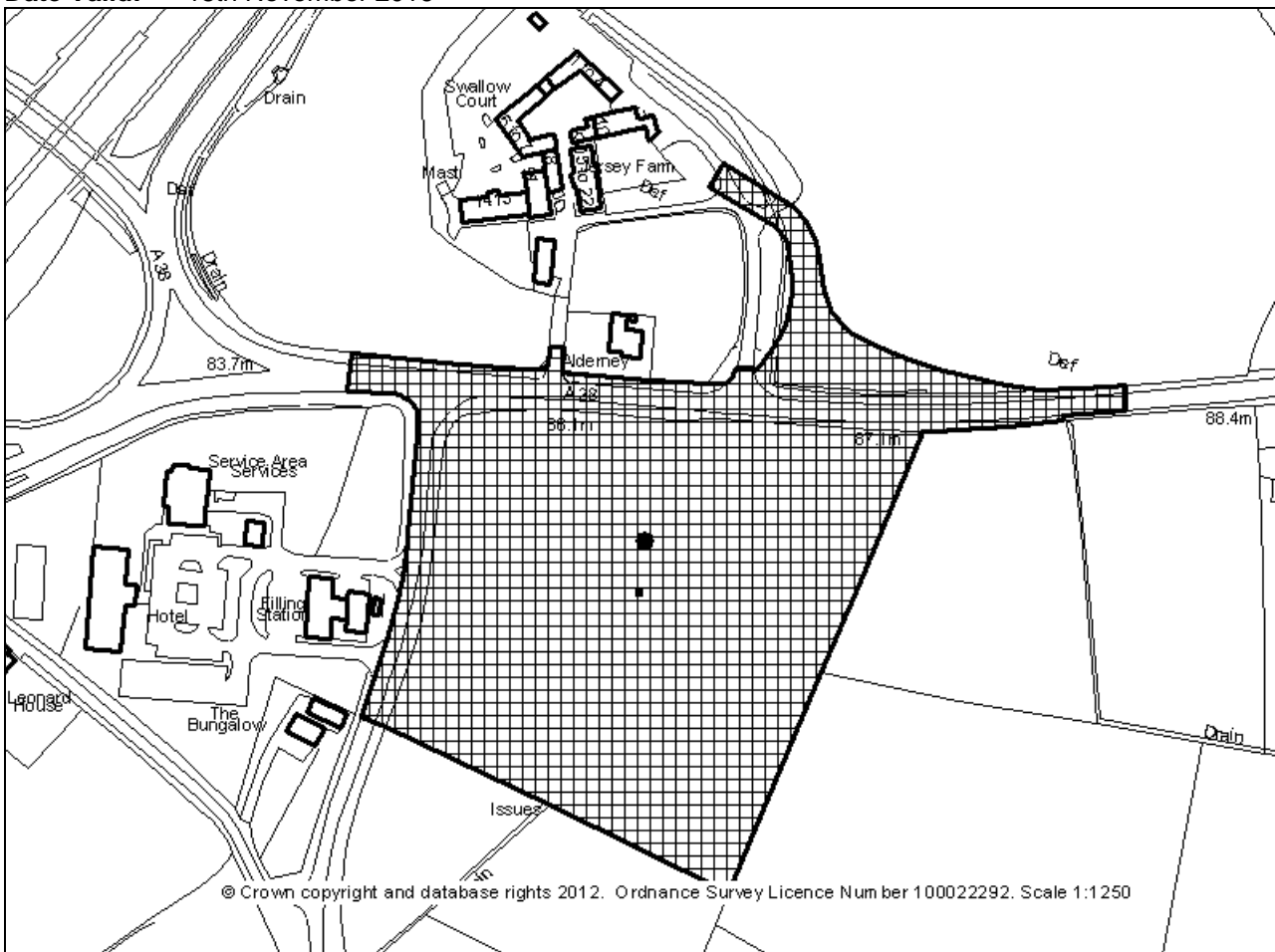
Grid Ref: 305037 : 113872

Applicant: Friends Life Ltd

Location: Land at NGR 305036
113872 (Junction 27)
Sampford Peverell
Devon

Proposal: Reserved Matters for
the erection of mixed
use facilities building
with associated
parking and highway
works following Outline
approval
13/00947/MOUT

Date Valid: 18th November 2016



Application No. 16/01773/MARM

RECOMMENDATION

Approve Reserved Matters subject to conditions.

PROPOSED DEVELOPMENT

This application seeks reserved matters approval for the erection of a Roadside Service Area, HGV filling station and associated parking, drainage and landscaping works. This is a site outside any recognised settlement limit in the open countryside on the A38 at J27 of the M5 in the parish of Burlescombe. The site extends to 3.84 hectares and has a gentle fall of approximately 3m from north to south. The site is located directly to the east of the existing roadside service area (RSA), to the south of Swallow Court and to the west of Waterloo Cross.

Outline planning permission was granted in 2014 as a renewal of an earlier permission to develop the site as an extension to the existing RSA. The outline planning permission determined only the access arrangements in detail, which comprised a new roundabout off the A38 to also serve Swallow Court on the opposite side of the A38. This submission seeks reserved matters approval for the layout, scale, appearance and landscaping of the site.

The proposal incorporates the following features:

Amenity building over 2 stories, accommodating:

Retail (A1) - 443 square metres

Tourist Information Centre (A2) - 24 square metres

Restaurant/Café (A3) - 703 square metres

Staff accommodation, administration and storage (B1) - 106 square metres

Ancillary uses (circulation, WC's etc.) - 68 square metres

HGV filling station with canopy roof and 42 square metre kiosk building

Outdoor children's play area, picnic area and terrace

157 car parking spaces including dedicated spaces for disabled persons and electric vehicle charging

10 spaces for motorbike parking

11 spaces for coaches/caravans

17 spaces for HGV's/coaches

The amenity building has curved roofs which are proposed to be clad in metal with standing seams. The walls are proposed to have a rendered finish above a brick plinth with elements of timber cladding and timber louvres and aluminium framed windows and doors. There are expanses of glazing proposed on all four elevations. This design and material palette gives the building a modern appearance. The maximum height of the building is 11.5m above ground level with the main roof being 10m above ground level.

The fuel filling station canopy is to have a curved standing seam roof to match that of the amenity building, with a maximum height of 6m. The kiosk building proposes full height glazing to the front and vertical timber cladding and high level glazing on the remaining elevations and a maximum height of 4.2m.

In addition to the highway works consented as part of the outline planning permission, this application proposes the construction of a roundabout at the southern end of the western boundary of the site on the C107 to provide access to the existing service area and an additional point of access on the C107 into the application site. These works facilitate the access and egress from the existing RSA onto the A38 via the application site as the C107 is to be stopped up at its junction with the A38.

Surface water and highway drainage is proposed to be dealt with by way of a combination of underground storage, above ground detention basins and swales. Foul sewage is to be discharged using a package treatment plant due to the distance to the main foul sewer.

APPLICANT'S SUPPORTING INFORMATION

Ecology Report
Foul Drainage Assessment
Statement on the compliance with the outline planning permission and its conditions
Tree Survey and Tree Constraints Plan
Statement of Community Engagement
Waste Audit Statement

PLANNING HISTORY

93/00294/OUT - Outline for the erection of extension of existing facilities and parking to meet full motorway service area standards - Granted October 1995
00/01693/FULL - Application under S.73 of the Town and Country Planning Act 1990 to carry out development permitted under planning permission. 4/06/93/0294 (outline for extension of existing facilities and parking to meet full motorway service area standards) without complying with conditions 2,3,4, and 5 (relating to time limits for submission of Reserved matters and commencement, completion of off-site drainage works and completion of specific highways works) - Granted October 2004.
04/02160/ARM - Reserved Matters for extension of existing facilities and parking to meet full motorway service area standards (following outline approved under planning permission 00/1693/FULL) - Granted July 2005.
06/00674/ADVERT - Consent to display non-illuminated advertisement - Refused May 2006.
09/01380/MOUT - Outline for the erection of mixed use facilities building with associated parking and highway works - refused 15th December 2009 APPEAL ALLOWED WITH CONDITIONS 27.08.10 - REFUSE
10/00546/MOUT Outline for the erection of mixed use facilities building with associated parking and highway works (Revised scheme) - PERMIT - 06.07.2010
13/00947/MOUT Application to replace extant planning permission 10/00546/MOUT (to extend time limit). Outline for the erection of mixed use facilities building with associated parking and highway works (Revised scheme) - PERMIT - 17.01.2014
13/01192/MOUT Application to replace extant planning permission 09/01380/MOUT (to extend time limit). Outline for the erection of mixed use facilities building with associated parking and highway works - PERMIT - 22.11.2013

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR1 - Sustainable Communities
COR2 - Local Distinctiveness
COR4 - Meeting Employment Needs
COR9 - Access
COR10 - Strategic Transport Networks
COR11 - Flooding
COR18 - Countryside

Mid Devon Local Plan Part 3 (Development Management Policies)

DM2 - High quality design
DM3 - Sustainable design
DM4 - Waste management in major development
DM6 - Transport and air quality
DM8 - Parking
DM20 - Rural employment development
DM28 - Green infrastructure in major development

CONSULTATIONS

NATURAL ENGLAND - 1st December 2016

No comment.

BURLESCOMBE PARISH COUNCIL - 6th December 2016

Burlescombe Parish Council considered this application at their Council Meeting on Monday 5th Dec 2016 and have the following comments for the Planning Committee to consider.

1. This area is supposed to be the gateway to the South West and Councillors consider the scale of the application too large. The proposed amenities building is in too prominent a position and excessive in size. It is considered inappropriate for the surrounding landscape. It will be very visible from all the roads and out of keeping with the lower buildings in this area.
2. There is inadequate screening to prevent all the buildings being seen from the other side of the M5 and the surrounding properties. This would be alleviated by a reduced height of the amenities building and the hedges need to be more robust with more emphasis on British hedgerow plants. It is requested that conditions are made to ensure that the hedgerows planted are mature enough to give an instant barrier and the trees are both natural to the site and mature. The current hedgerows should be retained to ensure that the wildlife that depend on these areas are not disturbed and will also provide some immediate screening.
3. There is already considerable light pollution in the area and although lighting is essential for safety purposes it is requested that all efforts are made to ensure that the lights are shaded with down lighters and subdued where possible.

HIGHWAY AUTHORITY - 4th January 2017

Observations:

The Highway Authority has no technical objections to the proposal, and the works will be subject to a legal agreement under the highways act for the delivery of the adoptable road, and works to the existing public highway, along with the stopping up of existing public highway.

However the conditions on construction details still remain and suitable Grampian style conditions requiring the new road to be open to the public traffic as a public Highway will need to be provided prior to the stopping up and closure of the existing road at its junction with the A38.

There fore the following conditions are advised.

Recommendation:

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

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

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

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

REASON: To ensure the proper development of the site.

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

- A) The access road and Roundabout have been laid out, kerbed, drained and constructed up to base course level for the first 20.00 metres back from its junction with the public highways
- B) The ironwork has been set to base course level and the visibility splays required by this permission laid out
- C) The footway on the public highway frontage required by this permission has been constructed up to base course level
- D) A site compound and car park have been constructed to the written satisfaction of the Local Planning Authority

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

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

- (a) the timetable of the works;
- (b) daily hours of construction;
- (c) any road closure;
- (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
- (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
- (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
- (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
- (h) hours during which no construction traffic will be present at the site;
- (i) the means of enclosure of the site during construction works; and,
- (j) details of proposals to promote car sharing amongst ;construction staff in order to limit construction staff vehicles parking off-site;
- (k) details of wheel washing facilities and obligations;
- (l) The proposed route of all construction traffic exceeding 7.5 tonnes;
- (m) Details of the amount and location of construction worker parking;
- (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;

5. Off-Site Highway Works No development of the commercial building/facilities, the stopping up of existing highway shall take place on site until the off-site highway works for the provision of the roundabouts, and new adopted public highway have been constructed, are open to the public as a public highway and made available for use.

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

6. On-Site Highway Works the on-site highway works including parking shall be constructed and made available for use before any other part of the development commences.

REASON: To ensure that adequate facilities are available for construction traffic in accordance with Paragraph 32 of NPPF

DEVON, CORNWALL & DORSET POLICE - 28th November 2016

Thank you for the opportunity to comment on the above application. Please find the following advice and recommendations from a designing out crime, fear of crime, antisocial behaviour (ASB) and conflict perspective:-

It is disappointing there is no Design and Access Statement (DAS) available to reference the developer's intentions/proposals regarding designing out crime or crime prevention. As such there is no way of knowing how these fundamental issues have been considered. It is recommended the development is constructed to achieve full Secured by Design compliance to ensure a consistent level of security throughout and opportunities for crime, the fear of crime, ASB and conflict are minimised.

It should be ensured that the main glazed store frontage is protected against any possible accidental or deliberate vehicle attack this could be achieved through appropriately located bollards/planters etc. External doors and windows are recommended to be independently security tested and certificated products to an appropriate nationally recognised standard such as PAS24:2012 or similar.

The store and petrol station should be protected by a monitored intruder alarm compliant with current Chief Police Officer Group guidelines. I am assuming the store/petrol station will have CCTV internally? I would also recommend that CCTV externally cover the store, petrol station forecourt and car park. This would help deter crime but is also essential in terms of crime investigation, for example identifying vehicles being used by persons suspected of shoplifting or other crimes. If site wide CCTV is not to be installed I would again ask that a suitable planning condition be considered to enable this. This is again to assist in the detection and prevention of crime and disorder. The CCTV must have a recording format that is acceptable to the Police. Recorded images must be of evidential quality if intended for prosecution. It is advised any CCTV to be installed is to BS EN 50132-7: CCTV surveillance systems for use in security applications.

CCTV systems may have to be registered with the Information Commissioners Office (ICO) and be compliant with guidelines in respect to Data Protection and Human Rights legislation. Further information is available via www.ico.gov.uk

The car parking areas appear that they will benefit from good natural surveillance from adjacent roads, paths and nearby buildings but care should be taken with regard to planting, landscaping and trees so as to not hinder this or inadvertently create hiding places or locations where individuals can gather out of sight or impede lighting or CCTV cameras. Also landscaping should not provide opportunities to create short cuts.

Ideally vehicular access should be prevented into the car parking areas when the store is closed by means of a lockable gate, barrier or retractable bollards or alternatively obstacles may need to be introduced to break up the open space of parking areas such as planters, landscaping or kerbing to reduce the amount of space and distance required to gain speed or drive anti socially. The Police deal with a vast amount of complaints with regard to car parks and antisocial driving and the associated noise and nuisance which can cause damage and much annoyance and upset for facility users and local residents.

I recommend some form of traffic calming be incorporated into the proposed main access road from the A38 which intended to serve both sites. In its present form it has the potential to become, predominately but not exclusively out of hours, a race track for 'boy racers'.

Care will need to be taken to not inadvertently design in features or smooth surfaced structures e.g. ramps, railings, walls, benches etc as these can attract activities such as skateboarding and BMX, which can cause damage and create noise and nuisance issues for other visitors and nearby residents.

I note the play area is enclosed on 3 sides by the building and hedging. I recommend some form of formal barrier between the play area and terrace due to its close proximity to a formal gap in the boundary hedge, giving direct access to the access road. In locations where there is a busy road or other potential hazard, or where the space is catering for younger children or those who find it difficult to stay in one place and may be in danger if they do not, fencing or secure boundaries may be essential, but it is still possible to design this in a way that suits both the site and the needs of the children.

To assist all SBD member companies and their certificated products can be found by accessing the Secured by Design website but please do not hesitate to contact me should you require any assistance with regard to this or there is anything else I can help with.

ENVIRONMENTAL HEALTH - 30th November 2016 - Contaminated Land - No objections

Air Quality - No objections

Environmental Permitting - No objections

Drainage - No objections

Noise & other nuisances - No objections

Housing Standards - No comment

Licensing - No comments

Food Hygiene - No objection. Advice can be given on layout etc. forward layout plans if you wish to receive this. Ensure sufficient ventilation, wash and hand basins, preparation & storage space, W.C's are ventilated with a lobby between food rooms and there is sufficient waste storage provision.

Private Water Supplies - N/A

Health and Safety - No objection. Ensure layout considers traffic management & separating of vehicles from pedestrians as far as practical, adequate lighting, designs of play area should consider ROSPA guidance.

Advice can be given forward layout plans if you wish to receive this.

HIGHWAYS ENGLAND - 30.11.16

Highway England's formal recommendation is that we: offer no objection.

Annex A - Highways England recommendation for no objections.

HIGHWAY ENGLAND ("we") has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such works to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

This response represents our formal recommendations with regard to planning application 16/01773/MARM and has been prepared by the Asset Manager for the SRN in Devon.

We have undertaken a review of the relevant documents supporting the planning application to ensure compliance with the current policies of the Secretary of State as set out in DfT circular 02/2013 "The Strategic Road Network and the Delivery of Sustainable Development" and the DCLG National Planning Policy Framework (NPPF).

Statement of Reasons

The application seeks approval for reserved matters in connection with appearance, landscaping, layout and scale for a mixed use facilities building and associated works in relation to improved trunk road services facilities near junction 27 of the M5.

We are satisfied that the traffic impact of the proposed development was dealt with at the outline stage and we have no comments on these reserved matters.

We are therefore satisfied that the impact of the proposals on the strategic road network will not be severe as defined by the NPPF.

Recommendation

Highways England has no objection to the proposal.

MID DEVON DISTRICT COUNCIL - TREE OFFICER - 17th January 2017

Introduction

Overall the site comprises of field boundary hedgerows, standard trees and arable land. In particular the southern and eastern boundaries are species rich hedgerows with a proven presence of dormice.

The alterations to the highway layout will have an environmental impact on the surrounding area, mainly due to the removal of trees; however this layout was established and approved in 2010.

Southern side of the A38

The main part of the site is proposed to the south of the A38. The majority of the land will be used for the building and parking. Ecologically and aesthetically the species rich hedgerows to the east and south of the site are to be protected and retained. The ecology report submitted by Engain discusses the importance of retaining and protecting the hedgerows and trees on the southern and eastern boundary. The Tree Protection Plan shows in red the line of the protective fencing, with a variation to the construction of the fence shown in blue on the plan.

If Planning Permission is granted, this boundary hedgerow, tree and protection measures should be supported with a good Planning Condition, to include monitoring. If the hedgerow is damaged there is the potential for a significant detrimental effect to the immediate environment.

There are several trees scheduled for removal from this part of the site. There appears to be one Oak tree immediately opposite the exit from the current service station which is not shown on the plan. This is a reasonable young Oak tree. It is assumed that this Oak tree will be removed with the others along the western boundary. Mitigation planting proposed in the landscaping schemes is acceptable to replace the loss of these trees.

There is a section of hedgerow on the northern boundary to be removed to allow the highway alterations. This hedgerow has not been identified as being ecologically important.

Northern side of the A38

The highway layout here was established and approved in 2010 so comments at this time are irrelevant. It should however be highlighted that there is significant tree loss in this area, including the loss of the mature Oak tree (T10).

The overall tree removal, as a part of this proposal will have an impact on the environment, but the more ecologically rich hedges to the east and South, including large mature Oak tree are due to be preserved. The measures should be followed as set out in the ecological report and a CEMP.

Landscaping

The landscaping proposal should include woody berry bearing species in hedgerows, taking account of the connectivity with the surrounding landscape.

The species chosen on the landscape plan seem to fit well with the suggestions in the ecological report with a good mix of native and berry bearing species. There is also some ornamental planting

Tree planting within car parks is notoriously unsuccessful so it would be important to look at the style and type of planting pits, perhaps building some kind of connectivity. There are plenty of modern options available which seem to be allowing for better establishment, growth and retention of trees planted in these situations.

HISTORIC ENVIRONMENT SERVICE - 14th December 2016 - No comments

LEAD LOCAL FLOOD AUTHORITY - 16th January 2017

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

If the Planning Case Officer is minded to grant planning permission in this instance, I request that the following pre-commencement planning conditions are imposed:

No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems, and those set out in Proposed Drainage Arrangement (Drawing No. 70018729-002, Rev. -, dated 25/10/2016) and those sections of the Flood Risk Assessment (Document Ref: C105039, Rev. D, dated 26/08/2009) not superceded by the aforementioned document.

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

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

No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. This temporary surface water drainage management system must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site.

Reason: To ensure that surface water runoff from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area.

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

No part of the development hereby permitted shall be commenced until the full details of the adoption and maintenance arrangements for the proposed permanent surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority.

Reason: To ensure that the development's permanent surface water drainage management systems will remain fully operational throughout the lifetime of the development.

Observations:

Further to the information provided by the applicant regarding the disposal of surface water from the above development, they have confirmed that the applicant is not planning to discharge Condition 5 (relating to SuDS design) of the approved outline permission 13/00947/MOUT at this stage and therefore we no objection at this stage.

Although the applicant is not discharging the above condition at this time, further information regarding the outline surface water strategy has been presented to update the original approved outline strategy presented in the approved Flood Risk Assessment accepted under the approved outline permission above.

This document demonstrates that the outline strategy of above and below ground attenuation features and source control features are still valid in the updated layout of the development.

Permeable paving is proposed where feasible within the development plan. The applicant should also note that in accordance with the SuDS Management Train, surface water should be managed at source in the first instance. The applicant will therefore be required to explore, within the discharge of conditions, the use of a variety of above-ground source control components across the whole site to avoid managing all of the surface water from the proposed development at one concentrated point (e.g. a single attenuation pond).

Examples of these source control components could include permeable paving (which could be underdrained), formalised tree pits or other bioretention features such as rain gardens, as well as green roofs, swales and filter drains.

The development proposals also proposes re-routing of an existing flow path into a new swale, potentially this could be classed as an ordinary watercourse, therefore if any temporary or permanent works are required to take place within this watercourse to facilitate the proposed development (such as an access culvert or bridge), Land Drainage Consent must be obtained from Devon County Council's Flood and Coastal Risk Management Team prior to any works commencing. Details of this procedure can be found at: <https://new.devon.gov.uk/floodriskmanagement/land-drainage-consent/>.

I would also note that for discharge of conditions, we generally require the following information for review:

Description of the type of development;

Location plan at an appropriate scale with a grid reference, showing geographical features, street names, watercourses or other water bodies in the vicinity;

Site plan showing the red line boundary and any land under the applicants' control;
 Detailed site survey showing the existing topography;
 Assessment of all existing flood risks to the site, including from sewer networks, groundwater, overland surface water flows, reservoirs, ponds, canals, and other watercourses;
 Calculations of the current surface water runoff for the site;
 Calculations of the proposed surface water runoff for the site;
 Calculations of the surface water attenuation storage volume required for the 1 in 100 (+40% allowance for climate change) year rainfall event;
 Calculations of the long term storage volume required to store the additional volume of surface water runoff caused by any increase in the site's impermeable area;
 Evidence that the site has an agreed point of discharge;
 Evidence that the drainage hierarchy has been followed, providing robust explanations as to the viability or otherwise of:

1. Discharge into the ground (infiltration);
2. Discharge to a surface water body (with written permission from the riparian owner);
3. Discharge to a surface water sewer, highway drain, or other drainage system (with written permission from South West Water Ltd., Devon County Council Highways, or the riparian owner, respectively);
4. Discharge to a combined sewer (with written permission from the riparian owner).

Infiltration testing results for each proposed infiltration system;
 Groundwater monitoring over a 12 month period, taking account of seasonal variations, to demonstrate that the base of any infiltration component is at least 1 metre above the maximum anticipated groundwater level;
 Evidence that the capacity of any receiving watercourse is sufficient to receive concentrated flows from the site;
 Detailed explanations and plans of flood risk mitigation measures;
 Technical summary of the proposed surface water drainage management system;
 Detailed plans of the proposed surface water drainage management system, demonstrating that the proposed system fits within the proposed site layout, and is practical and sustainable;
 Residual risk assessment to account for a failure of any part of the proposed surface water drainage management system;
 Detailed exceedance route plans to demonstrate that there is no residual risk of property flooding during events in excess of the return period for which the surface water drainage management system is designed;
 Detailed operation and maintenance plan and timetable for the proposed surface water drainage management system over the entire lifetime of the development;
 Details of the proposed community signage and engagement activities for each proposed surface water drainage management components.

WILLAND PARISH COUNCIL - 13th December 2016

Willand Parish Council discussed the above at a meeting of the Planning Committee on 8 December 2016. While the Council appreciates that an approval already exists for this site it wished to highlight the following concern.

The Parish Council believe that the design of the amenity building and some of the materials to be used on the outside do not show a clear understanding of the characteristics of the site, its wider context and the surrounding area.

REPRESENTATIONS

One letter of objection has been received from the Devon branch of the CPRE. Objection is on the following grounds:

- Brownfield land should be used in preference to greenfield for commercial activities;
- A truck stop and services will cause noise, disruption, pollution and significant traffic movements and will severely impact nearby villages;
- The applicants have given contradictory statements in the application and the local press regarding the development of this scheme alongside the Eden-Westwood scheme also being promoted by the applicants. Strongly object to both of these proposals.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The primary material considerations in the determination of this application are:

- 1. Planning History**
- 2. Highways**
- 3. Design, layout and impact upon surroundings**
- 4. Flooding and drainage**
- 5. Other matters**

1. Planning History

Outline planning permission was granted for this development in early 2014 as a renewal of an earlier permission. The principle of development has been permitted and cannot be revisited as part of this current reserved matters application. The outline planning permission contains conditions relating to the maximum amount of floorspace permissible across a number of different uses, primarily relating to those contained within the proposed amenity building. This application proposes floorspace which accords with the outline planning permission in this respect. Given the presence of the outline planning permission, issues of principle of the development raised in policies COR1, COR4 and COR18 of the Core Strategy and DM20 of the Local Plan Part 3 (Development Management Policies (DMP)) are given no further consideration in this report and are considered to be met.

Issues raised in the letter of objection from the CPRE in relation to the principle of development are not a material consideration in the determination of this application. Similarly, comments made regarding the development of this proposal alongside the Eden-Westwood scheme being promoted by the applicants on wider land surrounding the application site and the proposed allocation in the Local Plan Review are irrelevant to the determination of this application as outline planning permission for the development exists.

2. Highways

Access to the site is to be derived from a new roundabout on the A38 which was consented as part of the outline planning permission. The outline planning permission also included for the stopping up of the C107 road which gives access to the existing roadside services. The remainder of the highway works, including the proposed new roundabout at the southern extent of the western boundary form part of the current submission.

Policy COR10 of the Core Strategy seeks to protect the function of strategic transport networks including the M5 and A38, with policy COR9 of the same document aiming improve accessibility and reduce the need to travel by car. By its very nature, the proposal is directed toward persons travelling by motor vehicle, however the outline planning permission also includes the provision of new bus stops on the A38 and there are conditions attached that decision to ensure their provision. The Highway Authority has indicated that it has no objections to the proposed development and the layout of the proposed roads and parking areas, however they recommend a number of conditions be imposed to secure suitable construction details. These conditions are not recommended to be imposed as written by the Highway Authority as parts of them are already covered by the conditions attached to the outline planning permission. Rather, revised conditions taking account of the outline conditions are included.

The Police and Architectural Liaison Officer has suggested that the road layout may encourage the use of it by 'boy racers', however the Highway Authority has no objection to the proposal and require specific road construction details at a later date; such details may include the provision of surfacing materials to lower speeds should it be considered necessary at that time.

Highways England has raised no objections to the proposals. A Grampian condition on the outline planning permission relating to the implementation of off-site works to the A38 and the motorway roundabout has been met with the completion of the works which have introduced traffic lights on the existing roundabout and altered a number of the carriageways and the southbound off-slip of the M5. The requirements of policy COR10 in r

The internal site layout provides vehicle parking for cars, caravans, coaches and HGV's in segregated areas so as to reduce any conflict between the different sizes of vehicles and pedestrians and provide suitable turning space. The overall number of car parking spaces meets with the requirement for spaces set out in policy DM8 of the Local Plan Part 3 when assessed per use proposed. This includes the requirement for electric vehicle charging points as 18 spaces are provided.

3. Design, layout and impact upon surroundings

The main amenity building for the development is proposed to be located toward the north western corner of the site, with parking and turning for HGV's and coaches to the east of it, the main car parking area to the south and the proposed HGV fuel filling station in the south eastern corner of the site.

Comments have been received from Burlescombe and Willand Parish Councils that the design of the building does not show a clear understanding of the characteristics of the site, its wider context and the surrounding area as required by policy DM2 of Local Plan Part 3 and COR2 of the Core Strategy. A very modern design is proposed, with the use of aluminium and timber cladding, curved roofs and expanses of glazing. The building is proposed to have roofs on multiple levels with the maximum height above ground level of 11.5m and the main roof 10m above ground level. It is acknowledged that such a design is not presently seen in the immediate vicinity or indeed in the wider locality. However, planning permission does exist and has been implemented for the construction of a modern office building on land immediately to the north of the application site forming part of the Swallow Court development. That building has a lower overall height than the amenity building seeking approval (by approximately 3.35m) but also exhibits a curved roof and the use of timber cladding. Whilst that building has not yet been constructed, the planning permission has been implemented and construction could occur at any time.

The site is not in close proximity to any listed buildings or buildings identified as having a particularly historic character or appearance. Similarly, the few surrounding buildings and particularly those associated with the existing roadside services do not exhibit any particular architectural style that would indicate that replication would be the most appropriate form of development. Therefore, whilst modern architecture is not something which has occurred to date in this locality, a scheme for a large modern commercial building has been implemented which is considered to be a material consideration and furthermore Officers are of the opinion that the overall design and scale of the building is appropriate for the intended use and will diversify the architectural styles in the area without causing demonstrable harm to the appearance of the locality.

The location of the amenity building toward the north western corner of the site will set it back in excess of 30m (between 31 and 34 metres) from the A38. This is slightly further back than the Little Chef/Burger King building associated with the neighbouring services which is approximately 29m from the road and a similar distance to the closest point of the implemented office building at Swallow Court referred to above.

Burlescombe Parish Council has commented that the amenity building is too prominent and excessive in scale and that the site will be visible from the opposite side of the M5 due to inadequate screening being proposed. The scale of the amenity building falls within the scope of the outline planning permission in terms of the floorspace it provides and whilst the massing of the building is greater than those in the surrounding area, the amount of accommodation provided is acceptable and will inevitably lead to a large structure. There are existing buildings in the vicinity of the site that have some tree and hedgerow screening surrounding them but not to such a degree that they cannot be seen in the wider landscape, albeit it is acknowledged that the proposed amenity building will be of a greater height and massing than these. New landscaping and tree planting is proposed on the site and includes new native hedge and tree planting along the northern A38 boundary; in time this hedge (to be planted at 40 - 80 cm in height) and trees, which are to be provided at between 3 and 4.5m in height, will provide some screening of the building from off-site vantage points and will soften the appearance of the building in the wider landscape.

Taking these considerations into account the amenity building is considered to be sited in an acceptable location and at a sufficient distance from the road and with appropriate landscaping so that the development will not be seen as overbearing upon road users or upon the amenity of the residential property on the opposite side of the A38. It is the view of Officers that the addition of this large amenity building will not demonstrably deteriorate the character and appearance of the locality and the application meets with policies COR2 and DM2 in this regard.

Issues raised by the Police and Architectural Liaison Officer relating to CCTV cameras are considered to be best dealt with by the operators of the site and it would not be reasonable to impose a planning condition relating to this issue as it is not necessary to make the development acceptable.

The submitted landscape details show the retention of the species rich hedgerows along the southern and eastern boundaries of the site and the provision of additional landscape planting, including some woodland planting, around the periphery of the site as well as some planting amongst the parking areas. The development results in some loss of good quality trees, although the principle of the loss of most of these was established with the granting of the outline planning permission and the access arrangements. The Tree Officer has indicated that the proposed landscaping scheme will mitigate the loss of the felled trees and that overall the proposals follow the principles set out in the ecological report submitted with the application in respect of biodiversity protection and enhancement, thereby meeting with policy DM28 of the Local Plan Part 3 (DMP) which relates to the provision of green infrastructure in major development. Conditions relating to the protection of existing trees and hedgerows on the site are already included with the outline planning permission and therefore no further conditions are necessary. The requirements of policies COR9 and COR10 are considered to be met.

4. Flooding and drainage

The site lies within flood zone 1 as defined by the Environment Agency. Therefore, no Environment Agency consultation is required and subject to appropriate surface water drainage details, the development is not considered to negatively impact upon flood risk on or off the site. The development is required to ensure that surface water run off mimics pre-development greenfield rates, taking into account climate change. To that effect a sustainable urban drainage scheme is proposed to attenuate surface water in underground storage tanks and detention basins as well as the provision of swales on site.

Condition 5 of the outline planning permission requires full drainage details prior to works commencing on-site. At this stage these details are not available and the reserved matters proposal does not seek to discharge the condition. The drainage plan and details provided with the application show a drainage solution which meets with current standards (subject to further detailing). On this basis the Lead Local Flood Authority has indicated that it has no objections to the proposal. However, they have recommended a number of conditions be imposed to secure further details of the scheme proposed, including details of a surface water drainage scheme during the construction period. Some of these matters are addressed by conditions on the outline planning permission and therefore amended conditions are recommended for imposition. Subject to these conditions and compliance with those already on the outline planning permission the development will not lead to an increase of flooding on or off the site and will provide an appropriate sustainable urban drainage system, meeting with the requirements of policies COR11 of the Core Strategy and DM2 in this respect.

5. Other matters

The application is accompanied by a Waste Audit Statement which sets out strategies to minimise waste production and deal with waste produced in the most sustainable way practically possible. The measures proposed include the reduction of waste produced (through only ordering construction materials when needed for example) and the segregation of different types of waste to allow for reuse and recycling.

This statement demonstrates compliance with policies W4 of the Devon Waste Plan and DM4 of Local Plan Part 3.

The outline planning permission contains numerous conditions relating to additional matters such as a percentage of the energy requirements coming from renewable or low carbon technologies, BREEAM certification (requirement of policy DM3 of Local Plan Part 3), ecological mitigation and protection during and after construction, boundary treatments, the requirement for a travel plan (requirement of policy DM6 of Local Plan Part 3) and a construction management plan. Accordingly, these issues have not been addressed in this report as they are adequately covered by pre-existing conditions on the outline planning permission.

Environmental Health has raised no objections to the proposal including on the grounds of noise and other nuisances and the concerns of the CPRE in this respect are not agreed with.

CONDITIONS

1. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
2. The details required by condition 6 of planning permission reference 13/00947/MOUT (or any subsequent planning permission granted pursuant to S73 of the Town and Country Planning Act 1990) relating to details of a Sustainable Urban Drainage System shall follow the principles set out on drawing number 002, Proposed Drainage, dated 25/10/12016, except in relation to where that drawing annotates the use of impermeable paving throughout the development.
3. Other than for the provision of hoarding, ground investigation works and the construction of not more than 10 metres of foundations, no part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to, and approved in writing by, the Local Planning Authority. This temporary surface water drainage management system must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site. The temporary surface water drainage management system shall be implemented in accordance with the approved details for the duration of the construction period.
4. The proposed estate road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins, For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.
5. Other than for the provision of hoarding, ground investigation works and the construction of not more than 10 metres of foundation no part of the development hereby approved shall be commenced until:
A) The access road and junction onto the A38 have been laid out, kerbed, drained and constructed up to base course level for the first 20.00 metres back from its junction with the public highway
B) The ironwork has been set to base course level and the visibility splays required by this permission laid out
C) The footway on the public highway frontage required by this permission has been constructed up to base course level.
6. Prior to their installation on site, details of the internal lighting scheme for the mixed use facilities building together with any external lighting scheme for the development shall be submitted to and approved in writing by the Local Planning Authority.

REASONS FOR CONDITIONS

1. For the avoidance of doubt and in the interests of proper planning.
2. To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems in accordance with policies COR11 of Mid Devon Core Strategy (Local Plan Part 1) and DM2 of Local Plan Part 3 (Development Management Policies).
3. To ensure that surface water runoff from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area in accordance with policies COR11 of Mid Devon Core Strategy (Local Plan Part 1) and DM2 of Local Plan Part 3 (Development Management Policies).

4. To ensure that adequate information is available for the proper consideration of the detailed highway proposals in order for the delivery of suitable highway facilities in accordance with policy DM2 of Local Plan Part 3 (Development Management Policies).
5. To ensure that adequate on site facilities are available for all traffic attracted to the site during the construction period, in the interest of the safety of all users of the adjoining public highway and to protect the amenities of the adjoining residents in accordance with policy DM2 of Local Plan Part 3 (Development Management Policies).
6. To protect the amenity of the locality from inappropriate levels of light pollution in accordance with policy DM2 of Mid Devon Local Plan Part 3 (Development Management Policies).

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

Taking into account all material considerations the development proposed will deliver an extension to the existing roadside service area (RSA) at an appropriate scale and layout, compliant with the scope of the outline planning permission. The development includes the provision of significant additional landscaping and tree planting and whilst the main amenity building proposed is large and of an overtly modern design it is not considered to demonstrably detract from the character and appearance of the locality, having regard to the presence of an implemented planning permission for a modern office building on the opposite side of the A38. Subject to the imposition of additional conditions, the development will provide suitable access arrangements and internal roads and will include the provision of a sustainable urban drainage scheme to dispose of surface water run-off. The development will not cause harm to the privacy, amenity or living conditions of any neighbouring property. The application meets with the requirements of Mid Devon Core Strategy (Local Plan Part 1) policies COR1, COR2, COR4, COR9, COR10, COR11 and COR18, Local Plan Part 3 (Development Management Policies) policies DM2, DM3, DM4, DM6, DM8, DM20 and DM28, Devon County Council Waste Plan policy W4 and the National Planning Policy Framework.

APPENDIX 1 - FOR REPORT 16/01773/MARM



Reference No: 13/00947/MOUT
Parish: Burlescombe 06

TOWN AND COUNTRY PLANNING ACT 1990

APPROVAL OF OUTLINE PLANNING APPLICATION

Name and Address of Applicant:

Friends Life Ltd
C/o AXA Real Estate Investment Managers
UK Ltd
155 Bishopsgate
London
EC2M 3XJ

Name and Address of Agent:

Miss Victoria Trotman
RPS Planning & Development Ltd
2420 The Quadrant
Aztec West
Almondsbury
Bristol
BS32 4AQ

Date Registered : 4th July 2013

Proposal: Application to replace extant planning permission 10/00546/MOUT (to extend time limit). Outline for the erection of mixed use facilities building with associated parking and highway works (Revised scheme)

Location: Land at NGR 305036 113872 (Junction 27) Sampford Peverell Devon

Site Vicinity Grid Ref: 305037/113872

MID DEVON DISTRICT COUNCIL HEREBY GRANTS OUTLINE PLANNING PERMISSION FOR THE ABOVE DEVELOPMENT

Subject to the following conditions:

1. Before any part of the development hereby permitted is begun, detailed drawings to an appropriate scale of the layout, scale and appearance of the building(s), and the landscaping of the site (hereinafter called the Reserved Matters) shall be submitted to and be approved in writing by the Local Planning Authority.
2. Application(s) for approval of all the Reserved Matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
3. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the Reserved Matters which have been approved, whichever is the later.
4. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.

5. The development hereby approved shall not be carried out other than in accordance with a phasing programme which shall previously have been submitted to and approved by the Local Planning Authority.
6. No work shall commence on site until details of a Sustainable Urban Drainage System for managing surface water have been submitted to and approved in writing by the Local Planning Authority. The sustainable urban drainage system shall incorporate porous paving, swales, filter strips, attenuation ponds and reed beds. The surface water management system shall thereafter be completed on site in accordance with the approved drawings and a timetable to be agreed in writing by the Local Planning Authority and thereafter retained.
7. A management plan, setting out the long term management responsibilities and maintenance schedules for the Sustainable Urban Drainage System shall be submitted to and approved in writing by the Local Planning Authority prior to any of the buildings first coming into use.
8. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from impermeable parking areas and hardstandings shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.
9. Oil or chemical storage facilities shall be sited in bunded areas. The capacity of the bund shall be at least 10% greater than the capacity of the storage tank or, if more than one tank is involved, the capacity of the largest tank within the bunded area. Hydraulically inter-linked tanks shall be regarded as a single tank. There shall be no working connections outside the bunded area.
10. The landscaping details required by Condition 1 above shall include all existing trees and hedgerows on the site, and details of those which are to be retained, with measures for their protection during the course of the development, together with a phasing scheme of planting of trees and shrubs (which shall include details of the species, siting and numbers to be planted).
11. All planting, seeding and turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever ever is the sooner, and any trees or plants which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species.
12. A landscaping management plan, including long term objectives, management responsibilities and maintenance schedules for all landscaping areas and existing trees and hedges shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development or of any phase of the development, whichever ever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.
13. No work shall commence on site, until tree and hedge protection fencing has been erected on site in accordance with details and in a position to be agreed in writing by the Local Planning Authority. The fencing shall be provided on site and retained for the duration of the works and/or shall only be removed when the development has been completed or as agreed otherwise in writing by the Local Planning Authority. During the period of construction of the development the existing soil levels around the boles of the hedges so retained shall not be altered.

14. During the period of construction of the development:
- (i) No excavations, site works, trenches or channels shall be cut, or pipes or services laid in such a way as to cause damage or injury to the trees by interference with their root structure.
 - (ii) No fires shall be lit within the spread of the branches of the trees.
 - (iii) No materials or equipment shall be stored within the spread of the branches of the trees.
 - (iv) Any accidental damage to the trees shall be cleared back to undamaged wood and be treated with a preservative if appropriate.
 - (v) Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level, or trenches excavated except in accordance with details shown on the approved plans.
15. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with a timetable to be agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details. The boundary treatment once provided shall not be removed.
16. The design and external appearance details required by Condition 1 above shall include details and/or samples of the proposed materials to be used for all the external surfaces of the building(s).
17. No part of the development hereby approved shall be occupied or brought into use until the highway works shown on drawing number C11032/4A (a copy of which is appended to this decision notice) have been completed and are available for use by the travelling public.
18. Occupation of the roadside service area building, petrol filling station and use of the site as a car park for the travelling public shall not begin until:
- (i) the existing access road (the C107) has been closed in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority, and
 - (ii) the new roundabout junction to provide access to the site and the existing Swallow Court employment development as detailed on Tony Gee drawing reference C108188/R/501E has been completed and is capable of use.
- The occupation of the roadside service area building, petrol filling station and use of the site as a car park for the travelling public shall not begin until the works as mentioned at 18 (i) and 18 (ii) above have been certified in writing as complete by the Local Planning Authority (who shall consult with the Local Highways Authority and the Highways Agency on behalf of the Secretary of State for Transport).
19. The maximum floorspace (Gross Floor Area - External) of the amenity building hereby permitted shall not exceed a total of 1750 square metres (including the second floor), and that of the proposed filling station kiosk shall not exceed a maximum floorspace (Gross Floor Area - External) of 50 square metres.
20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order) (with or without modification), no more than 550 square metres. (Gross Floor Area) of the total floorspace within the amenity building shall be used for a retail use (including 50 square metres. Gross Floor Area which must only be used for the sale of products originating from the region) within Class A1 of the Town and Country Planning (Use Classes) Order 1987 (or any order revoking and re-enacting that Order) (with or without modification).

In addition, no more than 800 square metres (Gross Floor Area) within the amenity building is to be used for the purposes of restaurant/café floorspace (A3 use); no more than 30 square metres (Gross Floor Area) within the amenity building is to be used as a Tourist Information Centre (A2 use), and no more than 210 square metres (Gross Floor Area) is to be used for the purposes of private staff accommodation, administration and storage (B1 use).

21. The retail facilities within the development shall only be part of and ancillary to the principal use of the site as a roadside service area. No retail goods within the retail outlets (within the amenity building and proposed filling station kiosk) shall be sold other than food and drink items; confectionery; newspapers and magazines; tobacco; books and maps; audio and video media; non-prescription medicines and first aid items; flowers; toiletries; and car accessories.
22. A comprehensive Travel Plan shall be developed for all elements of the development hereby permitted. The Travel Plan shall be submitted to and approved in writing by the Local Planning Authority (who shall consult with the Local Highway Authority and the Highways Agency acting on behalf of the Secretary of State for Transport), prior to the occupation of the roadside service area building, petrol filling station and use of the site as a car park for the travelling public.

The Travel Plan shall be prepared in line with prevailing policy, best practice and previously agreed Framework Travel Plan (June 2010) and as a minimum shall include:

- (i) The identification of targets for trip reduction and modal shift
- (ii) The methods to be employed to meet these targets
- (iii) The mechanisms for monitoring and review
- (iv) The mechanisms for reporting
- (v) The penalties to be applied in the event that target are not met
- (vi) The mechanisms for mitigation
- (vii) Implementation of the Travel Plan to an agreed timescale or timetable and its operation thereafter.
- (viii) Mechanisms to secure variations to the Travel Plan following monitoring and review.

A review of the target shall be undertaken within 3 months of the occupation of the development and on an annual basis thereafter, at the time of submission of the annual Travel Plan Report, for a period of five years.

23. No development hereby permitted shall commence until a Construction Management Plan has been submitted and approved in writing by the Local Planning Authority (who shall consult with the Local Highway Authority and the Highways Agency acting on behalf of the Secretary of State for Transport). The plan shall include details of construction vehicle movements, construction operation hours, construction vehicular routes to and from site, construction delivery hours, expected number of construction vehicles per day, car parking for contractors, specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice and a scheme to encourage the use of Public Transport amongst contractors. The development shall be carried out strictly in accordance with the approved construction management plan.
24. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a construction management plan (to include air quality and other nuisance impact mitigation measures). Work shall then be carried out on site, only in accordance with the approved details.

25. The details required by Condition 1 shall include the provision of electric vehicle charging points. The first use of the development hereby approved shall not begin until the electric vehicle charging points have been provided on site and they shall be retained thereafter.
26. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority an ecological construction method statement (to include details of how the hedges will be retained and protected for wildlife, the provision and protection of buffer zones, appropriate management, lighting restrictions etc). Work shall then be carried out on site, only in accordance with the approved details.
27. Before the development hereby permitted is commenced specific details relating to the provision of a bus stop on the northern and southern side of the A38 in the vicinity of the application site shall have been submitted to, and approved in writing by, the Local Planning Authority. No other part of the development hereby approved shall be brought into its intended use until the bus stop facilities on both sides of the A38 in the vicinity of the site have been provided in accordance with the approved drawings. Following their provision, these facilities shall thereafter be so retained.
28. No development shall commence on any part of the development hereby permitted until such time as the details of how the County highway known as the C107 shall be closed at its junction with the A38 to vehicular traffic, have been submitted to and approved in writing by the Local Planning Authority. The closure of the access to all traffic, with the exception of pedestrians and cycles, shall be carried out in accordance with the approved details within 24 hours of the new access from the new roundabout on the A38 to the junction of the C107 being open to all traffic and capable of use.
29. This permission shall not constitute an approval of the illustrative site layout plan submitted with the application.
30. The two existing private accesses from the A38 to Jersey Farm shall be permanently closed to vehicular traffic within 24 hours of the new access to Jersey Farm being completed and capable of use.
31. The recommendations in the Extended Phase 1 survey (Devon Wildlife Consultants June 2013), dawn bat survey (Devon Wildlife Consultants July 2013) and Ecological mitigation plan (Devon Wildlife Consultants July 2013) shall be implemented in full in accordance with a timescale that shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of work on the site.
32. Prior to the commencement of work on the site the following shall be submitted to and approved in writing by the Local Planning Authority:
 - i) An ecological management plan based on the recommendations in the ecological mitigation plan (DWC June 2010);
 - ii) An external lighting scheme;
 - iii) A programme of monitoring to assess the effectiveness of the mitigation.
33. The development shall be overseen by an ecological clerk of works
34. No development shall begin until details of measures and calculations to demonstrate how a minimum of 13% of the energy requirements for any new buildings on the site shall come from decentralised on-site renewable or low carbon technologies has been submitted to and approved in writing by the local planning authority. Such approved details shall be

implemented and operational prior the first use of the building for its permitted use and thereafter shall be retained as such.

35. No development relating to the construction of the development hereby permitted shall begin until evidence that the development is registered with a BREEAM certification body (or any such equivalent national body which measures sustainable building and which replaces that body) and a pre-assessment report (or design stage certificate with interim rating if available) indicating that the development can achieve the final BREEAM level of a minimum of 'very good' has been submitted to and approved in writing by the local planning authority.

No individual building on the site shall be occupied until a final Certificate has been issued certifying that a minimum of BREEAM (or any such equivalent national measure of sustainable building which replaces that scheme) rating 'very good' has been achieved for this part of the development and evidence of this has been submitted to and approved in writing by the local planning authority.

REASONS FOR CONDITIONS:

1. The application was submitted as an outline application in accordance with the provisions of Articles 3 and 4 of The Town and Country Planning (General Development Procedure) Order, 1995, as amended by Circular 1/06.
2. In accordance with the provisions of Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 Planning and Compulsory Purchase Act 2004.
3. In accordance with the provisions of Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 Planning and Compulsory Purchase Act 2004.
4. For the avoidance of doubt and in the interests of proper planning.
5. In the interests of highway safety and the ordered development of the site in accordance with Local Plan Part 3 (Development Management Policies) Policy DM2..
6. To prevent an increase in the risk of flooding downstream of the site in accordance with Mid Devon Core Strategy (Local Plan Part 1) Policy COR11 and Local Plan Part 3 (Development Management Policies) Policy DM2..
7. To ensure that appropriate measures are in place for the long term maintenance and management of the Sustainable Urban Drainage System within the site to ensure that it continues to operate effectively in accordance with Mid Devon Core Strategy (Local Plan Part 1) Policy COR11 and Local Plan Part 3 (Development Management Policies) Policy DM2. .
8. To prevent pollution of the water environment in accordance with Local Plan Part 3 (Development Management Policies) Policies DM2 and DM7.
9. To prevent pollution of the water environment in accordance with Local Plan Part 3 (Development Management Policies) Policies DM2 and DM7.
10. To ensure that the development makes a positive contribution to the character and amenity of the area in accordance with Local Plan Part 3 (Development Management Policies) Policy DM2.

11. To ensure that the development makes a positive contribution to the character and amenity of the area in accordance with Local Plan Part 3 (Development Management Policies) Policy DM2
12. To ensure that appropriate measures are in place for the long term maintenance and management of landscape areas within the site, in the interest of visual amenity of the area in accordance with Local Plan Part 3 (Development Management Policies) Policy DM2.
13. To ensure the development makes a positive contribution to the character and appearance of the area by protecting the existing trees during development in accordance with Local Plan Part 3 (Development Management Policies) Policy DM2.
14. In the interests of preserving the health and vitality of existing trees on the development site, the loss of which would have an adverse effect on the visual qualities of the area in accordance with Local Plan Part 3 (Development Management Policies) Policy DM2.
15. In the interest of preserving the visual amenity of the area in accordance with Local Plan Part 3 (Development Management Policies) Policy DM2.
16. To ensure the materials used make a positive contribution to the visual appearance of the completed development of the area in accordance with Local Plan Part 3 (Development Management Policies) Policy DM2.
17. To maintain the safe and efficient operation of the Strategic Road Network in accordance with Local Plan Part 3 (Development Management Policies) Policy DM2.
18. To ensure that the development is carried out in accordance with the information submitted which forms part of the application and to protect the safe and efficient operation of the local and strategic highway network.
19. To reflect the specific amount of floorspace proposed in the application supporting documents, and to ensure that the facilities are limited in size so as to cater only for the needs of the travelling public without detrimental impact on the safe and efficient operation of the local and strategic highway network in accordance with Mid Devon Core Strategy (Local Plan Part 1) Policy COR18 and Local Plan Part 3 (Development Management Policies) Policy DM20.
20. To reflect the specific amount of floorspace proposed in the application supporting documents, and to ensure that the facilities are limited in size so as to cater only for the needs of the travelling public, and that the retail facilities would not become a retail destination in their own right in accordance with Mid Devon Core Strategy (Local Plan Part 1) Policy COR18 and Local Plan Part 3 (Development Management Policies) Policy DM20.
21. To ensure that the retail facilities only cater for the needs of the travelling public and they do not become a retail destination in their own right encouraging additional trips on the local and strategic road network in accordance with Mid Devon Core Strategy (Local Plan Part 1) Policy COR18 and Local Plan Part 3 (Development Management Policies) Policy DM20.
22. To ensure that the operation of the Strategic Highway Network is protected and that sustainable travel objectives for the site are met and maintained.

23. To ensure the appropriate controls are in place to monitor and manage the site generated construction traffic.
24. To minimise the deterioration of local air quality in particular at the nearest residential dwelling during the construction phase of the development in accordance with Local Plan Part 3 (Development Management Policies) Policies DM2 and DM7.
25. To minimise the deterioration of local air quality in particular at the nearest residential dwelling during the construction phase of the development in accordance with Local Plan Part 3 (Development Management Policies) Policies DM2 and DM7.
26. To minimise the effect of the development on protected species
27. In the interests of highway safety.
28. In the interests of highway safety, to ensure the safe operation of the strategic highway network and to prevent a multiplicity of accesses.
29. For the avoidance of doubt.
30. To minimise the number of accesses onto the public highway and to provide a satisfactory access to Jersey Farm.
31. To prevent, reduce or offset adverse effects on the natural environment.
32. To ensure habitats and species are protected and buffered from the development
33. In order to advise contractors regarding ecological issues and ensure mitigation is implemented correctly.
34. To minimise the carbon footprint of this part of the development in accordance with Policy AL/IN/6 of the Allocations and Infrastructure Development Plan Document (Local Plan Part 2).
35. In order to ensure that the development utilises sustainable design and construction methods in accordance with Policy DM3 of Local Plan Part 3 (Development Management Policies).

INFORMATIVE NOTES:

1. The Environment Agency have advised that:
 - a) In respect of the proposed new private sewage treatment plant to serve the development, an Environmental Permit (Consent to Discharge) will be required. The applicant/agent will need to contact our National Contact & Permitting Centre on 08708 506 506 for the application forms and further advice.
 - b) From the Environment Management (Water Quality) aspect there are no objections in principle to drain the foul effluent from this development via a package treatment plant provided that:
 - (i) The foul drainage is kept separate from clean surface and roof water.

- (ii) The applicant applies for and is granted a Consent to Discharge from this Agency under the Water Resources Act 1991. The applicant can obtain application forms and further advice by contacting our National Customer and Permitting Centre on 08708 506 506. For information this process can take up to four months to complete and no guarantee can be given regarding the eventual outcome of an application until all the investigations associated with the determination have been completed and an evaluation of the proposal has been made.
2. With regards to Condition 10 (landscaping) above, the following will need to be considered in drawing up the required scheme:
- a) With regards to the detailed scheme of hedge and tree protection - the eastern and southern boundary lines must be considered as being of particular importance.
 - b) Landscape planting will be a very important aspect of any development in this area and must seek to reinforce the existing green infrastructure as well as provide wider improvements.
 - c) Detailed landscape proposals will be required for the entire development to include species lists, sizes and planting specifications. A strong emphasis should be the requirement for long lived specimen trees particularly along the northern and western boundaries.
 - d) The landscape design will need to respect the local landscape to the south and east. Species choice will reflect locally occurring species and patterns.
 - e) Consideration should be given to planting a woodland strip along the southern edge of the site to include the lagoon.
 - f) Tree planting to form a robust screen should be considered around the proposed roundabout off the A38 opposite Swallow Court.
3. You are advised that planning permission does not absolve you from complying with the relevant law, including obtaining and complying with the terms and conditions of any protected species licences required as described in Part IV B of the Circular 06/2005.

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

This application seeks planning permission to extend the time for implementing an extant planning permission for the provision of motorway service facilities associated with the functioning of J27 of the M5. Since the granting of the earlier planning permission by the Planning Inspectorate both national and local planning policy has changed and the application site is no longer allocated for the provision of a motorway service area. Nevertheless, the need for enhanced and extended facilities at this junction is still considered to exist and both the national and local policies applicable to this type of development accept the principle of the proposal. Subject to the imposed conditions the proposed development would not lead to increased highway safety risks on either the local or strategic highway network and would not have a demonstrably harmful impact upon local ecology and protected species, the amenity and living conditions of neighbouring properties and uses and would not harm the vitality or viability of nearby village and town centres. For these reasons and having regard to all other matters raised the development is in accordance with Mid Devon Core Strategy (Local Plan Part 1) Policies COR1, COR2, COR9, COR10 and COR18,

Allocations and Infrastructure Development Plan Document (Local Plan Part 2) Policy AL/IN/6, Local Plan Part 3 (Development Management Policies) Policies DM1, DM2, DM3, DM7, DM8, DM20 and DM28 and the National Planning Policy Framework.

Statement of Positive Working

In accordance with the requirements of article 31 of the Town and Country Planning (Development Management Procedure) (England) Order, 2010, as amended in determining this application the Local Planning Authority has worked proactively and positively with the applicant to ensure that all relevant planning considerations have been properly resolved. This has included discussions with the agent.

In accordance with paragraph 69 of the National Planning Policy Framework, the Local Planning Authority has also involved the community in the consideration of this application.

DEVELOPMENT PLAN POLICIES:

COR1 - Sustainable Communities
COR2 - Local Distinctiveness
COR8 - Infrastructure Provision
COR9 - Access
COR10 - Strategic Transport Networks
COR11 - Flooding
COR18 - Countryside

Mid Devon Allocations and Infrastructure Development Plan Document (Local Plan Part 2) AL/IN/6 - Carbon Footprint Reduction

Mid Devon Local Plan Part 3 (Development Management Policies)

DM1 - Presumption in favour of sustainable development
DM2 - High quality design
DM3 - Sustainable design
DM8 - Parking
DM20 - Rural employment development
DM28 - Green infrastructure in major development

Relevant Plans

The plans listed below are those approved. No substitution shall be made.

101 REV. E - Dated: 19/08/2009 - Site Location Plan
C108188/R/101 REV. F - Dated: 15/03/2010 - Proposed
C108188/R/102 REV. E - Dated: 07/04/2010 - Proposed
C108188/R/103 REV. E - Dated: 07/04/2010 - Proposed
C108188/R/104 REV. C - Dated: 15/03/2010 - Proposed
C108188/R/105 REV. A - Dated: 15/03/2010 - Proposed
C108188/R/106 REV. A - Dated: 15/03/2010 - Proposed
C108188/R/107 REV. A - Dated: 15/03/2010 - Proposed
C108188/R/201 REV. D - Dated: 15/03/2010 - Proposed
C108188/R/202 REV. D - Dated: 15/03/2010 - Proposed
C108188/R/301 REV. D - Dated: 15/03/2010 - Proposed
C108188/R/302 REV. D - Dated: 15/03/2010 - Proposed
C108188/R/401 REV. D - Dated: 15/03/2010 - Proposed
C108188/R/501 REV. E - Dated: 15/03/2010 - Proposed

C108188/R/601 REV. E - Dated: 15/03/2010 - Proposed
C108188/R/801 REV. D - Dated: 15/03/2010 - Proposed
C108188/R/802 REV. E - Dated: 07/04/2010 - Proposed
C108188/R/803 REV. D - Dated: 15/03/2010 - Proposed
C108188/R/951 REV. B - Dated: 15/03/2010 - Proposed
C108188/R/108 REV A - ROUNDABOUT - (Version - **Additional Drawing**) - Proposed
C105039/D/001REV F DRAINAGE - Proposed

A copy of the approved plans will be available on Mid Devon's online planning facility.

Website: <http://www.middevon.gov.uk/planning>

Signed:

Date: 17th January 2014

**Head of Planning and Regeneration
Mid Devon District Council**

THIS DECISION IS NOT A DECISION UNDER BUILDING REGULATIONS AND SEPARATE CONSENT MAY BE REQUIRED. PLEASE CONTACT OUR BUILDING CONTROL DEPARTMENT FOR MORE INFORMATION.

Please refer to notes attached NOTE – Failure to adhere to the details of the approved plans or to comply with the above conditions constitutes a contravention of the Town and Country Planning Act, 1990 in respect of which enforcement action may be taken.

**GENERAL DEVELOPMENT PROCEDURE ORDER 1995
PART 2
TOWN AND COUNTRY PLANNING ACT 1990**

Appeals to the Secretary of State

- If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against the Local Planning Authority's decision then you must do so within 6 months of the date of this notice.
- Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at www.planningportal.gov.uk/pcs.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

Purchase Notices

- If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.
- In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable is set out in Section 114 of the Town and Country Planning Act 1990.

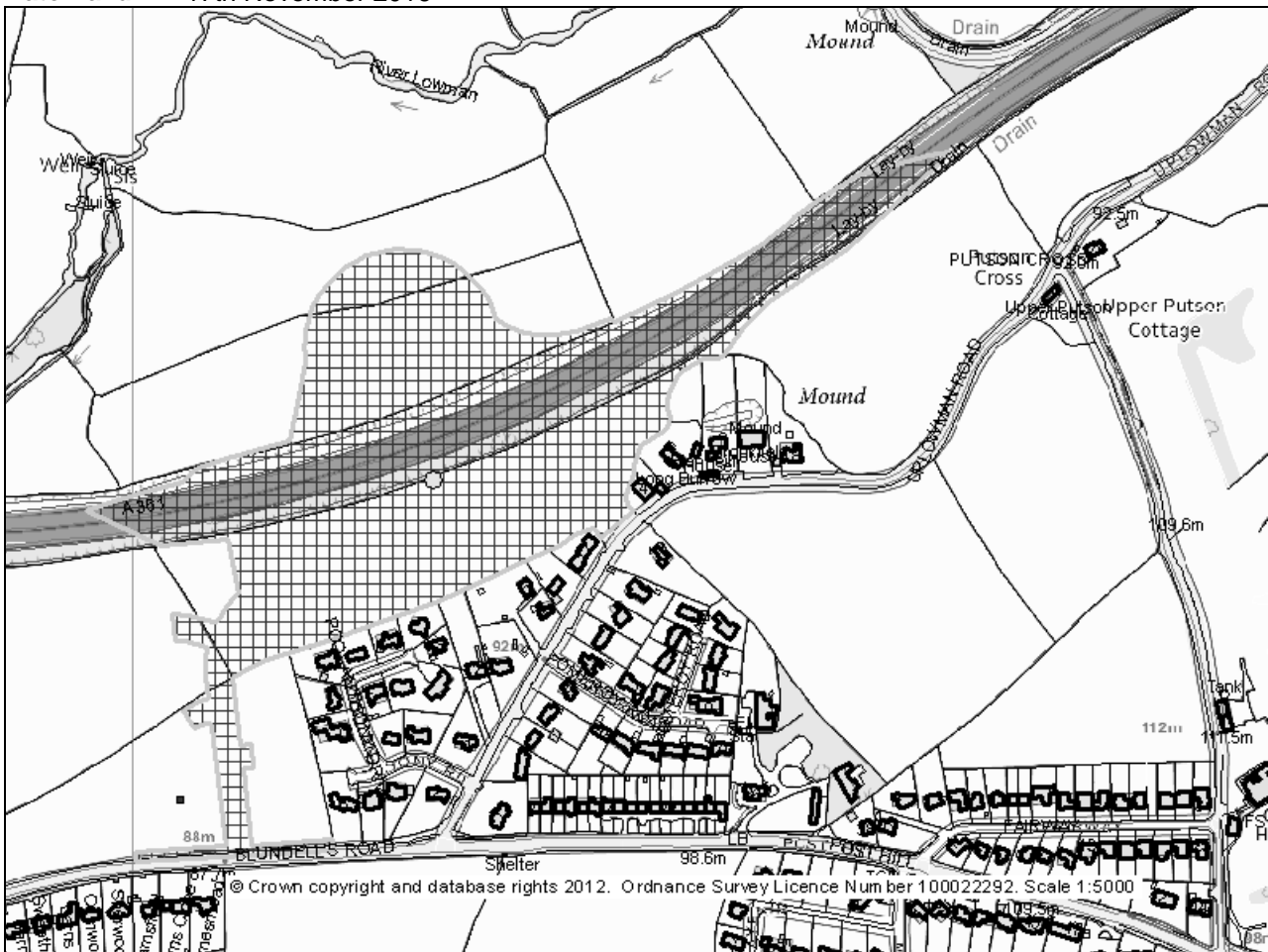
Grid Ref: 298039 : 113326

Applicant: Mr David Whitton

Location: Land at NGR 298079
113306 (Off The A361)
Blundells Road
Tiverton Devon

Proposal: Variation of condition
15 of planning
permission
14/01168/MFUL for
the relocation of
acoustic fence

Date Valid: 17th November 2016



Application No. 16/01757/FULL

RECOMMENDATION

Grant permission subject to conditions.

PROPOSED DEVELOPMENT

This is an application for a variation to Condition 15 to planning permission 14/01168/MFUL. It seeks to relocate one of two of the acoustic barriers identified for construction adjacent to the proposed A361 road junction.

Application 14/01168/MFUL was approved on 31 October 2014 for the construction of a 'clover leaf' road junction with access and egress on to both the east bound and west bound carriageways of the A361 with associated engineering works, drainage facilities, embankments, road bridge, lighting, soft landscaping and a noise barrier to the rear of houses on Uplowman Road, a round-about and connecting highway and junction on to Blundell's Road with associated engineering and landscaping.

The site area is approximately 5.5ha, currently in use as grazing land and bounded to the north by the A361 and the south by residential development on Uplowman Road and Pool Anthony Drive (11 dwellings share a common boundary with the application site).

The new highway infrastructure includes an off slip road from the A361 at the rear of garden boundaries along Uplowman Road (Blenheim House, Long Barrow and No.s 14, 12, 10, 6 & 2) and Pool Anthony Drive (No.s 15, 17, 19 & 21). The area of land between the rear gardens and the new slip road will be engineered with a bund. The proposed highway corridors will start at a ground level below that of the rear boundaries of the adjacent residential properties, but will slope gently upwards. At the rear of No. 10 Uplowman Road the new highway corridor will be level with the ground level of the back garden. Adjacent to the rear garden of No. 21 Pool Anthony Drive the new highway corridor will be approx. 3.3m higher than the ground level of the back garden with a further 2.5m to the top of the engineered bund (i.e a 6.0m change in levels). At the top of the engineered bund, located between the slip roads to the south side of the A361 and the residential properties, is an acoustic barrier which would stand 2.0m high. This primary acoustic fence will run the length of the engineered bund, from No 21 to the rear of Brookfield House where it joins the existing A361. (General Scheme Plan, C11017/104 of Application 14/01168/MFUL).

In the interest of good planning, Condition 15 of application 14/01168/MFUL requires further details of a secondary acoustic fence:

'Prior to the commencement of development, details of an additional acoustic fence to be sited along the southern edge of the A361 for the full extent of the new junction shall be submitted and agreed in writing with the Local Planning Authority. The acoustic fencing so agreed shall be installed and operational prior to the left in left out junction being brought into public use'.

Whilst the general scheme plan (Application 14/01168/MFUL) identifies a location for the secondary acoustic fence the benefits of it have never been fully investigated. Following the use of noise mapping software the position of the secondary acoustic fence has been accessed.

APPLICANT'S SUPPORTING INFORMATION

Complete application form
Noise Assessment Report with Appendices (3)
Plan - Positions of Secondary Fence

PLANNING HISTORY

13/01616/MOUT - PERMIT date 18th September 2015

Outline for the development of up to 330 dwellings together with public open space, associated infrastructure and other works including vehicular access, pedestrian/cycle links and highway improvements.

14/00667/MFUL - PERMIT date 4th September 2014

Construction of a 'left in left out' road junction with associated engineering works, drainage facilities, embankment, soft landscaping and noise barrier

14/00881/MOUT - Resolution to grant subject to S106

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 Blundell's Road

14/01168/MFUL - PERMIT date 31st October 2014

Construction of a 'cloverleaf' road junction with access and egress onto both the eastbound and westbound carriageways of the A361 with associated engineering works, drainage facilities, embankments, road bridge, lighting, soft landscaping and a noise barrier to the rear of the houses on Uplowman Road, a roundabout, a stretch of connecting highway and a junction and access onto Blundell's Road with associated engineering works and landscaping

16/01424/MOUT - Pending

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)

16/01759/FULL - Pending

Variation of condition 15 of planning permission 14/00667/MFUL for the relocation of acoustic fence

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR1 - Sustainable Communities

COR8 - Infrastructure Provision

COR9 - Access

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

AL/TIV/1 - Eastern Urban Extension

AL/TIV/2 - Eastern urban Extension

AL/TIV/3 - Eastern Urban Extension Environmental Protection & Green Infrastructure

Mid Devon Local Plan Part 3 (Development Management Policies)

DM1 - Presumption in favour of sustainable development

DM2 - High quality design

DM6 - Transport and air quality

DM27 - Development affecting heritage assets

CONSULTATIONS

HIGHWAYS ENGLAND - 5th December 2016 - No objections

TIVERTON TOWN COUNCIL - 7th December 2016 - The original purpose of this condition was to assist local residents in the area to overcome noise pollution, and it is felt that the condition should remain.

HALBERTON PARISH COUNCIL - 19th December 2016

No objections.

HIGHWAY AUTHORITY - 25th November 2016 - No comments

REPRESENTATIONS

One letter has been received from Neil Parish (Member of Parliament for Tiverton and Honiton) outlining support for this application to remove the secondary acoustic fence adjacent to the A361 and instead extend the primary fence to the start of the westbound off-slip road. Noise modelling has concluded that the secondary fence along the A361 does not provide any further benefit to the constituents and its installation is therefore unnecessary. The extension to the acoustic fence as detailed in the report prepared by DCC is an opportunity to improve the conditions for constituents at the eastern end of the scheme. I therefore urge the planning committee to approve this change.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

1. Policy / Masterplanning

Planning consent for a new junction on to the A361 was granted during September 2014. It constitutes a key piece of infrastructure required to facilitate the development proposed as part of the Tiverton Eastern Urban Extension (EUE). The Tiverton EUE is now subject to an adopted masterplan which is a Supplementary Planning Document and a material consideration when assessing developments in the masterplan area.

The full 'clover' leaf junction and distributor road occupies approx. 6ha of land to the north west of Poole Anthony Drive and Uplowman Road. The location of the new A361 road junction and distributor road outlined in Planning Application 14/01168/MFUL conforms to the adopted masterplan and accords with the general principles in it.

Policy DM7 of the Local plan (Part 3) prevents development where pollution (including noise pollution) would have an unacceptable negative impact on health, the natural environment and general amenity. The need to take into account the acoustic environment is also identified in the NPPF. This requires the LPA to mitigate and reduce to a minimum the adverse impact on health and quality of life arising from noise.

Following Application 14/01168/MFUL the design of the junction has undergone additional detailed design work. Within Condition 15 is referenced the need for details of the additional acoustic fence, to be sited along the southern edge of the A361, to be submitted and agreed in writing with the Local Planning Authority. This has resulted in the need for this application.

2. Location of Acoustic Barrier

To provide a comparison in the change in noise levels between the location of the primary acoustic barrier and the proposed location of the secondary barrier, a number of scenarios were modelled with noise mapping software. Drawing No. C11017/45 (Positions of Secondary Acoustic Fence) attached as Appendix 1 provides details of the proposed locations for the secondary acoustic barrier. Scenario 1 models the earth bund and primary acoustic fence as proposed in Application 14/01168/MFUL. Scenario 2 considers the primary earth bund and acoustic fence but also includes the secondary acoustic fence alongside the existing A361 (Position 1 on Drawing No. C11017/45). The associated noise contour plan is attached as Appendix 2.

Appendix 2 compares the results from Scenario 2 to Scenario 1. The stippled area indicates that there is no perceivable change in noise level between the two models (less than 1dB in change). The shaded areas are a reduction in noise levels between Scenario 2 compared to Scenario 1 (reductions in noise level lessening further away from the A361). Appendix 2 indicates that there are no perceivable reductions in noise level at any of the nearby properties. The secondary acoustic fence, in Position 1 on Drawing No. C11017/45, does not therefore provide any benefit in terms of noise mitigation to neighbouring residents. The reason for this is due to the existing A361 being screened by the proposed earthworks to the new junction.

Scenario 3 reconsidered the location of the secondary fence, moving it to the top of the embankment immediately adjacent to the A361 (Position 2 on Drawing No. C11017/45). The noise contour results are detailed in Appendix 3.

The plan compares the results from Scenario 3 to Scenario 1. Again, the stippled area indicates that there is no perceivable change in noise level between the two models (less than 1dB in change). The shaded areas are reductions in noise levels between Scenario 3 compared to Scenario 1 (reductions in noise level lessening further away from the A361). Scenario 3 shows a larger area of noise reduction than Scenario 2 but this is only between the existing A361 and proposed southern slip road. There would be no perceivable reduction in noise level at any of the nearby residential properties. The secondary acoustic fence in Position 2 does not provide any benefit, in noise mitigation terms.

The original extent of the primary acoustic fence that stopped just north of the property boundary of Brookfield House showed that whilst the location of the barrier provided benefits to many properties, those to the eastern end of the proposed junction, such as Blenheim House, Brookfield House and 18 Uplowman Road were experiencing less benefit from the barrier. This was due to noise coming from the non-screened sections of the new junction and existing A361 to the east. An extension to the primary acoustic barrier was modelled, lengthening the primary fence all the way to the off slip (Position 3 on Drawing No. C11017/45). This equates to approximately 180m of additional fencing, which is similar in length to that proposed in Scenarios 2 and 3. Appendix 4 indicates the noise contour mapping for the acoustic barrier in position 3 (Drawing no. C11017/45).

Appendix 4 compares the results from Scenario 4 to Scenario 1. Again, the stippled area indicates where there is no perceivable change in noise level between the two models (less than 1dB in change). The shaded areas are reductions in noise levels between Scenario 4 compared to Scenario 1 (reductions in noise level lessening further away from the A361). Scenario 4 shows a larger area of reduced noise levels towards the eastern end of the scheme, including the properties of 16 and 18 Uplowman Road, Blenheim House and Brookfield House. It also indicates reduced noise levels for properties further to the south such as on Pomeroy Road. The noise decreases shown, would all be perceivable changes and as such the secondary acoustic fence in Position 3 would provide a benefit to residents nearby (and proposed).

3. Visual Impact on nearby Residents

The relocation of the secondary acoustic fence in position 3 will not have a significant visual impact on the nearby residents. The barrier is a minimum of 53m from the nearest garden boundary. The bund will be visible when viewed from across the meadow but will not have a direct overbearing impact on any nearby property. Planting Plan 355/01 B to discharge Condition 4 (Application 14/01168/MFUL) indicates meadow grass at the base of the acoustic barrier therefore providing no screening. However, the masterplan indicates attenuation ponds in close proximity with associated planting. The revised location of the acoustic barrier is not considered to have a detrimental impact on the visual amenity for nearby residents.

4. Noise and Vibration

Noise and vibration modelling was undertaken through Application 14/01168/MFUL. It was considered that the additional noise associated with the development would have no observed adverse effect and would not lead to a perceived change in the quality of life. Whilst occupiers of nearby residents, understandably, are unlikely to share this view the NPPF does not recommend refusal of an application but that the effects are mitigated and reduced to a minimum. The noise assessment modelling at the time of Application 14/01168/MFUL predicted noise impacts to be no worse than minor. The detailed design work following that application and additional noise modelling identified through this application seeks to mitigate the effects further. For this reason, the proposed relocation of the secondary acoustic fence in position 3 is considered acceptable.

CONDITIONS

1. The date of commencement of this development shall be taken as the (17 November 2016) when the application was registered by the Local Planning Authority.
2. The development hereby permitted shall be constructed in accordance with Drawing No. C11017/103 and the programme of phasing works as discharged through application 14/01168/MFUL. The development shall be carried out in accordance with the approved phasing programme.

3. The development hereby permitted shall be constructed in accordance with Drawing No. C11017/1100, C11017/612 & 613 and standard details (Kerbing types (version dated April 07); Pedestrian Crossing Kerbing (Version dated June 07); Kerb Drain (Version dated Oct 98); Dropper Kerb to match kerb type SP to BN (Version dated April 07); Dropper Kerb to match kerb type HB2 to BN (Version dated April 07); Edgings (Version dated April 07); Footway Construction Types (Version dated Oct 08); Tactile Paving (Versions dated April 07) as discharged through Condition 3 of Application 14/01168/MFUL.
4. The development hereby permitted shall be constructed in accordance with Drawing No. 355/01B; 355/02 B & 355/03 B) and standard details (ARF/1) as discharged through Condition 4 of Application 14/01168/MFUL.
5. All the works associated with the formation of the bunding/acoustic barrier as shown on plan C11017/45 is to be completed in accordance with approved details prior to commencement of use of the new highway routes.
6. All planting, seeding, turfing or earthworks comprised in The Landscape Management and Maintenance Plan (dated March 2016); Landscape Management Plan (Section B: Management Plot Category Schedule); Landscape Management Plan (Drwg No. 355/04) shall be completed in accordance with the approved details as discharged through application 14/01168/MFUL. Any trees or plants which within a period of ten years from the implementation of the scheme (or phase thereof), die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
7. Before the development hereby permitted is first brought into use for vehicular traffic other than construction traffic associated with the development of any residential and/or commercial development across the adopted Masterplan area (excluding the site of the former Post Hill Hospital site), details of junction improvement works at the junction of the approved route with Blundells Road to make the junction with the connecting road and Left in left Out junction suitable for use by all traffic, shall be submitted to, and be approved in writing by, the Local Planning Authority. The approved details shall be completed to the satisfaction of the Local Planning Authority prior to its use by non-construction vehicular traffic.
8. The development hereby permitted shall be constructed in accordance with the approved Construction and Management Plan (dated March 2016) as discharged through Condition 8 of Application 14/01168/MFUL.
9. The proposed new road, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with the approved details as discharged through Condition 9 of Application 14/01168/MFUL.
10. The surface water drainage scheme hereby permitted shall be constructed in accordance with the approved details as discharged through Condition 10 of Application 14/01168/MFUL.
11. The development hereby approved shall be constructed in accordance with the Written Scheme of Investigation as discharged through Condition 11 of Application 14/01168/MFUL.
12. Details of the surfacing material to be used for the final top surface of the new roads and roundabout hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to the final top surface of road being applied.

13. Prior to the junction hereby approved being brought into operational use by the public the A361 dual carriageway shall be resurfaced 200 metres in either direction on both east and westbound carriageways from the furthest extent of the new junction in either direction in a material which reduces the noise generated from moving traffic, the details of which shall be submitted to and agreed in writing by the Local Planning Authority before the resurfacing work commences.
14. The mitigation measures as discharged through Condition 14 of Application 14/01168/MFUL shall be fully implemented, installed and operational prior to the left in left out access being made available for public use and shall be so retained
15. The development hereby approved shall be constructed in accordance with Position 3 on Drawing No. C11017/45 and standard details (ARF/1). The acoustic fencing so agreed shall be installed and operational prior to the left in left out junction being brought into public use.
16. The height of the acoustic fence as detailed in Position 3 of Drawing No. C11017/45 shall accord with the standard detail (ARF/1) as discharged through Condition 4 of Application 14/01168/MFUL.

REASONS FOR CONDITIONS

1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The Local Planning Authority wishes to ensure that the development proceeds in an orderly manner and in the interests of safeguarding the amenities of the residents who live adjacent to the site, in accordance with Policy DM2 of the Local Plan Part 3 (Development Management Policies).
3. In order to ensure all the junction arrangements have been assessed in terms of terms of their design, for the avoidance of doubt and in the interests of proper planning.
4. To assist with the mitigation of the impact of the development and in the interests of seeking to minimise the impact of the development on to the character and amenity of the area in accordance with Policy DM2 of Local Plan Part 3: (Development Management Policies) and the Adopted Tiverton Eastern Urban Extension Masterplan.
5. To assist with the mitigation of the impact of the development and in the interests of seeking to minimise the impact of the development on to the character and amenity of the area in accordance with Policy DM2 of Local Plan Part 3: (Development Management Policies) and the Adopted Tiverton Eastern Urban Extension Masterplan.
6. To assist with the mitigation of the impact of the development and in the interests of seeking to minimise the impact of the development on to the character and amenity of the area in accordance with Policy DM2 of Local Plan Part 3: (Development Management Policies) and the Adopted Tiverton Eastern Urban Extension Masterplan.
7. In order to ensure all the junction arrangements have been assessed in terms of terms of their design, for the avoidance of doubt and in the interests of proper planning.
8. To assist with the mitigation of the impact of the development and in the interests of seeking to minimise the impact of the development on to the character and amenity of the area in accordance with Policy DM2 of Local Plan Part 3: (Development Management Policies) and the Adopted Tiverton Eastern Urban Extension Masterplan.
9. To ensure that adequate information is available for the proper consideration of the detailed proposals in accordance with Policies DM2 and DM7 of the Local Plan Part 3 (Development Management Policies).
10. To protect water quality and minimise flood risk in accordance with Policies DM2 and DM7 of the Local Plan Part 3 (Development Management Policies), Policy COR11 of the Mid Devon Core Strategy (Local Plan Part 1) and the National Planning Policy Framework.

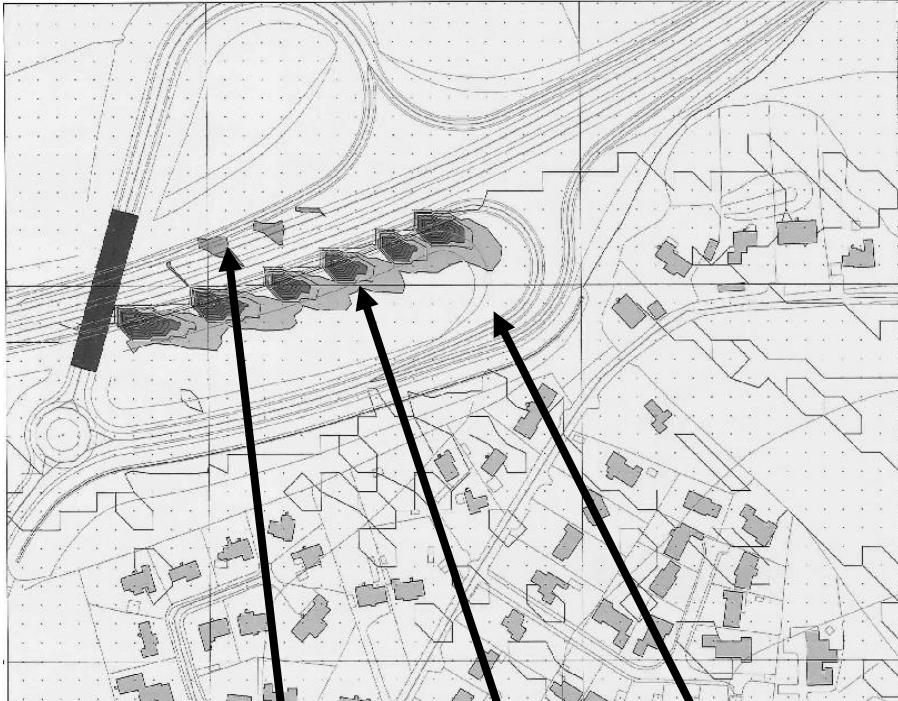
11. To ensure an appropriate record is made of archaeological evidence that may be affected by the development in accordance with the National Planning Policy Framework and Policy DM27 of Local Plan Part 3 (Development Management Policies).
12. To ensure the final top surfacing material on the road and roundabout is a high grade material to assist in minimising noise associated with the use of the new infrastructure in accordance with Policies DM2 and DM7 of Local Plan Part 3 (Development Management Policies).
13. To ensure the final top surfacing material is a high grade material to assist in minimising noise associated with the use of the infrastructure in order to safeguard the amenities of the occupiers of nearby dwellings affected by the proposal in accordance with Policies DM2 and DM7 of the Local Plan Part 3 (Development Management Policies).
14. In order to safeguard the amenities of the occupiers of nearby dwellings in accordance with Policies DM2 and DM7 of the Local Plan Part 3 (Development Management Policies).
15. In order to safeguard the amenities of the occupiers of nearby dwellings in accordance with Policies DM2 and DM7 of the Local Plan Part 3 (Development Management Policies).
16. To minimise the impact on the amenities of the occupiers of No 14 Uplowman Road in accordance with Policies DM2 and DM7 Local Plan part 3 (Development Management Policies).

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

This application seeks to vary Condition 15 of planning permission 14/01168/MFUL for the construction of a 'clover leaf' road junction with access and egress on to both the east bound and west bound carriageways of the A361. It seeks to relocate one of two of the acoustic barriers identified for construction adjacent to the proposed A361 road junction. Following further detailed design work, acoustic modelling has identified a location that will provide greater benefits in minimising the impact of noise to nearby properties. As such, it is proposed that the secondary acoustic fence in Position 1 is removed and the primary acoustic fence extended to benefit residents towards the eastern extent of the scheme area.

See Appendix 1 Below

APPENDIX 2



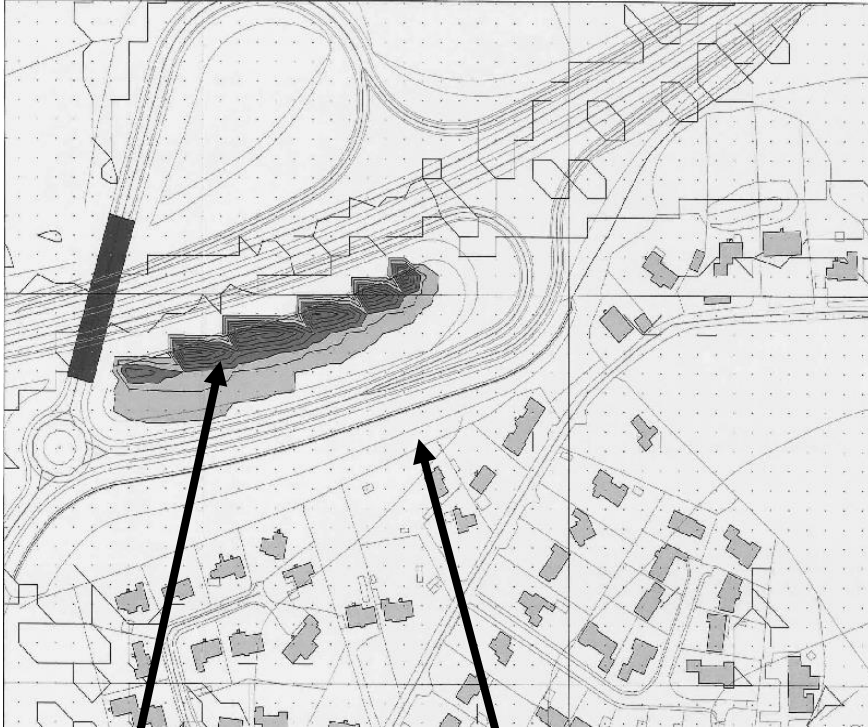
Comparison: Scenario 2 to Scenario 1

An increase in noise level

Shaded area
(reduction in
noise level)

Stippled area (no change
in noise level)

APPENDIX 3



Comparison: Scenario 3 to Scenario 1

Shaded area
(reduction in noise
level)

Stippled area (no change in noise
level)

APPENDIX 4



Comparison: Scenario 4 to Scenario 1

Shaded area (reduction in noise level between 1 & 3 dB)

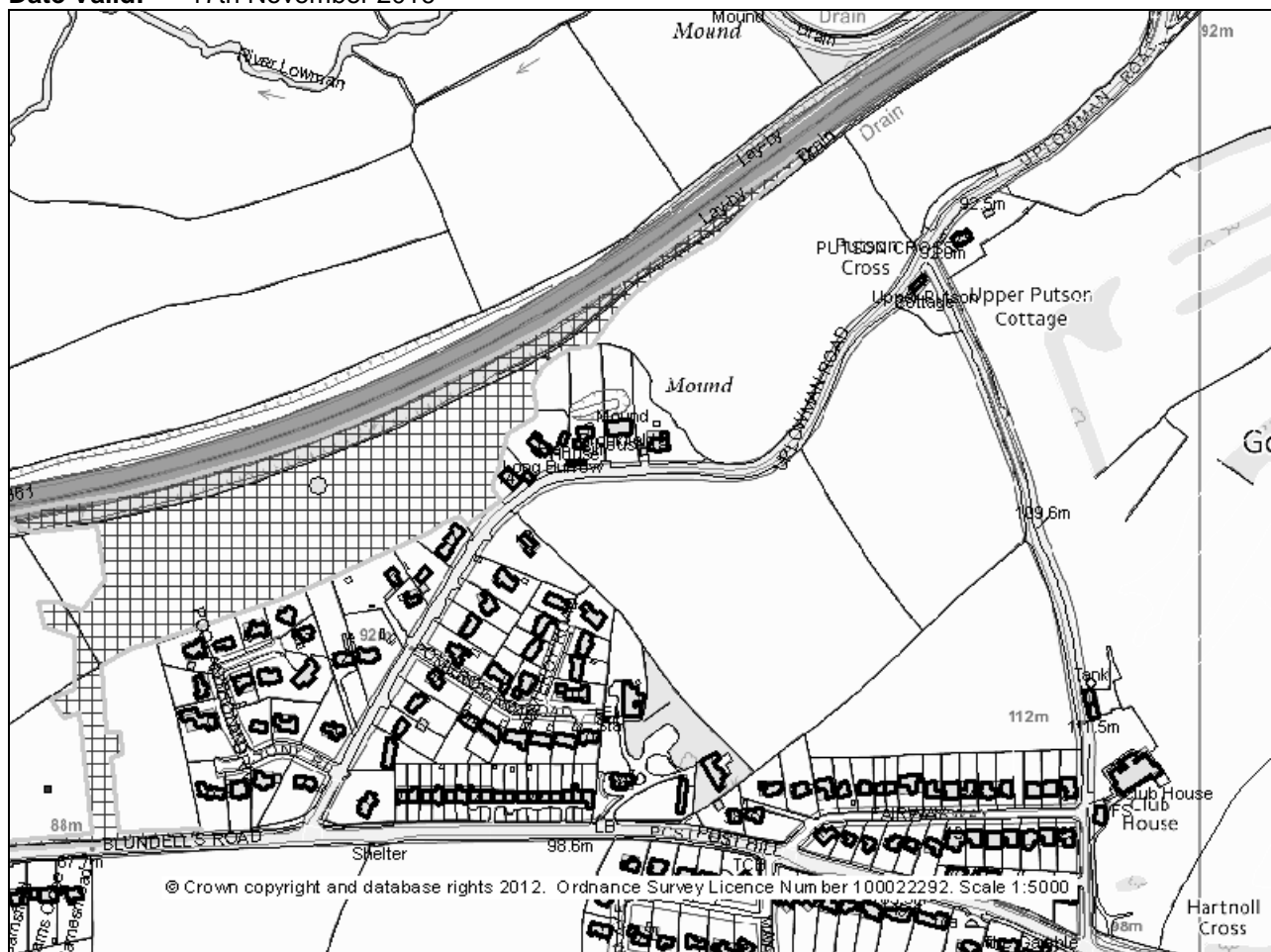
Grid Ref: 298039 : 113326

Applicant: Chettiscombe Trust
Estate & Devon
County Council

Location: Land at NGR 298039
113326 (Off The A361)
Blundells Road
Tiverton Devon

Proposal: Variation of condition
15 of planning
permission
14/00667/MFUL for
the relocation of
acoustic fence

Date Valid: 17th November 2016



Application No. 16/01759/FULL

RECOMMENDATION

Grant permission subject to conditions.

PROPOSED DEVELOPMENT

Application 14/01167/MFUL was approved on 4 September 2014 for the construction of a 'left in left out' (LILO) road junction with associated engineering works, drainage facilities, embankment, soft landscaping and noise barrier on land off the A361, Blundell's Road, Tiverton.

The site area, its location and proximity to nearby residential properties is detailed in report 16/01757/FULL (Variation of Condition 15 of planning permission 14/00668/MFUL) paragraphs 1.2 - 1.3 that precedes this report.

Condition 15 of application 14/01167/MFUL requires further details of a secondary acoustic fence along the southern edge of the new junction are required prior to the commencement of development. The general scheme plan to Application 14/01167/MFUL identifies a location for the secondary acoustic fence but the benefits of it were never fully investigated. Following the use of noise mapping software the position of the secondary acoustic fence has been accessed.

APPLICANT'S SUPPORTING INFORMATION

Complete application form
Noise Assessment Report with Appendices (3)
Plan - Positions of Secondary Fence

PLANNING HISTORY

13/01616/MOUT - PERMIT date 18th September 2015
Outline for the development of up to 330 dwellings together with public open space, associated infrastructure and other works including vehicular access, pedestrian/cycle links and highway improvements.
14/00667/MFUL - PERMIT date 4th September 2014
Construction of a 'left in left out' road junction with associated engineering works, drainage facilities, embankment, soft landscaping and noise barrier
14/00881/MOUT - Resolution to grant subject to S106
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
14/01168/MFUL - PERMIT date 31st October 2014
Construction of a 'cloverleaf' road junction with access and egress onto both the eastbound and westbound carriageways of the A361 with associated engineering works, drainage facilities, embankments, road bridge, lighting, soft landscaping and a noise barrier to the rear of the houses on Uplowman Road, a roundabout, a stretch of connecting highway and a junction and access onto Blundell's Road with associated engineering works and landscaping
16/01424/MOUT - Pending
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)
16/01757/FULL - Pending
Variation of condition 15 of planning permission 14/01168/MFUL for the relocation of acoustic fence

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR1 - Sustainable Communities
COR8 - Infrastructure Provision
COR9 - Access

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

AL/TIV/1 - Eastern Urban Extension
AL/TIV/2 - Eastern urban Extension
AL/TIV/3 - Eastern Urban Extension Environmental Protection & Green Infrastructure

Mid Devon Local Plan Part 3 (Development Management Policies)

DM1 - Presumption in favour of sustainable development
DM2 - High quality design
DM6 - Transport and air quality
DM27 - Development affecting heritage assets

CONSULTATIONS

HALBERTON PARISH COUNCIL - 19th December 2016
No objections.

HISTORIC ENVIRONMENT SERVICE - 15th December 2016
I refer to the above application and your recent consultation. The consent granted for the earlier application 14/01168/MFUL is conditional upon a programme of archaeological work being undertaken - Condition 11.

Since the archaeological fieldwork has been completed and the post-excavation tasks are underway in compliance with Condition 11, should this current application supersede the consent already granted I do not regard there to be a need to apply an archaeological condition to any new consent that may be granted by your Authority.

HIGHWAY AUTHORITY - 25.11.2016 - No comments

HIGHWAYS ENGLAND - 30th November 2016 - No objection

NATURAL ENGLAND - 6th December 2016
Natural England currently has no comment to make on the variation of condition 15.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us any further consultations regarding this development, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

TIVERTON TOWN COUNCIL - 7th December 2016 - The original purpose of this condition was to assist local residents in the area to overcome noise pollution, and it is felt that the condition should remain.

REPRESENTATIONS

One letter of support from Neil Parish (Member of Parliament for Tiverton and Honiton) as detailed in report 16/01757/FULL.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

1. Policy / Masterplanning

Application 14/01168/MFUL was approved on 31 October 2014 for the construction of a 'clover leaf' road junction with access and egress on to both the east bound and west bound carriageways of the A361 with associated engineering works, drainage facilities, embankments, road bridge, lighting, soft landscaping and a noise barrier to the rear of houses on Uplowman Road, a round-about and connecting highway and junction on to Blundell's Road with associated engineering and landscaping.

The site area is approximately 5.5ha, currently in use as grazing land and bounded to the north by the A361 and the south by residential development on Uplowman Road and Pool Anthony Drive (11 dwellings share a common boundary with the application site).

The new highway infrastructure includes an off slip road from the A361 at the rear of garden boundaries along Uplowman Road (Blenheim House, Long Barrow and No.s 14, 12, 10, 6 & 2) and Pool Anthony Drive (No.s 15, 17, 19 & 21). The area of land between the rear gardens and the new slip road will be engineered with a bund. The proposed highway corridors will start at a ground level below that of the rear boundaries of the adjacent residential properties, but will slope gently upwards. At the rear of No. 10 Uplowman Road the new highway corridor will be level with the ground level of the back garden. Adjacent to the rear garden of No. 21 Pool Anthony Drive the new highway corridor will be approx. 3.3m higher than the ground level of the back garden with a further 2.5m to the top of the engineered bund (i.e a 6.0m change in levels). At the top of the engineered bund, located between the slip roads to the south side of the A361 and the residential properties, is an acoustic barrier which would stand 2.0m high. This primary acoustic fence will run the length of the engineered bund, from No 21 to the rear of Brookfield House where it joins the existing A361. (General Scheme Plan, C11017/104 of Application 14/01168/MFUL).

2. Location of Acoustic Barrier

To provide a comparison in the change in noise levels between the location of the primary acoustic barrier and the proposed location of the secondary barrier, a number of scenarios were modelled with noise mapping software. Drawing No. C11017/45 (Positions of Secondary Acoustic Fence) attached as Appendix 1 provides details of the proposed locations for the secondary acoustic barrier. Scenario 1 models the earth bund and primary acoustic fence as proposed in Application 14/01168/MFUL. Scenario 2 considers the primary earth bund and acoustic fence but also includes the secondary acoustic fence alongside the existing A361 (Position 1 on Drawing No. C11017/45). The associated noise contour plan is attached as Appendix 2.

The plan compares the results from Scenario 2 to Scenario 1. The stippled area on Appendix 2 indicates that there is no perceivable change in noise level between the two models (less than 1dB in change). The shaded areas are a reduction in noise levels between Scenario 2 compared to Scenario 1 (reductions in noise level lessening further away from the A361). Appendix 2 indicates that there are no perceivable reductions in noise level at any of the nearby properties. The secondary acoustic fence, in Position 1 on Drawing No. C11017/45), does not therefore provide any benefit in terms of noise mitigation to neighbouring residents. The reason for this is due to the existing A361 being screened by the proposed earthworks to the new junction.

Scenario 3 reconsidered the location of the secondary fence, moving it to the top of the embankment immediately adjacent to the A361 (Position 2 on Drawing No. C11017/45). The noise contour results are detailed in Appendix 3.

The plan compares the results from Scenario 3 to Scenario 1. Again, the stippled area indicates that there is no perceivable change in noise level between the two models (less than 1dB in change). The shaded areas are reductions in noise levels between Scenario 3 compared to Scenario 1 (reductions in noise level lessening further away from the A361). Scenario 3 shows a larger area of noise reduction than Scenario 2 but this is only between the existing A361 and proposed southern slip road. There would be no perceivable reduction in noise level at any of the nearby residential properties. The secondary acoustic fence in Position 2 does not provide any benefit, in noise mitigation terms.

The original extent of the primary acoustic fence that stopped just north of the property boundary of Brookfield House showed that whilst the location of the barrier provided benefits to many properties, those to the eastern end of the proposed junction, such as Blenheim House, Brookfield House and 18 Uplowman Road were experiencing less benefit from the barrier. This was due to noise coming from the non-screened sections of the new junction and existing A361 to the east. An extension to the primary acoustic barrier was modelled, lengthening the primary fence all the way to the off slip (Position 3 on Drawing No. C11017/45). This equates to approximately 180m of additional fencing, which is similar in length to that proposed in Scenarios 2 and 3. Appendix 4 indicates the noise contour mapping for the acoustic barrier in position 3 (Drawing No. C11017/45).

Appendix 4 compares the results from Scenario 4 to Scenario 1. Again, the stippled area indicates where there is no perceivable change in noise level between the two models (less than 1dB in change). The shaded areas are reductions in noise levels between Scenario 4 compared to Scenario 1 (reductions in noise level lessening further away from the A361). Scenario 4 shows a larger area of reduced noise levels towards the eastern end of the scheme, including the properties of 16 and 18 Uplowman Road, Blenheim House and Brookfield House. It also indicates reduced noise levels for properties further to the south such as on Pomeroy Road. The noise decreases shown, would all be perceivable changes and as such the secondary acoustic fence in Position 3 would provide a benefit to residents nearby (and proposed).

3. Visual Impact on Nearby Residents

The relocation of the secondary acoustic fence in position 3 will not have a significant visual impact on the nearby residents. The barrier is a minimum of 53m from the nearest garden boundary. The bund will be visible when viewed from across the meadow but will not have a direct overbearing impact on any nearby property. Planting Plan 355/01 B to discharge Condition 4 (Application 14/01168/MFUL) indicates meadow grass at the base of the acoustic barrier therefore providing no screening. However, the masterplan indicates attenuation ponds in close proximity with associated planting. The revised location of the acoustic barrier is not considered to have a detrimental impact on the visual amenity for nearby residents.

4. Noise and Vibration

Noise and vibration modelling was undertaken through Application 14/01168/MFUL. It was considered that the additional noise associated with the development would have no observed adverse effect and would not lead to a perceived change in the quality of life. Whilst occupiers of nearby residents, understandably, are unlikely to share this view the NPPF does not recommend refusal of an application but that the effects are mitigated and reduced to a minimum. The noise assessment modelling at the time of Application 14/01168/MFUL predicted noise impacts to be no worse than minor. The detailed design work following that application and additional noise modelling identified through this application seeks to mitigate the effects further. For this reason, the proposed location of the secondary acoustic fence in position 3 is considered acceptable.

CONDITIONS

1. The date of commencement of this development shall be taken as the (17 November 2016) when the application was registered by the Local Planning Authority.
2. The development hereby permitted shall be constructed in accordance with Drawing No. C11017/103 and the programme of phasing works as discharged through application 14/01168/MFUL. The development shall be carried out in accordance with the approved phasing programme.
3. The development hereby permitted shall be constructed in accordance with Drawing No. C11017/1100, C11017/612 & 613 and standard details (Kerbing types (version dated April 07); Pedestrian Crossing Kerbing (Version dated June 07); Kerb Drain (Version dated Oct 98); Dropper Kerb to match kerb type SP to BN (Version dated April 07); Dropper Kerb to match kerb type HB2 to BN (Version dated April 07); Edgings (Version dated April 07); Footway Construction Types (Version dated Oct 08); Tactile Paving (Versions dated April 07) as discharged through Condition 3 of Application 14/01168/MFUL.

4. The development hereby permitted shall be constructed in accordance with Drawing No. 355/01B; 355/02 B & 355/03 B) and standard details (ARF/1) as discharged through Condition 4 of Application 14/01168/MFUL.
5. All the works associated with the formation of the bunding/acoustic barrier as shown on plan C11017/45 is to be completed in accordance with approved details prior to commencement of use of the new highway routes.
6. All planting, seeding, turfing or earthworks comprised in The Landscape Management and Maintenance Plan (dated March 2016); Landscape Management Plan (Section B: Management Plot Category Schedule); Landscape Management Plan (Drwg No. 355/04) shall be completed in accordance with the approved details as discharged through application 14/01168/MFUL. Any trees or plants which within a period of ten years from the implementation of the scheme (or phase thereof), die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
7. Before the development hereby permitted is first brought into use for vehicular traffic other than construction traffic associated with the development of any residential and/or commercial development across the adopted Masterplan area (excluding the site of the former Post Hill Hospital site), details of junction improvement works at the junction of the approved route with Blundells Road to make the junction with the connecting road and Left in left Out junction suitable for use by all traffic, shall be submitted to, and be approved in writing by, the Local Planning Authority. The approved details shall be completed to the satisfaction of the Local Planning Authority prior to its use by non-construction vehicular traffic.
8. The development hereby permitted shall be constructed in accordance with the approved Construction and Management Plan (dated March 2016) as discharged through Condition 8 of Application 14/01168/MFUL.
9. The proposed new road, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with the approved details as discharged through Condition 9 of Application 14/01168/MFUL.
10. The surface water drainage scheme hereby permitted shall be constructed in accordance with the approved details as discharged through Condition 10 of Application 14/01168/MFUL.
11. The development hereby approved shall be constructed in accordance with the Written Scheme of Investigation as discharged through Condition 11 of Application 14/01168/MFUL.
12. Details of the surfacing material to be used for the final top surface of the new roads and roundabout hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to the final top surface of road being applied.
13. Prior to the junction hereby approved being brought into operational use by the public the A361 dual carriageway shall be resurfaced 200 metres in either direction on both east and westbound carriageways from the furthest extent of the new junction in either direction in a material which reduces the noise generated from moving traffic, the details of which shall be submitted to and agreed in writing by the Local Planning Authority before the resurfacing work commences.
14. The mitigation measures as discharged through Condition 14 of Application 14/01168/MFUL shall be fully implemented, installed and operational prior to the left in left out access being made available for public use and shall be so retained.

15. The development hereby approved shall be constructed in accordance with Position 3 on Drawing No. C11017/45 and standard details (ARF/1). The acoustic fencing so agreed shall be installed and operational prior to the left in left out junction being brought into public use.
16. The height of the acoustic fence as detailed in Position 3 of Drawing No. C11017/45 shall accord with the standard detail (ARF/1) as discharged through Condition 4 of Application 14/01168/MFUL.

REASONS FOR CONDITIONS

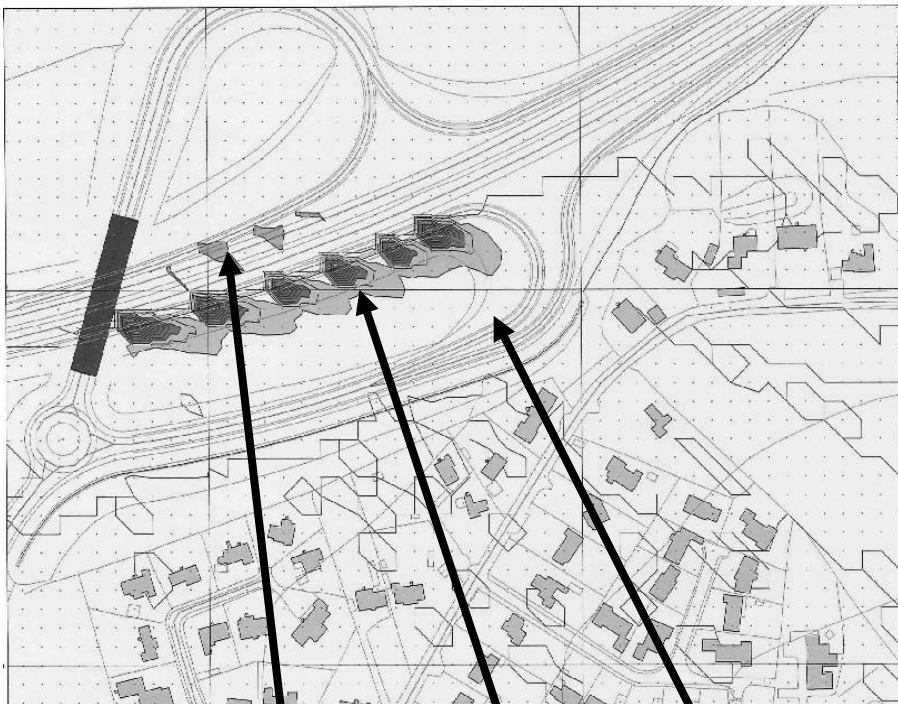
1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The Local Planning Authority wishes to ensure that the development proceeds in an orderly manner and in the interests of safeguarding the amenities of the residents who live adjacent to the site, in accordance with Policy DM2 of the Local Plan Part 3 (Development Management Policies).
3. In order to ensure all the junction arrangements have been assessed in terms of terms of their design, for the avoidance of doubt and in the interests of proper planning.
4. To assist with the mitigation of the impact of the development and in the interests of seeking to minimise the impact of the development on to the character and amenity of the area in accordance with Policy DM2 of Local Plan Part 3: (Development Management Policies) and the Adopted Tiverton Eastern Urban Extension Masterplan.
5. To assist with the mitigation of the impact of the development and in the interests of seeking to minimise the impact of the development on to the character and amenity of the area in accordance with Policy DM2 of Local Plan Part 3: (Development Management Policies) and the Adopted Tiverton Eastern Urban Extension Masterplan.
6. To assist with the mitigation of the impact of the development and in the interests of seeking to minimise the impact of the development on to the character and amenity of the area in accordance with Policy DM2 of Local Plan Part 3: (Development Management Policies) and the Adopted Tiverton Eastern Urban Extension Masterplan.
7. In order to ensure all the junction arrangements have been assessed in terms of terms of their design, for the avoidance of doubt and in the interests of proper planning.
8. To assist with the mitigation of the impact of the development and in the interests of seeking to minimise the impact of the development on to the character and amenity of the area in accordance with Policy DM2 of Local Plan Part 3: (Development Management Policies) and the Adopted Tiverton Eastern Urban Extension Masterplan.
9. To ensure that adequate information is available for the proper consideration of the detailed proposals in accordance with Policies DM2 and DM7 of the Local Plan Part 3 (Development Management Policies).
10. To protect water quality and minimise flood risk in accordance with Policies DM2 and DM7 of the Local Plan Part 3 (Development Management Policies), Policy COR11 of the Mid Devon Core Strategy (Local Plan Part 1) and the National Planning Policy Framework.
11. To ensure an appropriate record is made of archaeological evidence that may be affected by the development in accordance with the National Planning Policy Framework and Policy DM27 of Local Plan Part 3 (Development Management Policies).
12. To ensure the final top surfacing material on the road and roundabout is a high grade material to assist in minimising noise associated with the use of the new infrastructure in accordance with Policies DM2 and DM7 of Local Plan Part 3 (Development Management Policies).

13. To ensure the final top surfacing material is a high grade material to assist in minimising noise associated with the use of the infrastructure in order to safeguard the amenities of the occupiers of nearby dwellings affected by the proposal in accordance with Policies DM2 and DM7 of the Local Plan Part 3 (Development Management Policies).
14. In order to safeguard the amenities of the occupiers of nearby dwellings in accordance with Policies DM2 and DM7 of the Local Plan Part 3 (Development Management Policies).
15. In order to safeguard the amenities of the occupiers of nearby dwellings in accordance with Policies DM2 and DM7 of the Local Plan Part 3 (Development Management Policies).
16. To minimise the impact on the amenities of the occupiers of No 14 Uplowman Road in accordance with Policies DM2 and DM7 Local Plan part 3 (Development Management Policies).

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

This application seeks to vary Condition 15 of planning permission 14/01167/MFUL for the construction of a 'left in left out' road junction. It seeks to relocate one of two of the acoustic barriers identified for construction adjacent to the proposed A361 road junction. Following further detailed design work, acoustic modelling has identified a location that will provide greater benefits in minimising the impact of noise to nearby properties. As such, it is proposed that the secondary acoustic fence in Position 1 is removed and the primary acoustic fence extended to benefit residents towards the eastern extent of the scheme area.

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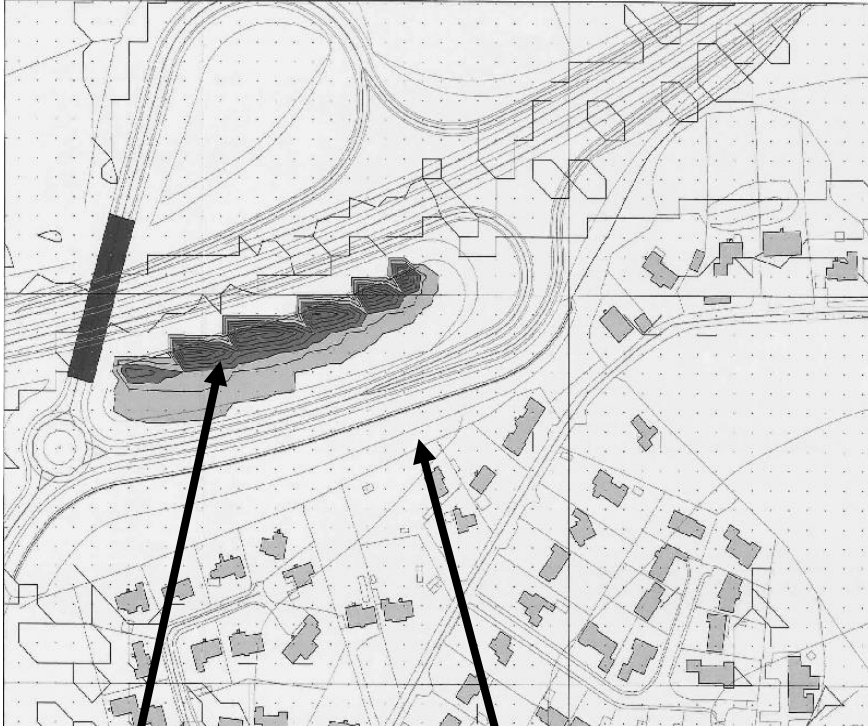
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An increase in noise level

Shaded area
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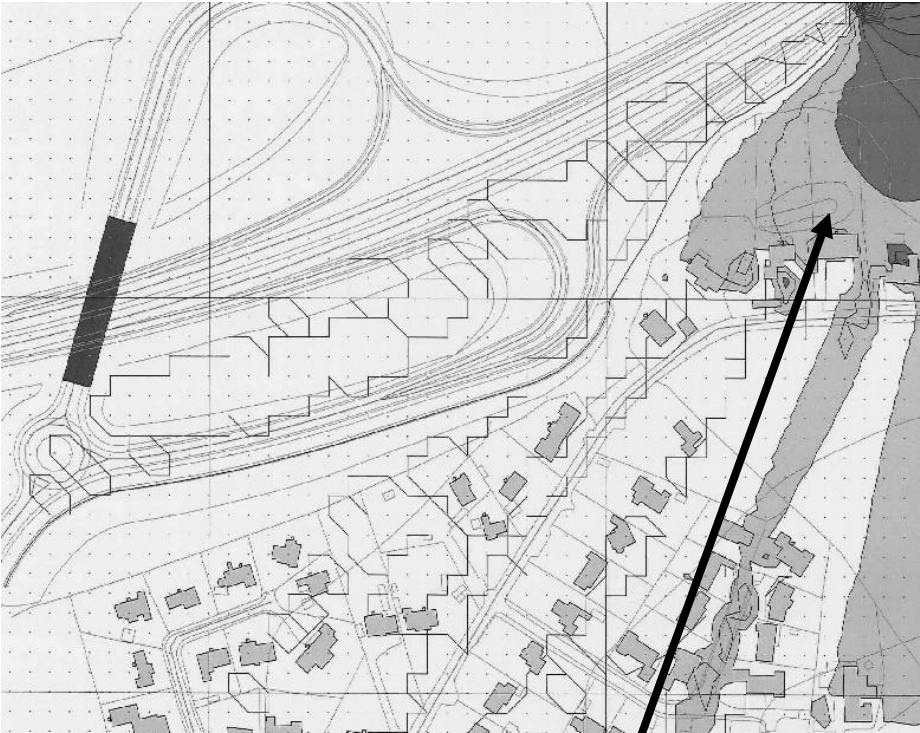


Comparison: Scenario 3 to Scenario 1

Shaded area
(reduction in noise
level)

Stippled area (no change in noise
level)

Appendix 4



Comparison: Scenario 4 to Scenario 1

Shaded area (reduction in noise level between 1 & 3 dB)

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DELEGATED APPLICATIONS AS AT - 19 January 2017

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

PURPOSE OF REPORT

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

RECOMMENDATION

That the report be noted.

DETAILS OF DECISIONS

DATE RECEIVED	DATE DETERMINED/ DECISION	REF NUMBER	APPLICANT PROPOSED DEVELOPMENT	PARISH/AREA
25.05.2016	18.01.2017 Grant permission	16/00828/FULL	Royal Bank of Scotland National Westminster Bank Plc 133 High Street Implementation of DDA compliant internal entrance ramp and works to existing entrance	Crediton Town 18
25.05.2016	18.01.2017 Grant permission	16/00829/LBC	Royal Bank of Scotland National Westminster Bank Plc 133 High Street Listed Building Consent for the	Crediton Town 18

			implementation of DDA compliant internal entrance ramp and works to existing entrance	
06.07.2016	16.12.2016 Grant permission	16/01058/FULL	Mrs N Lesser Muddifords Court Sampford Peverell Retention of change of use of Dutch barn from agricultural use to function space and demolition of former chicken shed	Halberton 25
01.08.2016	21.12.2016 Grant permission	16/01168/FULL	Mrs Joanne Priddle Mucky Mutts Unit 1 Retention of change of use of funeral directors (sui generis) to mixed use office, storage and dog grooming parlour (B1 and sui generis)	Crediton Town 18
04.08.2016	11.01.2017 Permitted with Conditions to Discharge	16/01205/FULL	Mr Paul Warren Arden House Union Road Variation of condition 2 of planning permission 15/00546/FULL to allow substitute plans in respect of amended entrance porch, rear window and new conservatory	Crediton Town 18
30.08.2016	16.12.2016 Permitted with Conditions to Discharge	16/01319/FULL	Mrs Y Harris, Western Power Distribution Electricity Sub Station (Folly Bridge) Erection of a replacement substation (33kV) and 2 transformers and construction of new vehicular access	Crediton Hamlets 19
05.09.2016	13.01.2017 Permitted with Conditions to Discharge	16/01370/FULL	Bow Parish Council Land at NGR 271285 101870 (Bow Recreation Field) Erection of changing room building	Zeal Monachorum 61

07.09.2016	16.12.2016 Permitted with Conditions to Discharge	16/01380/FULL	Mr Heywood Land and Buildings at NGR 304747 119836 (Stuckleys) Hockworthy Re-instatement of a derelict dwelling; conversion of barn to dwelling and erection of a bat roost (Revised Scheme)	Hockworthy 28
13.09.2016	23.12.2016 Grant permission	16/01396/FULL	Mr George Mortimer Cidercourt Venny Tedburn Removal of condition 4 of planning permission 04/00675/FULL relating to agricultural tie	Crediton Hamlets 19
20.09.2016	23.12.2016 Grant permission	16/01458/CLU	Mrs Audrey Raybould Tridley Down Black Dog Certificate of lawfulness for the existing use of a dwelling in non- compliance with an agricultural occupancy condition	Woolfardisworthy 60
28.09.2016	13.01.2017 Permitted with Conditions to Discharge	16/01499/FULL	Mr & Mrs T Howells Land and Buildings at NGR 290450 107584 Farleigh Conversion of redundant agricultural barns to dwelling with annexe	Cheriton Fitzpaine 12
30.09.2016	03.01.2017 Grant permission	16/01538/FULL	Mrs Simone Nikolopoulos 24 West-Exe North Tiverton Retention of change of use of part of ground floor from Hair/Beauty Salon (Class A1) to Residential (Class C3)	Tiverton 52
03.10.2016	03.01.2017 Permitted with Conditions to	16/01518/FULL	Mr K & Mrs M Skinner 30 Primrose Way Crediton Erection of dwelling	Crediton Town 18

	Discharge			
05.10.2016	18.01.2017 Grant permission	16/01532/TPO	Mr M Sparkes 6 Greenwood Willand Application to raise crown, remove branches and reduce crown by 1.5m protected by Tree Preservation Order 02/00005/TPO	Willand 59
05.10.2016	12.01.2017 Permitted with Conditions to Discharge	16/01557/FULL	Mr I Fray Pynes House Barn Cheriton Fitzpaine Conversion of coachhouse to dwelling and erection of single and two storey extensions following demolition of outbuildings	Cheriton Fitzpaine 12
05.10.2016	12.01.2017 Permitted with Conditions to Discharge	16/01559/LBC	Mr I Fray Pynes House Barn Cheriton Fitzpaine Listed Building Consent for the conversion of coachhouse to dwelling and erection of single and two storey extensions following demolition of outbuildings	Cheriton Fitzpaine 12
05.10.2016	20.12.2016 Permitted with Conditions to Discharge	16/01564/FULL	Miss D Bamonte, C/o XL Planning & Design Ltd Land at NGR 306757 110258 South of Southill Barton Erection of a stable block/hay store (371sqm) and construction of riding arena (1125sqm) for personal use	Uffculme 53
05.10.2016	20.12.2016 Permitted with Conditions to Discharge	16/01567/FULL	Mr Girts Karselis Land and Buildings at NGR 275015 100620 Whelmstone Barton Conversion of redundant barns to 3	Colebrooke 17

			dwelling and change of use of agricultural land to residential garden (Revised Scheme)	
05.10.2016	20.12.2016 Permitted with Conditions to Discharge	16/01568/LBC	Mr Girts Karselis Land and Buildings at NGR 275015 100620 Whelmstone Barton Listed Building Consent for conversion of redundant barns to 3 dwellings (Revised Scheme)	Colebrooke 17
06.10.2016	18.01.2017 No Objection	16/01562/CAT	Dr R Collins Jubilee House Cheriton Fitzpaine Notification of intention to carry out works to 1 Twisted Willow within the Conservation Area	Cheriton Fitzpaine 12
07.10.2016	22.12.2016 Refuse permission	16/01578/FULL	Mrs J Thurgood Land at NGR 310288 113646 The Cleeve Erection of a wooden shed for tractor and ancillary equipment	Culmstock 22
10.10.2016	13.01.2017 Refusal of Prior Approval	16/01590/PNCOU	Mr P Gibbins Land and Building at Sunny View Kings Mill Road Prior notification for the conversion of office building to dwelling under Class O	Cullompton 21
11.10.2016	10.01.2017 Development Acceptance	16/01581/PNCOU	Mr R Toms Land and Buildings at NGR 276014 96794 (Binneford Farm) Yeoford Prior notification for the change of use of agricultural building to 2 dwellinghouses under Class Q	Crediton Hamlets 19

12.10.2016	20.12.2016 Grant permission	16/01597/FULL	Mr Stuart Maynard Clarence & Bean Ltd Unit 3 Change of use of industrial unit (Use Class B1) to gym facility (Use Class D2)	Tiverton 52
14.10.2016	22.12.2016 Refuse permission	16/01613/FULL	Mr W Williams 27 Fore Street Cullompton Change of use of part shop/store to residential use and formation of a new window opening	Cullompton 21
14.10.2016	16.01.2017 Permitted with Conditions to Discharge	16/01616/FULL	Mr R Lazarus Land Rear of 65 Tidcombe Lane Tiverton Erection of a dwelling (Revised scheme)	Tiverton 52
18.10.2016	21.12.2016 Grant permission	16/01618/TPO	Mr E Miles 38 Redvers Way Tiverton Application to reduce crown of 1 Oak tree protected by Tree Preservation Order 02/00006/TPO	Tiverton 52
19.10.2016	20.12.2016 Grant permission	16/01636/FULL	Mr Simon Caudwell Land and Buildings at NGR 304825 115396 (Higher Ayshford Farm) Erection of a lean to extension to existing agricultural shed for farm workshop/machinery store use	Burlescombe 06
20.10.2016	21.12.2016 Grant permission	16/01641/FULL	Mr Ben Verling 31 Gold Street Tiverton Retention of a heat exchange unit to rear elevation	Tiverton 52

21.10.2016	21.12.2016 Permitted with Conditions to Discharge	16/01645/FULL	Mrs M Harris Dukesfield Bow Erection of a dwelling and car port and alterations to vehicular access (Revised Scheme)	Bow 03
21.10.2016	05.01.2017 Grant permission	16/01646/FULL	Mr M Baker Land at NGR 289795 107395 (West Farleigh) Cadeleigh Change of use of land for the siting of 2 shepherd huts for holiday use	Cheriton Fitzpaine 12
24.10.2016	03.01.2017 Application Part Granted/Part Refused	14/01984/MFUL/NMA	Mr C Ryan Land at NGR 308764 118163 (Redhill Farm) Burlescombe Installation of a ground-mounted photovoltaic solar farm to generate 4.8MW of power (site area 9.30 ha) with associated infrastructure including inverters, transformers, substations, communications building, fence, and pole-mounted security cameras - Non-Material Amendment for the substitution of previously approved plans	Holcombe Rogus 29
24.10.2016	21.12.2016 Grant permission	16/01650/HOUSE	Mr V Keenor 5 Murley Close Crediton Erection of two storey side extension and extension to existing rear patio area	Crediton Town 18
24.10.2016	21.12.2016 Grant permission	16/01651/HOUSE	Mr M Perryman 54 Shambles Drive Copplestone Installation of garage door on existing carport	Copplestone 62

24.10.2016	29.12.2016 Permitted with Conditions to Discharge	16/01652/LBC	Mr G Clover Corner Cottage Coleford Listed Building Consent for internal alterations	Colebrooke 17
24.10.2016	21.12.2016 Permitted Development	16/01653/PNCOU	Mrs R Salmon Land and Buildings at NGR 275669 95145 (Wolfgar Farm) Prior notification for the change of use of agricultural building to dwelling under Class Q	Cheriton Bishop 11
25.10.2016	16.12.2016 Grant permission	16/01661/FULL	Mr G Gregory Congregational Church High Street Alterations to access to upper hall to form new ramp and stairs	Crediton Town 18
25.10.2016	16.12.2016 Grant permission	16/01662/LBC	Mr G Gregory Congregational Church High Street Listed Building Consent for alterations to access to upper hall to form new ramp and stairs	Crediton Town 18
26.10.2016	17.01.2017 Grant permission	16/01676/FULL	Mr & Mrs Jameson-Evans Land at NGR 296078 102191 (Adjacent Waterleat House) Silverton Erection of a mixed use building and creation of new access and track	Silverton 45
26.10.2016	22.12.2016 Permitted with Conditions to Discharge	16/01677/HOUSE	Mr T Johnson Abbotsham Farm Wembworthy External alterations to existing farmhouse	Brushford 05
26.10.2016	22.12.2016 Grant permission	16/01678/LBC	Mr T Johnson Abbotsham Farm Wembworthy	Brushford 05

			Listed Building Consent for internal and external alterations to existing farmhouse	
27.10.2016	20.12.2016 Grant permission	16/01670/FULL	Mr & Mrs R Gough Land and Buildings at NGR 290421 109337 (Former Dairy) West Ridge Farm Conversion of former dairy to dwelling and associated works	Cadeleigh 09
31.10.2016	21.12.2016 Not Permitted Development	16/01690/PNCOU	Mr B Proctor Land and Building at NGR 314804 110956 Madford Farm Prior notification for the change of use of agricultural building to hotel (Use Class C1) under Class R	Hemyock 26
31.10.2016	21.12.2016 Grant permission	16/01692/HOUSE	Mr D Grimshaw 10 Hescane Park Cheriton Bishop Erection of a 0.9m high trellis on existing 2m high wooden rear boundary fence	Cheriton Bishop 11
31.10.2016	19.12.2016 Grant permission	16/01693/FULL	Mr A Wiles Newton St Cyres Tennis Club Newton St Cyres Recreation Ground Club Erection of extension to existing tennis club hut	Newton St Cyres 37
31.10.2016	21.12.2016 Grant permission	16/01695/HOUSE	Mr M Little 6 Briton Street Bampton Replacement of existing shed with summerhouse and lean-to to chicken coop, erection of pergola and timber store, relocation of driveway gate and tree management	Bampton 01

31.10.2016	21.12.2016 Permitted with Conditions to Discharge	16/01696/LBC	Mr M Little 6 Briton Street Bampton Listed Building Consent for the erection of pergola and timber store, relocation of driveway gate, replace render and various external and internal renovation works	Bampton 01
31.10.2016	21.12.2016 Grant permission	16/01700/FULL	Sir Neil & Lady Butterfield Land at NGR 282810 102562 (Adjacent to St Swithun's Churchyard) Sandford Change of use of orchard/amenity land to burial ground	Sandford 43
01.11.2016	19.12.2016 Grant permission	16/01701/FULL	Drs L & P Snowdon Land at NGR 271832 103823 (Grantchester House) Zeal Monachorum Change of use of land from agricultural to equestrian and erection of stable block and manure clamp	Zeal Monachorum 61
01.11.2016	20.12.2016 Grant permission	16/01702/HOUSE	Mr N & Mrs S Patchett 5 Fairway Tiverton Erection of a replacement extension to East elevation and conservatory; erection of extension to West elevation; erection of garage (Revised scheme)	Tiverton 52
01.11.2016	22.12.2016 Grant permission	16/01704/ARM	Mr R & Mrs C Stoneman Tregarth Lapford Reserved Matters for the erection of a	Morchard Bishop 35

			replacement dwelling	
01.11.2016	19.12.2016 Grant permission	16/01705/LBC	Mr C Cotton Turberfield House 35 Lower Town Listed Building Consent for installation of replacement windows	Sampford Peverell 42
01.11.2016	23.12.2016 Grant permission	16/01709/FULL	Arqiva Ltd, C/o Mono Consultants Ltd Telecommunications Masts at NGR 295664 112675 Telephone Exchange Removal of 1 flagpole (14.8m) and installation of 2 new flagpoles (15.7m) to accommodate 3 antennas on roof and 2 additional cabinets within existing compound	Tiverton 52
03.11.2016	19.12.2016 Grant permission	16/01710/FULL	Newcombes (Credon) Housing Association Ltd 6A Courtis Gardens Credon Replacement of existing entrance door with window and formation of new entrance door with extended porch roof over	Credon Town 18
03.11.2016	28.12.2016 Permitted with Conditions to Discharge	16/01711/FULL	Mr A Cundy Pertelote Bradleigh Down Erection of replacement dwelling following demolition of bungalow	Tiverton 52
03.11.2016	16.01.2017 Refuse permission	16/01712/LBC	Mr P Moore 3 The Weeches Washfield Listed Building Consent for the installation of 6 replacement windows and 1 replacement door	Washfield 56

04.11.2016	05.01.2017 Application Part Granted/Part Refused	16/01717/TPO	Mrs P Lockwood Land at NGR 296466 113648 (Rear of 41 St James Way) Redvers Way Application to carry out works to 1 Goat Willow and 1 Ash tree protected by Tree Preservation Order 02/00006/TPO	Tiverton 52
04.11.2016	17.01.2017 Refuse permission	16/01723/HOUSE	Mr & Mrs Cropper The Wharf House Holcombe Rogus Retention of a garden living room and decking	Holcombe Rogus 29
04.11.2016	20.12.2016 Grant permission	16/01725/FULL	Col M Woodcock, Cullompton Walronds Preservation Trust The Walronds 6 Fore Street Erection of wooden garden shed	Cullompton 21
07.11.2016	30.12.2016 Permitted with Conditions to Discharge	16/01741/HOUSE	Mr Jamie De Boyer Winswood Spinney Park Road Replacement of a flat roof with pitched roof on detached garage	Crediton Town 18
07.11.2016	30.12.2016 Permitted with Conditions to Discharge	16/01742/LBC	Mr Jamie De Boyer Winswood Spinney Park Road Listed Building Consent for replacement of a flat roof with pitched roof on detached garage	Crediton Town 18
08.11.2016	05.01.2017 Permitted with Conditions to Discharge	16/01748/FULL	Mrs P M Taylor Land and Buildings at NGR 288707 113946 (The Old School House) Templeton Change of use and conversion of former school house to dwelling with associated gardens and parking areas	Templeton 49

08.11.2016	20.12.2016 Permitted with Conditions to Discharge	16/01758/FULL	Mrs C Winter Keepers Lodge Burlescombe Conversion of barn, outbuilding and dwelling to form dog day care service, boarding kennels and cattery, and erection of cattery building	Burlescombe 06
08.11.2016	09.01.2017 Development Acceptance	16/01760/PNCOU	Messrs W G & M T A Down Building at NGR 278417 106027 (Land West of West Aish) Prior Notification for the change of use of an agricultural building to dwelling under Class Q	Morchard Bishop 35
08.11.2016	06.01.2017 Grant permission	16/01763/FULL	Mr Dominic Harvey Land and Buildings at NGR 296473 121755 (Luttrell Farm) Bampton Erection of roofed area over existing open yard for cattle feeding and handling and small extension to existing shed	Bampton 01
09.11.2016	19.12.2016 Grant permission	16/01731/HOUSE	Mr & Mrs Thomas Rodgemont Chawleigh Erection of an orangery	Chawleigh 10
09.11.2016	23.12.2016 Grant permission	16/01733/DPO	Mr G Mortimer Court Barton Venny Tedburn Application under The Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992 to seek to discharge the terms of a section 106 agreement pursuant to planning permission 04/00675/FULL	Crediton Hamlets 19

09.11.2016	19.12.2016 Grant permission	16/01754/HOUSE	Ms M Pitts Redhill Cottage Colebrooke Erection of single storey extension	Colebrooke 17
10.11.2016	13.01.2017 Refuse permission	16/01768/FULL	Mr B Huggins Land and Buildings at NGR 284259 102707 Broxford House Conversion of existing detached barn to dwelling	Upton Hellions 55
11.11.2016	20.12.2016 No Objection	16/01743/CAT	Mr Colin Mackenzie Land at NGR 300056 104060 (Rear of 21 Fore Street) Hornbeam Gardens Notification of intention to remove 3 Maple trees within the Conservation Area	Bradninch 04
11.11.2016	20.12.2016 No Objection	16/01747/CAT	Mr John Smith Trewmans House Cadeleigh Notification of intention to fell 1 Eucalyptus tree within the Conservation Area	Cadeleigh 09
11.11.2016	16.01.2017 Grant permission	16/01766/CLU	Mr Andrew Pollington Pollington Decorators Ltd 15A High Street Certificate of lawfulness for the existing use of commercial unit for A1 purposes	Cullompton 21
14.11.2016	06.01.2017 Development Acceptance	16/01750/PNCOU	Mr G Bere, GB Plant Hire Stables at NGR 294341 117401 Fairby Prior notification for the change of use of agricultural building to dwelling under Class Q	Tiverton 52

14.11.2016	21.12.2016 Grant permission	16/01776/FULL	Mr R May Land and Buildings at NGR 289369 102130 West Raddon Farm Erection of extension to umbrella roof over existing open cattle yard	Shobrooke 44
14.11.2016	19.12.2016 Grant permission	16/01778/HOUSE	Mr & Mrs Baxter Apple Blossom House Cheriton Fitzpaine Erection of a porch and alterations to existing building	Cheriton Fitzpaine 12
15.11.2016	20.12.2016 Development Acceptance	16/01780/PNHH	Mr I Thornton 21 Silverdale Silverton Prior Notification for the erection of an extension, extending to 4m to the rear, maximum height of 2.25m, eaves height of 2.65m	Silverton 45
17.11.2016	05.01.2017 Grant permission	16/01791/HOUSE	Mr & Mrs Weeks Highwood Farm Uplowman Installation of swimming pool and enclosure	Huntsham 30
17.11.2016	16.01.2017 Grant permission	16/01798/FULL	Mr & Mrs N Worsnop Land and Buildings at NGR 275322 107819 (Cottage Gardens) Change of use of land to domestic garden, erection of an extension and creation of new access	Morchard Bishop 35
17.11.2016	09.01.2017 Permitted with Conditions to Discharge	16/01800/FULL	Mr & Mrs Tim & Milla Herniman Threshing Barn Hayne Erection of an extension to provide events kitchen, glazing to barn and replacement porch	Zeal Monachorum 61

17.11.2016	06.01.2017 Approval of Prior Approval	16/01801/PNAG	Mr S Radford Land at NGR 291733 116216 Buttermoor Farm Prior Notification for the erection of a 50kw anaerobic digester plant	Washfield 56
17.11.2016	09.01.2017 Grant permission	16/01802/LBC	Mr & Mrs Tim & Milla Herniman Threshing Barn Hayne Listed Building Consent for the erection of an extension to provide events kitchen, glazing to barn and replacement porch	Zeal Monachorum 61
17.11.2016	12.01.2017 Grant permission	16/01804/TPO	Mr Cutts 5 Eastwick Barton Nomansland Application to deadwood 1 Ash tree and reduce overhang over house by 2m protected by Tree Preservation Order 02/00008/TPO	Thelbridge 50
18.11.2016	19.12.2016 No Objection	16/01784/CAT	Mr J Widger The Linhay Coleford Notification of intention to fell 2 Sycamore sapplings in a Conservation Area	Colebrooke 17
18.11.2016	16.01.2017 Permitted with Conditions to Discharge	16/01805/HOUSE	Mr & Mrs Cook Old Rectory Clayhanger Conversion of existing out-shut, erection of replacement conservatory, reinstatement of southern verandah, and internal/external alterations and repairs	Clayhanger 14
18.11.2016	16.01.2017 Permitted with Conditions to	16/01806/LBC	Mr & Mrs Cook Old Rectory Clayhanger Listed Building Consent for the	Clayhanger 14

	Discharge		conversion of existing out-shut, erection of replacement conservatory, reinstatement of southern verandah, and internal/external alterations and repairs	
18.11.2016	13.01.2017 Grant permission	16/01809/HOUSE	Mr P Blakes 37 Aubyns Wood Rise Tiverton Retention of a conservatory	Tiverton 52
21.11.2016	17.01.2017 Grant permission	16/01787/CLP	Mr P Beasley 10 Tyrrell Road Tiverton Certificate of lawfulness for the proposed erection of a conservatory	Tiverton 52
21.11.2016	17.01.2017 Grant permission	16/01819/FULL	Mr C Brady Clarence and Bean Limited Unit 12 Erection of single storey extension to existing building	Tiverton 52
22.11.2016	10.01.2017 Grant permission	16/01824/FULL	NET Coverage Solutions St Disens Church Church Street Installation of telecommunications equipment comprising of 4 antennas located behind replica louvres, internal cabinets with the church tower and external meter pillar painted to match church stone and ancillary development	Bradninch 04
23.11.2016	28.12.2016 No Objection	16/01818/CAT	Ms Louise Green Penton House Penton Lane Notification of intention to remove 3 branches from 1 Ash tree within the Conservation Area	Crediton Town 18

23.11.2016	05.01.2017 Permitted with Conditions to Discharge	16/01829/FULL	Mr G Waddell Knightshayes Park Bolham Erection of boilerhouse and associated woodchip and composting stores	Tiverton 52
23.11.2016	05.01.2017 Grant permission	16/01832/LBC	Mr G Waddell Knightshayes Park Bolham Listed Building Consent for erection of boilerhouse and associated woodchip and composting stores, and installation of connection to Knightshayes House and Stables	Tiverton 52
24.11.2016	20.12.2016 No Objection	16/01816/CAT	Mrs Diana Brice 2 Court Gardens Stoodleigh Notification of intention to remove 9 Leylandii trees and crown lift 1 American Walnut tree by 3.5m above grown level and crown reduce by 4m within the Conservation Area	Stoodleigh 48
24.11.2016	17.01.2017 Grant permission	16/01834/LBC	Mr & Mrs D Wren Higher South Coombe Templeton Listed Building Consent for repairs and alterations to existing ancillary accommodation	Templeton 49
24.11.2016	18.01.2017 Grant permission	16/01837/HOUSE	Mr P Guest 6 Rogers Close Tiverton Retention of single storey rear extension	Tiverton 52
28.11.2016	06.01.2017 No Objection	16/01828/CAT	Mrs Claire Heaven Roberts Thorverton House 7 Silver Street Notification of intention to fell 1 Beech and 1 Pear tree within the	Thorverton 51

			Conservation Area	
05.12.2016	13.01.2017 Development Acceptance	16/01866/PNHH	Mr M Fawell 8 Windsor Close Cullompton Prior Notification for the erection of an extension, extending to 6m to the rear, maximum height of 4m, eaves height of 3m	Cullompton 21
06.12.2016	11.01.2017 Grant permission	16/01881/FULL	Ms K Taylor, Willand Parish Council Playing Field at NGR 303555 110954 Gables Road Erection of a 10m high raising and lowering column for Air Ambulance landing	Willand 59
12.12.2016	30.12.2016 Grant permission	16/01915/CLP	Mr & Mrs D Harrison 23 Pool Anthony Drive Tiverton Certificate of Lawfulness for the proposed erection of a two-storey extension	Tiverton 52
13.12.2016	30.12.2016 No Objection	16/01919/CAT	Miss C Marlow, MDDC Phoenix Lane Tiverton Notification of intention to fell 1 London Plane and crown lift by 3m 4 London Plane trees in a Conservation Area	Tiverton 52
14.12.2016	18.01.2017 No Objection	16/01921/CAT	Francesca Peroni Franklyn 4 Belle Parade Notification of intention to pollard 1 Malus tree to 2.1m within the Conservation Area	Crediton Town 18

16.12.2016	18.01.2017 No Objection	16/01929/CAT	Mr Peter Benjamin 2 Croft Cottages Cheriton Bishop Notification of intention to pollard 1 Ash tree within the Conservation Area	Cheriton Bishop 11
22.12.2016	18.01.2017 Grant permission	16/01140/MFUL/NMA	Mr M Witcombe Land at NGR 303818 111567 (Plot 5, Mid Devon Business Park) Erection of 3 industrial units - Non- Material Amendment to include roof lights within composite metal sheet roof	Halberton 25

Background Papers: Contained in application files referred to.

Major Applications with no Decision

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

Item No.	Weeks	TARGET DATE	REFVAL	PROPOSAL	LOCATION	NAME	Expected Decision Level	
							Delegated	Committee
1	2	04/04/2017	17/00001/MOUT	Outline for the erection of 7 dwellings, improvements to access and change of use of agricultural land to community facility	Land and Buildings at NGR 294119 106891 (Adjacent to Highfield) Bickleigh Devon	Miss Lucy Hodgson	DEL	
2	2	04/04/2017	16/01988/MOUT	Outline for the erection of up to 74 dwellings	Land at NGR 301106 107155 Knowle Lane Cullompton Devon	Miss Thea Billeter	DEL	
3	4	16/03/2017	16/01932/MFUL	Construction of 2 ponds, a wetland area, an attenuation basin and creation of additional 120m of Devon hedgebank	Land at NGR 294211 123012(Higher Barn) Bampton Devon	Miss Lucy Hodgson	DEL	
4	5	10/03/2017	16/01899/MARM	Reserved Matters application to revise the layout for plots 164-176 as approved under planning references 12/00277/MOUT and 14/01047/MARM to include an addition 4 dwellings (increase from 13 dwellings to 17 dwellings), and associated access road and drainage infrastructure	Land at NGR 294659 113730 (Farleigh Meadows) Washfield Devon	Mr Simon Trafford	DEL	
5	5	15/03/2017	16/01898/MARM	Reserved Matters in respect of appearance, landscaping, layout, and scale following Outline approval 14/00830/MOUT	Land at NGR 284242 99827 (Wellparks) Exeter Road Crediton Devon	Mr Simon Trafford	COMM	COMM
6	6	06/03/2017	16/01888/MOUT	Outline for the erection of up to 40 dwellings, formation of 64 space car park to service Copplestone Railway Station, public open space, vehicular access from Shambles Drive, pedestrian links and associated infrastructure	Land at NGR 276566 103177 (Old Abattoir Site) Shambles Drive Copplestone Devon	Mr Simon Trafford	COMM	COMM
7	6	07/03/2017	16/01836/MARM	Reserved Matters (layout, scale, appearance and landscaping) for the erection of 25 dwellings with parking and open space, following Outline approval 14/01332/MOUT	Land at NGR 288080 098230 East of Station Road Newton St Cyres Devon	Miss Helen Govier	COMM	COMM
8	7	28/02/2017	16/01788/MFUL	Erection of extension to existing industrial unit for Class B8 use (1,660sqm) and additional 18 car parking spaces	Pencarrie Ltd Unit 14 South View Estate Willand Cullompton Devon EX15 2QW	Ms Naomi Morgan	DEL	

<i>Item</i>							<i>Expected Decision Level</i>	
<i>No.</i>	<i>Weeks</i>	<i>TARGET DATE</i>	<i>REFVAL</i>	<i>PROPOSAL</i>	<i>LOCATION</i>	<i>NAME</i>	<i>Delegated</i>	<i>Committee</i>
9	8	17/02/2017	16/01773/MARM	Reserved Matters for the erection of mixed use facilities building with associated parking and highway works following Outline approval 13/00947/MOUT	Land at NGR 305036 113872 (Junction 27) Sampford Peverell Devon	Miss Thea Billeter	COMM	COMM
10	8	20/02/2017	16/01811/MOUT	Outline for the erection of up to 259 dwellings, with public open space, landscaping and associated infrastructure	Land at NGR 303184 110348 Silver Street Willand Devon	Miss Thea Billeter	COMM	COMM
11	9	15/02/2017	16/01772/MOUT	Outline for the erection of upto 40 dwellings (including affordable housing), public open space and associated infrastructure	Land at NGR 313382 113489 Culmstock Road Hemyock Devon	Ms Tina Maryan	COMM	COMM
12	10	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	
13	11	01/02/2017	16/01707/MOUT	Outline for the erection of 41 dwellings and formation of vehicular access	Land at NGR 295527 113644 (South Of Lea Road) Tiverton Devon	Ms Tina Maryan	COMM	COMM
14	17	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 Upplowman Road Tiverton Devon	Mrs Christie McCombe	COMM	COMM
15	32	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
16	137	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	Mrs Christie McCombe	COMM	COMM
17	142	28/07/2014	14/00604/MFUL	Erection of care home and 12 apartments with associated access, parking and landscaping, following demolition of existing hospital buildings (Revised Scheme)	Post Hill Nursing Home 36 Post Hill Tiverton Devon EX16 4ND	Miss Lucy Hodgson	COMM	COMM

<i>Item</i>							<i>Expected Decision Level</i>	
<i>No.</i>	<i>Weeks</i>	<i>TARGET DATE</i>	<i>REFVAL</i>	<i>PROPOSAL</i>	<i>LOCATION</i>	<i>NAME</i>	<i>Delegated</i>	<i>Committee</i>
18	196	16/07/2013	13/00525/MFUL	Application to replace extant planning permission 09/01870/MFUL (to extend time limit). A mixed development of 13 open market eco-houses and 6 affordable eco-houses; new access and estate road; additional car parking facilities for the Village Hall; closure of the existing Parish Hall Car Park entrance; provision of a children's play area for the Parish Hall; highway improvements to Fanny's Lane; footpath link to Snows and Meadowside Road (Revised Scheme)	Land at NGR 282973 102485 (East of Oxford Terrace) Fanny's Lane Sandford Devon	Mr Simon Trafford	COMM	COMM

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LIST OF APPEAL DECISIONS FROM 19 November 2016 to 18 January 2016

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

Summary of Inspectors Comments

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

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

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

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

Summary of Inspectors Comments

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

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

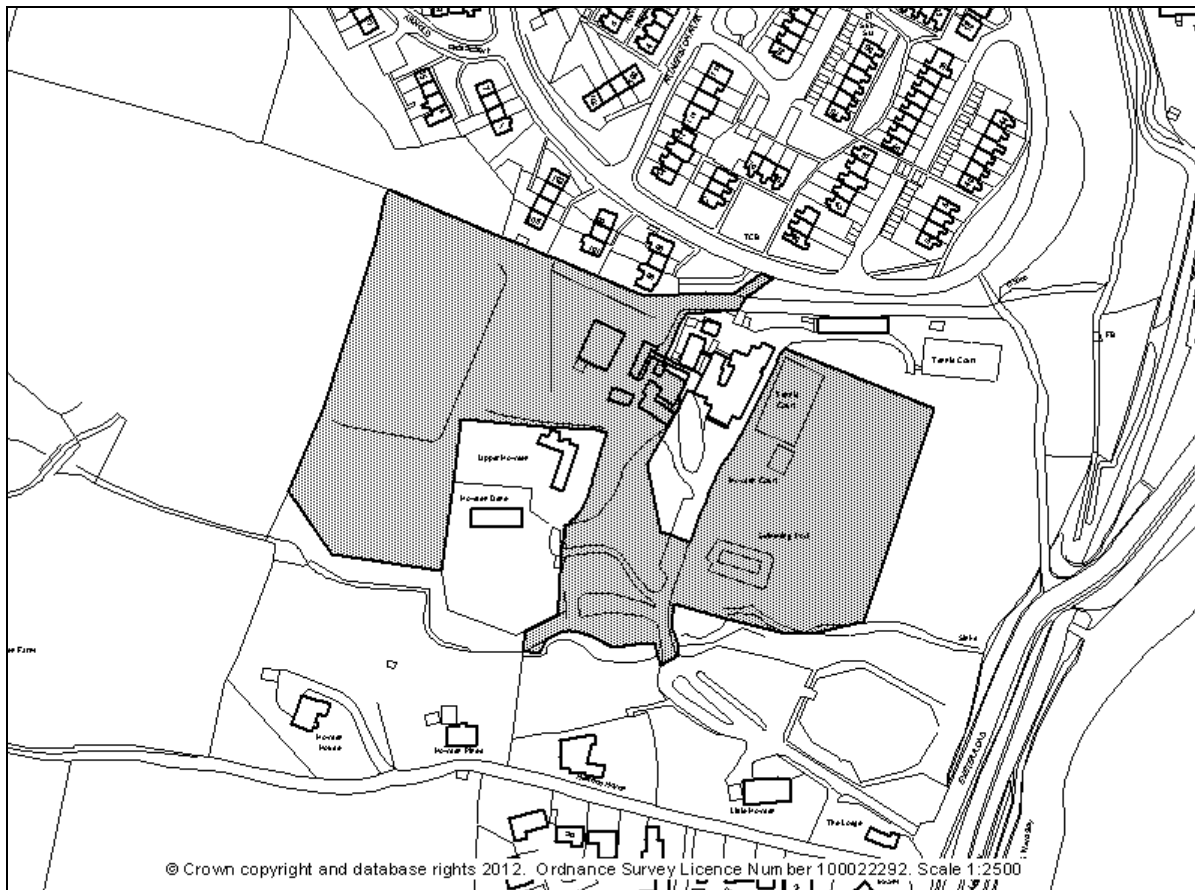
Application No. 11/01927/MFUL

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 1ST February 2017 regards LPA ref 11/01927/MFUL

1. The Planning Committee considered matters in relation to the off- site works required as part of the proposed housing development at Howden Court/St Aubyns Rise under LPA ref: 11/01927/MFUL at their meeting on the 30th November 2016. The issue for consideration was in relation to the delivery of the proposed footpath link between the new housing estate and Palmerston Park, which formed part of the terms of the approved scheme details. The update report prepared for the meeting on the 30th November follows on from this further update note (hereafter referred to as the Report). The report considered on 30th November 2016 is attached as Appendix 1.
2. As set out in the Report the footpath link is an approved detail under the terms of the relevant planning permission but has not yet been constructed. Notwithstanding the officer recommendation set out in the Report, Members voted to defer making their final decision on whether the proposed link between the site and Palmerston Park as approved under LPA ref: 11/01927/MFUL, to allow officers to have further discussions with Heritage Homes and any other relevant land owning interests as to what could be achieved in terms of an off-site financial contribution in lieu of providing the link and on a quid pro quo basis.
3. Since that meeting further consultations have been undertaken with Heritage Homes and Devon County Council as summarised in date order as follows:

1st December 2106: Heritage Homes have confirmed that if the Local Authority wish for the footpath link to be provided it would be completed along with the other works required to surface the highways in the Spring of 2017.

1st December 2016: Heritage Homes have confirmed that the route that the footpath would have to follow would be slightly different to the route shown on the approved planning application drawings as shown on Appendix 2 to this report. Heritage Homes have provided the following explanation for this revision to the route:

When the road was built the levels were such that it was necessary to build a very large 6m. high reinforced concrete retaining wall to support the road along the line of what is shown as the boundary for Plot 48 and the front of the house.

This meant that we have had to take the path slightly to the left before dropping down as otherwise the road could not be supported due to the levels and poor ground conditions and also the gradient of the path would have made it unusable.

Irrespective of the reasoning for this deviation for the route your officers do not consider that this revised route is materially different from the route shown on the approved planning drawings.

3rd January 2017: Devon County Council have provided the following comments regarding the footpath and securing a contribution to deliver off-site works that would facilitate connectivity improvements for non car journeys between the new estate and it's environs.

I can confirm that the Highway Authority would not wish to adopt the footway as there is a commodious alternative and the footway link would represent a maintenance liability.

I also confirm that having visited site the use of funds for alternative improvements in and around the junction while they would be welcomed would not provide for any direct improvement or benefit for the site. There is already a pedestrian drop crossing and the installation of more formal crossing facilities would necessitate its installation further to the south west which would not be attractive compared to the existing crossing point therefore no benefit to the residents of the site. Therefore any substitution of funds for the footpath would not be reasonable from a highway perception, but improvements to pedestrian access to the town centre may be desirable, and I am aware of schemes promoted by DfT for cycle and pedestrian improvements in Tiverton Town Centre which may be relevant and you may wish to discuss with Steve Densham.

4. In addition at the Scrutiny Committee on the 12th December 2016, Members expressed a concern that if a decision is reached which does not require the footpath to be delivered that it would be seen as the Council not enforcing its own ruling. Scrutiny Committee considered that this would set an unfortunate precedent for other developers to emulate.
5. Recommendation: Since the meeting on the 30th November the developer has confirmed a timescale to deliver the footpath and along a very similar route to that shown on the approved plans. The Highway Authority have not been able to identify any initiatives off site which could be funded and therefore improve the connectivity between the site and its environs in lieu of providing the footpath as required by policy AL/TIV/11. In the absence of a specific project which would deliver the same connectivity benefits, as the footpath link between the site and Palmerston Park, it is not considered that there would any robust policy based justification not to secure the delivery of the approved footpath.

Therefore, Members of the Committee are requested to vote to endorse the delivery of the footpath link as shown on the approved plans and as to be varied to the route as shown at Appendix 2 to this report. This will ensure compliance with policy requirements as required by the planning permission subsequently granted.

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APPENDIX 1

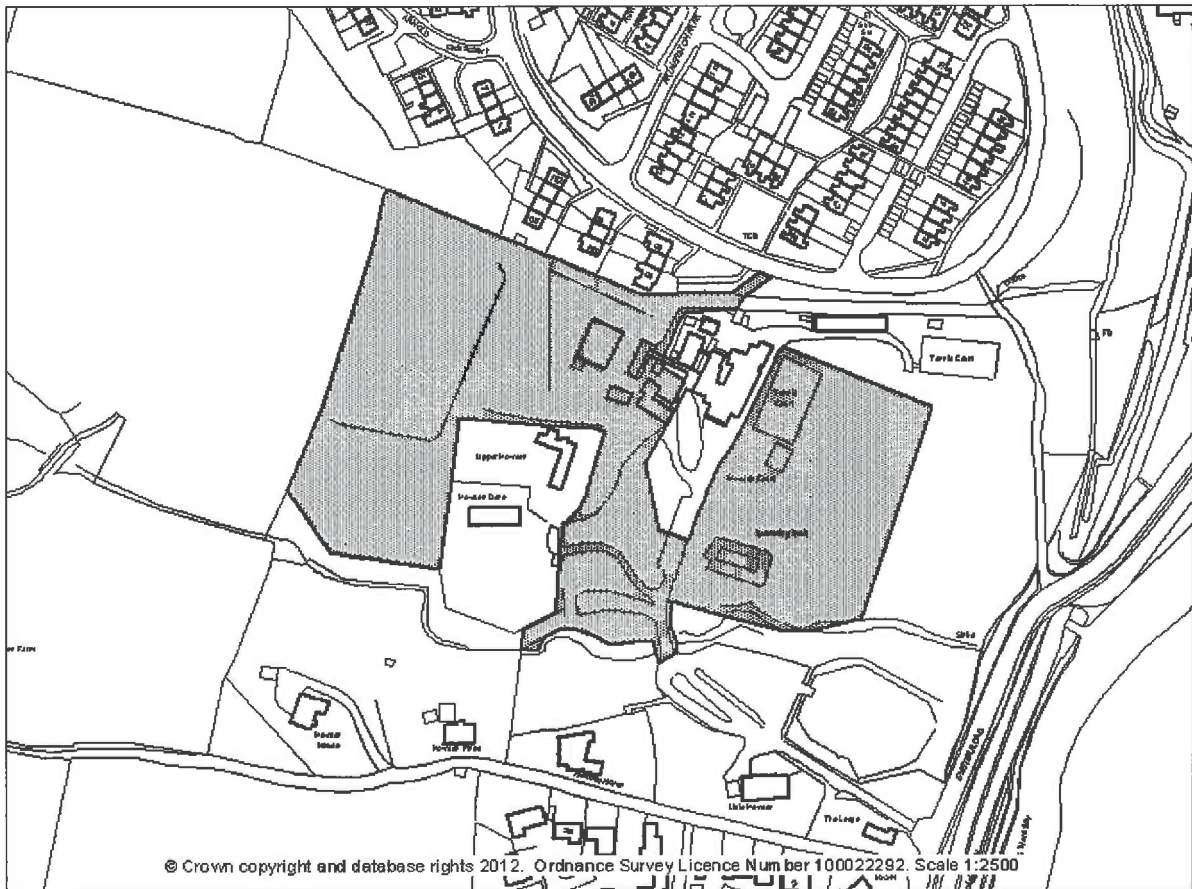
Application No. 11/01927/MFUL

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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PLANNING COMMITTEE

DATE: 1ST FEBRUARY 2017

REPORT OF JENNY CLIFFORD, THE HEAD OF PLANNING AND REGENERATION

PLANNING PERFORMANCE 2016/17 QUARTER 3.

RECOMMENDATION:

For information and discussion.

REASON FOR REPORT:

To provide the Committee with information on the performance of Planning Services for the quarter 3 of the 2016/17 financial year

MATTERS FOR CONSIDERATION:

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

RELATIONSHIP TO CORPORATE PLAN:

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

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

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

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

1.0 PLANNING PERFORMANCE

- 1.1 Set out below are the Planning Service performance figures for quarter 3 from 1st October – 31st December 2016. Performance data is published quarterly on the Council's website at <https://new.middevon.gov.uk/planning/performance-standards/>
- 1.2 Performance is set out below and expressed as a percentage unless marked otherwise and reports against a mix of Government and local performance targets. The context against previous performance is also shown.

Planning Service Performance	Target	2015/16	2016/17		
			Q1	Q2	Q3
Major applications determined within 13 weeks	60%	*47%	75%	100%	100%
Minor applications determined within 8 weeks	65%	68%	72%	72%	79%
Other applications determined within 8 weeks	80%	86%	76%	77%	73%
Householder applications determined in 8 weeks	85%	93%	86%	93%	93%
Listed Building Consents	80%	71%	78%	81%	89%
Enforcement site visits undertaken within 15 days of complaint receipt	87%	89%	92%	100%	89%
Delegated decisions	90%	94%	95%	94%	92%
No of applications over 13 weeks old without a decision	Less than 45 applications	40	37	39	33
Major applications determined within 13 weeks (over last 2 years)	More than 50%	53%	51%	80%	82%
Major applications overturned at appeal as % of all major decisions in last 2 years	Less than 20%	10%	14%	6%	5%
Determine all applications within 26 weeks or with an extension of time (per annum –Government planning guarantee)	100%	99%	93%	100%	100%
Building Regulations Applications examined within 3 weeks	95%	72%	96%	72%	83%
Building Regulation Full Plan applications determined in 2 months	95%	97%	96%	84%	88%

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

2.0 APPLICATION PROCESSING- DEVELOPMENT MANAGEMENT.

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

Speed:

Majors: More than 50% of major applications determined within 13 weeks (over 2 year period)

Non majors: More than 65% of non-major applications determined within 8 weeks (over 2 year period). Our performance on this for the 2 year period to the end of September 2016 was 83.2%.

Quality:

Majors: Previous assessment round -Applications determined over a 2 year period, no more than 20% of decisions to be overturned at appeal. Proposed 2018: no more than 10% of decisions to be overturned at appeal.

Non majors: Proposed 2018: no more than 10% of decisions to be overturned at appeal (over a 2 year period).

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

- 2.2 Application determination performance results for Qu 3 16/17 indicate that in the main, the national planning performance indicators continue to be met and exceeded by the Service. The only exception to this continues to be performance in the 'other' applications category with 73% determined within 8 weeks against a national performance target of 80%. However it is to be noted that Listed Building Consent applications which fall within this application category achieved 89% determined within 8 weeks in this quarter. This area of performance continues to improve over previous quarters.
- 2.3 Certain performance figures reported in the table above include allowance for extensions of time (in accordance with Government methodology on calculating performance).

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

As previously reported, the Planning Service is still currently carrying several vacant posts in development management, pending a review of its staffing structure. This restructure is progressing with the aim of being implemented at the beginning of April 2017.

3.0 PLANNING ENFORCEMENT.

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

	2015/16				2016/17		
Enforcement	Qu 1	Qu 2	Qu 3	Qu 4	Qu 1	Qu 2	Qu 3
New enforcement cases registered	14	71	54	83	69	75	35
Enforcement cases closed	47	53	39	62	63	58	56
Committee authorisations sought	3	2	1	2	4	10	6
Planning contravention notices served	Available from Qu 2	9	5	10	5	3	2
Breach of condition notices served	0	1	0	0	0	0	0
Enforcement notices served	2	1	0	3	3	2	1

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

3.2 During this quarter new Enforcement Officers started with the Council and this team is now fully staffed. It is hoped that the staffing of this part of the service will now achieve some stability following a period of fluctuation.

4.0 **BUILDING CONTROL.**

4.1 Building Control performance in plan checking and for full applications has missed local performance targets in quarter 3 of 2016/17. Performance in plan checking was dragged down at the beginning of this third quarter, but has since recovered. Whilst modest improvement has been made over Qu 2 figures, there is still some way to go to meet performance targets in both plan checking and full applications. This continues to reflect the clearing out and finalisation of some older cases, a period of continued development of newer members of Building Control staff together with work to set up and progress the Building Control Partnership project with North Devon Council. Furthermore, a different system report is now in use to compile these figures which allows greater interrogation of the data behind the percentage figures and hence greater accuracy. It is expected that performance will show more improvement from the next quarter and thereafter.

5.0 **PLANNING POLICY – FORWARD PLANNING.**

5.1 Forward Planning team work continued to concentrate upon finalising the Local Plan Review. Public consultation is now underway until 14th February after which representations will be logged and assessed prior to submission to the Planning Inspectorate by the end of March 2017. The plan is still on track to meet this timescale.

5.2 Early work continues on the Greater Exeter Strategic Plan jointly with East Devon, Exeter City and Teignbridge Councils. An update report including emerging timescale for the plan was considered at Cabinet on 5th January 2017 and is due to go before Council on 22nd February. The priority for the Mid Devon Forward Planning Team continues to be the Local Plan Review and associated tasks although contributions are being made to the Greater Exeter work.

6.0 **PLANNING SERVICE PRODUCTIVITY.**

6.1 The service is currently reviewing opportunities available for efficiencies and greater productivity with support from the Local Government Association (as part of their

national 'Productivity Expert' programme). A final report is expected shortly and it is expected that it will be brought before Members of Planning and Scrutiny committees.

- Contact for Information:** Jenny Clifford, Head of Planning and Regeneration
01884 234346
- List of Background Papers:** PS1 and PS2 returns
DCLG Improving planning performance – Criteria for designation. June 2014
DCLG Planning performance and the planning guarantee –Government response to consultation. June 2013
HM Treasury 'Fixing the foundations – creating a more prosperous nation' July 2015
Department of Communities and Local Government – Technical consultation on implementation of planning changes. February 2016
Improving Planning Performance: Criteria for Designation (revised 2016), DCLG November 2016
- Circulation of the Report:** Cllr Richard Chesterton
Members of Planning Committee

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